

**Gloucestershire Local Access Forum,
Notes of Meeting Thursday 22nd June 2023**

Held at Mortimer Rooms, Nailsworth

Present: Alison Williamson (Chair), Richard Holmes (Vice-Chair), Charlie Morriss, Jacky German,

Officers in attendance: Nicola Chidley (Principal Public Rights of Way Officer) & Frank Dorrington-Ward (Area Public Rights of Way Officer – South Cotswolds);

Other attendees: Margaret Reid, Cotswold Warden;

Apologies: Nic West, Nicola Simpson, Sue Ellis, Alan Shelley

Members not attending: Cllr Robert Vines, Cllr Wendy Thomas, Paul Lockley

Item	Topic	Actions
1.	<p>Attending, Apologies & Absent - See above</p> <p>Note from Chair – <i>Please note that the June GLAF meeting was not quorate. Apologies had been received from some members (Thank you) but not all had stated their intentions so we were only aware on the day. It is frustrating when we can discuss issues but are unable to make formal decisions. Those present agreed that it would have been better to postpone the meeting had we known. It is also a little embarrassing when speakers have been arranged to attend. Obviously last minute issues like illness etc can result in non attendance. However can I please make a plea that as far as possible, that you confirm whether or not you are able to attend. Also for planning purposes please confirm if you would like to be provided with lunch. If it becomes clear that we are not going to be quorate then the meeting will be postponed. Thank you for your assistance. Kind regards. Alison.</i></p>	
2.	<p>Declarations of Interest: Alison Williamson stated that she has a professional interest in several Definitive Map cases. CM was working on DMMOs within a few GCC Parishes.</p>	
3.	<p>Margaret Reid, Former Head Warden of the Cotswold Wardens talked to those present about how she and other women wardens had worked with the Friendship café to encourage and enable women of colour to take part and walk in the countryside. Margaret highlighted the challenges and positive outcomes from her work with the group as well as bringing to our attention some of the issues that had to be overcome. Margaret with her background as a social scientist having worked in a large Pakistani community in Glasgow developed contact with the Friendship Café and a woman called Ayesha who was instrumental in the success of the group walks that took place. The walks were generally attended by 12 – 14 women from Pakistani culture who often were not used to going out and about walking so fitness was an issue. The first walk was from Stanton to Sudeley Castle and was challenging for the group but following provision of walking poles, clear guidance on safe walking in the countryside, guidance on appropriate and comfortable clothing and hi viz vests, further walks took place at Stanway, Bourton on the Water and Cirencester Park. The women enjoyed the walks which were generally 3 – 4 miles and no more, no steep slopes or hills and toilets available. The women wardens who accompanied the walkers often found they had to shepherd the women as</p>	

	there was a fear of dogs approaching. The feedback was that the women enjoyed the walks and the benefits of being outside for their mental and physical health but that they preferred the urban walks where there were toilets and shops. The lessons learned included how alien the countryside can feel to some people, the concerns about where to walk with clear signage, or unclean places with cattle poo and gates being unclean. Margaret read us a poem written by one of the women from the group appreciating the opportunity to walk outside in the countryside.	
4	Notes of last meeting February 23rd 2023 As the group were not quorate the notes could not be agreed and signed off and decisions would have to be deferred until next meeting.	
5	Review of Notices and Consultations received by GLAF Requested Feedback to the GLAF on Dog Day to be held 27/6/2023 as no LAF members could attend.	NC (see below)
6	Don't Lose Your Way/ Restoring the Record – Update and review of DMMO Statistics <ul style="list-style-type: none"> - Thanks to Karen in Highway records for her update and for persevering with the archived DMMO applications. Members are hoping that the newly trained staff will be able to make inroads into the backlog. Q: Why and when is the CROW Panel used when officers have delegated powers? - A team member is examining the 90 archived claims of RUPPS to BOATS that had been archived but require determination. - The 2026 cut off date uncertainty is not popular with the Ramblers Association and Bernard Gill is taking a lead to make representations. There are currently 8 – 10 people on researching claims in GCC area. 	NC(KP)
7	Access to Old Kemble to Tetbury Railway Line update Plus other routes <ul style="list-style-type: none"> - A bid has been made to Cotswold D C Community Infrastructure Levy fund for £200k feasibility to create it as an active travel route for the old railway line Kemble to Cirencester. (Is the light railway still under consideration on this section?) - The Bourton to Kingham old railway line has been subject to a Sustrans survey recently. - Sustrans are also involved in Maisemore to Hartbury active travel route discussions. 	
8	A417 Missing Link and Designated Funds Project <ul style="list-style-type: none"> - The DCO has enabled the prep works and some temporary closures. A timeline and map have been produced to clearly identify when routes are likely to be closed. NC to share. - The West Cots Access Project (Called 'Connecting Parishes' by National Highways) has been approved for 18 of the original 36 identified schemes. AB to be enlisted to PM the delivery over 2 years with £171k this year to spend on 10 projects see list overleaf. AB to lead the walk next GLAF meeting to look at site(s) in the scope of the project. 	NC
9	3 Choirs, Wysis and Gloucestershire Ways (Promoted paths handed to RH). <ul style="list-style-type: none"> - Community Payback to be carrying out some clearance on the GW - Funding for Waymarks to be decided. Some new Fingers and posts required in Forest. - Next group meeting for this 26th June. Group now named Eleven rivers for the 3 routes. 	

10	Any Other Business <ul style="list-style-type: none"> - CTAP update next meeting - Request for visit to look at gates at Aston Rowant - PROW Update attached overleaf. 	
	Date of Next Meeting Thursday 19th October 2023 Location TBC following site walk on Connecting Parishes Scheme(s) The meeting closed at 4pm.	

Signed.....Chair of GLAF; Dated

June 2023 update to Members of GLAF

Recent DMMO Statistics: (to 12 June 2023)

Total number of 'unresolved' applications:	212
No. of new 'min.14(1) compliant' applications received in 2023 to date	5 (21 in 2021, 35 in 2022)
Number of applications 'resolved' in 2023 to date	3 (11 in 2021, 5 in 2022)
Number of routes added to DM&S by 'other means' in 2023 to date	2 (3 in 2021, 4 in 2022)

("Minimum 14(1) compliant" applications are valid applications in terms of needing determination. They are only described as 'fully 14(2) compliant' once the applicant has confirmed they have served Notice on the landowner via Forms 2 & 3.)

Recent determinations, as at 12 June 2023:

Determinations	1 App on 8 Feb 23 - as application was superseded by a S119 Diversion Order, DMMO determined not to make additional Order. No appeal to DMMO; now resolved. 1 App on 8 Feb 23 - decision not to make an Order for BOAT, due to NERC. No appeal; now resolved. 1 App on 28 Mar 23 - decision to make an Order reclassify FPs to BR (Whiteshill) 1 App on 6 June - decision to make an Order for RB (ex rail line near Tetbury Goods Shed)
Next...	(subject to change if late rebutting evidence is submitted) Summer 2023 - Officer Delegated to determine 2-4 applications October 2023 - CROW Committee to determine 1 application

Number of all 'undetermined' applications, as at 12 June 2023:

	Undetermined	Undet-Archived	Undet-Non14(2)
No.	52	51	72

("Archived" applications are whereby the intended effect of the application is likely to be nullified by a subsequent change in legislation (for example, the NERC Act); "Non14(2)" applications have not been 'fully made' but are still valid applications in terms of needing determination.)

Number of all unresolved 'determined' applications, as at 12 June 2023:

	Apps at appeal/ publication/ confirmation stage	Apps with unresolved objections	
		Submitted to SoS	Awaiting submission
No.	2	1 - on 30/6/2022 1 - on 8/3/2023	33

Recommendation by GLAF to approach Mike Walker

As advised in February 2023, I spoke to Mike Walker in his current capacity as managing the Definitive Map operations at Oxfordshire County Council, about the steps he took to improve efficiency in Oxfordshire against how we work in Gloucestershire.

It would appear that in the 5 years prior to Mr Walker arriving at Oxfordshire, the four staff - whilst working on a large number of applications - had only worked a few through to 'determination' and subsequent

'resolution'. So, Mike was able to refocus the Team to finish off the large number which had been started; hence the large increase in figures in a relatively short amount of time. They have also been focusing on their "NERC affected" applications, which is helping to reduce numbers too.

Whereas, in contrast, GCCs two staff have worked 38 applications through to resolution in the previous 5 years (2018 - 2022), with others being commenced.

Regarding general differences to GCC in terms of process:

- They do not tend to consult the non-statutory consultees during the predetermination evidence-gathering stage; so, they rely on the submitted evidence.
GCC: We do seek representations from the 'usual' User Groups and landowner(s) as they can provide useful evidential information into the application.
- They determine all their applications at Officer level via delegated powers, rather than using a CROW Committee. They feel it saves time and cost in terms of Member training and preparation for Committee. In addition, they took the view that Officers were better placed to make the determination due to their greater knowledge of legislation, case law, etc.
GCC: Whilst we do determine some applications under delegated powers, we do still determine applications (particularly those based on user evidence) at CROW Committee.
- Due to the 'make up' of their historic backlog and resourcing, they are more able to now follow one application through from assessment, determination, order making, submission (where objections not removed) and (potentially) Public Inquiry.
However, Mike commented that he understands why, with our particular circumstances, we have been concentrating more on reducing the number of 'undetermined' applications in the past few years, rather than addressing the contested orders. He also commented that their higher staffing numbers also made it easier to continue processing applications whilst one or two staff were dealing with the work for Public Inquiries.
GCC: We have been concentrating our resource on the 'undetermined' applications over the past few years; however, we have recently now submitted 2 contested orders, and are looking to submit another in the next 6-9 months.
- They have decided to ordinarily take a 'neutral stance' position regarding Contested Orders, rather than 'supporting' the Made Order at submission (although, they will 'support' an Order under exceptional circumstances). A number of other Authorities are also starting to move across to this position; however, they acknowledge that it's not from a "best practice" point of view, but more as a "cost-saving to the authority". However, Councils still have to prepare a submission, a statement of case and reasons, hire the hall, facilitate the inquiry and give a statement (subject to cross-examination) on behalf of the local authority.
GCC: We have traditionally 'supported' a submission where the Council have considered the evidence is sufficient to 'Make' the Order; however, where we have been told by the Secretary of State to make an Order (following a successful appeal for refusal to make such), GCC does take a neutral stance. Officers would question whether it would be fair to leave it to the applicant (esp. a member of the public) to lead the presentation of the application at a Public Inquiry, or even a Hearing, in front of a Planning Inspector.

Regarding general agreement to GCC in terms of process:

- We are both similar in terms of looking to see whether the result of the claim can be reasonably achieved by an alternative legal mechanism (where it is appropriate and expedient to do so); such as S25 or S26 of the Highways Act 1980.
- We both, additionally, effectively research an application to just beyond "reasonably alleged to subsist" (where such evidence exists), such that if objections are received and the higher test of "on the balance of probabilities" needs to be applied by the Secretary of State, Officers will be in a better position to be able to appropriately prepare the submission file. We both also put a limit on how much further time is spent on such 'extra' research.

We are continuing to have internal discussions over the high case load and best working practices, and the above is being taken into consideration.

Karen Brookes Pearman
Asset Data Team Leader (Highway Records & DMMO), Gloucestershire County Council
9 February 2023

Another very busy year, with a few unexpected amounts of funding coming forward, some at the end of the FY which proved tricky.

Surfacing and drainage of paths included Dovers Hill and Painswick Hill on the Cotswold Way, Elmstone Hardwick, Randwick and Awre, Hewelsfield & Brockweir, Lydney, Hucclecote, Tewkesbury Westcote, North Nibley and Uley, Minchinhampton, Bisley, Cirencester, Hillesley, St Briavels and Westbury and Elmstone Hardwick.

Total Spend was over £390 k with income coming from Cotswold Way and AONB (86k)(CNL); Highways Local (70k) ; An unexpected amount of £86k from GCC;

Bridge Spend was £130k with some tricky large bridges causing concern being fixed.

We received over 2400 Confirm issues to the Area Officer for maintenance, reports and requests for service as well as the various PROW areas below.

There were 11 Public Path Orders either made, confirmed or completed; 40 Temporary closures; 23 S(31(6) Landowner deposits, 7 Event Closures and 25 Urgent and emergency closures. Over 425 Planning applications for consultation (Stroud 260!)

The team have been really busy and it looks to continue this year with an extra £125k being made available for maintenance and improvements.

NC

21/6/2023

ITEM 5 Report from “Dog Day” in Devon hosted by Dartmoor National Park 27th June 2023

Dog Day – Arranged by South West ADEPT Enforcement Group

According to Natural England MENE data, 50% of visits to the countryside are dog walkers!

Devon & Cornwall Police - Phil M & Steve Cruze. Dog Legislation Officers also Dog Handlers. All Police Authorities should have a DLO as well as their Dog Handlers. Dog attacks are on the increase with increased in dog ownership especially since Covid.

The Police Powers may not be as broad as many think.

Seizing a dog (About 100 a year) mostly because it is one of the dangerous dogs identified in 1991 Dangerous Dogs Act. Eg American Pitbull, Japanese Tozo, or more recently problems with the XXL Bully's that are being imported from US.

The Pitbull is a type and has a breed standard (from 1976) but they were originally crossed from several different breeds for fighting. It is for an owner to prove the dog is NOT a pit bull if it shows substantial characteristics of a Pitbull. It must be registered and it is illegal to own one. If a seized dog is returned to its owner it has to be chipped, neutered and registered and kept muzzled and on a lead. There have been 8k registered in total.

The Dangerous Dogs Act in S3 covers attacks on people. Not all dogs are automatically seized. There are UK wide 7 or 8 fatal dog attacks each year. The Gov t are consulting on changes to the law and sentencing has increased 5 years for an injury and 14 years for a fatality.

Where an attack is dog on dog it will be the Council as it is a civil matter. Under the 1871 Dogs Act S2 there is no power of seizure but a control order is issued. No Fine nor imprisonment. The Police will use the following procedures:-

- Words of advice to the keeper
- Issue Police dog control order inc measures to control the dog
- A breach is not an offence
- If they need to prosecute it is lengthy, expensive and outcomes are not certain

The Council may issue a Community Protection Notice with a fine /fixed penalty notice and have provision to seize.

The Police recommend to people a Responsible Dog Owners Course (Blue Cross or similar) and to train their dogs on recall, walk with a muzzle and on lead under control.

A serious attack by a dog can result in prosecution, seizure of the dog and the dog may well be PTS. There is no power of seizure for a livestock attack.

Practical Ways to capture a dog – The Police demonstrated their dart gas gun and pole. Sedation helps keep handlers safer and the dogs less stress.

There are recommendations for licensing controls and maximum numbers for dog walkers after recent fatality. Recommended 6 dogs but Cornwall state 4 dogs max. How can this be enforced?

Rob Harding, Teignbridge DC – Community Environment Warden. A Public Space Protection Order may be made every 3 years on an area or specific path. Found dogs are scanned for chips and are regularly reunited via social media these days.

The DC do not deal with dog attacks the police should be called.!

The recent TDC PSPO in 2019 under RTA 1988 S27 included Dogs on short leads 1 m fixed length on or adjacent to public highway (Pavements/footways) or cycle track

Keep Dog on lead when directed to prevent nuisance or behaviour by dog likely to cause annoyance or danger to animal or person

A Breach will lead to 1. Words of advice; 2. Warning letter; 3. Fixed penalty Notice £100 4. Prosecution.

Common issues preventing investigation are the witness not willing to cooperate, the identity of the dog owner unknown, the offender hostile if witnessed by Dog warden and the warden has no powers to detain an offender.

Jamie Penrith Former Dog Handler – does dog training using electric collar (not liked by Kennel club).

Training dogs with predation problem and seen success in turning dogs around. Member of Association of responsible dog owners. Involved in educating people and owners. Livestock worrying is huge issue and under reported. Dog owners now see themselves often as ‘pawrent’ and there is a no training school of thought leading to very badly behaved dogs out of control. The Kept Livestock Bill has been dropped due to lack of popularity. Livestock worrying is a non recordable offence

National Trust - Volunteer and Community Manager for Dartmoor. NT working on responsible ways to welcome dogs to their properties funded by Dog Food Coy Forthglade. They are testing out signage and resources to encourage positive dog walking and exercising. With dog days at some sites.

Dorset Dogs – Anneke – Produced interactive map of where dogs can be taken (SANG = suitable alternative natural greenspaces) provided by Developers where dogs permitted off lead and training dog walkers. A dog walkers charter in New Forest. Birds and Recreation initiative to increase awareness of dog disturbance of ground nesting birds, Developer Contributions funding heathland mitigation to protect sensitive areas.

WCA Dog on lead where sheep and certain SANGS or where dogs are on leads March to July.