IOW Local Access Forum

Minutes – Meeting 40
Arreton Community Centre
Thursday 6th June 2013

Present at the meeting:
Forum Members:
Anne Noon **AN** (Chairman)
Mark Earp **ME** (Vice-Chairman)
Tricia Merrifield **TM**
Stephen Darch **SD**
Alec Lawson **AL**
John Hobart **JH**
John Gurney-Champion **JGC**
John Heather **JH**
Others:
Cliff Dilloway **(guest)**
Ian Jolliff **(guest)**
Heidi Marshall **(guest)**
PC Tim Campany
PCSO Kat Quinn
Sergeant Mark Lyth

Darrel Clarke **DC** - Definitive Map Officer, IWC Public Rights of Way Section (PROW)
Forum Secretary:
Jennine Gardiner **JG** -Rights of Way Assistant, IWC Public Rights of Way Section (PROW)

1. **Apologies and minutes of previous meeting:**

Apologies were received from: Margaret Honeybourne, David Farnham, Fiona Hanna, Karin Wall, James Hewitt, Christopher Bull and Michael Howard

The minutes were approved as a true record of the last meeting.

2. Matters arising from previous meeting:

DF had not been able to issue a further letter to Cllr Giles about the dangerous bridleway crossings. Following the local elections Cllr Giles is no longer the cabinet member. The new Cabinet Member is Cllr Shirley Smart and the forum decided a new letter should be drafted and sent to her. **ACTION DF** to construct a new letter to the new Cllr and to liaise with **AN** to agree its content prior to issue. Once issued send a copy to **JG** for the LAF records.

The Country Watch Policing Team advised if there is ever a near miss (talking about dangerous bridleway crossings) then as much driver information needs to be reported to them i.e. vehicle

registration number. It is also helpful to have a statement from an independent witness. However, they were not aware of any near misses being reported within their area.

AN had not received a reply from Bill Murphy regarding the letter written to Stuart Love about the long-term path closure N59 due to a dangerous leaning wall under the jurisdiction of the Council's Property Services department.

AN had not yet contacted John Hague from the IW Ramblers regarding a list of "lost ways" which he had already started to construct.

AN had not yet had time to contact town / parish councils to make them aware of the P4C and the LAF.

Questions where then asked to the Country Watch Policing Team who were present at this meeting. They confirmed if CCTV is to be installed a warning sign about A4 size should be erected somewhere on the approach to the camera and if any evidence is captured they will always view this to see if it can be used as evidence - it won't be dismissed.

ME advised fly tipping at night is still a problem to landowners. The Country Watch Team advised Trail Cameras can capture images at night. The one recommended by the Association of Chief Police Officers (ACPO) was by Solan Security but there are many others available.

AN asked for the previous email issued in March about CCTV to be reissued (attached to these minutes).

Michael Howard from the Environmental Health Team was due to attend this meeting to give a talk about fly-tipping but he could not make it. He has sent a fly-tipping contact sheet which has been attached to these minutes.

3. Any Declarations of Interest:

There were no declarations of interest.

4. Public Rights of Way (PROW) update:

- **Pre consultation regarding proposed permanent Traffic Regulation Orders (TRO) on the long term footpath closures - with the Local Access Forum (LAF)**

DC – talked about the background leading up to the proposal:

There are currently 11 footpaths which are subject to long term closures. In the case of some in the Niton area they may have been closed for up to 30 years. Many years ago the paths would have been closed with just warning signs to inform the public, but probably from around 2006 the Public Rights of Way team (PROW) were made aware that "officially" there should be Traffic Regulation Orders (TRO) backing up the closures and making them enforceable (by the Police).

Therefore, temporary TRO's (under Section 14 of the Road Traffic Regulations Act 1984) began to be made for the long term closures. A temporary TRO can only last 6 months when applying to a public footpath. To prolong these, PROW have to apply for extensions from the Secretary for State for Transport.

We received stern comments from the Secretary of State (SoS) for Transport in 2011 / 2012 as she had become reluctant to grant any further extensions due to the considerable amount of time the paths had already been shut and basically required PROW to take permanent action.

The following options are available:

- Open the paths – which is not possible at the moment
- Extinguish the paths i.e. delete them from the Definitive Map
- Make permanent Traffic Regulation Orders leaving the option to reopen the paths in the future if possible

Rights of Way do not wish to see any of the paths extinguished on the basis that this would practically rule out any possibility of them ever being reopened.

The proposal is to therefore make permanent TRO's but to keep the closures under regular review and take steps to reopen them if and when ground conditions and resources permit

List of Paths

BB10 (part) (Forelands Fields, Bembridge)
C34 (Whale Chine)
CS35 (part) (Gurnard Marsh)
N59 (part) (Carisbrooke)
NT46 (part) (Castlehaven, Niton)
NT47
NT48 (part)
NT49
NT50
NT51 (Niton Undercliff)
SS3 (part) (Luccombe Chine)

Maps and aerial photographs were displayed in order that the forum members could familiarise themselves with the sites.

With the exception of N59 most closures were due to coastal erosion/landslip.

BB10 & N59 are slightly different situations because there are active discussions regarding a way forward on these.

BB10 this section is closed in two parts:

1. Forelands Field Road to Public Footpath BB14 (known as High Ridge)
2. Public Footpath BB14 (known as High Ridge) to Public Footpath BB15 (Jenny Streets Lane) – this section has an extended temporary order and we do not propose to include it within the permanent TRO

Active dialog with most landowners has taken place and plans are to move back and divert the path in places.

At this stage it seems likely we will be in a position to proceed with the **BB14** to **BB15** section which runs at the back of Ryde School land this financial year as the school appears to be happy with our proposals.

We can then hopefully proceed with the second part **Forelands Field Road** to **BB14** in the next financial year, which allows us time to complete negotiations with land owners.

Therefore, we will still need to make the permanent TRO to cover the time it will take us to complete the negotiations, any public enquiry and works. Once the path is reopened the TRO will not be enforceable as the signage will be removed and the order revoked.

N59 – There is an unsafe brick wall which borders footpath N59 between the back of private land and the St Thomas Primary School. The Council's Property Services department are responsible for the lease to the school and the boundary wall. Property Services are currently looking into their options for making the wall safe, but the process is slow and will not be completed before the extended temporary order runs out and this is why the permanent order will be proposed - to cover the time required to finalise arrangements. However, this is not an excuse for Property Services to do nothing and the Rights of Way Management will take a robust approach if the matter is not resolved.

Concerns Raised

The Police asked if we are closing the paths because we want to reduce the risk of a claim to the Council? PROW do not like to see paths closed and they will only be closed if there is a risk of danger to the public. The Police said they have never in the past enforced one of the temporary orders which prohibits pedestrians.

HM asked if there was going to be any alternative routes for the closed paths. **DC** advised in all cases we will place the regulatory prohibition signs and in some locations we will also erect advisory signage for the alternate routes. However, we have no plans to create diversion orders over private land to make slightly more inland coastal routes (for example the Niton closures or Gurnard sea wall) but as already mentioned PROW will keep all closures under review.

5. Questions to the Country Watch Policing Team

The Country Watch Policing Team had to leave the meeting early so this item was moved into the agenda in order that they could take questions before they had to leave.

The Country Watch Policing Team website is:

http://www.hampshire.police.uk/internet/advice-and-information/general/country-watch-eastern-area-team

From this website you can complete a membership form to join County Watch; this is a rural neighbourhood watch using feedback from members to be the eyes and ears to help police provide a better quality of service for rural members. This is not just pitched towards farmers but is also relevant for residents who live in isolated rural properties. The Country Watch Policing Team is part of the West Wight Safer Neighbourhoods Team and has about 377 members.

DF raised concerns about unlawful use by 4X4's on byways i.e. speeding and bringing the name of conscientious 4X4 drivers into disrepute. The police need evidence i.e number plates, dates, time and statements from landowners/witnesses so they can take the first steps of contacting and talking to drivers. If anything suspicious is seen then in the first instance a call should be made to the 101 number (police non emergency number) and ask to be put though to someone in the County Watch Team. Even if no one is there a message should be left to advise the location, time and date of the observed non-compliance. This way the Police can build up a picture of the likelihood of when the driving is taking place and then prioritise their patrols to co inside with times when this is occurring and enforce if necessary.

Section 59 warning notices have already been served on some motorcyclists – s59 refers to anti social driving offences and basically means if someone is seen:

- Driving in a careless or inconsiderate manner
- Driving on common land, a footpath or bridleway or any land which is not part of a road
- Driving in a manner which is causing/has been causing, or is likely to cause alarm, distress or annoyance to members of the public

then a s59 warning can be issued. This warning is placed against both the driver and the vehicle and lasts for 12 months. If the driver of the vehicle or the vehicle with the warning issued to it is then seen driving in any of those conditions again in the next 12 months the vehicle can be seized and, if not collected after paying for recovery and storage costs, it will be crushed.

ME asked about motor bikes and mini motos. These are classed as mechanically propelled vehicles and they do have to conform to Road Traffic Act and the Road Vehicles (Construction and Use) Regulations. The Police advised if these are being used on private land with the land owners permission there is nothing which the Police can do. However, if they are being taken onto Public Rights of Way then there is the opportunity for them to be seized. Once again the Police will need reports to be made to them so they can try and prioritise their enforcement opportunities or investigate.

ME advised the Medina River Wardens have noticed that children with BB guns are making a nuisance of themselves in public open spaces and shooting at birds. The Police said that each case would be subject to individual consideration. The Firearms Act 1967 states you cannot fire a gun within 50ft of a highway (which would include a Right of Way). **AN** asked if there was an age limit for children when purchasing a BB gun but there is not (there is an 18 age limit for air weapons). The Police have said from their point of view if it looks like a gun it would be treated as a gun.

6. IW Bridleway Group update:

TM – consideration needs to be given to creating safer bridleway road crossings. The bridleway group will lobby Marc Griffin (who is the IW Council Traffic Manager and not part of Island Roads) for consideration to be given to new road lines, signs and visibility splays at troublesome locations which the group has identified around the island.

TM – advised the group has organised some working parties to carry out vegetation clearance around bridle gates. The Group are insured under the British Horse Society but can only use hand tools and can only work off road. **JH** has said that maybe when the group identifies a location they wish to work on that they contact the local councillor who maybe able to liaise with the landowner. **ME** said that we should invite the council's tree officer along to an LAF meeting to talk about trees, diseased trees and what can or can't be done.

TM – the group will be lobbying Stuart Love regarding the Public Rights of Way Team and the reduction in staffing levels

It was mentioned that Public Rights of Way team and the IW Bridleways Group will start to have liaison meetings to discuss concerns and priorities.

7. DEFRA Consultation – IW Coastal Path

DC – A formal decision has still not been made. A decision was supposed to be made in April.

JH – Advised the National Farmers Union (NFU) opposed the proposals because of the concerns affecting their members about the required spread / growing room and lost of arable land, amongst other reasons.

8. **LAF Recruitment**

We now have 8 new members (some have been regular guests and past members) and one guest:

Mr Philip Cave who represents IW Metal Detecting Club
Mr Stephen Darch who represents IW 4 X 4 Club
Mr John Gurney-Champion who is a landowner
Mr John Heather who represents the NFU (National Farmers Union)
Mr Alexander Lawson who represents Cyclewight
Mrs Patricia Merrifield who represents IW Bridleways Group
Ms Anne Noon user of public rights of way and access land
Ms Karin Wall user of public rights of way and access land and employee of NFU

Ms Heidi Marshall had also applied representing the British Horse Society –the guidance issued regarding the appointment of members advises there should be a balance of interests and because of the number of members we already have representing horse riders / carriage drivers Heidi could not be appointed, but was invited to attend as a non voting guest. At the meeting it was agreed to contact the Democratic Services Team and ask if Heidi could be reconsidered as she is proactive and would be an asset to the LAF. Heidi pointed out that she was disappointed that her membership request was considered solely on her interest in horses as her application showed that she had much more to offer. **JG** will contact democratic services to see if we can appoint Heidi. **Update: 25 June 2013 -** Confirmation received that Heidi can be appointed as a member, but representing general users.

9. Chairman's Update from LAF Conference:

No chairman's update

10. Any other business:

HM – how can the LAF help the Public Rights of Way (PRoW) team with the issue of lack of resources? **DC** advised the LAF if they wished to do so could write to the Council's Head of Service to express their concern. In 2007 the PRoW team had 5 people in the office and 4 operatives delivering work on the ground. Now we have 2 in the office and 2 operatives with one maintenance and protection supervisor.

AL – the Cowes to Sandown cycle track will have a 10 year anniversary celebration on Saturday 22 June between 10am and 4pm - everyone is invited to cycle or walk all or part of the route. There will be refreshments along the way and parking (donations please) is available at Newclose Cricket Ground with access onto the track from there – further details from www.cyclewight.org.uk

HM – can someone from Island Roads be invited to an LAF meeting (possibly December)? **JH** mentioned Island Roads are encouraging local town and parish councils to provide feedback and this localised feedback maybe able to influence decisions.

ME – is attending a meeting with the Forestry Commission and wanted to know if he could ask them if a route could be created from Mark's Corner down to Forest Road (entrance near recycling site (Tuckers Gate) for cyclists and horse riders i.e. without the need to obtain a permit from the FC. **TM** was concerned as once at Forest Road there is nowhere for horse riders to go to (apart from on

the road). However, it was agreed there was no harm in **ME** raising the subject of a route in the forest for horses / cycling without permits to see what reaction is received.

JH – NFU wish to raise concerns of dog fouling on farm land which then contaminates pasture / grass and in turn makes its way into livestock. An example was given of an island farmer who's lambs were contaminated with sheep measles after eating grass which dogs had fouled. This is not identified until after slaughter and at this point the carcasses have to be destroyed as they cannot enter the food chain. **JH** feels awareness needs to be raised to dog owners that they can't just let dogs roam on open land and they need to be kept to footpaths.

Apparently the St Helens water works has been sold to a private individual and part of this would have been access for an LSTF scheme. Can the LAF have a list of LSTF schemes and when the new project manager is appointed can they be invited to an LAF meeting?

HM can David Thornton and Cllr Shirley Smart be invited along to the next LAF meeting? It would be good to know from them what plans they have to support and promote Public Rights of Way and access to the Countryside. If they accept the invitation we need to have formulated a list of specific questions – **AN** will look into this and issue an invitation.

JGC has mentioned that it is not a defence for the Council to say that it has lack of funding to put ways back into repair, if it ever came to a point when enforcement action is taken against the Council.

The matter of outside grants was then discussed. In many cases outside bodies (like the LAF) can apply for grants. **AN** pointed out that it is the time and effort by the volunteers which needs to be put into the administration of the grant if awarded. This is the hard part as volunteers although keen with coming up with ideas may not want to take part in actually administering and/or delivering the project. Very careful consideration needs to be taken before applying for grants to ensure they can be fully implemented.

http://www.biglotteryfund.org.uk/funding/funding-finder

11. Next meeting:

The next meeting will be at 4pm on **Thursday 12th September 2013** at Arreton Community Hall. This is one week later than normal to avoid the Bestival traffic.

End of Meeting

.Sent: Thursday, 28 March 2013, 15:06
Subject: LAF meeting 7 March 2013 - question regarding CCTV on private land but capturing partial images of public places

Dear All

At the last meeting the question was raised regarding CCTV and what was lawful regarding the capturing and use of images for prosecution. This matter was raised initially because of a growing increase of fly tipping in which the culprits use Public Rights of Way to access private land.

Sergeant Mark Lyth, who is part of the Isle of Wight County Watch Team, has given the following advice:

CCTV can be erected on private land in connection with **crime prevention purposes**; it is acceptable to capture images of public spaces / those persons who pass through them, as long as a warning sign has been erected, and there is no other purpose in capturing the images than to try and reduce the likelihood of crime. The warning sign should be of a size any reasonable person would have taken notice of. For example an A4 notice at some point on approach to the CCTV would be reasonable.

The Police can use the images in evidence, and the use of private CCTV, to prevent crime, is something which is growing in popularity.

Sergeant Lyth and his team operate the Islands County Watch Scheme and he actively encourages anyone with concerns for rural / countryside issues to contact him and his team. He has also confirmed he and his team are happy to meet with any individual(s) and offer helpful advice prior to any installation of CCTV equipment.

Sergeant Mark Lyth can be contacted in the following ways:

Tel 07901 102 396
Emails: mark.lyth@hampshire.pnn.police.uk or countrywatch@hampshire.pnn.police.uk
Post:
Yarmouth Police Station
High Street
Yarmouth
Isle of Wight
PO41 0PL

Jennine.Gardiner | Rights of Way Assistant | Rights of Way | Isle of Wight Council | County Hall | High Street | Newport | Isle of Wight | PO30 1UD
Tel: (01983) 821000 | Fax: (01983) 823755 |
Email: Jennine.Gardiner@iow.gov.uk | Web: www.iwight.com
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FLY-TIPPING CONTACT SHEET

Please report any incidents of fly-tipping and/or suspicious behaviour to the following contacts below.
If you come across a fly-tip in progress, please phone 101 (Police non-emergency) immediately.

Try and make a note of the physical descriptions of the individual(s) involved – clothing, hair length and colour, distinguishing features etc.

Vehicle make, model & colour. Registration Number. Any written details on vehicle.

During normal working hours – Mon to Fri – Call 01983 823000

Outside normal working hours – Call 821105 and leave a message for Environmental Health

If in doubt, call 101 and the Police will relay the information to Environmental Health

Farming & Countryside

Left, a gateway leading to a bridleway off Brading Road — overgrown and making safe road crossing tricky for horse and pony riders.

Right, volunteer Sheila Weedell at work clearing the bridleway entrance.

CONTRIBUTED PICTURES

Volunteers keep bridleways clear

THE Island has 500 miles of public footpaths, bridleways and byways and keeping these clear of overgrowth, especially through spring and summer, is very difficult.

Spring growth had a late and slow start this year but as conditions improved it rapidly caught up and enveloped public rights-of-way access points, such as this one on the main Brading Down Road. This made visibility very difficult for all users, especially horse and pony riders.

The IW Bridleways Group, founded in 2010, is committed to supporting riders and drivers using the public rights of way network and linking roads. The group works in partnership with the IW Council Public Rights of Way maintenance team by organising bridleway clearance work parties.

Members of the long established and experienced IW Ramblers Association have been contributing their skills for many years and the Bridleways Group is now able to follow their example because affiliation to the British Horse Society gives them the necessary public liability insurance to allow members to carry out such works.

The council's Public Rights of Way department must be contacted before such voluntary works are carried out and the department always welcomes reports from users on any problems or overgrown areas they encounter.

Anyone interested in joining the IW Bridleway Group can contact Tricia Merrifield on 07748 488238 or e-mail tricia.merrifield@btinternet.com.

You can contact the IW Council Public Rights of Way department via www.iwight.com/

Farm memories

THE Island is celebrating the 50th anniversary of the IW's Area of Outstanding Natural Beauty designation in 1963 with a project to collect an archive of farming memories.

The Farming Memories archive, a collection of sound recordings and photographs, has been gathered by Natural Enterprise on behalf of the IW Area of Outstanding Natural Beauty (AONB) Partnership.

Fiona Hanna, of the AONB, said "The Area of Outstanding Natural Beauty is all about landscape and heritage. As more than 80 per cent of it is farmed, farmers and land managers are crucial to whether the area thrives or declines. All landscapes are constantly evolving and we wanted to record some of the changes that had taken place in the last 50 years".

Carol Flux, for Natural Enterprise, said "We advertised in the *County Press* for farmers and farm workers to come forward with their memories of farming and the Island's landscape since 1963.

"We now have a fascinating audio and visual archive of recollections. This will be deposited in the county archives for posterity.

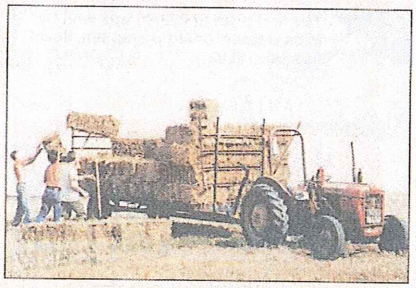
"We have summarised their tales into nine stories and took these to the County Show recently.

"Over the next few months we will also be telling these stories in the *County Press*."

As a taster this week, we are showing how the changing ways of collecting hay, with photographs of Compton, Briddlesford Lodge, and Little Thorness Farms.

Future stories will describe farming life in 1963, tell of changes to the landscape and wildlife, the development of the dairy, livestock, horticulture and arable sectors, the extremes of weather and memories of Newport market and the County Show.

Farming memories — gathering hay through the years. Above, Compton Farm.
Below left, Briddlesford Lodge Farm.
Below right, Little Thorness Farm. CONTRIBUTED PICTURES



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Katie Pritchett IW-535003

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