

Safety - The need for a trail between Seer Green and Jordans

*for cyclists and horse riders to avoid the danger of high-speed traffic on
small roads while respecting the needs of for walkers*

Proposal and discussion document, January 2021

The Hodgemoor Riding Association, coordinators of this proposal, are committed to a) improving safety for cyclists and horse riders, especially on Twitchells Lane, and b) to extending the local off-road network before a fatality forces the hand of authorities and landowners. For 20 years the Association has successfully promoted “Off the Roads and into the Woods”.

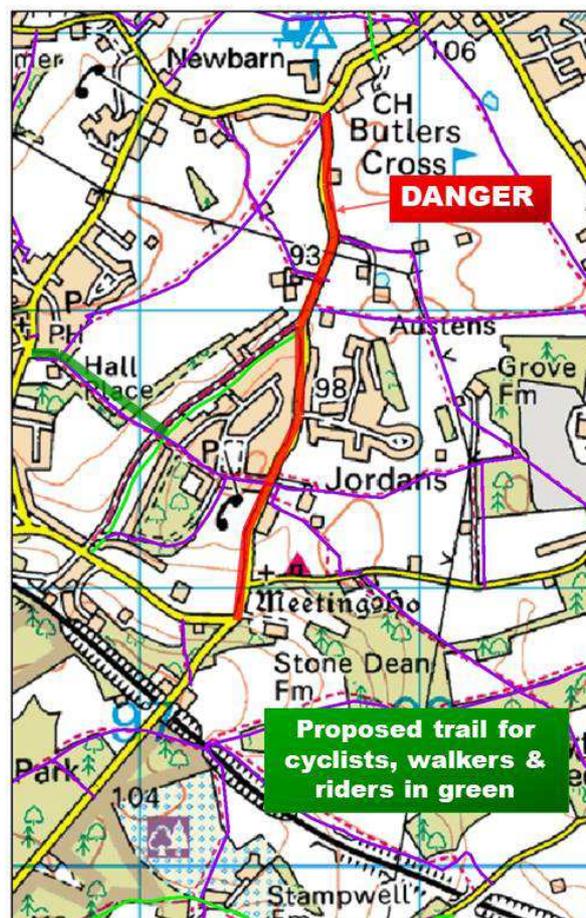
1. Executive Summary

- 1.1. Pedestrians, cyclists and horse-riders expose themselves and car drivers to excessive danger when negotiating the blind corners of Twitchells Lane (see Annex on Accidents).
- 1.2. In the interest of safety, it is proposed that the existing footpath between Jordans and Seer Green be upgraded to a bridleway (in a regulatory sense and in surfacing where required) for use by cyclists and horse-riders.
- 1.3. The proposed new bridleway would form part of a larger network providing cyclists and horse riders safer access to off-road amenities such as Hodgemoor Woods, giving some users the ability to avoid the dangerous Twitchells Lane. This route would link to the existing Wilton Lane bridleway, thus increasing the use of Wilton Lane which is currently hardly used. (see 2.8 below).
- 1.4. The plan is ready for the consideration of the three key partners, Bucks County Council, Seer Green Parish Council and Jordans Village Ltd.
- 1.5. This phase of consultation is designed to ensure that the interests of all stakeholders are taken into account.



2. Situation

- 2.1. Some trucks and many cars drive too fast on Jordans Lane¹ and Twitchells Lane (red on the map, right). The road is used as a high-speed rabbit run, but as it is narrow and has blind bends it is extremely dangerous to any user not in a car. There have been several accidents in the last few years. Twitchells Lane is particularly dangerous². In some cases, children are unable to get to school by bike or foot because of the dangers.
- 2.2. We are not aware of any provisions of the Village Neighbourhood Plans, under the *aegis* of the government, improving these issues.
- 2.3. Jordans residents indicated in February 2014 through the Neighbourhood Plan consultation document that they feel strongly in favour of maintaining and developing the rural nature and environmental quality of their village, ranking highly even alongside education, health, housing and transport; that ethic continues.
- 2.4. Seer Green Parish Council and residents are also aware of environmental issues and have found a good modus operandi with horse riders. Communication with riders through the Hodgemoor Riding Association, which has about 300 rider, cyclist and walker members, is good. The Association has cooperated with the Seer Green Parish Council (as well as with Chalfont St Giles Parish Council) and Bucks CC in coordinating the making and positioning of signs on Chalfont Road and Narcot Lane to remind horse-riders that they are permitted to ride on the verges but not on the footpath.
- 2.5. Hodgemoor Woods³ are considered an extremely attractive amenity for walkers, nature lovers, cyclists and horse riders. The administration of Hodgemoor Woods is held up as a model of private/public partnership; the horse riders pay for the creation and maintenance of the horse paths through subscriptions and fundraising events (over £140,000 raised and spent in the woods with Forestry England in the last 20 years). There are over 250 riding members based at more than 25 stables within riding reach.
- 2.6. The Hodgemoor Riding Association has experience in the establishment of new bridleways (for example the Wickham Way connecting St Giles at the Oakland Golf Club to the east end of Hodgemoor created in 2002) and permissive riding trails through its working relationships with the land owners and with authorities such as Bucks County Council, Chiltern District Council, the Chiltern Society and Forestry England (previously the Forestry Commission). This Association also has the objective of serving the interests of all users



¹ Jordans Lane is the continuation of Twitchells Lane south of the junction with Wilton Lane, through Jordans

² Maria Alexandra Hamilton, Twitchell's Lane, June 2012, hit by car, horse survived. Sacha Hamilton incident 17 December 2019; no serious injuries but driver prosecuted. See also Annex on accidents on page 12.

³ Hodgemoor Woods are in Seer Green Parish, owned by Bucks County Council but run by Forestry Commission in partnership with the Hodgemoor Riding Association.

including walkers and cyclists and has therefore offered its energy and services to initiate this current consultation between the villages and the various stakeholders.

- 2.7. A suitable route for improving safety exists between Seer Green (at Manor Farm and Old School Lane just south of the church, point A on the map on the front page) and Jordans (near the middle point of Wilton Lane, an existing bridleway, point D). The path is in good condition for walkers. Use by cyclists and horse-riders would, depending on the case, need permission from landowners, the upgrading of the status of the path to bridleway by Bucks County Council and work on the surface in the Jordans section C to D.

A suitable route for improving safety exists

- 2.8. The proposed new bridleway would open up the use of the Wilton Lane bridleway which today is hardly used i.e. the creation of the Jordans-Seer Green bridleway extends the network by bringing Wilton Lane into use both from the north and from the south and permitting cyclists and riders to avoid Twitchells Lane and Jordans Lane through Jordans.

- 2.9. The footpath at the **Seer Green** end (A to B to C) has no owner according to Bucks CC based on their Rights of Way maps, the HM Land Registry maps and other data at their disposal. We write below on the rights and responsibilities of land-owners on either side of the path; we have opened communications with them and they will be consulted on the basis of this document.



Right, footpath at the Seer Green end

- 2.10. Since acquiring Manor Farm in 2019, James King has undertaken considerable work on the section B to C of the path, at his own cost. This has been primarily cutting back the vegetation on the west side of the path to 2-4 metres in width throughout. An audit by Susie and Marcus Bicknell in early January 2021 shows the width and the surface of the path to be good, even in wet weather.



Right, footpath cleared, B-C midpoint

- 2.11. The footpath at the Jordans end (C to D) is owned by Jordans Village Ltd., so negotiations were opened with them in 2014. The understanding reached then is valid today (see below).

- 2.12. It is stressed that upgrading footpaths to bridleways for use by cyclists and horse riders must be done in such a way that the condition for, and safety of, walkers (the only current users) are not degraded.

- 2.13. The similar plan of this Association in 2014 and 2015 came close to success but for lack of clarity of ownership of the path at the Seer Green end. The present clarity in this respect and the continued informal support of staff at Jordans Village Ltd and Seer Green Parish Council (subject in both cases to committee discussion and approval) encourage the stakeholders to proceed in 2021 for safety reasons.

3. Types of paths

Of the five or more statutory⁴ types of path in the countryside, we deal with three in this paper and in this neighbourhood:

- a) **Bridleway**; walkers, cyclists and horse-riders are permitted. Bridleways are marked with a long dash on OS maps and a green line on Bucks CC Right of Way maps (as used in this document)
- b) **Footpath**; walkers are permitted. Dotted line on OS and red line on Bucks CC.
- c) **Permissive trail**; a land-owner can give permission to any group to use the path. The permission can be withdrawn at any time, although contractual arrangements can be put in place. For example in Hodgemoor Woods the Forestry Commission has accorded rights to cyclists and riders to use the permissive trails, on the condition that the horse-riders maintain them (but not the cyclists) and there are two bridleways in the Woods too. Because there are no landowners at the Seer Green end of the proposed path, a Permissive Trail is not applicable.

4. Rights and responsibilities of owners neighbouring a path

The basics are given on the Bucks County Council website at <https://www.buckscc.gov.uk/services/environment/public-rights-of-way/maintaining-public-rights-of-way/rights-and-responsibilities/>

The relevant excerpts are ...

Surfaces: We [Bucks CC] own the surface of all rights of way, with landowners' interest extending only to the subsoil. We have a duty to protect the interests of users and will take enforcement action to ensure that the surface of rights of way unlawfully disturbed is adequately reinstated.

Vegetation: Trees and hedges - In most cases, it is the landowner's responsibility to maintain hedges and trees adjacent to rights of way. We have the power to require owners to remove overgrowth within a period of 14 days (Highway Act 1980 section 154). If the landowner fails to comply, we may remove the obstruction at the owner's expense. (Highways Act 1980 section 150 (4)). Undergrowth - We are responsible for clearing any vegetation naturally growing on the surface of a path. We have an annual maintenance schedule to clear the routes and respond to requests for clearance as required.

Bucks CC clarified certain aspects at the request of the author of this paper on 15th January 2021, as follows

- a. Bucks CC takes on full maintenance and insurance liability for public rights of way – such as surface condition and up-growth of vegetation from the surface. The only thing the Council is not liable for are the boundaries: so hedges, fences, stiles and gates.
- b. Re hedges, the landowner is responsible for cutting their hedges beside a right of way ROW (we call it side-growth);
- c. Re fences, again, the landowner is responsible for keeping them stock-proof;

⁴ Public rights of way can be divided into i. Footpaths ii. Bridleways; iii. Restricted byways; and iv. Byways open to all traffic (BOATs)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/805964/public_advice_note_09_April_2019.pdf

- d. Re stiles and gates, although Bucks CC repairs many on a *de facto* basis, they are technically the landowner's responsibility. So anyone falling off a stile claims to the landowner.
- e. In this case at Seer Green there are no stiles and no gates and the surface is already footpath. As such, changing it to a bridleway will have no impact on the landowners' responsibilities or obligations and will be cost-neutral to them. Cost -neutral to landowners
- f. If an owner or person with vehicular rights over a footpath or bridleway has vehicular rights over it, then they also have an obligation to repair any damage they cause with their vehicles / farm machinery.
- g. Deciding on the extent to which damage is inflicted on the surface by walkers and horse riders (the public purse) vs private vehicles (the private purse) is notoriously difficult. Having said that, walkers don't create pot holes. As mentioned previously, as this is already a footpath the obligations and burdens on landowners don't change with a bridleway upgrade, perhaps marginally if rider's hooves scuff up the surface which is then more easily eroded by a vehicle's tyres.
- h. With reference to parts of the lane with no owner, as the BOUNDARIES to the lane ARE owned by someone, it remains their responsibility to repair fences and clear back hedge growth, as existing. The surface will always remain the council's responsibility, with the caveat above regarding private vehicular damage.
- i. If a tree standing on land off the path falls on the path, it is the responsibility of the landowner to clear it. If it stands on the path it is Bucks CC's responsibility
- j. Bucks CC has insurance liability and insurance cover if anyone is injured on a defective surface. If a private landowner's tree falls on a walker they are liable; ditto for what we call a 'highway tree' (growing in the highway or footpath, so not part of the hedge), the council is liable.

5. Hodgemoor Riding Association - on-going support

It is proposed in this document that the Hodgemoor Riding Association take on some responsibility for maintenance.

- A. The HRA has the on-going resources to cover its maintenance obligations in Hodgemoor (their contract with Forestry England of 2008 renewed 2016 is downloadable on their web site <http://hodgemoor.org.uk/downloads/>, as are the annual accounts and constitution) and additional regular work.
- B. The HRA has maintained the Wickham Way bridleway between Chalfont St Giles Oakland Park Golf Club to the east end of Hodgemoor Wood and Bottrells Lane. This is a very useful bridleway for horse-riders in the area to access the woods and do a round without going too much on dangerous roads.
- C. Four volunteers from the HRA completed the clearance of the Wilton Lane bridleway, at the behest of Jordans Village, in January 2021, in two hours; i.e. if the work is undertaken regularly it is not immensely onerous.
- D. The HRA is willing, by agreement, take-on the maintenance of the new Jordans to Seer Green bridleway i.e. cutting back side and overhead growth. In the case that the "the surface of rights of way is unlawfully disturbed" (see paragraph 4 above) and the damage were by horses or by cyclists, then HRA would make its best efforts to make good the damage alone or in conjunction with Buck CC, i.e. the onus would not be on the neighbouring land-owners.

- E. The HRA is willing (subject to committee approval) to make the capital expenditure necessary to make a 90 metre parallel pathway between C and D, fenced off from the field, so that walkers can use the existing narrow footpath without being bothered by horses and cyclists.
- F. The HRA welcomes and invites the cooperation of cyclists and cyclist groups in the maintenance of the trail. While the HRA answers for a large majority of horse-riders in our area and communicates with them quite successfully, we have been unable to find a cyclist representative group ready to open a dialogue. Forestry England and the HRA find that cycling in Hodgemoor is anarchy, with cyclists riding illegally on footpaths and straight across the forest on unmade paths. Note that cyclists are allowed in Hodgemoor on the horse trails and the two bridleways.

6. Consideration of walkers' need

The footpath is used by walkers, dog-walkers, ramblers and school-children walking from Seer Green to the school in Jordans. We have not found out if there is school traffic in the other direction and would be grateful for information. The path is not physically closed to cyclists so, despite the footpath being today prohibited to cyclists, there is evidence of cycle activity. The HRA seeks solutions which enables walkers, especially children and prams, to feel at ease on the path when horses and cycles are permitted.

- i. It is likely cycle traffic will not increase (because there is no physical obstacle to doing so and because cyclists appear to act with impunity, see 5.F above)
- ii. It would be an option for riders to take the new bridleway proposed here, but traffic would be light.
- iii. The HRA proposes to encourage riders to avoid the new bridleway during school commute and will seek information on the hours to avoid.
- iv. The HRA proposes to pay for, or share in the cost of, a 90 metre parallel pathway between C and D so that walkers can use the existing narrow footpath without being bothered by horses and cyclists, mentioned at 5.E. above
- v. Walkers might be worried about motor-cyclists using the new bridleway. At present there is some dissuasive effect of the waist height zigzag bars at the Jordans end, but motocross bikes can wiggle through them and there is some evidence of motor-cycles having used it already. The better deterrent is vigilance and the application of the law. HRA is experienced in encouraging users to photograph and report motorcycles in Hodgemoor and on bridleways. Reporting takes the form of posting on social media, calling 101, reporting on 101's web application, calling the HRA who can come on site to take further photos and make a presence felt, and calling the police on 999 if it is an emergency. Local police and other authorities do react to calls about illegal motor-cycling, leading to warnings, seizure of the motorbikes and possible criminal proceedings. Every couple of years we get a rash of motocrossers in Hodgemoor but with the help of the Police Community Support Officers and HRA members we can persuade them to move on to where it's legal. One device which is a deterrent to motorbikes but satisfactory for horses is a 30 cm diameter log across the path which horses can step over; but HRA has not needed to deploy them elsewhere.

7. Consideration of James King's position

As mentioned above, since acquiring Manor Farm in 2019, James King has undertaken considerable work on the section B to C of the path, at his own cost. He is naturally keen to avoid on-going costs on the path when it is declared a bridleway. For this reason we propose that the Hodgemoor Riding Association take on the responsibility for maintenance as per 5.D. above, reducing Mr King's on-going responsibility enormously. Mr King would therefore have only the other statutory obligations outlined on the Bucks CC web site and in paragraph 4 above.

8. Consideration of Manor Farm Stables' position

The section A-B of the path is a gravel road (SEG/6/1 usually referred to as Old School Lane even if official maps label it School Lane) leading from the main road through Seer Green to Hall Place, Hall Place Cottage, Manor Farm and via SEG/16/1 Manor Farm Stables. In view of the occasional horse box transit and the horse-rider traffic, and in the absence of an owner *per se* for Old School Lane, the owners of Manor Farm Stables, have undertaken the maintenance of the surface i.e. filling pothole for the last seven years. This proposal does not change the issues there although the magnifying glass put on Bucks CC's responsibilities will influence future maintenance.

9. Consideration of other neighbouring owners' positions

The creation of a bridleway would not exacerbate the neighbouring owners' positions (see chapter 4 Rights and responsibilities of owners neighbouring a path, above).

The HRA and other stakeholders are keen to hear any concerns early in this process. See below.

10. Stakeholders

We propose that this paper is available to the following and to the public via social media:

- Owners of land through which the routes pass
- Seer Green Parish Council
- Seer Green and Jordans Society
- Chiltern Society
- Jordans Village Ltd and Jordans Tenants' Members Committee
- Bucks County Council
- Chiltern District Council
- Hodgemoor Riding Association
- Forestry England
- Cyclist groups to be identified (Sustrans, Bike Barn CSG, Buzz Bikes)
- Resident associations
- All users of today's roads and trails and of the proposed path

11. Details of the route – Jordans to Seer Green

The existing footpath runs from Wilton Lane in Jordans north-west to Manor farm off School Lane in Seer Green and is in good condition for walkers.

The wide north-west end of this route, footpath SEG/6/1 and SEG/17/1, has a strong enough surface for horses and cyclists without significant work.

The narrow south-east end of this route, footpath CSG/53/1, requires work (all three photos on this page). The alternatives are either:

1a Preferred solution. Create a parallel permissive trail for horse-riders going through one of the fields (photos, left, looking south-east from Seer Green) on either side of this 90m length (with or without a fence to separate the horse path from the rest of the field, to retain livestock there) - cyclists and walkers would use existing path as the current surface would support cyclists. Or



1b Create a parallel permissive trail as above but for use by both horse-riders and cyclists. This option would be more expensive as the trail would require a surface for cyclists, and there is a risk that cyclists might still tend to use the straight-ahead footpath. This remains a feasible alternative. Or



1c Widen the 90 m length of Footpath 53 by cutting the hedges back on both sides, or on one side, and resurface it to make it suitable for all users. The photo on the right was taken on 26th March 2014 from the Wilton Lane end looking north-west just after the hedge was flailed. This hedgerow is not particularly attractive, neither to humans as something to look at, nor to bird life, as it is all damagingly inhospitable blackthorn. Although some might initially think that the hedgerow should not be touched, the cutting back of one side would make a satisfactory bridleway for cyclists and riders. However, many walkers feel intimidated by horses, especially when meeting one on a narrow footpath, and this fact might exclude alternative 1c.



In the cases of 1b or 1c, with the good sight line on this 90 metre stretch, a notice could be put up saying that cyclists must give priority to walkers, and either

- a fence could be put up in the field at a 4 metre width leaving open entrances at either end or
- the route left open (there is no legal requirement to fence off a bridleway even if livestock were to be put in the field) and bridle gates installed at the entrances at either end of the 90 metre stretch. This would not require surfacing.

The use of this trail by horses would enable riders from Austens and from other private stables in Jordans to get to Hodgemoor Woods without negotiating the twisty part of Twitchells Lane, but with a detour through Jordans and Seer Green. Note that the road (Chalfont Road) from Seer Green north to Hodgemoor Woods is relatively wide and straight; there is even a wide grass verge suitable for horse-riding on a long stretch (and Bucks CC have recently confirm to us and Seer Green Council that use of a verge by horse riders is acceptable as a safety precaution and signs have been there to that effect since December 2020).

This Route has been actively supported in the past by Bucks CC. On 23rd September 2009 they wrote (letter in Appendix 1 below) to Jordans Village Ltd., owners of the land on both side of footpath 53 (despite being in Seer Green there) proposing the development of this path so that “riders and cyclists will be able to access Hodgemoor Woods avoiding the worst section of Twitchells Lane”. The circumstances are now favourable for the stakeholders to push forward with the plan in the interests of road safety.

12. Action plan

We would be most grateful for the efforts of any reader of this document in correcting errors of fact and adding arguments and issues (viewed from any angle and with the interests of any user group in mind) which help the debate.

Marcus Bicknell (contact details below) has agreed to coordinate the discussions in the first stage and is willing to take it further but would step back if one or more elected authorities like the parish councils wanted to take on the load. Land owners and principal stake-holder are being consulted then we will move towards village council and HRA agreements and implementation by Bucks CC. This latter takes the form of a request from Bucks CC to the Secretary of State⁵ which they are prepared to do if Seer Green Parish Council and Jordans Village give their agreement.

End

The latest version of this paper available at <http://hodgemoor.org.uk/downloads/>

This paper prepared for the stakeholders by Marcus Bicknell on 19th January 2021 revised 21st Jan.
Chairman Hodgemoor Riding Association and voluntary Forest Warden, Hodgemoor, Forestry England

Hodgemoor Riding Association

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Latest information and map on www.hodgemoor.org.uk
www.facebook.com/hodgemoorwoods

⁵ “Footpaths and Bridleways may be created by agreement between a local authority and anyone having power to dedicate such a way over the land in question, being in the local authority’s area (Highways Act 1980 (HA 80), section 25). Parish/community councils also have powers to create FPs and BWs by agreement if in their opinion it would be beneficial to the inhabitants of the parish or community (HA 80, section 30). Since they are created by agreement, these cases are not submitted to the Inspectorate for determination but may be relevant to other proposals”. The local authority is Bucks CC in this case.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/805964/public_advice_note_09_April_2019.pdf

Some maps are also from Bucks CC's web site and the following credits and notes apply.

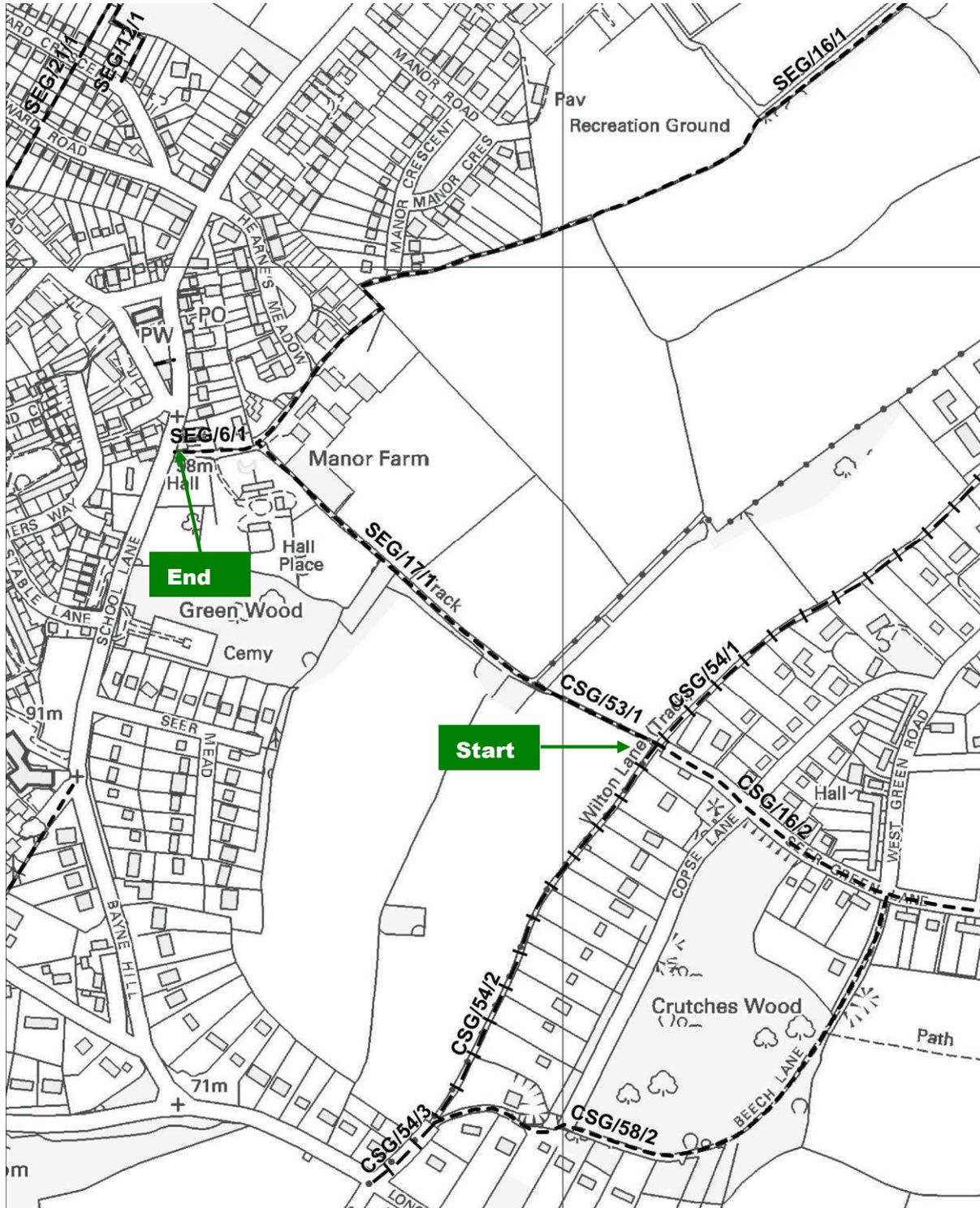


Public Rights of Way

- - - FOOTPATH	-x-x- RESTRICTED BYWAY	<p>This is not the Definitive Map but a working copy. While every effort has been made to ensure the accuracy of the data presented, we cannot guarantee that the data will always be accurate and complete. The data is intended to be viewed at a scale of 1:2,500 or smaller.</p> <div style="text-align: center;"> 1:10,000</div>
- - - BRIDLEWAY	-x-x- BYWAY OPEN TO ALL TRAFFIC	
— PARISH BOUNDARY		

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Other maps of paths can be downloaded from
http://www.buckscc.gov.uk/bcc/row/online_map.page



Annex – references to accidents

In addition to the two accidents with horse riders in the footnote of page 2, the following accidents are salutary and informative.

Twitchells Lane in Jordans in February 2007.

The force of impact in this incident involving a truck and two cars can be seen in the photo. It is merciful that no pedestrians, cyclists or horse-riders were there at the time.

The introduction of a 30mph speed limit has had an effect on some drivers but many consider Twitchells Lane as an accident waiting to happen.



Tragic accident in which a rider suffered a broken back and her horse killed, following a collision with a van in the New Forest.

<http://www.bhs.org.uk/our-charity/press-centre/news/regional/south/accident-highlights-the-need-to-educate-motorists>

A horse has been killed and its rider seriously injured in a collision with a car in Northamptonshire. Two horses and riders were on Braybrooke Road, Great Oxendon, at about 0845 BST when the crash happened. One of the horses died at the scene and its rider was taken to Walsgrave Hospital in Coventry by air ambulance.

<http://www.bbc.co.uk/news/uk-england-northamptonshire-11070071>

Horse Road-Accident Statistics

The BHS considers horse related traffic accidents to be significantly under reported, a view supported by the Hospital Episode Statistics Online. The HES data concerning external causes of visits to hospital in 2011–12 reported 4,199 episodes requiring treatment in hospital for ‘animal – rider or occupant animal drawn vehicle injured in transport accident’.

There were 183 Road Traffic Incidents reported on www.horseaccidents.org.uk in 2012. These included

- 2 Rider fatalities
- 12 Severe Rider Injuries
- 14 Horse Fatalities
- 3 Severe Horse Injuries

<http://www.bhs.org.uk/our-charity/press-centre/equestrian-statistics>

<http://www.hscic.gov.uk/searchcatalogue?productid=9161&q=title%3a%22hospital+episode+statistics%22&sort=Relevance&size=10&page=1#top>