**Minutes of the meeting of the Wiltshire CAF held on 2nd March 2021**

**1. Those Present:** Tim Lewis (Chair), Graham Bennett (Vice Chair), Mike Crook (WC), Richard Broadhead (WC), Sally Madgwick (WC), Ken Oliver (WC), Martin Fry (SBC), Councillor Bridget Wayman (WC), Norman Beardsley, Andi Witcombe, Hazel Woodbridge,John Lippiatt**,** Malcolm Cupis, Trevor Ozanne-Turk, Bob Philpott, Claire Costello, Caroline Sawyer, Judith Haynes, Tom Charnock, Paul Harris, Catherine Murphy, Thomas Mason

Apologies: Nigel Linge, Richard Crook

**2.** **Observers of the Meeting**: Peter Gallagher, Peter Wilson, Ruth Croker, James Nevitt

**3. Meeting Practicalities:** The following was agreed:

3.1 Members of the CAF may all share each others’ email addresses;

3.2 The Temporary Chair was Tim Lewis and Temporary Vice Chair Graham Bennett with formal appointments to take place at the ensuing meeting of the CAF.

**4. Apologies:** Nigel Linge, Richard Crook.

**5. Temporary Chair Introduction:** Tim Lewis made the following points:

5.1 The last meeting had been in July 2019 and there had been no meeting since whilst WC managed the process of re-election over an 18 month period, partly due to covid-19;

5.2 **WC (Mike Crook) needed to advise the re-elected members of the terms and term of their appointment** [actioned];

5.3 An Agenda had been published for this Meeting, the items on which would be addressed today. Members had sent in other items that they wanted the CAF to cover and the intention was that these would be addressed in due course.

**6. Briefing from Martin Fry (MF), Swindon Borough Council (SBC)**

6.1 MF introduced himself explaining that he was the Rights of Way and Highway Information Manager for SBC. In post since 2014 he was the sole officer covering all aspects of rights of way (ROW) maintenance and recording and answering search enquiries.

6.2 The Borough of Swindon is approx. 40 square kilometres, population a quarter of a million, the urban area of which is to expand with principal developments at Wichelstowe (4,000 houses) and at the New Eastern Villages Site (towards the Oxon border) comprising 8,000 houses, both with supporting infrastructure etc.

6.3 The ROW network is approx. 310km: 71% footpaths (FP), 24% bridleways (BW) and the rest as byways open to all traffic (BOAT) (save for one 2km restricted byway). The Thames Path and the Ridgeway National Trail run through SBC.

6.4 The Definitive Map in use was inherited from WC. There are currently 3 DMMO claims with more expected both from the Ramblers and the BHS and a further one involving Barbary Shooting School is under negotiation with the BHS (Temporary Vice Chair and others). A steady stream of public path orders is arriving relating to the developments in SBC.

6.5 COVID limitations on working mean that MF cannot send or print letters as it stands. Against that, the result of COVID and the related increase use of the FP network in particular, means that landowners are asking for (not resenting) greater signage; and a byway (Kingsdown Lane) has been resurfaced using the Emergency Active Travel Fund. Some paths are currently closed due to physical issues affecting them.

6.6 The following points were made/discussed and actions agreed:

(a) **MF to supply an organogram of SBC** [see end of minutes];

(b) **MF to supply a link to the online map of public rights of way**

**[**click on My Maps tab at the top on this webpage: [My Council (swindon.gov.uk)](https://maps.swindon.gov.uk/sbcatmycouncil.aspx)];

(c) In response to the concern raised that the online Footpath Map is difficult to use it was pointed out that an individual can ask the Parish Council for a copy of the Def Map for their Parish area.

(d) Rather than putting footpath numbers on each footpath sign as requested by one CAF member – a vast task - members were encouraged to support the use of What3Words as a means of identifying their location in the countryside.

**7. Briefing from Richard Broadhead (RB), WC**

7.1 RB ran through his Paper which had been sent to members before the meeting.

7.2 The following points were discussed/made and responses given:

(a) The WC on-line reporting of Public Paths etc issues is difficult to use and poor: this was agreed. RB asked, though, that reports that were made on the WC site should not be made anonymously. If made anonymously, it was impossible to get back to the person who reported the issue. It was noted that 1,412 issues had been reported since the introduction of the new MyWilts system on 22 September last year with only 273 cases cleared up.

(b) The increase in ROW traffic had led to the poor use of rights of way particularly by motorised traffic, in particular vehicles on bridleways. RB said he was unaware of any material issues but any issues that there were should be reported to the Police (Rural Crime Team).

(c) A couple of examples were given to RB. Pear Tree Hill FP LE10 had been badly churned up by vehicles and was practically unusable with 3 foot deep ruts in places; equally, at Roundway both motorcycles and 4x4s were churning up the paths there, rendering them very difficult to use.

(d) In response to the concern that farmers churn up rights of way with their machinery, RB made the point that it was not illegal for farmers to use ROW’s for their business where they had private rights of way over the same route. In addition it was pointed out that some farmers e.g. on the Ridgeway have a voluntary code of practice not to churn up ROW’s in this fashion.

(e) RB added that where routes were being churned up, this should be reported but that care should be exercised before taking photographs of anyone doing this; there had been reports of the practice of taking photographs as evidence, resulting in a violent response from those ploughing up the ROWs in motorised vehicles.

(f) John Lippiatt responded to this by saying that the vast majority of 4x4 owners are pleasant approachable people concerned that their legitimate actions might be further curtailed (e.g. by Traffic Regulation Orders [TRO]) if routes are consistently ploughed up by 4x4 activities.

(g) RB felt that there would be value in getting a group together to point out the importance of byways as linking routes to other routes and that byways are open to all classes of non-motorised and motorised users – they just need to be used responsibly. John Lippiatt said that he would support that move; but no discussion on the nature of that approach or of the nature of the support ensued.

**8. Matters arising and updates from previous meeting (4.7.2019)**

8.1 The complaint made to Natural England regarding the running of the CAF had not been responded to by Natural England and was now thought not to be an issue.

8.2 The CAF had agreed to write to the Government to ask for an extension to the 2026 deadline for DMMO’s but it was thought that the letter had never been sent by the then Chair [following the meeting Tim Lewis contacted Eric Clark, the previous Chair. He was sure that it had been submitted since it was agreed by the CAF]

**9. CAF ROW Maintenance Paper and other matters**

9.1 Tim Lewis said that he wanted to follow up on the recommendations of the CAF in the above (see also the letter from Councillor Wayman on this point). **RB said he would do this in a written paper to follow.**

9.2 Paul Harris thought that the CAF needed a new way to work with WC taking in BAME and other issues.

9.3 Training of Volunteers on the use of power tools was to commence once volunteering came back on stream (earliest 29.4.2021).

**10. Definitive Map Modification Orders and Scoring**

10.1 Graham Bennett led this Paper.

10.2 DMMO’s are legal orders which operate to change the Definitive Map and Statement, the means by which legal rights of way are recorded.

10.3 WC currently has approx. 198 outstanding DMMO Applications, dealt with at the rate of circa 3/4 a year, so the current backlog alone will take some 40 years to resolve.

10.4 The concerns as to this backlog will come to a head on 1.1.2026, known as the “Cut-Off Date”. It is called this because the Deregulation Act 2015 brings into effect ss53-56 Countryside and Rights of Way 2000. This provides that after 1.1.2026 it will not be possible to record public rights of way created before 1949 on the Def Map and Statement, so that all routes created before that date and not recorded will be regarded as extinguished.

10.5 What is not clear is (a) what is to happen to ways which, as at 1.1.2026, modifications to which have been applied for, but the Application in question has not been determined by WC (or the SoS on referral to Inquiry) (b) what saving provisions may be applied under the intended Regulations to be made for the 2026 Cut-Off nor (c) whether the date of 1.1.2026 will be extended and, if so, by how much.

10.6 In relation to the latter item, it is not anticipated that the Cut-Off would be either abolished or extended by c40 years (although a COVID year extension, at least, might be hoped for (possibly a little longer)). Nor had WC responded to the Cut-Off Date by increasing its through-put of the rate of determination of DMMO’s.

10.7 WC had, historically, prioritised user based evidence applications over historically based ones, regardless of the value of the route thus promoted, so that in practice it was only dealing with user based applications. Otherwise, Applications were taken in the order of submission, starting with the oldest.

10.8 WC had, in 2015 in response to the growing backlog and in common with a few other County authorities, promoted scoring criteria to enable it to prioritise the DMMO Applications it was receiving.

10.9 The purpose was to enable those of the greatest value to the community to be taken before others of a lesser score: see Policy 1A Wiltshire Countryside Access Improvement Plan (the “Rights of way policies” document can be found on the right hand side of this webpage - [Rights of way - Wiltshire Council](https://www.wiltshire.gov.uk/recreation-rights-of-way)).

10.10 However, by 2017, no DMMO’s had been scored by WC at all due to the WC approach set out at 10.6 above: user based always trumped everything else. The scoring system was, therefore, as at 2017, for all practical purposes, moribund.

10.11 Against this background, in 2017 Graham Bennett and other members of the BHS, Peter Gallagher of the Ramblers, and Eric Clark had with the support of the CAF gone through and scored all the (then) 220 outstanding DMMO’s, reordering the Applications in a resulting scored order rather than user/date of submission order (which applied previously).

10.12 In August 2017, the re-ordering exercise being complete, the CAF had passed a resolution to the effect that: (a) the scoring criteria be endorsed but that (b) for each user application taken, one historic application should also be taken, applying the 2015 Scoring Criteria and the result of the joint exercise carried out by the BHS and the Ramblers.

10.13 However, that Resolution itself was not passed and implemented by the relevant WC Committee at Council level (Councillor Wayman being the relevant Councillor) until November 2019: over two years of unaccounted for delay.

10.14 It was also true to say that what had appeared from the review conducted by the BHS and the Ramblers was that, whilst the scoring approach in Policy 1A was vastly better than the previous user based/first in time approach, the scoring adopted by WC in 2015 had failed to take into account the rural nature of WC. This resulted in applications that might (in the light of an unwavering 3 or 4 a year approach from WC) be better deferred, being promoted, whilst other more useful ones, remained deferred.

10.15 Graham Bennett and Peter Gallagher had discussed before this meeting whether it would be best to try and further amend the scoring criteria to resolve this issue, given the crying need to ensure that the 3 or 4 a year that WC were able to deliver really counted.

10.14 They had regretfully decided not to pursue this approach because it would further complicate the WC system, and, on past experience take another 2 years to see the light of day. That said, the intended review of the policies in the Countryside Access Improvement Plan (CAIP) provide an opportunity to revise this policy

10.15 The question, therefore, for WC, in the light of the uncertainties, was “Could it speed up the delivery of concluded DMMO’s?”. In this, it needed to take into account the fact that the BHS is busy submitting as many new ones as it can, as are the Ramblers, and the backlog looks certain to grow yet longer.

10.16 The only likely useful solution was for WC to get in fresh resource (as had happened in other counties e.g. Somerset) to process applications at a faster pace.

10.17 Sally Madgwick said that she agreed with what had been said but that, without a dedicated resource, she had no further resource to add to resolve the current issue.

10.18 Councillor Wayman (when prompted by Graham Bennett) said that she would “have to see what she could do”.

**11. CAIP update**

11.1 Mike Crook, advised that there was no timetable to revise this, but that a Working Group might usefully be set up within the CAF to consider the application of some of the policies.

11.2 Those interested to contact Mike Crook.

**12. ROWs affected by Developments**

12.1 Mike Crook and Jane Hughes look at all the planning applications they are alerted to. They seek to ensure the impact on the rights of way is minimised and enhancements are undertaken where possible, with input from the mapping and operations teams.

12.2 [The CAIP has a couple of relevant policies under Opportunity 5, pages 42/43 (the document can be found on the right hand side of this webpage - [Rights of way - Wiltshire Council](https://www.wiltshire.gov.uk/recreation-rights-of-way)). Rights of way are also a “material consideration” in planning applications, ie they must be taken into account in decisions. Wiltshire Council’s current Core Strategy has policies relating to green infrastructure and canals. Circular 1/09 (Rights of way circular (1/09) - GOV.UK (www.gov.uk)) also has guidance under section 7].

12.3 RB said that that the current review of the Local Plan offers an opportunity to “get in on the ground” of the Master Planning Process. The Local Plan process is starting with the principle areas of development (Trowbridge, Salisbury and Chippenham) and will be looked at by the team

**13. Online Map Possible Improvements**

13.1 RB said that the on-line Map is the Working Copy of the Definitive Map. It is not perfect but it is kept up to date. It is Ordnance Survey based and overlaid with WC mapping of ROW’s, so DMMO changes when confirmed appear on it, as do TRO’s.

13.2 Historic layers can be overlaid on it but are not at this time.

13.3 A link to the Map and Statement is attached: [WC Rights of Way Explorer map](https://wiltscouncil.maps.arcgis.com/apps/webappviewer/index.html?id=43d5a86a545046b2b59fd7dd49d89d22)

13.4 Members asked whether a system can be put in place in which if an issue is reported then it appears on the Map so that it is clear it does not need further reporting. RB said that WC is unable to do this with the current platform but this is being worked on.

13.5 Members were asked to advise MC what extra layers they would like to see being made available on the online map.

**14. AOB: Tim Lewis asked for volunteers to join working groups to:**

14.1 Review the CAF terms of reference;

14.2 Review the council’s policies in the Countryside Access Improvement Plan;

14.3 Review the developing Wiltshire Local Plan and its impact upon public rights of way;

14.4 Attend other LAFs to see what they are doing and what WSCAF might take on board

14.5 Tim also asked members to advise if they are aware of any other possible sources of financing for the rights of way department

14.6 The meeting ended at 12.20.

Next Meeting: Tuesday 29 June 09:30 – 12:30, online

Graham Bennett

25.3.2021

