

## **SHROPSHIRE RIDING AND CARRIAGE DRIVING FORUM (SRCDF)**

Minutes of meeting held on Monday 10<sup>th</sup> June 2013, at 7.30pm, Shirehall, Shrewsbury.

Prior to the meeting Shona Butter, Access Mapping and Enforcement Team Leader S.C. gave a demonstration of information available on Shropshire Council's website and on their on line 'Local View' map. Anthony highlighted problems he was having in accessing information on the mapping page. Shona would follow up on this. There were also difficulties when sending photos with reports of problems. Shona said they were aware of this, and it was important it was resolved, as photos and the dates when taken were important when dealing with a reported problem, especially with cropping issues. She advised that if anyone encountered a problem attaching photos they should send them direct by email to [outdoor.recreation@shropshire.gov.uk](mailto:outdoor.recreation@shropshire.gov.uk).

### **1. Attendance:**

John Gibson, British Driving Society, Vice Chair. Zia Robins, Shrewsbury & District RC A&BWO, Nesscliffe Hills & Dist. BWA P3 Group, Joint Secretary. Linda Russell, South West Shrewsbury BWG. Joint Secretary. Anthony Francis-Jones, Telford BWA. Judy Dickenson, Church Preen & District. Ann Durnell, Bridgnorth BWA. Sue Evans, Beckbury, Ryton & Badger BWG. Gill Eyre, BHS South Shropshire East, South Shropshire. Steve Benbow, Oswestry Riding Club. Pamela Jordan, Long Mynd BWA. Shona Butter, Shropshire Council.

### **Apologies:**

Angela Williams, BHS CABO & Ellesmere, Chair. Andrew Kelly, Vrnwy & Dist. BWA. Gaynor Evans, Jan Baldwin & Margaret Dutton, Broseley Bridleways. Jan Mees Robinson, Telford Bridleways. Rosemary Pattenden, Worthen BWA. Carol Williams, Long Mynd & Dist BWA. Mark Weston, BHS.

### **2. Election of Chair, Vice Chair, and Officers**

John Gibson offered to stand as Chair for the year, and Anthony Francis-Jones as Vice Chair and both were appointed. Confirmed Linda Russell and Zia Robins to continue as Joint Secretaries.

### **3. Minutes of the last meeting**

The minutes of the AGM meeting held on Monday 11<sup>th</sup> February 2013 (paper **A**) were approved, and signed by the Chair.

### **4. Matters Arising**

#### **(a) Cycling**

**Mountain Biking on the Long Mynd** – The paper attached to the Agenda (paper **B**) is noted. This is a quote from Peter Carty, Countryside Parkland and Gardens Manager, National Trust South Shropshire to Shropshire Local Access Forum 11<sup>th</sup> April 2013 which stated "They (National Trust) recognise there are issues and have heard concerns and complaints. They are keen to work with MTB riders as this is a group of young people getting into the environment and has lots of benefit for health etc. They have had lots of discussion and liaison with MTB community. Some liaison between MTB and horse riders – quite positive and good and solutions to management of potential accident black spots. Fund raising for track maintenance £400 from MTB users donated recently and MTB info map raising £100s of pounds. Training and awareness raising for new entry level MTB riders. This is the group they think are the cause of some of the issues i.e. "the bike for xmas and off we go". New information board planned to raise awareness of issues. Sport England bid for

## Shropshire Local Access Forum – 6 February 2014

money submitted for extra staff to help with liaison and awareness raising and training. Discussion planned on whether they can zone some activity”.

It is understood that the Long Mynd & Dist. BWA has done excellent work to help widen the steep BW, which comes down on the north side of Carding Mill Valley, near to the cattle grid by the entrance. Narrow steep Bridleways are not suitable for promotion as fast downhill cycle tracks. Zia emphasised that it is a legal requirement that cyclists give way to walkers and horse riders on a public bridleway, but that this is not mentioned on the MTB leaflets showing routes on the Long Mynd. Linda reported that Eastridge woods have a lot of trail rides at the weekend and horse riders just do not go in there then. Sue Evans reported problems in Mortimer Forest. John Gibson reported that the Carriage Drivers had given up a route in the Mortimer Forest so this could be dedicated to Mountain bikers

**Pontesbury to Minsterley roadside cycle path** – Shona confirmed that this route, which was put in under the Tranche 2 Government funding, is only for cyclists and walkers and is not going to be multi-user, so not open to horse riders.

**ReaVan - Rea Valley Multi User Trail.** – This has not moved forward. It is understood that the initial report was put out without first consulting landowners. Zia had hoped to include the section of the old railway line into Pontesbury in her HKW Paths for Communities bid, but was told it would be put in for the ReaVan route, but this does not seem to be happening.

### **(b) Proposed wind turbines**

#### **Application for 1 wind turbine close to RB's 56 & 57 Lea Hall Farm, nr Whitchurch**

The response on behalf of SRCDF to Lea Hall wind Turbine Planning application (Paper C) is noted.

Zia reported that she had, as agreed, put in an objection on behalf of SRCDF, BHS and BDS as the new application for 1 turbine was still within the BHS recommended separation distance of 200m. On the previous application for two turbines, the landowner had said that if we objected he would withdraw all permissive access on his land. Zia felt that public routes should not be compromised for the sake of permissive routes that could be withdrawn at any time; and did not withdraw the objection on behalf of SRCDF, BHS & BDS. The Planning Committee turned down that application, and riders continued to use the routes. Only one user of the permissive scheme had written supporting that application. Following the objection to this current application the applicant had contacted the top people in the BHS and threatened them direct that “if a representative for the British Horse Society chooses to oppose my application on your behalf I have no option but to immediately close down public access to equine users.” This was a paid for private riding scheme on the former Countryside Stewardship field edge routes around the farm and would affect about 45 Horse riders, and at least one carriage driver. The BHS felt that, in the exceptional circumstances, they had to withdraw the objection Zia had put forward on their behalf, and as the objection on behalf of SR&CDF and the BDS were based on the BHS guidelines, Zia felt she had no option but to withdraw these as well, but attended the planning meeting and read a statement out to the Planning Committee giving the reason for withdrawal. It was last on the Agenda, very late in the day, and a number of members had gone home. It was approved by a small majority.

#### **Proposed wind turbines by Jack Mytton Way at Meadowley, Morville and The Downs.**

Zia today copied to everyone her email to Kevin Jones SC on the Planning Application for 2 x 80m turbines at Criddon, either side of the Jack Mytton Way. She has not been able to find details of the alternative route mentioned in the proposal. There is no safe alternative route. The access to the site for all vehicles is to be along the Jack Mytton Way. Shona confirmed that Outdoor Recreation try to ensure that the surface of Public Rights of Way are protected. They respond to applications on the BHS guidelines, but the guidelines are not statutory. Members agreed that horses vary considerably in their reaction to turbines. The application for one turbine at The Downs is also close to the Jack Mytton Way.

**Agreed that Zia will respond on the Forum's behalf to these, and to any other new applications, that come within the BHS guidelines, as agreed at previous meetings.**

**(c) “Paths for Communities”**

Zia reported the good news that Humphrey Kynaston Way with Circular Routes off, which this forum wrote a letter of support for as agreed at the last meeting, has been accepted by Natural England for funding under ‘Paths for Communities’. They have to provide 400 volunteer hours and some money as part of the agreement. Zia has been surveying all the routes and is writing them up for the leaflets and has designed a logo. Routes have to include dedication of new higher-level access. The HKW linear route includes a new section of Bridleway that is to be dedicated from Preston Montford through to Montford Bridge, avoiding a busy road section for horse riders and a dangerous crossing of the A5 at grade for walkers. An excellent result. ReaVan had taken over the section of old railway track it had been hoped to use to link into Pontesbury, and a planned off-road section at Merrington Green may have to be shortened, as the ground is very wet there. There is a circular route from Lyth Hill which links to the linear route, and circular linking ones at Montford, Nesscliffe and a Baschurch one from Merrington Green. Zia has researched gates and has been told by Centrewire that for an extra £5 they will fit a trombone handle to the self closing metal gates in a metal frame which currently have a ‘D’ loop closure and a high stick up pull handle. The trombone handle is less likely to be caught on.

Sibberscote Bridleway, part of the Lyth Hill circular route, has had reports of swans attacking ridden horses. Shona has been following up on this, but it is complicated as the Queen owns all mute swans, and a landowner is not responsible for a wild creature. She asked if anyone knew of riders who had had an incident there to let her know, as walkers do not appear to attract attacks.

**Oswestry Ring** - It is understood that Jim Stabler is working on an application for The Oswestry Ring. This circular footpath includes the Brogontyn Restricted Byways, but it is understood that the bid does not have any new BW dedication.

**Much Wenlock old railway line** – It is understood that the bid for this permissive section of the Jack Mytton Way into Much Wenlock from the east, that is very overgrown, is not being taken forward as Lady Forrester’s daughter has not agreed to it.

**(d) Helicopter Liaison Meeting**

It was very disappointing that the meeting arranged for 20th May at RAF Shawbury, which was to be followed by a tour, had to be cancelled due to lack of enough people able to attend.

RAF Shawbury personnel are constantly changing which is why it is important that we keep up the liaison. Neil Hope, the Community Liaison Officer, and Chris Luck, the Station Commander, are both due to leave shortly. It has been agreed that Neil’s successor will come at 7.15pm prior to the start of our October meeting just to introduce him-self. There have been no reports of any issues. There have been no new landing sites granted. Consultation on these has been very positive. Zia’s reports on all the existing sites had brought better awareness by the RAF of the equestrian routes by or across sites. John reported that he had only received reports of 3 very minor complaints through the BDS. Members felt this is due to better understanding and to better liaison. The next meeting of the Liaison Committee would be at 7pm before our 2014 Spring/Summer meeting.

**(e) National Grid Power Lines - [www.nationalgrid.com/midwalesconnection](http://www.nationalgrid.com/midwalesconnection)**

Shona reported that they have not had any consultation on proposed power lines for a while. They can be very time-consuming, but National Grid are made well aware of where all the Rights of Way are and what they can and cannot do. We would await the decision on the proposed route from Wales to join the power line north of Baschurch.

**(f) Commons – Clarity of Access**

Shona, and Tim Ward, the Officer who looks after the Commons Register, attended the last LAF meeting, following a question asked by Zia on Commons, and access on Commons. A paper was prepared to address this, which was also circulated at our last meeting. Access is different on each Common, but it is difficult to find any detailed information on individual Commons. Areas like the Stiperstones have different areas with different rights. Some Commons have the right to Air and Exercise which includes horse riding, others just have grazing rights. Shona reported that they have information where they have dealt with ROW claims, when they have had to check who has

## Shropshire Local Access Forum – 6 February 2014

public and private rights, but they were all dealt with on an individual basis. Tim Ward holds the records for Shropshire Council, and he must have more information, which should be open to the public to access. Rights of Way are secure, whereas the right to Air and Exercise can be subject to Bylaws. Permission has been granted for fencing on Commons, which can impact on horse riding access. Higher Access Rights come under Section 15. Natural England are meant to be looking at this. Shona thought it was still on their Agenda. John confirmed that this is a complicated subject.

### **(g) Any other Matters arising not on the Agenda**

**Dog Incidents** – Shona reported that there had been a Consultation by Shropshire Council, which ended today, on a blanket Dog Control order for Shropshire, which included making it an offence to let your dog deposit, a complete ban on dogs in certain play areas, and that dogs should be put on a lead, if told to do so, by an authorised Officer of the Council. It is a bit ambiguous, and Regulations on Open Access land etc. are conflicting. Members were reminded that any incidents with dogs should be reported to the BHS Accident Website: - [www.horseaccidents.org.uk](http://www.horseaccidents.org.uk)

**Natural England Dedication of National Nature Reserves** - A presentation on this had been given to LAF by Tim Coleshaw of Natural England. In Shropshire there are the Meres and Mosses in the north of the County, the Stiperstones, and part of the Wyre Forest. Zia raised the problem with use of the route along the old railway line in the Wyre Forest that lies just over the County boundary, which horse riders had been stopped from using, but which links Shropshire bridleway routes. Tim Coleshaw confirmed that all the nature reserves would be looked at for possible higher access opportunities and links to other routes.

## **5. Shropshire Council**

### **(a) Outdoor Recreation Implementation Team**

Richard Knight has reported that the work on repairing the Donkey Bridge on the Jack Mytton Way has now been completed and it is open for use. The summer topping programme is now starting. Peter (Ped) Atkinson has left to go to Cheshire Council. Two Recreation Officers, Paul Taylor and Nigel Mason, on Richard Knight's work team have also resigned. They are due to be replaced, along with a replacement for Ped.

Shona confirmed that the Restricted Byway, confirmed following an Inquiry in December 2011, from Acton Round to the main road, which Ped had tried to get resolved, had been walked by Richard Knight and herself, and there were still numerous obstructions, so she had served a notice to remove them. Shona said that it was not acceptable to have to wait so long to get these routes open, and that she was following it up. She wants to go out with the person leading the practical team to see what is needed on the ground so that there is no nonsense over what work is needed. It is a huge job with numerous problems and obstructions. They try to work with landowners, but if they will not comply Shropshire Council will do the work and charge it to them.

### **(b) Shropshire Riding website [www.shropshireriding.co.uk](http://www.shropshireriding.co.uk)**

Zia reported that there is some funding allocated within the P4C Humphrey Kynaston Way project for updating the website.

Information for the website should be sent to Jim - [Jim.Stabler@shropshire.gov.uk](mailto:Jim.Stabler@shropshire.gov.uk).

### **(c) Shropshire Council online Rights of Way User Survey 2013**

The analysis of the main questions has been released, but the results of the 'other' responses are still awaited, so this will be brought to the next meeting when hopefully, all the results will be available. There does not appear to have been as good a response from equestrians as there was last year, but the survey questions seem again to be aimed more at walkers, such as 'when you walk who do you walk with', with no box to tick if you rode. There is concern that the questions made it difficult for horse riders to respond to a number of the questions. It is important that next year's survey is more inclusive.

**(d) Shropshire Council Planning**

Stuart Thomas, who was the Area Manager, Development Management, for Shropshire Council Planning, has now left so we need to reconsider how we proceed. Linda had agreed that she would be the contact for planning consultations and pass them on to the appropriate area groups, but this could be a big undertaking and Shona would investigate if it would be possible to break the receipt of information into areas. Gill Eyre and Ann Durnell get the ones for the south, but it is not thought that Angela gets any on behalf of the BHS. It is important that the BHS and SR&CDF are consulted, and that any responses we give are shown as from our Forum. Shona said that they get about 305 consultations a year.

**6. Public Inquiries and Definitive Map Issues**

**Broseley – BW addition Chapel Lane to Lodge Lane.** Shona reported that she is liaising and they are hoping to get this moved onto a line that can be used, but if that is not successful an Order will be published to resolve the anomaly at the outlet. This needs to be resolved.

**Benthall Woods FP65 upgrade** – Shona reported everyone has signed their agreement except for just one landowner. They are hoping to get this resolved soon.

**Badger Wood** – Sue is working on this, and will keep Shona informed at to progress.

**Oaks Wood** – Shona confirmed that she has lots of complaints on the line issue, so is working on this and hopes to get it sorted, and then link it to the formal application.

**Frodesley** – The Orders still have to be sent off.

**Drumbles Wood** – Shona confirmed that this is on the list for this year and must be done..

**Brogintyn** – The diversion is being opened up. They are providing the gates. It will only be approved it is all up to standard.

**Llanyblodwel** – Lucy has written the statement of case for the outstanding issues.

**Old Moors Lane** – This is also on Mat's programme to be resolved. The Order for it to be a Bridleway has been withdrawn. It is shown as a through Highway on the 1929 Handover Map.

**Hilton** – Shona reported that they have been told they have got to publish the Order, but there is still the problem here that the outlet, which Shropshire Council got confirmed, was then extinguished by the Inspector.

**Lea Hall Quarry** – Lucy is working on the question of access there.

**Melverley** – Zia asked when the width encroachment of this Restricted Byway, which had been resolved by the Inspector, would be implemented. Shona said to push Mat to get this resolved.

Zia had received a query about an old cart route near Westbury, that used to be ridden, but where a user had been challenged. She advised them to get evidence of use and any historical evidence together. It may be shown on railway plans. Enough good evidence might persuade encourage?? a landowner to dedicate a route.

**7. Highways**

**(a) Provision of a Definitive Map showing status of Shropshire Highways**

**It was noted** – that Zia has written a report to Shropshire Council on 1929 Handover Map road errors and omissions, together with other roads not correctly shown on, or omitted from, Shropshire Council's Highway Map. It was also noted that Andrew, who was unable to attend this meeting, had written to say that a Definitive Map of Highways could be years away due to funding cuts.

There is a lot of input and discussion on the LAF 'Huddle' site on this subject. Zia has asked, through LAF, that all the old Highway maps from the 1929 Handover Map onwards, be digitally copied. It was agreed that this should be done.

Shona reported that they have a lot of anomalies due to roads not being correctly recorded. Zia reported that Mat has been dealing with one, Chapel Lane, Yorton, an unsurfaced through track which they wanted to gate. A footpath is signed down it, but it is an Unclassified County Road. Startlewood Lane to Ruyton XI Towns goes on and off Highways maps, it is an Unclassified

## Shropshire Local Access Forum – 6 February 2014

County Road that they have been maintaining for years and is clearly shown on earlier Highway Maps marked in blue as a public road, but only the short tarmac section appears on the current digital Highways map and Zia was asked by someone from northern area Highways today if it was a public road! She was able to reassure them that it was. A section of open Unclassified Public Road on the Portway has recently been fenced in on a narrower line than the two adjoining fenced sections. There is now a fence tight up to the gate making it difficult to negotiate on horseback.

It is hoped to get Natural England to formally approve the use of Black Arrows to waymark Unclassified County Roads. Many Counties now use these, including Shropshire.

### **(b) Highway Verges**

Zia report that the LAF chair has written a letter on this to Highways, drawing their attention to the book on ‘Rights of Way’ by John Riddall and John Trevelyan Chapter 9: 9.1 on obstruction of the highway – “a public nuisance and crime at common law”, and quoting from Shropshire Council’s own website. It highlighted the need to keep verges, which are part of the highway, clear, useable and free from obstructions.

It was reported that the lady in Highways who dealt with encroachment of Highways which includes verges, and who was very knowledgeable on the subject, told Zia that it would take them years to deal with all the work, but it is understood that she has been made redundant and has left.

### **8. Minutes and Feedback from LAFs and other Forums (not already covered)**

The minutes of the Local Access Forum held on 31<sup>st</sup> January 2013 attached to the Agenda (paper **D**) are noted. Zia confirmed that the items raised at the 11<sup>th</sup> April 2013 LAF meeting relevant to our Forum have been covered in the Agenda. **It is noted** that future LAF meetings are on 11th July 2013 at Acton Scott, and 17<sup>th</sup> October 2013, 6<sup>th</sup> February 2014 and 1<sup>st</sup> May 2014 at the Shirehall. All meeting start at 10am. LAF papers are available under the ‘Agenda’ on <http://bit.ly/XNg7vP>

### **9. Items to note**

**It was noted that:** - **The Growth & Infrastructure Act 2013** was granted Royal Assent on 25<sup>th</sup> April 2013. **S/257 Town & Country Planning Act** has been altered to allow orders to be made after planning permission has been sought, but before it has been granted, for stopping up or diversion of FPs, BWs, & RBs (Confirmation is still contingent on the permission being granted). This provision is not yet in force but is expected to be by the end of June.

Shona reported that, under this Act, Statutory Declarations have now been extended from 10 to 20 years. Landowners can register their non-intention to dedicate routes on their land by doing a declaration to state what access exists on their land. This declaration protects landowners from any additional claims for rights of way across their land for that period of time. Shona said that they check whether a declaration is in place when any new claims come in.

**Triennial Review of the Environment Agency and Natural England** – Defra has published a Summary of Stakeholders Views. It is available on the Gov.UK website.

### **10. Any Other Business**

**BHS Paralympic Access Project** – **It is noted** – that the BHS are looking to create 20 circular Carriage Driving Routes around the Country of 12 miles length on rural paths and lanes, with approximately a third of the route off tarmac, and they are asking for help with this.

**11. Dates of the Next Meetings** The next meeting is to be on Monday 7<sup>th</sup> October 2013. The provisional date for the next meeting, of Monday 17<sup>th</sup> February 2014, is confirmed. Meetings to be held at the Shirehall, Shrewsbury, at 7.00 p.m. for 7.30 pm.

**TO NOTE:** All papers for SR&CDF meetings will be sent out by email.