
Natural England

Handbook for LAF Members



March 2008

Asken Ltd and Associates

Main Contents

[Welcome to the Handbook](#)

Section 1: Running a LAF – General Practicalities

1. [Making a difference to recreation and access through your LAF](#)
2. [Roles and Responsibilities](#)
3. [Practicalities of Running a LAF](#)
4. [Advice for LAF Chairs](#)
5. [Urban LAFs](#)
6. [Monitoring Effectiveness](#)

Section 2: Key Facts - Useful information and how you can use it

7. [Rights of Way Improvement Plans](#)
 8. [Funding for Access and Recreation](#)
 9. [Public Access and Land Management](#)
 10. [Public Access and Nature Conservation](#)
 11. [Generating Benefits from Public Access](#)
 12. [Access to Inland Waters and the Coast](#)
 13. [Dedication of Land and Routes for Public Access](#)
 14. [Access and Disabled People](#)
 15. [Background information about key areas on which LAFs can advise](#)
 - [CRoW Access Land and its management](#)
 - [Public Rights of Way](#)
 - [Development Planning and Control](#)
 - [Cycle Track, Cycle Ways and Cycle Lanes](#)
 - [Gating Orders](#)
 - [Dog Control Orders](#)
 - [Section 15 Land](#)
 - [Common Land](#)
 - [Town and Village Greens](#)
 16. [Useful Contacts](#)
- Appendix 1: [Glossary of terms and abbreviations](#)
- Appendix 2: [Guidance for LAF Members on declaration of interests](#)
- Appendix 3: [Example of a LAF Position Statement](#)
- Appendix 4: [Risk Assessment Handbook for Outdoor Visits](#)

Welcome to the LAF Members' Handbook

Why have we produced a Handbook?

Local Access Forums (LAFs) were set up as a result of the Countryside and Rights of Way Act 2000 (CRoW Act). The purpose of LAFs is set out in the Act and associated regulations.

Most LAFs were set up around 2003. As these were new bodies, there was a lot of uncertainty about what LAFs could and should do. The Countryside Agency (a predecessor body of Natural England) commissioned research into the operation and administration of LAFs. One of the key recommendations of this research was for action at national level for the production of an 'induction pack' for Forum members, although following consultation with Chairs of LAFs, it was decided that it should be an Information Handbook. The Handbook is intended solely for existing and new members. It has been designed to complement the LAF Regulations and guidance produced by Defra.

To decide what the Handbook should cover, we consulted with a number of LAF Chairs at a seminar and with LAF Chairs and officers of all appointing authorities. Some chairs also consulted the full membership. As a result, the scope of the Handbook is very wide and should address all the pressing information needs of LAF members.

In preparing the material, we have:

- considered what would be relevant to LAF members;
- provided what we feel is the right amount of information, at the appropriate level of detail for members to fulfil their role;
- provided links to more detailed information for those who want to drill down deeper into a given subject.

These are given at the end of each section or sub-section. We have provided a list of [useful contacts](#), too.

Do you want a paper copy?

The Handbook is being promoted primarily as a web-based source of information. This means it is easy to keep up-to-date and makes sure anyone with an internet connection can gain access to it. It will also avoid use of a huge amount of paper, some of which might be wasted. But, the Handbook is available in hard copy for those who prefer to have it in this format. This will enable it to be kept in a ring bound folder. Note, though, that the Handbook contains many hyperlinks to further information available over the internet. Information from other websites will not be included in the Handbook because there simply isn't room. Your LAF secretary should be able to help you obtain hard copies of anything referred to in the Handbook.

How will the Handbook be kept up-to-date?

Natural England will keep the information held in the Handbook up-to-date. The web pages will be updated periodically or in response to a significant change (such as a new piece of legislation taking effect).

New versions of pages of the Handbook will be produced from time to time, and each new set of pages will be given a new version number. Also, the date of publication is given on every page (whether web-pages or printed). Updates will then be sent to LAF secretaries. Anyone who receives a copy of the Handbook will receive an update through the LAF secretary. Old pages should be discarded and new pages substituted.

How to use the Handbook

The Handbook is designed as a source of information and ideas. It is not expected that LAF members will want to read it all but will visit specific areas dealing with subjects of current interest to them. To avoid repetition, we have included links that can be used to switch between areas, where necessary.

The suggestions about how LAFs can make a difference are not intended to be exhaustive. There are many ways in which LAFs can contribute to the development of access and recreation in their areas. New ideas will emerge and we are keen to share effective ideas with other LAF members so all can benefit. We also want feedback on the Handbook so we can improve it where possible. So, please tell us about your experience using the Handbook, examples from your work on LAFs and what you have found to be effective.

Who to contact?

If you want any further information about the Handbook or want to submit ideas or provide examples of good practice, please contact:

LAF Liaison Officer
Natural England
John Dower House
Crescent Place
Cheltenham
Gloucestershire GL50 3RA
Tel: 0242 521381

Email: enquiries@naturalengland.org.uk

Go back to [Main Contents](#)

Section 1: Running a LAF
General Practicalities

1. Making a Difference

Membership of a LAF is voluntary. People choose to become members for a variety of reasons but uppermost in many members' minds is the wish to do some sort of public service – to put something back into that from which they have derived much pleasure: the English countryside. There is a huge fount of goodwill and a desire to make a difference.

So, how do you make a difference by becoming a LAF member? Here are some general pointers:

- take the trouble to acquire background knowledge about how the countryside is managed and governed – see the [Key Facts](#) section of the Handbook;
- take an active part in meetings and contribute constructively from your experience and understanding;
- be proactive in bringing your LAF's attention to issues that you think are important and in offering advice where you think this is desirable;
- encourage the LAF to give formal advice to prescribed bodies, when you think this is appropriate;
- get to know the officers and elected members from your appointing authority who are involved with the LAF – what are their interests and the constraints on them;
- ask the officers from the appointing authority to keep the LAF up-to-date on matters of importance to the LAF and to report back on how they have responded to LAF advice;
- encourage others with an interest in public access and recreation to join in the LAF's work;
- follow good practice to achieve consensus (see good practice example of meeting rules in the box below).

Good Practice Example – The North Oxford County Coalition (NOCC)

NOCC has developed 'ground rules' for conducting its meetings:

1. Listen when someone else is speaking in order to encourage respect among all members.
2. Give others a chance to express their views.
3. Describe your own views rather than the views of others.
4. Encourage discussion not speeches.
5. Speak to the point not to the person.
6. Stay on track with the agenda.
7. Members should signal a 'time out' if they think other members are not following the ground rules.
8. When necessary, the facilitators (or Chair) will use an egg timer to limit individual comments to a reasonable time period.
9. Facilitators (or Chair) will play an active role in enforcing the ground rules.
10. There will be a 'disagreement list' on which to park outstanding issues and disagreements.

Source: Resolving Environmental Disputes: from conflict to consensus (2005) by Roger Sidaway.

Note: North Oxford County is in the USA.

Ideas that are more specific to certain aspects of access and recreation are given in the respective sections.

Natural England has set up an English National Access Forum (ENAF), with the aim of allowing more effective communication from national to local level and vice versa. You can make use of this to communicate best practice to a wider audience. More details about its aims and operation are given in the box below.

English National Access Forum**Its purpose will be:**

- Balanced view to NE and countrywide feedback
- Exchange of information - political realities
- Effective and co-ordinated joint lobbying of government
- Accurate information on policy initiatives and objectives
- Feedback on initiatives and implementation
- Exchange of best practice - less reinvention of wheels.

The main elements of its operation are

- The constitution will be simple and informal
- It will meet three times per year (March, October/November and one other, normally in the summer)
- Membership will comprise 16 LAF members, two nominated by each region, and a number nominated by Natural England. Term of office will be three

years.

- The Chair will be appointed from the LAF members
- Venues will be in NE offices around the country
- Secretariat will be provided by NE who will liaise with the Chair.
- Communication will be through Regional Coordinators who will be involved in agenda setting, preparation of papers, taking and distribution of minutes.
- Travel and other expenses will be borne by NE, subject to their green policies
- Liaison with equivalent UK and European bodies

For more information, contact Natural England's LAF Liaison Officer at:
enquiries@naturalengland.org.uk

Go back to [Main Contents](#)

2. Roles and Responsibilities

Introduction

What is a LAF supposed to do?

There is no shortage of official documentation, and this is a good starting point for answering the question.

- **Countryside and Rights of Way Act 2000:** the relevant sections are Sections 94 and 95. The full text of these sections can be found in the Act: http://www.opsi.gov.uk/Acts/acts2000/ukpga_20000037_en_9#pt5-pb1-l1g94
- **Local Access Forum (England) Regulations 2007:** these replaced the earlier regulations (2002). This is an important set of regulations. They can be seen at: <http://www.opsi.gov.uk/si/si2007/20070268.htm>;
- **Statutory Guidance from Defra:** Defra has issued official guidance to accompany the 2007 regulations. These can be seen at: <http://www.defra.gov.uk/wildlife-countryside/cl/laf-guidance.pdf> (330Kb)

But what does this mean in simple terms?

The role of the LAF, as set out in legislation, is to provide advice in specified areas to certain bodies and types of bodies. This section explains what the legislation says are the subjects of advice that can be offered and to whom.

	Page
Subjects on which LAFs can give advice	9
Bodies to whom advice is to be provided	11
How to formulate and give advice	12
Being Proactive	14
What sorts advice to give	15
LAF as a statutory consultee	18
Responsibilities of the Appointing Authority	19

Go back to [Main Contents](#)

Subjects on which LAFs can give advice

The CRoW Act (at Section 94(4)) says that LAF can give advice:

“as to the improvement of public access to land in that area for the purposes of open-air recreation and the enjoyment of the area, and as to such other matters as may be prescribed.”

The statutory role was extended by Regulation 22, which states what matters LAFs can advise on:

Matter as to which advice is to be provided

22.—(1) In this regulation—

(a) access to land by a person or persons will be for a “lawful” purpose on any occasion if he or they may access the land on that occasion without committing an offence or trespassing on the land; and

(b) “byway open to all traffic” has the meaning given by section 66(1) of the Wildlife and Countryside Act 1981(6).

(2) Subject to paragraph (3), the following is prescribed as an additional matter in respect of which it is the function of local access forums to advise—

- “public access to land in the area for which a forum is established for any lawful purpose other than the purposes mentioned in section 94(4)”(7).

(3) The function conferred by paragraph (2) is exercisable in relation to access by mechanically propelled vehicles only insofar as the access relates to byways open to all traffic.

In effect, this means:

- improvement of public access to land for all types of user (including non-powered water craft) for open-air recreation and enjoyment;
- public access to land for any other lawful purpose (and driving of mechanically-propelled vehicles [MPV] only with respect to use of byways), including ‘utilitarian’ purposes (e.g. cycling to school or work);
- public vehicular access on byways open to all traffic (including use for utilitarian purposes such as accessing private property). However, with respect to making of Traffic Regulation Orders (TROs) LAFs may be asked for advice on proposals that affect any public right of way.

Defra advises that “land” can be considered to include “buildings and other structures, land covered with water, and any estate, interest, easement, servitude or right in or over land.”

When formulating and giving advice, the LAF has to have regard to:

- the needs of **land management**. Land management is not defined but is likely to include agriculture, forestry, game management and so on;

- the desirability of **conserving natural beauty** (i.e. flora, fauna, geology and physiographical features). 'Physiography' in this context is shorthand for 'physical geography', which means anything relating to natural features of the earth's surface, especially in its current aspects, including land formation, climate and distribution of flora and fauna; and
- **guidance** from the Secretary of State, as provided from time to time). The most recent guidance was produced in March 2007 (see: <http://www.defra.gov.uk/wildlife-countryside/cl/laf-guidance.pdf> (330kb)).

But, LAFs need to be realistic. It may be necessary to prioritise. Try to work on the subjects that are most relevant to your area and for which your inputs will really make a difference.

Go back to [Roles and Responsibilities](#)

Bodies to which advice can be provided

The following bodies are prescribed in the legislation as ones to which the LAF can give advice.

- the appointing authority (the local highway authority or national park authority);
- any county, unitary, district or borough council within the area of the LAF;
- any Secretary of State (in effect, any Government department and their executive agencies);
- Natural England;
- the Forestry Commission;
- English Heritage;
- Sport England;
- any statutory conservation board covering an Area of Outstanding Natural Beauty (created under the CRoW Act Section 86);
- any parish or town council for any part of the area in respect of which a LAF is established.

These bodies are sometimes referred to as “Section 94(4) bodies” although the Handbook uses the term “prescribed body(ies)”. The significance of this list is that these prescribed bodies are obliged to “have regard, in carrying out their functions, to any relevant advice given to them by a local access forum”. This means that a prescribed body has to consider the advice but is not obliged to follow it. Therefore, it is important to ask for feedback and explanation of why advice has or has not been followed.

Advice could be offered by the LAF:

- on matters outside the provisions of the CRoW Act (e.g. increased participation in outdoor recreation);
- on matters within the CRoW Act but outside the specific remit of the LAF (e.g. provisions relating to nature conservation, areas of outstanding natural beauty);
- to bodies which are not prescribed (e.g. landowners, the Environment Agency, police).

In such circumstances, the body in receipt of this advice would be under no legal obligation to consider it, let alone act upon it. However, the LAF could advise its appointing authority or other prescribed bodies to provide advice and it may be that advice offered by those bodies carries more weight.

Go back to [Roles and Responsibilities](#)

How to formulate and give advice

The LAF has to be constituted in a way that seeks to ensure that a balance of interests is represented on it. Consequently, it is crucial that all interests represented on the LAF have a chance to contribute to the formulation of any formal advice to be issued. Much will depend on the time available, but this can be done:

- by seeking advice or asking for/doing research to have better information on which to formulate the LAF's advice;
- by setting up a sub-group to develop advice which it can recommend to the full LAF;
- in discussion at a meeting of the LAF (with papers issued sufficiently in advance of the meeting);
- organising a site visit to gain a better appreciation of the matter at first hand;
- through correspondence;

or combinations of the above.

LAFs will no doubt have developed their own ways of working but it is vital that a sufficient number and an adequate cross-section of members are able to contribute. The aim should be to reach a consensus of some kind. If there is dissension, then significant minority views should also be stated in the advice.

As a statutory body with a power to give advice, it is important to make it clear to the recipient of the advice that it is given in this capacity. Defra advises that any formal advice offered to a prescribed body starts with a statement along the lines of:

This letter constitutes formal advice from [name of LAF] LAF. As a body listed under Section 94(4), [name of body] is required, in accordance with Section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to advice from this forum in carrying out its functions.

Advice should be sent in writing on headed notepaper. An email version might also be sent AS WELL but be aware that some consultations require one or the other and NOT both.

A few important points need to be borne in mind:

- the LAF can only give advice, not make recommendations;
- there are no provisions in the Act or Regulations, or indeed in Defra guidance, that suggest LAF members become involved in executive functions of the appointing authority;
- there are some circumstances in which the LAF has to be consulted (see [LAF as a Statutory Consultee](#));
- the LAF does not have to wait to be asked for advice, it can be proactive and offer formal advice to prescribed bodies who will then have to have regard to it (see [Being Proactive](#));
- the advice must originate from the LAF itself, and not a LAF sub-group (unless it has been agreed in advance that the sub-group can act on behalf of the LAF

AND the sub-group meeting complies with the set procedures for full LAF meetings) or another type of forum on which the LAF may be represented (e.g. such as a Rights of Way User Group or a Local Strategic Partnership (LSP)).

You should also consider the mechanisms through which advice is funnelled to those for whom it is intended, and how you, as a LAF, are going to get feedback on action taken as a result. For example, how will your advice be brought to the attention of decision makers within the appointing authority?

Go back to [Roles and Responsibilities](#)

Being Proactive

LAFs should not shy away from being proactive in offering their formal advice. **This is perhaps one of the most crucial decisions a LAF can make.** So, unless asked to give advice, LAF members will need to be alert to occasions when advice may be useful. It can be proactive in two key ways:

Making Contact

The problem is that, until the importance and usefulness of LAF involvement becomes more widely recognised, LAF advice may not be sought early enough in the process. So, it may be worthwhile:

- identifying relevant individuals within prescribed bodies;
- making your existence known to these bodies or individuals within them;
- working with your appointing authority to develop personal contacts in these bodies through meetings, telephone calls, attending conferences;
- inviting representatives of these bodies to make presentations to the LAF.

Remember that the appointing authority is typically a very large organisation and not all key officers in all relevant departments will be aware of the LAF and its statutory role. The local planning authorities (at county, district or unitary level) in your area are also influential, in that they receive and consider most planning applications (many of which may or could affect access and recreation), so contact needs to be established so that they are aware of the LAF's existence and role.

Individual LAFs can also make an impact on the national stage:

- by feeding ideas and comments to the English National Access Forum;
- engaging with Defra and Natural England over policy matters as well as issues of local significance;
- publicising good practice (via Defra's Access Newsletter, for example).

Discovering Opportunities

LAF members should be alert to situations where LAF advice may be valuable. Possibilities will include:

- when plans, strategies and programmes are published by prescribed bodies which have access and recreation implications;
- when proposals for developments are publicised.

These opportunities may become apparent:

- when you are out and about in the countryside;
- in local press articles;
- via exposure through one's work;

- when alerted by friends (and LAF members might consider asking their friends, colleagues and acquaintances to alert them to issues that might be relevant to the LAF);
- when alerted by the LAF secretary or other officers of the appointing authority.

Where proactive advice is offered, it is important to find the right person within the prescribed body to give advice to, so ring up the organisation and find out. Only send formal advice to a specific named individual.

What sort of advice to give

Good advice is:

- timely
- influential
- relevant

and takes on board all relevant issues.

Timely

The timing of the giving of advice can be crucial to its being acted upon - the earlier the better is probably the best philosophy.

With good relations established (see [Being Proactive](#)), the LAF is more likely to be asked to become involved in development of projects that affect access and recreation. Projects tend to follow a typical cycle of:

- initial conception
- scoping of options
- development of proposals
- consultation
- selecting favoured option and gaining approval (as necessary)
- implementation
- monitoring and evaluation.

LAF inputs are likely to be most effective at the scoping, consultation and monitoring/evaluation stages.

Influential

The reason to give advice is to influence decision-makers. What can the LAF give to decision-makers?

- ***an independent view***: the LAF is an independent body comprising individuals with a range of relevant interests not beholden to any 'party line'. Consequently, its advice can carry great weight;
- ***local knowledge***: LAF members are usually very actively involved in the area they cover and will often be willing to visit and investigate site-based issues;

- **insight:** LAF members are appointed on the strength of the relevance of their knowledge of, experience with and interests in access, recreation and land management and so can often bring an insight to a problem that may be valuable;
- **support:** where LAF views are supportive of an action proposed by a prescribed body, LAF support could be of value to that body;
- **warning:** giving warning of pitfalls or difficulties that might arise as a result of following a course of action, based on members' previous experience. Although perhaps not welcome at the time, this advice may be valued in the longer term.

Relevant

For the LAF's advice to be given due consideration, it is better to:

- direct it to a named individual or lead officer who is involved in the decision which the LAF seeks to influence;
- be clear, concise, constructive and balanced;
- take into account the objectives of the recipient of the advice and constraints under which they operate (especially resource constraints);
- recognise the legal obligations of the recipient body;
- focus only on those areas which the LAF is competent to give advice.

Good Practice Example:

Keen to be proactive in its duties, the Royal Borough of Windsor and Maidenhead Local Access Forum decided to set up working groups in order to assist in its activities, and to keep formal meeting times down! These groups are managed and run by the members of the LAF and look at detailed issues and come up with recommendations for the main forum.

Forming the Group

After examining the Council's existing procedures for dealing with permitted paths, the LAF formed a small working group in September 2006 to look at ways in which the Council and the LAF could encourage landowners in the Borough to create permitted paths to supplement the Rights of Way Network.

The working group consisted of the Chair and Vice-Chair of the Forum, and a Rights of Way Officer from the Council. As well as being an issue that the LAF wished to examine strategically, particular permitted path negotiations that were currently underway allowed the Chair to bring to discussions issues from a landowner point of view, and the Vice-Chair from a user-group point of view.

Moving forward

In February 2007 the first meeting of the group was held, and after looking at the issue the group decided one of the big factors that prevented landowners from creating permitted paths was the perceived complexity of doing so. The group decided to develop a "Permitted Path Pack" for landowners to attempt to simplify the process.

The proposed pack will contain:

- A flow chart for landowners simplifying the process
- A template agreement / notification to the Council for landowners to create permitted paths
- A template agreement to cover situations where an external party, for example a local user group, has provided funds for the path. This provides of the right for the landowner to close the path if necessary, but contains a sliding scale of compensation to be paid if the path is closed within a certain period (for example 5 years).

This pack is still in development, but should prove to be a useful way for the LAF to directly contribute to improving how the Council deal with permitted paths.

Go back to [Roles and Responsibilities](#)

LAF as a Statutory Consultee

LAFs must be consulted in a number of circumstances:

- highway authorities must consult the LAF over Rights of Way Improvement Plans (both during initial preparation and subsequent reviews);
- before the access authority makes any byelaws over CRoW access land;
- before the access authority or a district council appoints wardens to cover CRoW access land and from time to time on their functioning;
- by the Relevant Authority (Natural England, Forestry Commission and National Park Authorities) and/or the Secretary of State before introducing restrictions on CRoW access land that will last or may last for 6 months or more;
- by the Secretary of State before making or reviewing long-term restrictions for defence purposes;
- by the relevant local authority before making a [Dog Control Orders](#) affecting CRoW access land;
- by the appointing authority over any proposals to change the operation of the LAF (such as by forming a Joint LAF with another LAF). The appointing authority must give 21 days' notice to any LAF affected by changes to forum arrangements;
- by a national park authority if making any TROs under the NPA-TRO regulations (see: http://www.opsi.gov.uk/si/si2007/uksi_20072542_en_1).

There is also a statutory requirement to notify or provide LAFs with information in the following circumstances before a council makes, varies or revokes a [gating order](#). LAFs should be consulted by as and when conclusive maps of CRoW access land in their area are reviewed.

The timescale given for a response may not coincide with the LAF's meeting schedule and so LAF Chairs and secretaries will need to decide how to deal with this. Options are:

- conduct debate through correspondence (email, telephone and letter);
- by convening a special meeting;
- referring the matter to a sub-group and then circulating the sub-group's recommendations for comment by other LAF members, prior to issuing formal advice.

Go back to [Roles and Responsibilities](#)

Responsibilities of the Appointing Authority

The appointing authority has a number of important roles:

- to establish and maintain a LAF, including setting the terms of Appointment for forum members;
- to appoint suitable members;
- to provide the secretariat to administer LAFs, including the publication of meeting agenda, papers and minutes;
- to publish the annual report and send a copy of it to Natural England within 21 days of its publication;
- meeting reasonable running costs and reimbursing members' eligible expenses;
- to provide suitable venues and arrangements for meetings;
- providing information and briefing papers and bringing to the LAF's attention issues with potential for LAF involvement;
- to assist the LAF in its operation, including measuring its effectiveness;
- to have regard to formal advice given to it by its LAF;
- in certain circumstances, it has a statutory duty to consult its LAF (e.g. when producing a RoWIP); and
- as a prescribed body, it is required to have regard to its advice in relation to matters within the LAF's remit.

If the appointing authority is believed by the LAF to be failing in its duties towards LAF, it has a number of options:

- ideally, the LAF Chair should discuss the perceived shortcomings with relevant officers, including the secretary, and agree how to resolve them;
- if this fails to produce desired outcomes, the LAF Chair may want to try to hold discussions with senior members of the appointing authority or use the authority's complaints procedure;
- if the above fail to satisfy the LAF, it could submit its complaints to:
 - o the local authority ombudsman or even a local MP, especially if he/she is interested in public access and recreation;
 - o Natural England, or
 - o in extreme circumstances, seek a judicial review.

Go back to [Roles and Responsibilities](#)

3. *Practicalities of Running a LAF*

Introduction

This section provides guidance and ideas on the practicalities of running a LAF. It should be read in conjunction with the statutory guidance, as LAFs are required to have regard to this when undertaking their activities. The guidance below is intended to help translate the statutory guidance into ideas for action.

Issuing Formal Advice

Scope/remit. The scope and subjects on which LAFs can provide advice are prescribed in legislation. For further information, see: [Subjects on which LAF can give advice](#) and [Bodies to which advice can be provided](#)).

Format. It is important that formal advice is given in a clear way. For further information, see: [How to formulate and give advice](#))

	Page
Set Up	21
Administration	22
Appointments	25
Organising Meetings	26
Set Procedures	31
Site Visits	34
In-between Meetings	35
Annual Reports	36
Working with Others	37

Go back to [Main Contents](#)

Set up

Establishment: LAFs are now up-and running across most parts of the country. Each LAF should have set itself, with assistance from the appointing authority, some Terms of Reference. However, there may be a need go through a re-establishment phase if the coverage of a LAF and standard procedures relating to governance are to be changed (by a Joint LAF splitting or forming). If so:

- the appointing authority has to consult and inform the LAF (see: [LAF as a Statutory Consultee](#));
- you need to tell Natural England;
- a new set of Terms of Reference will be needed;
- membership needs to be re-considered, making sure there is an appropriate balance of interests (see below).

LAF Identity: The LAF is an independent body and it is a good idea to develop an identity for your LAF that is separate from that of the appointing authority. Ways of doing this include:

- creating your own headed notepaper or even a new logo;
- having a separate website, although this could be an area within the appointing authority's website or free standing;
- giving members email addresses that reflect their membership along the lines of joe.bloggs@CountyLAF.gov.uk.

New Members: Potential new members should study the terms of reference prior to applying to join a LAF and existing members may wish to refresh their memories from time to time.

Internal Relationships: LAFs are still relatively new and other groups within the appointing authority may also advise on aspects of access and recreation (e.g. a Rights of Way User Group) and may not be aware of the LAF's work. So the LAF Chair (or someone appointed by the LAF for this purpose) should:

- ask your LAF secretary about other groups within the appointing authority that advise it on access and recreation matters;
- contact the Chair of any such group and ask about their role and remit;
- meet to discuss areas of mutual interest and agree how to avoid overlap;
- have further contact occasionally, in case the situation changes;
- consider whether there is merit in having an exchange of representatives (a LAF member attending their meetings and vice versa) who would be observers at each other's meetings.

Go back to [Practicalities of Running a LAF](#)

Administration

The appointing authority is required to provide the secretariat for and administer the LAF.

Secretariat: The authority will provide a secretary. Authorities differ in their approach and three different types of secretary are commonly found:

- an individual from 'committee services' (or similar name) who will be experienced in organising meetings. Their expertise will be logistical rather than technical, and so they may know less about the matters under discussion;
- an individual from 'rights of way' or 'environment' sections, who has been given direct responsibility for running the LAF, and who will be well-versed in access and recreation;
- a secretary appointed solely to support the LAF.

In the case of the first type of secretary, it is vital that the secretary and the Chair (or Vice Chair) also have input from an officer of the authority with technical expertise when setting the agenda or dealing with business in-between meetings.

Meetings: Members are entitled to claim expenses for travel costs and for care of children or dependants needed whilst attending meetings. It is important that you should:

- familiarise yourself with what expenses you can and cannot claim, and how to make a claim (authorities should have a standard form on which claims can be made);
- if you are going to incur expenses or are asked to attend a meeting that is not a formal LAF meeting (for example a site visit, or a meeting of a neighbouring LAF), check first whether this is an 'official' visit on which you can claim expenses;
- ask for receipts where you can;
- be aware that authorities encourage their staff and others acting on their behalf to use public transport, where feasible;
- if public transport is not an option, think about car sharing with others who are attending.

Publicity: Your LAF might want to consider whether it wants to try to attract members of the public, or at least those with an interest in specific issues by publicising the LAF's work. Options include:

- writing 'advertorials' in local papers (these are articles written as a news item but which help in a promotional campaign). Authority/in-house newspapers are likely to be particularly receptive to this sort of article;

Good Practice Example:

A member of the Hampshire Countryside Access Forum was interviewed for an article in *Hampshire Life* magazine concerning open access land and the LAF's work.

- issuing press releases (the communications/PR section of the appointing authority will probably have lists of editors and can advise on how to write releases to increase the chance of publication);
- attending local shows to raise the LAF profile;

Good Practice Example:

Members of Tyne and Wear Joint LAF attended six shows during the summer of 2006:

- National Bike Week at Gateshead Civic Centre
- Waggonways to Health at Rising Sun Country Park
- Chopwell Festival at Chopwell Woods
- Durham County Show at Herrington Country Park
- South Tyneside Countryside Festival at Souter Lighthouse
- Gateshead Flower Show at Watergate Nurseries

- write your own newsletter, and develop a circulation list. It will be easier (and cheaper) to distribute this electronically;
- try to get links to your website promoted through other sites (those both within the authority and relevant ones outside it);
- keep an eye on the LAF's website to make sure it remains up-to-date and accurate.

Good Practice Example:

The South East Region now produces a LAF Newsletter twice a year. As well as dealing with topical issues such as dogs in the countryside, access and built developments and streamlining of rights of way processes, the newsletter continues a short update on each of the LAFs in the region. The newsletter is created as a Word document to ease dissemination.

For more information, contact enquiries@naturalengland.org.uk

Good Practice Example:

East Riding of Yorkshire and Kingston-upon-Hull Joint LAF have developed a successful formula for publicising meetings:

Meetings are open to the public, and are advertised well in advance via the local press, Councils' websites, and LSP website. The locations of meetings are varied to give fair access to people living in different parts of the area covered by the Joint LAF.

Minutes, agendas and reports are available for public inspection. Members of the public are permitted to ask questions or raise areas for discussion at the beginning of every meeting, at the discretion of the Chair.

The Secretary says they find that these protocols work well, and have members of

the public regularly attending LAF meetings, (on average perhaps 5 or 6).

Remember though – make sure you are authorised to speak on behalf of the LAF or take care to say that views expressed are your own, rather than your LAF's.

Having meetings in the evening, rather than during the day, may help attract more members of the public as well as help those LAF members who have difficulty in attending daytime meetings due to work commitments (employers are under no legal obligation to allow their employees time off to attend LAF business).

Go back to [Practicalities of Running a LAF](#)

Appointments

Although it is the appointing authority that is responsible for recruiting new members, the LAF may be able to help by:

- suggesting individuals who may be interested in joining;
- suggesting specific areas in which additional expertise is needed on the LAF.

It must be remembered that LAF members sit on the LAF as individuals, rather than as representatives of a particular organisation (even though they may be members of one or more organisations with a direct interest in LAF work). This is a particularly important distinction when LAF members are also employees of prescribed bodies (e.g. Natural England, or the appointing authority) or a particular user group. Any LAF member who finds himself/herself in this position should be especially aware of the need to declare an interest in any agenda item that affects their work.

The LAF may also want to discuss with the authority the importance of continuity, by avoiding the 'all-in/all-out' approach to recruitment in favour of a phased replacement (i.e. one third of members are replaced in turn each year).

Whilst not required by the regulations, there may be ways in which LAF members can make the most of their appointment:

- establishing a 'buddy system' in which each LAF member is asked to adopt a keener interest in a particular part of their area (such as a district within a county, or a parish within a unitary authority area). This keener interest may involve attending their meetings, making contact with 'key players' in these areas, keeping an eye on local developments, and so on;
- joining sub-groups, set up to investigate specific areas, where they have a particular skill or experience that would be of value to that sub-group;
- offering themselves up for re-appointment, so that skills are not lost to the LAF and continuity is maintained.

Urban LAFs have experienced particular difficulty in recruiting and retaining members, and this is discussed further under [Urban LAFs](#).

Go back to [Practicalities of Running a LAF](#)

Organising meetings

LAFs do not differ significantly from other meetings held in the public and voluntary sector. However, it is worth considering the following points.

The Public: There are usually only a few members of the public in attendance. When there is a good turnout, this may be because there is a contentious issue to be discussed. Some points to note:

- meetings are held in public but are not public meetings. This means the public are welcome to attend but any contribution from them to the meeting is at the discretion of the Chair or as governed by established standing procedures (e.g. questions can be tabled in advance of the meeting, or dealt with at the end if there is time);
- in any event, the appointing authority is required to make LAF agendas and any supporting papers available to the public for a minimum of three full days before the meeting (and to publish minutes of the meeting afterwards);
- the LAF should develop a protocol for dealing with contributions from the public. Some invite questions in writing in advance of the meeting and then deal with them at the end, allowing the questioner (or a proxy) to introduce the question. Others will have a standing item at the beginning or end of the agenda that allows public questions to be asked;

Good Practice Example:

Cumbria LAF has developed a standard approach to fielding contributions from members of the public. This is as follows:

“At all times, the participation of members of the public is at the discretion of the Chairman of the meeting.

Questions should be provided to the Forum Secretary in writing by not later than one week before the meeting. Such questions will normally be answered during the meeting. Questions of which appropriate notice has not been given will normally receive a written answer after the meeting.

Statements or representations or petitions should be provided to the Forum Secretary in writing by not later than one week before the meeting. Such statements or representations will be addressed at the meeting (the pressure of business may mean that where appropriate notice has not been given, statements or representations or petitions may not be received). A time limit of 5 minutes will usually apply to the making of a statement or representation. The view of the Forum on matters raised in a statement, representation or petition will normally be conveyed to those concerned in writing after the meeting.

The presence of deputations or those bringing petitions will always require prior agreement, and will be arranged according to the particular circumstances. Those wishing to bring a deputation or a petition must contact the Forum Secretary in good time before the meeting in order to make suitable arrangements.”

- 'the general public' and private individuals are not a 'prescribed body' and it is not the main purpose of the LAF to give advice to anyone other than prescribed bodies, and only prescribed bodies are required to have regard to LAF advice. Therefore, care is needed in how questions from the public are dealt with, especially when covering sensitive issues;
- there may be (rare) occasions when the public (and any uninvolved observers) need to be excluded, such as if details of an individual's financial situation is to be revealed or legal advice is being received. Schedule 12A of the Local Government Act 1972 lists categories of information that need not be disclosed or made available to members of the public and elected members unless they are members on that committee or sub committee (see Box below). Although this does not specifically apply to LAF members, it can be used as a source of guidance;

Categories of information that need not be revealed to the public (taken from Part 1 of Schedule 12A of Local Government Act 1972).

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes-
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Note: Part 2 provides some qualifications to these exemptions.

Good Practice Example:

Cumbria LAF has recently had to manage discussions about a conflict of interest (in respect of a named individual), and necessarily went into private session to deal with this. In the absence of official Defra/NE advice, the LAF turned to its appointing authority, and – on its advice – followed as nearly as it could the provisions of Part 1 of Schedule 12A of the Local Government Act 1972. This procedure has been challenged, although – in the circumstances – the LAF believes it to have been entirely appropriate.

- it may also be necessary to exclude the public if long term restrictions are being sought on defence or national security grounds and the Secretary of State decides that evidence should not be revealed to the public. This is provided for in Regulation 9 of the LAF Regulations;
- if members of the public have to be excluded, then consideration needs to be given about the minutes that are kept for the part of the meeting that was held in private. Again, the Local Government Act 1972 provides a framework that can be used as guidance. In brief, this provides for minutes of meetings or parts of meetings held in private should not be circulated to anyone other than members of the committee or forum.

Agenda setting: It is important that the agenda is set so that:

- the meeting should be of a length that is appropriate to the time available. If there are too many items vying for a place on the agenda, consider which can be:
 - o left to a later meeting;
 - o dealt with outside the meeting, perhaps through a sub-group, or by email/telephone;
 - o omitted as being of insufficient relevance to the LAF;
- only subjects of relevance should be tabled for inclusion. For example, a LAF that has no coastline may consider it of limited benefit to spend time discussing Defra's proposals for improving access to the English coast.

Preparation: Good preparation is essential to a well-run meeting. A few pointers to good practice:

- Papers for meetings should be distributed IN ADVANCE of meetings and not at the last minute (unless this is unavoidable).
- It is reasonable for the people who have prepared papers to take it that their papers have been read by members.
- It should not be necessary for authors to make a presentation of their paper, other than a short summary, although they may want to take questions seeking clarification.
- Authors should remember that LAF members may have neither the time nor the background understanding to go through detailed or lengthy documents and papers should therefore attempt to summarise the key points of relevance. It may be better for officers to summarise the key points for consideration and guide LAF members to areas where their inputs would be most valued.
- It should be clear to LAF members what questions are being asked of them or what advice sought.

Venue: The LAF secretary will arrange venues for meetings and most have a lot of experience of this. Even so, it is worth listing a few key points about venues:

- try to rotate around the area covered by the LAF. If it is a Joint LAF, meetings should be held in each constituent authority's area;

- they should be easily accessible by public transport;
- facilities for disabled people should be available.

Good Practice Example:

One of the most important actions for the Exmoor LAF in 2006 was to start a series of 'meet the community' events across the National Park, as part of its normal meetings. This has enabled Forum members to engage directly with members of the public and those representing particular organisations (including Parish and Town Councils) on how they view the new right of open access to be working, how the local rights of way network is perceived and what improvements are considered to be necessary, and also how other recreational pursuits may be improved. So far, three such meetings have been held. The Lynton meeting concentrated on local footpath and bridleway issues, and also the unauthorised use of motor vehicles. The second meeting (at Porlock) focused upon proposed changes to the South West Coast Path, in particular, the need for signing changes. At a subsequent meeting the Forum agreed a more appropriate route. The third meeting revealed that local people were by and large content with their local rights of way network and open access land, but issues were raised about the former RUPPs (now Restricted Byways) across the National Park. It is the intention that all future LAF meetings will include the 'meet the community' element and this will be the key feature of the coming year's work programme, with the aim of retaining and improving access for all on Exmoor.

External speakers: It is good practice to invite guest speakers. These meetings may be designed to:

- inform LAF members of issues of interest/relevance to their work, especially when looking at forward work programmes;
- discuss an issue on which LAF advice is sought.

If inviting an external speaker, make sure:

- they know when and where to come;
- they are aware of the time they have and the need to keep to this time (the latter point needs particular emphasis);
- they are aware of the LAF's role, responsibilities and interests and why they are speaking to the LAF;
- you know what they need (e.g. projector, laptop);
- they are prepared to receive questions from the LAF members;
- you clarify with them how long they want to stay (it will usually not be necessary for them to stay for the whole meeting but they may feel awkward about asking to leave immediately after their presentation);
- they are clear about what they can claim for expenses.

Meetings of sub-groups and Training Events

You need to consider what the status is of sub-group meetings. If they are to act as surrogates for the full LAF, then any sub-group meeting should follow the same rules

as for a full meeting (with respect to being open to the public, having agendas and papers made available in advance etc.). Alternatively, sub-group recommendations should be submitted to the full LAF for discussion.

Training events are unlikely to be formally convened meetings of the LAF and so they should not be used to formulate advice. Any proposals developed during a training event should be channelled through the full LAF meeting as with any other agenda item.

Unless the sub-group meeting or training event is a full LAF meeting, it does not need to be held in public or publicised in advance.

Go back to [Practicalities of Running a LAF](#)

Set Procedures

For the efficient running of the LAF, it is useful to have set procedures, protocols or standing orders to help deal with situations that might arise. There are several areas where set procedures will be useful:

Electing a Chair and Vice Chair: Although the appointing authority is responsible for appointing members of the LAF, it is the members themselves who must elect a Chair and vice Chair. The LAF regulations and statutory guidance provide some assistance here. But your LAF may want to develop its own set procedures for this and/or the appointing authority may have its own set procedures which the LAF might want to emulate.

Declaration of Members' interests: It is incumbent on LAF members to state openly any interest they may have in an item to be discussed by the LAF. The statutory guidance discusses this in some detail but it may be helpful to provide further guidance to members, for the avoidance of doubt.

The Nolan Committee report to government on "Standards in Public Life" gave some guiding principles (see Box below). But, it should be noted that LAF members are **not** holders of public office and are unlikely to make financial decisions on the award of contracts and other similar matters. Nevertheless, these Seven Principles of Public Life provide an indication of standards used by public servants that are relevant to members in securing trust in their advice.

Based on - The Seven Principles of Public Life

Holders of public office:

Selflessness: should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity: should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity: should make choices on merit, in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits.

Accountability: are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness: should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty: have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership: should promote and support these principles by leadership and example.

These principles apply to all aspects of public life. The Committee has set them out here for the benefit of all who serve the public in any way.

Source: <http://www.archive.official-documents.co.uk/document/parlment/nolan/nolan.htm>

In addition, the Local Authorities (Model Code of Conduct) (England) Order 2001 (Part 2) (see: <http://www.opsi.gov.uk/si/si2001/20013575.htm>) provides a legal framework for members of councils. Neither the CRoW Act nor the LAF Regulations require LAF members to abide by this Model Code of Conduct but, again, it provides guidance on the standards that should be aspired to.

An example of an appointing authority that has sought to apply a clear set of rules for the declaration of members' interests is that of the Lake District NPA. The Lake District LAF's protocol is reproduced in [Appendix 2](#).

Voting: You may want to consider how your LAF would deal with a contentious issue over which unanimous agreement was elusive. It is a good idea to consider this before a contentious issue arises. Matters could be put to the vote but this should be seen as a last resort. Having set procedures may be helpful in reaching consensus. These would cover questions such as:

- what is the minimum number of members needed to vote (quorum);

- whether there should be a requirement for a certain balance of interests to be present;
- who should have a casting vote;
- whether there is scope within formal advice given for minority views and how these are expressed.

Dealing with 'AOBs': Some local authorities have set procedures for meetings that prevent 'AOBs' (items of other business not already on the published agenda) being included on agendas for meetings held in public. The reason is to ensure that contentious items are not introduced and then debated under AOBs, and so preventing the public and LAF members not in attendance from being aware in advance that this item was to be discussed. You may wish to decide a protocol for dealing with AOBs.

Go back to [Practicalities of Running a LAF](#)

Site visits

Site visits can be very valuable in some circumstances, as it is often only in this way that all the circumstances of a situation can be properly assessed. They can also be useful for training purposes – lessons are often learnt more effectively when seen ‘on the ground’. However, site visits can be costly both in terms of members’ time and travel expenses incurred. So:

- only hold site visits where there is a genuine benefit;
- consider whether it is possible for these benefits to be gained if only a few members make the visit;
- if a site cannot be reached by public transport, share transport if you can;
- think carefully before the visit to identify what you want to get out of it – why is the visit taking place, what is it to see, who do you need to speak to;
- consider whether someone with a particular interest or knowledge needs to attend (like the landowner, or a representative of a prescribed body);
- ask your appointing authority to provide suitable maps (scale and content) of the area you are going to visit;
- seek permission from the landowner/land manager/farmer. Even if the land you’re visiting is CRoW access land or accessible by a public right of way, it is a common courtesy to inform the landowner. The appointing authority may be able to help;
- take photographs, so that you can show others what you’ve seen;
- write notes during and after the visit (including a note of where any photographs were taken and what they show) and make these available to other members.

Most LAF secretaries arrange visits ensuring that risk assessments are carried out in compliance with the authority’s procedures. An example of the approach can be seen in Lincolnshire’s Risk Assessment Handbook for Outdoor Visits (see [Appendix 4](#)).

It is not a good idea to do site visits alone, especially in upland or remote areas. Your appointing authority may have a ‘lone worker’ policy and you may want to consider adopting this. If a solo site visit is unavoidable, then at the very least:

- ensure that you are appropriately dressed and equipped for the expected ground and weather conditions;
- make sure someone in a position to help knows your itinerary and timings and knows what to do if you do not return as planned;
- carry a mobile phone with you (but remember that reception on-site cannot be guaranteed);
- take some other means of attracting attention in an emergency (for example a whistle) with you;
- take a first aid kit with you.

Go back to [Practicalities of Running a LAF](#)

In-between meetings

A recurring challenge for LAF members is how to deal with LAF business that arises between meetings, such as consultations with a short response time. Options available are:

- to hold an extra meeting to deal with the specific issue – a decision best taken by the Chair in discussion with officers of the authority who understand the subject matter;
- ask an existing sub-group to deal with the matter (assuming that they are empowered to do so – i.e. the LAF has delegated powers to the sub-group to issue advice on its behalf and the meeting at which this advice is formulated is convened following all the procedures as for full meetings);
- forming a sub-group to report back to the next full forum meeting or, if the timings do not allow for this, issues a response but provides some covering words to note that it has not been referred back to the full forum for approval. Suggested wording is included in the Box below (provided by JLAF for Bath and North East Somerset, Bristol City and South Gloucestershire);

Example of wording used to specify that the response is not from the full LAF:

“Unfortunately, there was insufficient time to consider this consultation properly before a scheduled full meeting of the Local Access Forum (LAF). However, at the last full meeting, the LAF appointed a sub-group, with representatives from Landowning, User and Other interests to formulate a detailed response. The sub-group was chaired by the LAF Vice Chairman #####; #####, ##### and ##### were the other LAF members of the group.

This response has been agreed with the consensus of that sub-group. However, it cannot be considered as formal advice without the consensus of the LAF as a whole. We request, however, that you pay **full attention** to the advice that this response provides. This response will be reported to the LAF at its next full meeting on the ##### and I am confident that the full LAF will agree with the findings of the sub-group. Additionally, individual members of the LAF may be making separate responses to this consultation.

Signed by the LAF Chairman”

- establishing and using a network for communicating with members, by email, telephone and letter (or combinations which suit members’ preferences);
- asking for more time to consider the matters to be discussed;
- adopting position statements to respond on some issues between meetings, for example on Local Development Frameworks. Devon Countryside Access Forum has done this to facilitate its responses to Local Development Framework documents (see [Appendix 3](#) for a copy of the Position Statement);
- issuing a ‘nil response’ (i.e. something to the effect of ‘due to lack of time, the LAF has been unable to respond to XXX”).

Go back to [Practicalities of Running a LAF](#)

Annual Reports

The Regulations require the LAF to produce an annual report. Note that this is the LAF's responsibility, not the appointing authority's, although its officers may help and the authority does have a duty to publish it and send a copy to Natural England. Some pointers to consider when drafting annual reports:

- aim to keep the report short;
- think about what are the important messages you want to include. Priority could be given to, for example
 - a. any notable events during the year;
 - b. number of times formal advice has been given during the year;
 - c. LAF successes;
 - d. Membership changes.
- try to develop a template that can be used from year to year – not only does this make it easier to draft, it is easier for people to use as they can compare activities from one year to the next;
- do not include information just because you have it available.

The appointing authority is required to send a copy of the annual report to Natural England within 21 days of it being completed. It is also responsible for deciding how the report is distributed. There are many ways of doing this:

- making it downloadable from the LAF website;
- asking LAF members to help distribute it to their network of contacts;
- developing a mailing list of interested (or potentially interested) parties and sending them a copy each year.

There is no specific deadline by which annual reports have to be produced.

Go back to [Practicalities of Running a LAF](#)

Working with Others

LAFs can be more effective in making a difference by working with others. This could include working with:

- different departments within your appointing authority:
- neighbouring LAFs in the same county or region.

LAF members might want to consider:

- organising and attending regional gatherings of LAF members;
- attending meetings of neighbouring LAFs as observers;

Good Practice Example:

Buckinghamshire's RoWIP was much less advanced than that of its neighbours. So, in order to share best practice, it was found to be really useful for members of Buckinghamshire LAF to attend neighbouring LAFs, most recently in Oxfordshire, Hertfordshire and Milton Keynes. It is hoped that this will be of value to all parties, as Buckinghamshire LAF can feed back comments on their meetings, raise cross-border issues and invite attendance back to Buckinghamshire.

- asking for LAF members to be appointed as representatives on authority committees, such as Local Strategic Partnerships;
- promoting use of Local Access Agreements.

Good Practice Example:

Cumbria LAF and Lake District and Yorkshire Dales NPA LAFs are working with their respective appointing authorities in the Countryside Access Cumbria partnership. This involves the authorities working together to ensure common standards and approaches are adopted across Cumbria in relation to management and maintenance, improvements and promotion.

Good Practice Example:

South Downs Access Forum was the first Forum to be dedicated to an AONB in England and advises on matters relating to access and recreation across the South Downs. The SDAF makes recommendations through the four LAFs that cover the South Downs area (East Sussex; Brighton & Hove; West Sussex; Hampshire); these are collectively referred to as the Mother Fora.

One of the principal reasons for creating the Forum was to help ensure that the four RoWIPs that cover the South Downs demonstrate a certain degree of consistency in approach. The Forum has continued to input in the development of the four local RoWIPs, as well as responding to a number of consultations. Over the years this positive partnership has made a considerable contribution to the way the South Downs is accessed by the public and used for recreation.

Go back to [Practicalities of Running a LAF](#)

4. Advice for LAF Chairs

The advice for LAF Chairs is based on first hand experience of three long-standing LAF Chairs. It covers three main areas:

	Page
- dealing with the appointing authority	39
- forward work programming and agenda setting	42
- the Art of (LAF) Chairmanship	44

Acknowledgements

Thanks are due to:

- Geoff Hughes (Chair of Durham LAF);
- Richard Toon (Chair of Lancashire, Blackpool and Blackburn with Darwen LAF);
- Andrew McCloy (Chair of Peak District LAF),

who have assisted with the preparation of this section.

Go back to [Main Contents](#)

Dealing with the appointing authority

The relationship between the LAF and the appointing authority (AA) is very important, not least because the AA provides the LAF's administrative back-up and manages its budget. Within that relationship, the Chair fulfils a key role through leadership and liaison, and this works on different levels with separate audiences:

AA officers: LAF Secretary, Rights of Way/Access officers, etc.

The most obvious way that the Chair interacts with AA officers is through agenda-setting. It is crucial that the Chair (and possibly the Vice Chair) has a continuing dialogue with the LAF Secretary and other officers to determine the issues that the LAF should be discussing, as well as monitoring on-going access and recreation issues. This will inevitably involve rights of way and access officers, and may also touch on other areas, such as health, environment and public transport, as well as possibly a more strategic input with senior officers.

Although it is useful to have regular contact with your LAF Secretary by the likes of email and phone, it is desirable to have routine, face-to-face agenda-setting meetings so that you are clear about the issues and appraise the content and balance of forthcoming meetings. This is also a good opportunity to raise informal points or concerns expressed by LAF members that can perhaps be dealt with outside the main meeting.

It is also worth remembering that LAF's agendas can often be quite long and potentially diverse. Since discussions can often call on the expertise of other AA officers, it is worth maintaining a reasonable profile within your AA through in-house newsletters, website, etc., in order to keep officers abreast of the LAF and its agenda.

Other points to bear in mind in your relations with RoW and Access Officers:

- a LAF has no executive power and has to make itself felt through other avenues, particularly its appointing authority. It is essential to build up good working relations and trust with the officers. It helps if the Chair has already established a good working relationship;
- the need to get on well with others extends to people in other prescribed bodies and LAF members, particularly the Vice-Chair;
- try to engineer opportunities to build relationships outside the formal environment of LAF meetings – [site visits](#) provide a good informal setting;
- communications should be two-way – it is not just about the LAF telling the officers what it thinks, but the Chair should be listening to the officers, too. It's an equal partnership not an asymmetric one;
- LAF Chairs need to be aware of 'the bigger picture' – authority officers have constraints within which they must work (both legal and internal to the Authority);
- make yourself useful to the officers:

- provide them with ‘ammunition’ (i.e. arguments, ideas, negotiating lines) that will help them with their internal objectives;
- encourage the LAF to be supportive of their aims and objectives;
- promote their work as it relates to the LAF within the Authority and with external partners where appropriate.

Elected members

As Chair, your remit is to chair the meetings and encourage constructive debate among LAF members and so work towards consensus, but it is also desirable to help foster an awareness of the LAF outside the meeting and promote the LAF to a wider audience.

A key group, sometimes overlooked by LAF members, are the elected members who actually make many of the strategic and policy decisions that affect access and recreation. The LAF Secretary and AA’s communications officers should be able to offer advice and assistance – indeed, some LAF Chairs give regular presentations on the work of the LAF to a variety of audiences.

As well as the 'educating our masters' angle, it is also very useful to establish direct contact with Cabinet Members in order to bolster the overall cause of access and recreation, encourage more support and resources for the LAF set-up, including funding.

Good Practice Example:

Raising concerns about future Forum support and funding from West Sussex County Council, resulting from its recent Fundamental Service Review, has had welcome positive benefits, including raising the profile with senior officers. The relevant cabinet member also attended a recent meeting assuring the Forum that the County Council values its work.

There are a number of ways that LAF Chairs can raise the LAF’s profile among the AA’s Cabinet or Members:

- Identifying committees within the AA whose work has a bearing on public rights of way, public access and recreation (e.g. transport, tourism/economic regeneration, health, etc.) and targeting these with information about the LAF;
- Lobbying and networking at external meetings and events. A briefing for members or presentation (useful for newly elected members, in particular) explaining the role and purpose of the LAF, as well as flagging up specific access topics of concern to the LAF;

Good Practice Example:

Wiltshire and Swindon LAF made a presentation to elected members (about 60% of members attended).

Good Practice Example:

Somerset LAF has compiled a factsheet for elected members showing where LAF work dovetails with County Council policies.

- decide whether you want to raise the LAF's profile within the authority and plan how best to do this in consultation with your LAF and officers. It may be possible to get some of the LAF processes embedded within internal procedures (e.g. by being included in items monitored by the authority's scrutiny panel);
- LAF Chairs need to remember that elected members are politically-motivated and it helps if you are attuned to their interests and priorities;
- but, the LAF Chair should be clearly apolitical and should avoid taking up political stances;
- get on good terms with elected members on your LAF and encourage their regular attendance at LAF meetings;
- if you want to lobby the authority for more resources for access and recreation, then:
 - o You need to gain an understanding of how local authority funding mechanisms work and the timetable they follow;
 - o Lobbying needs to be timed to coincide with the period when budgets are being shaped – typically around September/October for the financial year starting the following April;
 - o Make sure you have the full support of the LAF and work with the Countryside/RoW officers in lobbying – don't be tempted to 'go it alone';
 - o Don't expect a warm reception, especially in a climate of budget-cutting – there will be many other calls on the authority's budget and public access and recreation may not feature prominently (at first);
 - o Recognise that the elected members and senior officers may not share your enthusiasm for access;
 - o Flag up the possible implications of new important issues (see [Forward Work Programming and Agenda Setting](#)) as early as possible with senior officers. Don't sit back and wait to see how things develop;
 - o Consider linking up with other LAF Chairs to try to influence funding allocations at regional level (as has been done in the North East – see box below);
- occasional information bulletins outlining current issues under discussion

Good Practice Example:

Chairs, Vice-Chairs and officers of LAFs from the North East region have come together to lobby the regional development agency for a greater role for LAFs in regional level planning.

Go back to [Advice for LAF Chairs](#)

Forward Work Programming and Agenda Setting

Forward Work Programming

In order for the LAF to have a clear direction and purpose, it is important that the Chair (and preferably the Vice Chair, as well) meets with officers to consider the long term plans and aims of the LAF. It need only be an annual meeting, but it is a good idea for this LAF steering group (which should ideally include a senior officer or Head of Department) to set a regular date in order to focus on strategic issues such as:

- the LAF's priorities for the next year;
- draft work programme, including possible presentations, site visits, etc.;
- resources for LAF members, such as training requirements;
- relationships with external bodies, for instance Natural England;
- membership issues;
- review other statutory duties of the LAF, such as the production of the Annual Report, election of Chair and Vice Chair, and so on.

Good Practice Example:

The Chair and Vice Chair of the Peak District LAF hold a meeting with the LAF Secretary (plus other senior officers from the joint AAs) every December to review the LAF's achievements over the preceding 12 months and draw up an outline programme for the year ahead. It provides a focus and framework for the LAF that all find very useful.

The [RoWIP](#) action plan will help provide some basis for the way ahead. Beyond that, LAF Chairs may want to:

- set aside time at a regular meeting or convene a special meeting specifically to focus on forward planning and 'horizon scanning' (looking ahead for signs of emerging relevant issues);
- draw from as wide a range of sources for thoughts about possible future items of relevance, and encourage LAF members to contribute their ideas;
- recognise that not all the issues identified will be significant for the LAF to consider and so priorities need to be identified through discussion;
- try to whittle the list down to 5 or 6 key areas – those that fall within the LAF's remit and in which the LAF can make a difference. These priorities can help with agenda setting during the year;
- think of the forward programme as a living document that evolves as the year progresses, not something that is set in stone. So, keep it under review – add it to the agenda as a standing/regular item;
- use your judgement about what to include within the programme, especially with respect to timing. The significance of some items ebbs and flows and you

should try to anticipate this in your forward programme – aim to catch things at the flow, not the ebb;

- you can ask others (such as Natural England) to come to talk to you about their priorities for the future, as this will have a strong influence on what is likely to emerge during the year and when. The emerging English National Access Forum may also contribute ideas in future. But – be warned – make sure they focus on issues that are relevant to the LAF’s work.

Good Practice Example:

The New Forest NPA Forum holds annual workshop to look into ways access can be improved in one locality within the forum’s area of coverage.

Agenda Setting

All of our three LAF Chairs felt that agenda setting is a crucial aspect of the Chair’s role. This is because there is a need to make sure the limited time available in LAF meetings is used to best effect. They advise:

- get the right people together when setting the agenda – this will involve the Chair, the Secretary and other officers from relevant departments;
- leave out irrelevant items. It is acceptable to say that something is of so little relevance to your LAF (assuming you believe this to be the case) and that it should not be on the agenda;
- refer to your forward programme priorities to help you decide relevance. You may also have some guiding principles such as “we don’t usually concern ourselves with site-specific items” and learn to identify those items which are “operational issues” that should be dealt with by officers and not the LAF;
- consider if certain items can be dealt with outside the meeting, such as by circulating a paper to members and asking for comments;
- you might decide to include some less important items but then make it clear, at the start of meetings, which items are most significant and which the least, so that members can pace themselves accordingly;
- use your judgement about timing of when items should be on the agenda – is this item best discussed now or at the next meeting?
- don’t get bogged down by weighty or technical consultation documents that can use up a lot of valuable discussion time. Instead, ask officers to provide a verbal summary and perhaps produce a briefing note for LAF members to consider outside the meeting.

Go back to [Advice for LAF Chairs](#)

The Art of (LAF) Chairmanship

Chairing a LAF is not much different than chairing any other meeting held in the public domain. The LAF Chair requires the usual range of skills that are common to chairing any public meeting, such as:

- set a realistic agenda in terms of content/time
- decide who will introduce or present each item
- stick to the agenda
- focus the discussion
- keep an eye out for anyone who wants to speak
- make sure everyone's views are minuted
- summarise and/or clarify agreed points/decisions/actions, especially if it's quite technical or complicated
- give each agenda item sufficient time and try not to rush
- make sure you are well-briefed and read any meeting papers beforehand
- jot down your own notes at the meeting and especially record any personal action points

There are some LAF-specific issues that are especially relevant to the LAF Chair and our LAF Chairs advise:

- understand the LAF's remit, so that you can steer discussion appropriately and correctly and take any decisions within that framework;
- make sure you are conversant with any rules or regulations as they relate to LAFs (either yours personally or LAFs generally);
- be clear about the protocol involving officers and the public at LAF meetings – if allowed, they should only speak through the Chair;
- if you have new LAF members, in particular, make sure you remember their names and what or who they represent – if you don't use table-top name cards then jot down a seating plan as an aide memoire;
- build up a good working relationship and sense of mutual respect with other LAF members, which is best done outside formal meetings or during site visits;
- encourage LAF members to contribute future agenda items, either during meetings or via more informal channels outside the meeting;
- keep the debate fair, objective and even-handed (as far as possible), bearing in mind the LAF's statutory obligation to represent a "reasonable balance" of different interest groups;
- try not to let AA officers dictate to LAF members or swamp them in bureaucracy – officers are essentially there to explain and clarify, especially to help LAF

- members understand the interplay between access and recreation and issues such as land management and conservation;
- find out each member's individual interests – don't just assume that if they represent 'walkers' that they have no expertise in cycling, or environment or land management;
 - be considerate to constraints on members. Timing of meetings will be important to those who work full-time and those who use public transport; location will be important to many; facilities for disabled people will be important for any disabled members;
 - you need to be conscious of the wide diversity of interests and levels of knowledge amongst members and the risk that some members only become energised when talking about their own specialised interest, and then become 'over-engaged'.
 - you need to make a special effort both to prevent soap-boxing and lack of engagement. So, be mindful of competing interests and don't confuse argument with healthy debate.
 - make sure that everyone has the opportunity to speak, especially quieter members;
 - as Chair, take the opportunity to remind LAF members how their debate and deliberations fit into the bigger picture and how LAF's advice contributes to the wider access debate. Make sure that LAF members are clear about their focus on improving access and recreation, and how this sits in the overall context of policy and process;
 - when there is a need to reach a decision, seek consensus rather than putting issues to the vote. A vote tends to force members to make a 'black or white' answer to a question that often has shades of grey. It is better to summarise LAF views as accurately and fairly as possible and ask members to agree to the summary;
 - summarise/refer to any useful national reports as they relate to LAFs or access and provide feedback from any regional/national meetings you or other LAF members might have attended;
 - use a bit of humour occasionally to create an atmosphere that encourages participation;
 - thank members for their contributions and remember that they are all volunteers giving up their time to attend.

Be alert to the need that some members, particularly new ones, might have for training. Giving training can also provide a confidence boost. Discuss your ideas and suggestions with the AA.

Go back to [Advice for LAF Chairs](#)

5. *Urban LAFs*

	Page
Introduction	47
Ways of Coping	48
Access issues of particular relevance to urban areas	51

Go back to [Main Contents](#)

Introduction

LAFs that cover predominantly urban areas face challenges not normally faced by their rural cousins. Research conducted in 2005 found that many urban LAFs:

- struggled to recruit sufficient members, especially from amongst land management interests (in some cases, the owner of most non-developed land is the appointing authority itself);
- lacked resources and support, typically because the rights of way section of their appointing authority is very small and subsumed within other departments (such as 'Highways' or 'Environment') and so given a low priority;
- cover urban areas that were initially excluded from the requirement to prepare a definitive map and statement of public rights of way, so these urban LAFs have areas under their jurisdiction that do not even have a recorded rights of way network.

The areas covered by urban LAFs often contain very little CRoW access land. And yet, by definition, their areas are densely populated and are probably the home areas of those people who visit the countryside in adjoining areas.

So, how can urban LAFs cope and what are the access issues?

Go back to [Urban LAFs](#)

Ways of coping

Here are some ideas for coping with these challenging circumstances:

Delegation: a not entirely satisfactory coping strategy but the reality is that it may be necessary for all members to be active in dealing with LAF business. The LAF Chair should be willing to delegate to members. In practice, members prefer to have a role in LAF operations (assuming it's within their competence) rather than be left with nothing to do. When delegating it is important to:

- be clear what needs to be done;
- give the person to whom a task is delegated the chance to decline their help or to ask questions;
- give a timescale; and
- give an indication of what type of response is needed (e.g. a draft letter, or one-page paper etc.).

Positive recruitment: The appointing authority will probably want to use advertising in the local press as a means of recruiting new members. However, you might want to be more pro-active and target people with specific attributes or skills. For example:

- you may want someone with a minority ethnic background or younger people;
- locally-based user groups may be willing to play a more active part in the management of the local rights of way network;
- people with skills in health/NHS may be a useful addition to the LAF;
- you may want to attract people with skills/experience in the inner workings of local government.

Try to identify leaders of such groups and ask if there is anyone in their organisation who would be interested in joining the LAF (although not as a representative of that organisation).

It is inadvisable to operate an 'all in/all out' policy for appointments. In other words, stagger the recruitment process so that only a third of members come up for change each year.

Lobbying for support: You may want to try raising the profile of the LAF (and the whole issue of access and recreation) within your authority. There is further guidance on this in "[Advice for LAF Chairs](#)". But be prepared. Think about what the priorities are for council members. They are not likely to be public rights of way or CRoW access land; their attention is more likely to be gained by focusing on issues like - reducing road congestion, improving health and well-being, achieving better social inclusion, providing opportunities for sectors of society who do not get 'engaged' and then exploring how use of public rights of way, for access and recreation can contribute to these. There is further guidance on these issues in "[Generating Benefits from Public Access](#)". You will need to show how, by encouraging outdoor access (through investment in the infrastructure and its promotion), the achievement of other priorities can be furthered.

Getting support from Natural England: Natural England has set up a network of regional co-ordinators and, through them, offers support to LAFs. Contact your regional co-ordinator and discuss ways in which they, and Natural England more widely, can help.

Forming a Joint LAF: It can seem rather lonely as an urban LAF with few resources available for it to do its job. Joining with another LAF may be a solution. The LAF regulations introduced in 2007 allow LAFs to re-form, should they so wish. There are two possibilities:

- join a neighbouring rural authority: it is likely that a rural authority (so-called 'shire county') will have a bigger rights of way and countryside department which is given greater recognition by its parent authority. It is also likely that many of its access users originate from your urban area. There is logic, therefore, in joining together.

Good Practice Example:

Both Coventry City Council and Solihull Borough Council have limited networks of public rights of way and virtually no CRoW access land. They each have a single access officer who deals with all aspects of rights of way. They would struggle to administer a LAF. So, they 'teamed up' with Warwickshire County Council, which has a much larger staff resource and ability to run a LAF. The authorities have some joint history from pre re-organisation days, and are adjacent to one another. LAF members are drawn from all three authority areas and meetings rotate around venues so that all get a chance to host the LAF. LAF members give advice on any relevant matter within the three areas.

Although they have a joint LAF, the authorities have chosen to produce separate RoWIPs, as the issues faced by each are quite different.

- link up with other urban LAFs and pool resources to achieve economies of scale. However, it is important that your collaborators cover areas contiguous with yours, face similar issues and, ideally, share something of a common culture or background (perhaps from pre-local authority re-organisation days). It can also be difficult if different authorities are under different political control.

Good Practice Example:

Bath and North East Somerset, Bristol and South Gloucestershire have formed a Joint LAF. All three authorities are geographically small, predominantly urban LAFs. By joining together, they can be more effective in their operations and have a good record of making a difference. It is not only on LAFs that they work together – they have produced a Joint RoWIP and joint LTP.

Good Practice Example

In the North East, five appointing authorities have come together to form one joint LAF – the Tyne and Wear JLAF. This is financed by contributions from each of the authorities through a levy 'top-sliced' from the LTP budget. As well as running a joint LAF, the authorities have produced a single RoWIP and a combined LTP. Because each of the areas face similar issues, ideas emerging from the JLAF can often be applied across all five authority areas (such as their approach to dealing

with use of mechanically-propelled vehicles).

A few words of warning though – the influence of the LAF will be diluted if it joins with another, especially a neighbouring shire county (but this may be preferable to having no effect at all). Also, problems may arise if there are radically different cultures. Earlier research found that a JLAF comprising urban authorities failed to ‘gel’ because of different backgrounds and no history of joint working.

Go back to [Urban LAFs](#)

Access Issues of particular relevance to urban areas

Although many of the same access issues are likely to arise in urban LAFs and rural ones, there are some that take on greater significance in the former.

Gating Orders: were designed with urban areas in mind and are expected to be used more frequently than in rural areas. Consequently, urban LAFs are finding their use increasing in their areas. Go to [Gating Orders](#) for more information.

Dog Control Orders: The Clean Neighbourhoods and Environment Act 2005 introduced (amongst other things) a power for various authorities to make Dog Control Orders affecting land in their area. Go to [Dog Control Orders](#) for more information.

Illegal use of MPVs: Research has shown that illegal use of mechanically-propelled vehicles (MPVs) can be more common in the urban fringe. The laws relating to MPV use in the other than on public roads are complex. See [Public Rights of Way](#) for more information on this.

Absence of Definitive Maps: The original legislation governing the production of definitive maps and statements, the National Parks and Access to the Countryside Act 1949 allowed authorities to decide not to produce definitive maps for areas which are “so fully developed that it is expedient” not to do so (subject to Ministerial approval). The duty to produce a definitive map and statement did not extend to certain other areas including London and the County Borough Council areas (often referred to as ‘excluded areas’). This position was changed by the coming into effect of the Wildlife and Countryside Act 1981 and, broadly since then, with the exception of the pre-1965 London County Council area, the law requires the surveying authority to produce a definitive map and statement for previously excluded areas. Nearly 30 years later, there are still some urban areas without definitive maps and statements. The process of producing them is outside the scope of the Handbook; however, advice on how authorities might best proceed is available in the Rights of Way Good Practice Guide, hosted on the IPRoW website (see [Useful Contacts](#)).

Good Practice Example:

Following a series of training sessions provided to the Plymouth City LAF, it immediately became clear that there are many hundreds of unrecorded public rights of way in the City. As a result, a working group has been established to consider and ultimately advise the Council on how these routes can most effectively be recorded. The working group has met regularly and worked closely with various Council Officers and have already provided invaluable advice on this matter.

Unrecorded routes: Even in urban areas covered by definitive maps, many public rights of way may be unrecorded. Local highway authorities have a duty to keep the definitive map and statement under review, and so should add unrecorded routes of which they are aware. LAF members may want to encourage their appointing authority to develop a programme of adding such routes to the map.

Anti-social behaviour: Whilst anti-social behaviour can occur anywhere, urban areas may be more vulnerable than most. Local Area Agreements have been used

for tackling some of the problems (see, for example: <http://www.idea.gov.uk/idk/core/page.do?pagelId=7675044>).

Development Planning and Control: Similarly, building developments can occur anywhere but are likely to be more frequent in urban areas. More information about the planning and control processes, and where LAFs could have an input, can be found on the pages dealing with [Development Planning and Control](#). In particular, you may want to promote the development of [Green Infrastructure](#) strategies.

Obstructions: Again, a problem with public rights of way in all areas. However, in urban areas, obstructions may be of a different nature, as Brighton and Hove LAF found (see box);

Good Practice Example:

The LAF have been expanding their outlook into the urban parts of the city and have been looking at licensed and unlicensed obstruction on the pavements. They are recommending that advertising A-boards are removed from public highways.

Go back to [Urban LAFs](#)

6. *Monitoring Effectiveness*

It is worth bearing in mind that, although appointing authorities are required by law to maintain a LAF, it carries a cost to them – in staff time and direct costs. Increasingly, local authorities are under pressure to monitor the effectiveness, efficiency and economy of their spending. It does not seem unreasonable, therefore, that LAF members should not only seek to be effective but should also monitor their effectiveness so that they provide value for money for their appointing authority's investment.

There is no legal requirement for LAFs to do this, although they are required to produce an [annual report](#). Nor is the appointing authority under an obligation to monitor its performance with respect to LAF administration. Even so, being able to demonstrate LAF effectiveness will help motivate members and assist in recruiting new members. If it is found that effectiveness is not being achieved, then considering the results of monitoring could point to ways that improvements can be made.

What Could LAFs Do?

One of the problems with monitoring LAF effectiveness is that its agenda is not entirely within its control. But, this is no different from many other organisations. Much depends on how the monitoring system is fashioned.

Some ideas for monitoring effectiveness are:

- put it on the agenda and discuss effectiveness monitoring at the next forum meeting, if you haven't already done so;
- perhaps the simplest first step that can be taken by a LAF is to ask for feedback, particularly from the appointing authority, on what has been done as a result of it having regard to LAF advice;
- formalise the system by which LAF advice is recorded, especially to prescribed bodies other than the appointing authorities, and seek feedback on what has been done as a result;
- when preparing the forward work programme (see [Forward Work Programming and Agenda Setting](#)), consider how you can measure effectiveness in relation to each of the agreed work areas – set yourself targets and make sure you will be able to measure outcomes against them;
- gather information that will allow you to determine whether you met your targets;
- develop a few 'Key Performance Indicators' (KPIs) which will help monitor how well you have performed. For example, you could set yourself a target "to respond in full to all consultation papers put to the LAF within the set period", or to "achieve an attendance rate of XX% over the year";
- make a record of your achievements – include 'good news stories'.

The Ramblers' Association (in their publication "Local Access Forums – Making the Case") suggest that criteria for measuring LAF effectiveness "could include, for

example, the amount, relevance and range of advice given; feedback from bodies receiving advice; and assessments of the impact that the advice has had and where it has made a difference.”

Members of Gloucestershire LAF are considering the ways that they can monitor their effectiveness in future. Their thinking is reflected in the Good Practice Example (box below).

Good Practice Example

The degree of LAF involvement in ROWIP implementation could be simply monitored in the regions by an annual assessment of passive and active involvement. Passive involvement could be considered to be:

- Commenting on reports/drafts
- Briefings at meetings on progress

Active involvement could include one or more of the following:

- Informing the data gathering exercise (including the extent to which PROW meet user needs)
- Assisting with dialogue through contacts
- Advising on how the network could be improved for different types of users and the interests of land management
- Setting priorities for implementing the plans
- Resolution of conflicts between different representations when plans are issued for consultation

You will find it helpful to discuss the setting of performance indicators with officers within the appointing authority, as they will have had ample experience of these matters (they have to respond to the requirements of the Audit Commission).

Go back to [Main Contents](#)

Section 2 – Key Facts
Useful Information And How You Can Use It

7. LAFs and ROWIPs

	Page
Introduction	57
Key Points	58
How Can LAFs Make a Difference?	59
Legal Considerations	61
Further Information	63
Useful Contacts	238

Go back to [Main Contents](#)

Introduction

The Rights of Way Improvement Plan (RoWIP) is one of the most important areas in which LAFs can make significant inputs. Virtually every local highway authority has to prepare one, whether they have 50km or 5,000km of public rights of way in their patch. Preparing a 10-year strategic plan is a new concept for many right of way officers, demanding skills not hitherto considered vital to the management of path networks (like marketing and gap analysis). LAF members should have a broader base of skills on which to draw and so can contribute this knowledge to the benefit of the authority.

There is a statutory duty on every highway authority to consult its LAF on the preparation of the RoWIP. Although the deadline for completing RoWIPs was November 2007, only a minority of authorities achieved this. By December 2007, most authorities had published a draft for public consultation but around 90 authorities in England had still not published a RoWIP approved by their council members. LAF influence can still be brought to bear on the preparation process until the RoWIP is ready for the printers. However, the focus for many LAFs will be on implementation, leading to subsequent review. This is especially pertinent because, although the highway authorities have a duty to prepare a RoWIP, they are under no such obligation to implement it. This is not to suggest that they prepared the RoWIP with no expectation to implement it, rather that the absence of a legal imperative may allow them to give a lower priority to implementing improvements listed in the RoWIP than (say) existing statutory duties. This is a significant risk wherever resources are limiting.

So, LAFs have a vital role in helping the highway authority keep their collective 'eyes on the ball'. For future implementation, the most important part of the RoWIP is the Statement of Actions, which all RoWIPs should contain. It is likely to be reviewed and updated over time, but this is the place where authorities have had to set out their intended actions.

Go back to [LAFs and RoWIPs](#)

Key Points

We focus here on implementation, rather than preparation. Key points are:

- although LAF preparation is mandatory for most highway authorities, implementation is not;
- not all appointing authorities have to prepare a RoWIP (see [Legal Considerations](#) for more detail);
- RoWIPs have to include public rights of way and cycle tracks, but highway authorities were encouraged to cast the scope wider, to include CRoW Access Land, permissive access, agri-environment schemes and so on;
- the RoWIP needs to consider the needs of all types of user (including latent users), both locals and visitors and for now and into the future - particularly those that do not currently benefit from CRoW access rights (horse riders, cyclist etc.) and those with mobility problems;
- to date, no additional funding has been made available to highway authorities to help them implement their RoWIPs;
- a number of highway authorities have appointed officers with a specific responsibility for RoWIP implementation;
- LAFs have an important role in monitoring RoWIP implementation by their highway authority;
- each RoWIP should have a Statement of Actions and this is probably the most important area to keep focused on when monitoring RoWIP implementation;
- actions in the Statement of Actions should represent planned *improvements* to the network of local rights of way, although some may relate to better fulfilment of existing statutory duties or changing priorities of current work;
- RoWIPs can run for up to 10 years before being reviewed, but can be subject to review earlier than this, should this be expedient;
- The next review of Local Transport Plans (LTPs) may provide an opportunity for a RoWIP review.

Go back to [LAFs and RoWIPs](#)

How LAFs Can Make A Difference

This is a key area for LAF effort. Areas where LAF can make a difference are:

- identifying and promoting the implementation of 'quick wins' from amongst the Statement of Actions;

Good Practice Example:

Oxfordshire LAF has produced, as a tool, the ROWIP delivery action update table to use to achieve various "quick wins" identified in the ROWIP.

- monitoring what is happening with implementation – perhaps by having it as a standing item on meeting agendas and asking your appointing authority to report on progress;

Good Practice Example:

The Oxfordshire Countryside Access Forum are closely involved in monitoring the achievement of Oxfordshire County Council's second RoWIP delivery action plan, and they are working to assess and monitor the use of Oxfordshire's open access areas over the coming year.

- encouraging the relevant highway authority to put in place procedures for:
 - o forward work planning, in which RoWIP Actions are included/highlighted;
 - o monitoring of Actions implemented against Actions proposed;
- setting up a sub-group with special responsibility of monitoring RoWIP implementation and reporting back to the full LAF from time to time;
- comparing the forward work plan against the Statement of Actions in the RoWIP and highlighting differences;
- helping the highway authority decide how to resolve shortfalls in progress;
- highlighting, if necessary, areas where the authority may need to acquire additional skills (e.g. in market analysis) and suggesting how gaps in skills can be filled;
- bringing improvement opportunities to the attention of the highway authority where they contribute to delivery of Actions within the RoWIP. In the statutory guidance, highway authorities are encouraged to be 'innovative' and LAF members may be able to provide the innovation by thinking 'outside the box';
- helping develop relationships with key partners on whom the highway authority will have to rely to help deliver Actions within the RoWIP (such as landowners, neighbouring authorities, parish/town councils etc.);
- promoting the RoWIP, particularly amongst developers, as they may be able to deliver improvements listed as Actions within the scope of their proposed development;

- assisting all those involved in improving local rights of way to secure external support and funding (see [Funding For Access and Recreation](#));

Good Practice Example:

Kent Countryside Access Forum has been in the lead lobbying government for core funding for the implementation of the plan.

- checking whether PPOs are consistent with proposals in the RoWIP and suggesting changes where improvements can be made to bring PPOs more into line with RoWIP aims;
- planning ahead for the next RoWIP review, for example by:
 - o monitoring trends in needs of access users and considering how this will feed into revisions of the assessment of needs;
 - o considering the implications of new legislation or changes in procedures insofar as they affect RoWIP actions;
 - o becoming involved in the LTP3 process, when the time arises.

Good Practice Example:

The Royal Borough of Windsor and Maidenhead LAF is keen to work with the Council to help realise the aspirations of the Rights of Way Improvement Plan published in 2005. To this end the work programme for the next year includes the following:

- Suggesting updates to the list of approved Developer Contributions schemes
- Achieve 3 objectives in the Rights of Way Improvement Plan
- Support and work to help implement School Travel Plans
- Work with the Council to create a fully accessible route at one part of the Borough

Good Practice Example:

Bracknell Forest Local Countryside Access Forum is continuing work on the Bracknell Forest RoWIP alongside Section 106-funded capital works to enhance recreational routes across the Borough. In particular, the implementation of a new bridleway creation through a planning agreement will provide a key role for members over the next year.

Go back to [LAFs and RoWIPs](#)

Legal Considerations

RoWIP Preparation

The requirement to produce a RoWIP derives from CRow Act 2001, Section 60 – 62. There is no legal impediment to RoWIPs being prepared jointly by several highway authorities.

The legal obligation to prepare a RoWIP has been removed from authorities that are rated as excellent by the Audit Commission. This was given legal force by Section 6 of the Local Authorities' Plans and Strategies (Disapplication) (England) Order 2005 (see: <http://www.opsi.gov.uk/si/si2005/20050157.htm>). In practice, most authorities rated as excellent have chosen to prepare a RoWIP.

National Park Authorities (and the Broads Authority) are not highway authorities and so do not have to prepare a RoWIP although they can, if they choose to do so, subject to them coming to appropriate arrangements with the highway authority covering the area. Similarly, a highway authority may come to arrangements with a district council.

Inner London Boroughs can choose whether or not to complete a RoWIP. Most have decided not to.

The law requires a RoWIP to cover 'local rights of way', which are defined by the CRow Act as being public rights of way (footpaths, bridleways, restricted byways and byways open to all traffic) plus cycle tracks. It states that 'cycle track':

“a) means a way over which the public have the following, but no other, rights of way, that is to say, a right of way on pedal cycles (other than pedal cycles which are motor vehicles within the meaning of the [1988 c. 52.] Road Traffic Act 1988) with or without a right of way on foot; but

(b) does not include a way in or by the side of a highway consisting of or comprising a made-up carriageway (within the meaning of the 1980 Act)”

However, the statutory guidance (see [Further Information](#)) invites highway authorities to consider public access more widely.

RoWIP Implementation

There is no legal requirement to implement a RoWIP. The only legal obligation on highway authorities is for the RoWIP to be reviewed periodically. Section 60, sub-sections 3 and 4 cover subsequent reviews (see box below).

(3) An authority by whom a rights of way improvement plan is published shall, not more than ten years after first publishing it and subsequently at intervals of not more than ten years—

(a) make a new assessment of the matters specified in subsection (2), and

(b) review the plan and decide whether to amend it.

(4) On such a review the authority shall—

(a) if they decide to amend the plan, publish it as amended, and

(b) if they decide to make no amendments to it, publish a report of their decision and of their reasons for it.

There is no legal impediment to a highway authority choosing to review its RoWIP earlier than the 10-year threshold.

RoWIPs and Public Path Orders

It should be noted that RoWIPs have a role to play in the determination of certain public path orders. Schedule 6 of the CRow Act amends several provisions of the Highways Act 1980. In each case, it inserts a provision that “any material provision of a rights of way improvement plan prepared by any local highway authority whose area includes land over which the proposed footpath or bridleway would be” created, stopped up or diverted should be taken into account when determining:

- a Section 26 public path creation order;
- stopping up order made under Section 118;
- diversion order made under Section 119.

It is not yet clear what this actually means in practice. However, the intention appears to be that the impact of the proposed creation, stopping up or diversion order on the fulfilment of the actions listed in the RoWIP has to be taken into account when determining the order.

RoWIPs and Local Transport Plans

Local highway authorities are required to integrate their RoWIPs with Local Transport Plans. The latter, now in their second iteration, cover the period 2006 to 2011, whereas most RoWIPs will run for 10 years from 2007 or 2008. This means there is a mismatch of timing. However, by the third iteration of LTPs, it will be possible to integrate RoWIPs more fully.

The key areas of integration will be where plan objectives are shared, such as:

- using sustainable modes of transport (e.g. walking and cycling);
- reducing congestion, CO² emissions and pollution through increased cycling and walking.

Some authorities will choose to combine their RoWIPs with LTPs in future.

Go back to [LAFs and RoWIPs](#)

Further Information

CRoW Act, relevant sections. See:

http://www.opsi.gov.uk/acts/acts2000/ukpga_20000037_en_5#pt2-pb3-l1g60

Statutory guidance – Rights of Way Improvement Plans – Statutory Guidance for Local Highway Authorities in England. (2002) Defra. See:

<http://www.defra.gov.uk/wildlife-countryside/cl/rowip/rowip.pdf> (134Kb)

IPRoW Good Practice Guide provides a mass of useful information about RoWIP preparation, including the final reports from the Countryside Agency's series of pilot projects. See: http://www.iprow.co.uk/wiki/index.php/ROWIP_Articles

Natural England are supporting LAFs to develop their capacity to help highway authorities with RoWIP implementation. For further information, see:

enquiries@naturalengland.org.uk

Department for Transport has issued guidance about Local Transport Plans (2) and RoWIPs. See:

<http://www.dft.gov.uk/pgr/regional/ltp/guidance/fltp/fullguidanceonlocaltransport3657?page=30>

Go back to [LAFs and RoWIPs](#)

8. *Funding for Access and Recreation*

	Page
Introduction	65
Key Points	66
Role for LAF Members	68
Information about source of funding	71
Further Information	75
Useful Contacts	238

Go back to [Main Contents](#)

Introduction

Maintaining and managing public access and recreation costs money. Each year, highway and access authorities spend millions of pounds on this work. Much of the work done to manage and maintain the network (e.g. clearing obstructions, signposting PRoWs off metalled roads) is a statutory obligation on one party or another (see *Managing Public Access*, Natural England Ref. CA210 for further information on roles and responsibilities). Research suggests that bringing the whole of the network up to an appropriate standard would cost around £69m. And this is before providing for improvements over and above the legal minimum.

One of the major challenges likely to face authorities trying to secure funds for developing opportunities for access and recreation in future is that, in principle, additional funds from central government are not normally made available to support costs that are incurred in meeting an existing legal requirement.

Even so, it is often possible to acquire public funds to support access and recreation work under certain circumstances, such as where funds are needed to:

- meet costs arising directly as a result of new legislation (e.g. CRoW Act);
- implement one-off and major 'capital projects';
- where the investment helps deliver a wider range of sustainable benefits (e.g. employment opportunities, environmental gains, quality of life improvements, reduction of social exclusion);
- where the proposed project meets the criteria of external funding sources.

A major complication with external funding is that money is often 'passed around' between bodies. For example, some of the LEADER + funds (a European source) provides money to Local Area Groups (LAGs) which then award funds to specific projects in their area. A similar approach to distribution is used with some Lottery Funds. For more information about LEADER+ and LAGs, see <http://www.defra.gov.uk/rural/leader/index.htm>. Much of this goes on behind the scenes but is important when considering the question of 'match funding'; many funding schemes require the applicant to show that their funds would be matched by money from other sources and not all sources can be used for matching purposes.

The bulk of this section concerns itself with securing funds from outside your host local authority. However, the most reliable source of funds is from the local authority and LAF members have an important function as an independent body to advise council members where funding plans will seriously impact on provision of public access and recreation opportunities.

Go back to [Funding for Access and Recreation](#)

Key Points

Although LAF members are unlikely to be submitting applications themselves, it is useful for members to understand the processes involved; they may also wish to provide direct assistance to applicants. There are many different sources of funding, and the sources are constantly changing but there are some common principles to help those seeking funding or offering help. Key considerations are:

- *Is it worth it?* People or organisations seeking funds need to balance the effort required to submit an application with the chances of success and the extent of support likely to be secured. Schemes rules are normally designed to keep effort in proportion to potential rewards, but this is not always the case and it is not possible to provide general 'rule-of-thumb' guidance. Therefore, the applicant should make sufficient pre-application enquiries to be able to judge the costs and potential benefits involved in making an application for funds.
- *Specific funds for access and recreation work.* There are few funds that are specifically set up to support access work. However, there are many sources available and some cover areas that are indirectly related to access and recreation (and associated benefits). Therefore, applying for funding is, in most cases, no different from applying for funding for other projects, and funders will be looking at a wide variety of other projects. They will also need to demonstrate how the benefits of the projects relate to the funds' objectives and outputs (which are often very specific) in order to win funding.
- *Justification:* applying for funds is often done as a two-stage process, with the first stage intended to screen out unsuitable projects. At the first stage, applicants will need to provide a justification for their project to grant givers. In effect, this means some sort of benefits cost analysis. Costs are usually relatively easy to estimate but benefits can be more challenging. The extent to which benefits are quantified may vary between schemes but the greater the quantification, the better – some sources will provide grants to help with research to assess the benefits. Some grant givers may be content to rely on shows of public support or written evidence alluding to benefits, such as letters written by LAFs.
- *Meeting the Grant Givers' Objectives:* The body awarding grants will have its own objectives and so they will have developed criteria against which applications are judged. The closer your application's objectives (or beneficiaries) meet the objectives set for the grant scheme, the better your application's chance of success.
- *Approaches:* Grant giving bodies vary enormously in their policies, styles of working, and administrative capacities, although different mechanisms apply to different types of scheme. So some golden rules are:
 - Do your homework beforehand and check that your project meets the criteria set by the body for the grant scheme from which you are trying to secure funds.
 - Select the right sources, i.e. those which:
 - o operate in your geographical area;

- are interested in access or themes that could involve such work;
- offer grants of the sort of scale that matches your funding needs.
- Prepare your application carefully and make sure you include all that they ask for, such as:
 - the purpose and how this meets their funding criteria;
 - a budget and funding request.
- If your organisation does not have charitable status, explain why the work to be funded is charitable.
- Leave plenty of time.
- *Match-funding:* Few grants will pay 100% of the cost of a scheme and so some costs will have to be met from elsewhere:
 - Some grants require match-funding and specify what types of sources of funding can be used (these are intended to prevent the same ultimate source being used for funding the entire scheme);
 - It is often possible to calculate a cash equivalent value of assistance provided 'in-kind' (e.g. volunteer time).
- *Monitoring and Reporting:* Grant giving bodies will want to make sure that their money has been put to the use for which it was intended and that the anticipated benefits have been realised. Agreeing to undertake some monitoring and reporting will usually be a condition of the award. So, successful applicants need to take steps to ensure that means are available to gather appropriate data.

Go back to [Funding for Access and Recreation](#)

Role for LAF members

A LAF can have a number of roles in this area:

- raising the profile of LAFs and the importance of public access and recreation at regional level. The box below shows how this has been done in the North East region;

Good Practice Example:

The North Eastern LAFs wanted to champion LAFs, and their prime aim is to raise the awareness of LAFs and public access within NE, and other regional stakeholders. So, a group was established comprising LAF Chairs, vice-Chairs and officers. They want the opportunity to comment on and influence all regional strategies with inclusions relating to public access (and this is a single item for discussion at a meeting of LAF Chairs/Vice Chairs on 'Influencing Strategy').

Since being established the group has:

- had a meeting with the Regional Development Agency;
- lobbied Defra into holding an extra more regional meeting on Coastal Access in Durham to enable them to express their thoughts, rather than traveling all the way to Peterborough;
- had a talk from NHS representatives at the recent all LAF members event.

This work is being undertaken with the help of a Natural England officer in its Advocacy & Partnership team, again, raising their profile at a more senior level within NE in the region.

- at a strategic level within your authority, helping your Countryside Access/RoW department increase its budget. It would help if LAF members became familiar with local authority finance arrangements (or recruits a member with this knowledge). Note that there is a relatively fixed procedure and timetable for setting local authority budgets and any representations need to be made at the right time (usually September/October) and in the right way (ask your appointing authority officers for guidance);

Good Practice Example:

Cumbria LAF lobbying of the Cumbria County Council has led to a raised profile and priorities for access work leading to increased budgetary provision and the establishment of a countryside access team within the County Council. A formal partnership has been set up with the County Council that enables regular consultation with elected members and senior officers.

- lending your support to applications for funds made by your appointing authority and others, assuming you agree with their proposals. This can add considerable weight to their bid, as it demonstrates local support;

Good Practice Example:

Barnsley LAF voiced its support for an Access Management Grant Scheme

(AMGS) application to manage temporary restrictions on CRoW access land at Wharncliffe Chase, and suggested ideas to be implemented under the grant (totalling nearly £11,000). Members have also helped to identify groups or organisations that may offer funding opportunities.

- alert your appointing authority and others to funding opportunities of which you become aware;
- offer direct support in drawing up an application, perhaps through offering strategic advice rather than filling in the forms;
- helping local authorities justify expenditure on open access and public rights of way by pointing to the economic, social and environmental benefits to be achieved;
- encouraging local communities and stakeholder groups to lend their support to applications for funds, perhaps by highlighting potential benefits and allaying any fears;
- making sure the local planning authorities in your area are aware that they can secure funding via Section 106 agreements, where appropriate. This could be done through a series of meetings with planning officers, either by LAF members and/or authority rights of way officers.

Good Practice Example:

Oxfordshire LAF has looked for ad-hoc opportunities to improve the network through planning gain (and use of agri-environment schemes) through the use of a new developer funding statement to help identify improvements at an early stage so that Rights of Way officers can focus on protection of the network.

- it has also been suggested by one LAF Chair that LAF members could approach developers direct, to discuss Section 106 agreements but this would need to be done carefully to ensure that no planning procedures are contravened;

Good Practice Example:

Bracknell Forest LCAF is continuing work on the Bracknell Forest ROWIP alongside Section 106-funded capital works to enhance recreational routes across the Borough. In particular, the implementation of a new bridleway creation through a planning agreement will provide a key role for members.

- making sure that the access/rights of way officers are involved in the Local Transport Plan system, to ensure that opportunities for project funding that meet LTP2 objectives are not missed. There could also be LAF representation on Local Transport Plan forums/committees /working groups, so that PRoWs are not allowed to slip off the agenda;

Good Practice Example:

Warwickshire, Solihull and Coventry LAF persuaded Warwickshire County Council to appoint a LAF representative onto the Local Transport Plan Local Strategic Partnership. As a result, the importance of public rights of way and their usefulness

in helping achieve LTP objectives (such as reduced congestion) were made evident. In this way, it was ensured that PRow issues were kept 'on the radar'.

Good Practice Example:

The Oxfordshire LAF has been active in seeking LTP agreements and a funding 'pot' for works over 5 years that will benefit walkers, cyclists and horse riders in line with ROWIP and LTP shared priorities.

- asking your authority to agree to set up a small budget for the LAF to manage, designed to help finance small projects;

Good Practice Example:

Hampshire's Countryside Access Forum (i.e. its LAF) has set up a "Small Grants Scheme". The scheme provides grants of up to 50% funding to parish councils and landowners towards work to improve access to their local countryside. It is also open to other organisations, for information-based projects only (leaflets and booklets, etc). For further details, see:

<http://www.countrysideaccessforum.hants.org.uk/sgs/index.html>

- securing funds for public access work from, for example, the sale of council assets;

Good Practice Example:

Brighton and Hove LAF has been instrumental in securing some funds from the sale of council property to pay for improvements on the rights of way. Projects to provide Easy Access Routes will be undertaken. These will provide paths with a good surface that will meet the needs of the less able and other users. Also it has allowed for work to be carried out to start up a project to support farm diversification.

Go back to [Funding for Access and Recreation](#)

Information about Sources of Funding

There is a diverse range of funding sources, which can be categorised by type of source. Each type of source and even each specific fund will operate under its own rules. However, it is possible to offer some general guidelines about how to approach an application for external funds, and where to go for further information.

European Funding

There are substantial funds available from the EC, and this is a prime source for local authorities, and partnership groups. However, those available to fund access and recreation are limited and the bureaucracy involved in funding means that applications are expensive in the resources needed to follow them through and will take considerable time to complete. Applicants also need to be aware of the funding cycle to avoid missing out on the specific deadlines set.

Agencies have been set up which can provide advice on securing EC funds for projects. Further information and guidance about accessing European funds can be found on:

- How to get European funds from the European Commission:
<http://www.welcomeurope.com/default.asp?id=2210&idform=174>
- Grants from the European Commission:
http://ec.europa.eu/grants/index_en.htm
- BBC website – How do I get European Funding?
<http://www.bbc.co.uk/dna/actionnetwork/A4289178>

Government Department and Agency Funding

Applying for funds from government bodies requires a not dissimilar approach than that used for other funds. However, the applicant needs to be mindful of the target body's area of interest and ensuring that the proposed project is relevant to them. For example, the Forestry Commission is only likely to be interested in projects involving woodland. Further information and guidance about accessing central government funds can be found on:

- Sport England: http://www.sportengland.org/index/get_funding.htm
- Community Investment Fund:
http://www.sportengland.org/about_the_community_investment_fund
- Higher Level Stewardship Scheme:
<http://www.defra.gov.uk/funding/schemes/hls.htm>
- Access Management Grant Scheme (AMGS):
http://www.countryside.gov.uk/LAR/Access/open_access/FAQ/access_management/grant_scheme.asp
- Forestry Commission's English Woodland Grant Scheme:
<http://www.forestry.gov.uk/forestry/inf-d6dcccen> and
<http://www.forestry.gov.uk/ewgs>
- Access to Nature Grant Scheme:
<http://www.naturalengland.org.uk/leisure/grants-funding/default.htm>

Defra's website contains a list of sources of grants and funding:

<http://www.defra.gov.uk/funding/index.htm>

Regional funding may also be available, especially if recreation/access projects are expected to provide economic benefits in areas earmarked for assistance with economic regeneration – contact the relevant Regional Development Agency for further assistance.

Local Area Agreements

A local area agreement (LAA) is a three-year agreement between a local area and central government. The LAA describes how local priorities will be met by delivering local solutions. It also contributes to national priorities set out by the Government. LAAs will be the only vehicles for agreeing targets between local government and their delivery partners and central Government (except for the 16 statutory education and early years targets).

The LAA is negotiated between the local strategic partnership (LSP) and the regional Government Office. The LSP consists of all the key players in a local area who deliver services. The local authority is the lead partner in the LSP. The local authority negotiates the LAA on behalf of its LSP and is the only body accountable to government. Other key players in a LSP include the police and the primary care trust.

The setting of agreed targets will exert a fundamental influence on where funds are spent, and so it is relevant for LAFs (perhaps via LSPs) to become involved in the negotiations.

Lottery Funds

Money available from the National Lottery for good causes is distributed through a number of different streams and methods. Details are available at:

- Big Lottery Funds: <http://www.biglotteryfund.org.uk/>
- Awards For All: <http://www.biglotteryfund.org.uk/>
- Sport England: <http://www.lotteryfunding.org.uk/uk/lottery-funders-uk/lottery-funders-listing/sport-england.htm>

You can search for sources of lottery funds for a specific project using the following website: <http://www.lottery.culture.gov.uk/> and/or <http://www.lotteryfunding.org.uk/england.htm>.

Funding from Levies and Tax Credits/Exemptions

There are a number of government-created funding sources that rely on levies to raise funds. Examples of possible relevance to public access and recreation related projects are:

- Landfill Tax Credit Scheme - administered by ENTRUST. See: <http://www.entrust.org.uk/>
- Aggregates Levy Sustainability Funds - See: <http://www.defra.gov.uk/environment/waste/aggregates/index.htm>
- Inheritance Tax Exemption - See: <http://www.countryside.gov.uk/LAR/Landscape/LH/index.asp>

Funds from Charities and Trusts

Research has found that there are over 8,800 grant-making trusts and foundations in the UK, giving in total about £1.25 billion per year to charitable causes. An additional £320 million was given by the National Lottery Charities Board and £280 million by a dozen large operating charities, such as Imperial Cancer Research and Oxfam, which make grants in the course of their work, making £1.85 billion in all. However, each has its own set of objectives and procedures.

One source of particular interest is Sustrans' Connect 2 scheme (see: Sustrans' Connect 2: <http://www.sustransconnect2.org.uk/>), although projects have already been identified for this funding.

General guidance to accessing funds from charitable trusts can be found on the "Access to Funds" website - See: <http://www.access-funds.co.uk/>

Developer Contributions

Section 106 of the Town and Country Planning Act 1990 allows a local planning authority to enter into a legally-binding agreement or planning obligation, with a land developer over a related issue. The obligation is sometimes termed as a 'Section 106 agreement'. Such agreements can be used to assist with improvements in, for example, public rights of way in the area likely to be affected by a development.

You can find out more about Section 106 Agreements by visiting the website:

<http://www.idea.gov.uk/idk/core/page.do?pagelId=71631> and/or
<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyimplementation/planningobligations/modelplanningobligation/>

Sustainability/Sustainable Development Funds

National Park Authorities and management teams of Areas of Outstanding Natural Beauty are able to support schemes within their areas that promote sustainability. Details can usually be found on the website of the individual National Park Authority or AONB. These can be found most easily through a Google search or the websites of their respective representative bodies:

- Association of National Park Authorities: <http://www.nationalparks.gov.uk/>; and
- National Association of Areas of Outstanding Natural Beauty: <http://www.aonb.org.uk/wba/naaonb/naaonbpreview.nsf/Web%20Default%20Frameset?OpenFrameSet&Frame=Main&Src=%2Fwba%2Fnaaonb%2Fnaaonbpreview.nsf%2FPublishedContent%2F2.2!OpenDocument%26AutoFramed>).

Tourism Bodies

Because public access and recreation is often a key part of the tourism offering, bodies involved in tourism may be interested in projects that improve the local offerings in ways that meet their strategic priorities.

Primary Care Trusts

It may be possible to get financial support from the Primary Care Trust (PCT) covering your area, on the grounds that physical activities (like walking, cycling, horse-riding and adventure sports) will help improve people's health and reduce their demands on the NHS. It is probably best to collaborate with the appointing authority

and approach the PCT direct. Information about PCTs' Development Programme can be seen at: <http://www.natpact.nhs.uk/>.

Transport-related Grants

Local authorities are required to produce Local Transport Plans (LTPs). The LTPs set out local priorities for development of transport and identify projects and programmes to be funded. Authorities have just produced the second of these plans, covering the period from 2006 to 2011. The LTPs also cover public rights of way and so funding for actions within the Rights of Way Improvement Plan (RoWIP) may be available. Details of your authority's LTP will be on its website. For more general information about LTPs, visit the Department for Transport website: <http://www.dft.gov.uk/pgr/regional/ltp/>.

Embedded within LTPs and/or other plans for sustainable transport may be things like:

- Safe Routes to Schools initiatives;
- Sustrans' plans for cycle network development;
- Green travel plans prepared by local businesses.

There may be financial benefits in linking developments; there should be more information on your authority's website about any local initiatives.

Volunteering

Volunteers can provide a useful resource for doing work on public access and recreation infrastructure. Volunteers usually welcome the opportunity to 'give something back'. LAF members are a good example. You might want to encourage your appointing authority or other Section 94(4) bodies to make best use of volunteers.

Local activity clubs, local societies and user groups will usually help to work with authorities to provide willing hands for specific improvement or maintenance projects. There are also organisations that will help source volunteers, such as the British Trust for Conservation Volunteers (BTCV).

However, it is important to remember that the authority will need to manage volunteers for them to be used effectively and this takes time and effort. Projects need to be of a scale and type which are in keeping with the likely skills and number of people available. Care is needed over health and safety.

Go back to [Funding for Access and Recreation](#)

Further Information

Grants and incentives for managing and improving public access in England and Wales (2003). Ref CRN59. Natural England Publications. See <http://naturalengland.communisis.com/naturalenglandshop/docs/CRN59.pdf> (69kb)

Letter to LAF Secretaries from the Minister (2007). See: <http://www.defra.gov.uk/wildlife-countryside/cl/pdf/0704circletter.pdf> (55Kb)

Local Area Agreements – See:

- Creating Strong Safe and Prosperous Communities (Consultation draft 2007). See: <http://www.communities.gov.uk/publications/localgovernment/statutoryguidance>
- <http://www.idea.gov.uk/idk/core/page.do?pagelid=1174195>
- <http://www.communities.gov.uk/localgovernment/performanceframeworkpartnerships/localareaagreements/>
- Development of the new LAA framework – operational guidance 2007. See: <http://www.communities.gov.uk/documents/localgovernment/pdf/550738> (410kb).

Reviewing Non Governmental Sources of Funding for Managing Rights of Way (2001). Research prepared by Enteleca Research and Consultancy for the Countryside Agency, Cheltenham.

Social and Economic Benefits of Public Rights of Way (PROWTOOL) (2006). See: <http://www.defra.gov.uk/wildlife-countryside/issues/public/socio-economic-benefits.htm>

The Countryside Recreation Network has a number of (priced) publications of possible interest:

- Demonstrating the Economic Benefits of Countryside Recreation (2004) £12
- Funding for Social Projects (2002)
- Fundraising and the Lottery (2001)
- Sponsorship (1998)

See website: <http://www.countrysiderecreation.org.uk/publications/>

Paths for All Partnership has some useful guidance on fundraising for public access projects. See:

<http://www.pathsforall.org.uk/outdooraccess/resources1.asp?cat1=5&name=Funding>.

Of specific interest are:

- Economic Benefits of Accessible Green Spaces for Physical and Mental Health See: <http://www.pathsforall.org.uk/pathstohealth/article.asp?id=289>
- Studies on the socio-economic impact of path networks <http://www.pathsforall.org.uk/outdooraccess/article.asp?id=593>

Go back to [Funding for Access and Recreation](#)

9. *Public Access and Land Management*

Introduction

In most cases, public access and outdoor recreation take place on land that is not in public ownership and is managed for other purposes – especially for agriculture and forestry. Some areas are managed for many purposes, including shooting of game, as a water catchment or to promote nature conservation. This section addresses some of the issues that arise as a result of access and recreation over farmland, forestry/woodland and moorland.

	Page
Key Points	77
Landowners' and Land Managers' Concerns	78
Forestry/Woodland	79
Land used for shooting of game	81
Visitor Management Options	86
Dogs	88
How Can LAF Members Make a Difference?	90
Further Information	92
Useful Contacts	238

For information about what public rights exist, go to:

	Page
CRoW Access land and its management	159
Public rights of Way	169

Go back to [Main Contents](#)

Key Points

Key points to bear in mind are:

- all the land over which the public enjoy access and recreation opportunities will be owned by someone (including common land);
- the land will usually be managed, albeit varying degrees of intensity;
- public access has the potential to interfere with land management, especially at the sites most popular with the public;
- some types of land use are better able to 'absorb' visitors than others (for example, mature woodland is better able to accommodate visitors than say an arable crop);
- managers of land with public access experience a number of common problems;
- options are available to the land managers which enable them to minimise the impacts of land management on public access, and vice versa;
- legislation provides mechanisms by which land managers can manage access over their land, although the authorities which regulate the processes encourage a policy of 'least restrictive option' – that less restrictive measures are tried before more restrictive ones;
- one of the most common concerns is about the public's dogs, especially when the dogs are allowed to run free and out of control. They can also harbour and spread diseases of livestock and people;
- LAFs can play important roles in several different ways.

Go back to [Public Access and Land Management](#)

Landowners' and Land Managers' Concerns

Research suggests that land managers are concerned about public access for a number of different reasons (not in any order of priority):

- Leaving gates open when they should be shut (and stock escaping);
- Damage to infrastructure (walls, buildings, ditches);
- Dogs and their control (risk of worrying sheep);
- Environmental impacts (for example, erosion);
- Illegal activities (although these may lie outside the remit of LAF formal advice);
- Impacts on crops and grassland (trampling, contamination, wildfires);
- Interference with commercial activities and public utilities (can cause problems where a farmer is trying to charge for access to a service);
- Inter-user conflicts (being in the middle of inter-user conflicts);
- Litter and wastes (especially fly-tipping) on land they own or manage;
- Loss of privacy/security;
- Obstructions to and interference with farming activities (e.g. parking in gateways, getting in the way during sheep gathers or when cows coming in for milking);
- Public health and safety/occupiers' liability – especially involving cattle (e.g. suckler cows and bulls in fields/on land to which the public has access) and the additional cost of insurance.

Another issue that cause difficulties for land managers are diversions of public rights of way, particularly around farmyards.

The priority which an individual farmer or land manager assigns to these issues depends on his own circumstances.

Go back to [Public Access and Land Management](#)

Forestry/Woodland

Woodlands have a greater capacity to 'absorb' visitors than other rural land uses, as the trees provide a good cover. Trees, once established, are also better able to cope with the pressure from the visiting public. Nevertheless, owners of mixed woodlands have experienced problems with public access and these were identified in research by the University of Brighton (2002) (see Table).

Nature of Problem	Experience of Problems (% of respondents)				
	No problem	Minor Inconvenience	A few major problems	Many major problems	Very severe problems
Damage to equipment	69	22	9	0	0
Gates left open	50	32	12	6	0
Erosion of paths and gateways	36	30	29	1	3
Vandalism	21	38	29	10	2
Disturbance of game birds	68	15	11	5	2
Litter	15	49	19	15	1
Insurance claims	77	16	5	3	0
Policing of visitors	50	33	13	3	0
Visitors in non-access areas	35	37	22	6	2
Claims about the legal status of permitted routes	81	12	6	0	0
Illegal vehicular access	34	22	31	10	3
Fire	61	17	19	3	0

Note: row totals are more than 100% due to rounding

Much of the woodland in England that is available for public access belongs to the Forestry Commission and is managed by Forest Enterprise. These bodies have implemented a pro-access policy for many years and, as well as dedicating the land in their ownership under CRoW Section 16, they have provided for 'higher rights' usage (cycling and horse riding) on a permissive basis to many of their forest tracks and paths.

Community Forests

The Community Forests programme was set up by the then Countryside Commission. It comprises 12 areas of England, each selected for their level of afforestation, potential for increased plantings and accessibility from large centres of population. Providing opportunities for public access and recreation are part of the programme's primary aims.

The Community Forests are:

Forest of Avon	Great Western Forest	South Yorkshire Forest
Forest of Marston Vale	Greenwood	Tees Forest
Forest of Mercia	Mersey Forest	Thames Chase
Great North Forest	Red Rose Forest	Watling Chase

According to the Community Forest website, since 1990 the programme has:

- opened up 16,000 hectares of woods and green-space for recreation and leisure;
- restored or created more than 4,000 kilometres of recreational routes;
- held many thousands of local events and community activities.

More details about Community Forests can be found on the website (see [Further Information](#)).

Other Woodlands

There may be other woodlands of interest for access and recreation which are not Community Forests but serve a similar function. Examples are those owned and managed by the Woodland Trust, Forestry Commission woodlands and some managed by local authorities. But, there is no general right of public access to these woodlands, although many are available for public use on a de facto basis or through dedication (under Section 16 of CROW, for example).

The England Woodland Grant Scheme (EWGS) provides funds for planting and management of private woodlands, and payments can be enhanced if public access is provided. Such access is permissive in nature and may end when the scheme expires.

Go back to [Public Access and Land Management](#)

Land Used for Shooting of Game

Game shooting comes in many forms:

- deer stalking;
- grouse shooting;
- shooting of pheasant and partridge;
- wildfowling.

So, it is difficult to generalise. However, below, we have tried!

Management of Land Used for Shooting - Key Points

Shooting of game is a major land use – being more important economically than grazing livestock in some areas, especially moorland. A special legal framework has developed to govern the use of shotguns and the shooting of game. This framework also has an influence on how public access can be managed, so the key points are explained below.

A few key points to bear in mind when thinking about management of land which is used for shooting:

- Good management for game is often good management for a range of wildlife.
- Headlands around fields can be an essential feature of game management but also provide an easy way for people to walk, so care is needed to ensure that a path does not develop where it would interfere with game.
- The onus for ensuring the safe use of any type of firearm will always rest with the user of that firearm.
- Land managers cannot divert a public right of way unofficially during a shoot; this is illegal and people cannot be prevented from using the public right of way if they wish. It may be acceptable to provide alternatives and ASK people to use these.
- If people habitually trespass off a public right of way into a shoot area, waymark the path, or erect notices or fencing (but check with the highway authority before doing so).
- In woodland consider an access agreement to provide public access at certain times of the year, but excluding the sensitive periods of game management or away from sensitive locations (such as pheasant coups).
- If planning to shoot over CRoW access land, a range of measures might be followed to keep the need for public access restrictions to a minimum. Permission is needed from the relevant authority for any restrictions unless these are part of the 28-day discretionary allocation or a longer term restriction is in operation. Note that dogs have been excluded for a 5-year period from most grouse moors (as permitted under CRoW Section 23).

The British Association for Shooting and Conservation produces a range of codes of good practice covering the use of firearms (see [Further Information](#)).

The Royal Agricultural College Cirencester has looked at public access and lowland game management and drawn the following conclusions (see Box below). Since this research was completed, understanding of the interaction between game management and public access on open access land has grown but not necessarily documented.

Experience of Access

The experiences of individual shoots are predominantly with linear PROWs, the Open Access created with CRoW has been insufficiently established [at the time of writing] to derive sufficient comment based upon actual impact.

- Permissive access does not normally present problems as it is specifically sited and controlled in order not to create conflicting problems for other land based activities including shooting.
- Access on the margins of a shoot (i.e. not necessarily the estate or farm boundary), is less likely to cause disturbance problems than in central areas, and can in some circumstances prove an asset.
- LAF - low awareness and participation amongst shoot managers.

Linear routes:

- Differentiation by shoot managers between local use which is often daily, and the general adherence to and use of linear routes by long distance walkers and riders.
- Although individual problems can arise with the use and siting of PROWs, generally the shoot will have the experience and site knowledge to manage the effects on shooting of this type of access.
- Management of the use of PROWs when shooting is close by was adequately achieved using 'lookouts' to warn walkers and riders.

Open Access (CRoW):

- The potential for targeted disruption by animal rights extremists to shooting provided by Open Access was a key concern.
- The characteristics that make some areas suitable for designation as Open Access are the same as make them suitable locations for the gun line on a shoot day.
- A shoot wishing to keep a low profile felt unable to make use of the '28 day rule'.
- The greatest potential for conflict is on Saturdays.
- Open Access may, under some circumstances, work against the breeding success of wild grey partridge.

Disturbance:

- The most sensitive aspect to public access and shooting activities is the potential disturbance on the actual shoot day(s). Management techniques can address pre and post disturbance effects, but disturbance on the morning

- before or during a shoot can have an immediate effect manifested in a reduction of birds ‘over the guns’.
- Disturbance to game birds at dusk was considered a major problem.
 - The months during which effects of disturbance to game birds are most significant vary from shoot to shoot.
 - The presence of unruly dogs, i.e. those not under close control, is considered a problem. Gun dog and hunting breeds are likely to be a particular concern.
 - Mountain bikers attracted more negative comments than other countryside users.
 - Measuring disturbance to game birds objectively would be extremely difficult.

Laws Affecting Game

- Quarry species are protected during closed periods, when it is not permitted for them to be shot. The period varies with species.
- Details of the open periods for shooting can be found in the Table below (which have been taken from the BASC website, see: <http://www.basc.org.uk/content/shootingseasons>).

Species	England, Scotland and Wales
Pheasant	Oct 1 - Feb 1
Partridge	Sept 1 - Feb 1
Grouse	Aug 12 - Dec 10
Blackgame <i>(not currently found in NI)</i>	Aug 20 - Dec 10
Common Snipe	Aug 12 - Jan 31
Jack Snipe	Protected at all times
Woodcock	Oct 1- Jan 31
Woodcock - Scotland	Sept 1 - Jan 31
Duck & Goose - inland	Sept 1 - Jan 31
Duck & Goose - below HWM of ordinary spring tides	Sept 1 - Feb 20
Coot/Moorhen	Sept 1 - Jan 31
Golden Plover	Sept 1 - Jan 31
Curlew	Protected at all times
Hare* <i>(cannot be sold Mar 1st to July 31st)</i>	Moorland & unenclosed land subject to closed season

*In England and Wales, under the Ground Game Act 1880 as amended by the Ground Game (Amendment) Act 1906 occupiers or authorised persons may only take and kill ground game on moorland or unenclosed land between 1st September and 31st March inclusive. An additional restriction exists in respect of the use of firearms which must not be used for such purposes between the 1st September and the 10th December. The prohibition can be waived provided all persons have a statutory right to take and kill game by the use of firearms between the 1st September and the 10th

December inclusive. In Northern Ireland rabbits may be shot at any time of the year and hares may only be shot between 11 August and 31 January.

Laws Affecting Management of Shooting and Public Access

- CRoW access land may be regarded as a public place for the purposes of legislation¹ concerning guns and firearms (see above).
- The Countryside and Rights of Way Act 2000 allows the owner of CRoW access land that is moorland used for the breeding and shooting of grouse to ban dogs for a period of up to five years, if he/she believes this is necessary for management of the land for that purpose (see Section 23(1)).
- In addition, various people with an interest in areas of CRoW access land may use discretionary powers available under CRoW Section 22 to restrict access for purposes of their choosing. It is possible to use these powers to facilitate activities such as shooting.
- Access Agreements that cover moorland which is used for game shooting usually include a clause that allows the moors to be closed during shooting. Such agreements take primacy over CRoW rights (as they fall under Section 15 of CRoW). ***It is possible that closures of such land would NOT be publicised over the Open Access website.***
- None of the CRoW provisions apply to public rights of way. These cannot be closed for game shooting purposes.
- It is illegal for members of the public to disrupt a shoot. The Criminal Justice and Public Order Act 1994 provides that anyone trespassing on land in order to intimidate someone engaged in a lawful activity or to disrupt a lawful activity on land is committing the offence of 'aggravated trespass'. It is also an offence to ignore the directions of a uniformed police officer to leave the land, when the officer believes that the person is committing or is about to commit aggravated trespass.

The legislative context is provided in greater detail on the following pages of the Open Access website:

http://www.openaccess.gov.uk/wps/portal!/ut/p/ s.7 0 A/7 0 GN/.cmd/acd/.ar/sa.fir eAptrixPortletAction/.c/6 2 PG/.ce/7 1 P2/.p/5 1 9E/.d/4?PC 7 1 P2 aptrixPortlet Action=UpdateAptrixPortletContext&WCM_Context=http://www.openaccess.gov.uk/wwcm/connect/LandManagersPortal/AdministeringAccess/Guidance/Annexes+part+2/Annexes+sub+menu2/AdministeringAccess_Guidance AnnexP

http://www.openaccess.gov.uk/wps/portal!/ut/p/ s.7 0 A/7 0 GN/.cmd/acd/.ar/sa.fir eAptrixPortletAction/.c/6 2 PG/.ce/7 1 P2/.p/5 1 9E/.d/5?PC 7 1 P2 aptrixPortlet Action=UpdateAptrixPortletContext&WCM_Context=http://www.openaccess.gov.uk/wwcm/connect/LandManagersPortal/AdministeringAccess/Guidance/MainContent/Index+of+Chapter+2.5/AdministeringAccess_Guidance Chapter2.5.16

¹ It will be up to the courts to decide whether CRoW Access Land is to be regarded as a public place for this legislation (or any other piece of legislation that applies in public places).

http://www.openaccess.gov.uk/wps/portal/!ut/p/s.7.0.A/7.0.GN/.cmd/acd/.ar/sa.fireAptrixPortletAction/.c/6.2.PG/.ce/7.1.P2/.p/5.1.9E/.d/6?PC.7.1.P2.aprixPortletAction=UpdateAptrixPortletContext&WCM.Context=http://www.openaccess.gov.uk/!wwcm/connect/LandManagersPortal/AdministeringAccess/Guidance/MainContent/In dex+of+Chapter+2.5/AdministeringAccess_Guidance_Chapter2.5.17

Laws Relating to Firearms and Shooting are fairly complex and more guidance can be obtained from the British Association for Shooting and Conservation (see [Useful Contacts](#)) and in Managing Public Access (see [Further Information](#)).

Disclaimer: The contents of this section are for guidance only and do not constitute a definitive statement or interpretation of the law. Anyone seeking to rely on the relevant legislation should seek independent legal advice.

Go back to [Public Access and Land Management](#)

Visitor Management Options

Deciding on the best approach to managing access and recreation depends on the type of usage that needs to be managed and the access resource being used. Many recreational activities also require the landowner's or occupier's permission, and it is expected that granting of permission will be contingent on the users adhering to any conditions set.

Where public access is of as of right, then management needs to be more subtle. Fortunately, there are a few simple but effective measures that land managers can adopt. It is unlikely that 100% of users will respond in the desired way but these measures offer the best way of achieving good management.

Generally-applicable measures are:

- **Management Plans:** A land manager may have drawn up or been a party to a management plan for the land he manages. For example, this may be a Farm Environment Plan drawn up for a Higher Level Stewardship Scheme application, or a plan drawn up by Natural England covering a Site of Special Scientific Interest. Where public access is a factor in determining management priorities, the plan should include visitor management objectives and measures. Some of the measures applied will be those listed below.
- **Awareness raising:** Visitors who have an awareness and understanding about land and water management will have less impact than those who are less aware. Raising public awareness is 'prevention rather than cure'. A variety of ways can be used, including personal contact, leaflets, entries into guides and working with local authorities.
- **Zoning:** This technique is used to influence the overall distribution of visitors on land and water, in both time and space. Zoning is based on the identification of specific values, activities and sensitivities of the land or waters in question and the impacts different types and levels of recreational access or activities may have on these characteristics (e.g. *sensitive zone*: comprising important conservation features, or principal lambing fields, where access needs to be sensitively managed; *robust zone*: which can accept higher intensities of recreation without adverse environmental impacts or disruption to farm or other activities).
- **Practical measures:** Influencing the ways and ease with which walkers and others can physically gain access and follow routes to different parts of the holding can help to minimise nuisances or disruption to management activities (although land managers are not entitled to obstruct access). For example, people will usually enter sites from car parks and bus stops and you may be able to make it easy for people to go in certain directions (e.g. through signage and path surface preparation) than in other directions. If paths need to be created, these should follow 'desire lines' to minimise the risk of short cuts developing. Waymarks can be used to 'steer' people along preferred routes.
- **Signage and on-site information:** Signs are vital in getting important information and messages across to the public. They should be located carefully, so that the message is delivered where it is most likely to be effective, although managers

report that there is always a small minority, who ignore any information. Care should be taken to convey the information in a positive way (e.g. use 'Please do.....' rather than 'It is prohibited to'). Pictograms using the graphics can be better in getting over 'messages' to those who may avoid reading text, included visually impaired visitors and people who may not speak English.

- **Maintain a presence:** many visitors are pleased to see wardens and rangers and other 'official' presence in heavily-used areas of countryside. The likelihood is that this will improve adherence to good practice. Of course, it is costly, so is only justifiable in a small number of areas.
- **Use of restrictions:** in some circumstances, there is no other way to achieve the desired result other than through use of restrictions. However, the authorities empowered to grant restrictions on statutory access rights generally apply the principle of 'least restrictive option' – i.e. the level of restriction needed should be the lowest consistent with achieving what is needed.

There is a lot of more detailed guidance available which LAF members might want to look at – go to [Further Information](#) for details.

Go back to [Public Access and Land Management](#)

Dogs

Dog owners can benefit hugely from owning a dog. As well as companionship, they can be the prompt to owners taking exercise, provide security, encourage social discourse with other walkers and many benefits. Assistance dogs provide unrivalled support to their owners. But, with the joy of having a dog are responsibilities.

Dogs are a major concern for many livestock farmers who manage land crossed by public rights of way or to which the public has access. Whilst public rights of way can cross any type of land, CRoW access land is usually used for production of livestock, typically sheep and beef animals (suckler cows and calves), although dairy cows, ponies, grass for winter forage conservation could also be encountered.

Impact On Sheep

Grazing by sheep is the most likely use of CRoW access land. Sheep can habituate to the presence of people, and remain relatively unaffected by walkers (even at quite high levels of usage) but, where the visitor also has a dog, the impacts are far greater. If a heavily pregnant ewe is chased (worried) by an unleashed dog, the results are often serious. The raised level of hormones (cortisol) involved in the flight response can cause premature birth, foetal death and metabolic disorders in the ewe. However, even when a dog is on the leash its presence will still evoke a 'flight response' even at relatively large distances, creating a risk of separation of the young lamb from its mother, disturbing the lambing process and, in the worst cases, premature birth.

Most farmers will avoid lambing in open countryside and areas heavily used for public access if they can. However, there will be instances where the farmer has no suitable alternative. Where such circumstances arise, applications to restrict dogs from open country used for lambing during this period where it can be demonstrated that no practical alternative is available. In practice, relatively few applications have been made under the provisions of the CRoW Act specifically intended for this purpose (i.e. Section 23(2)).

Impact On Cattle

The impact of public access on cattle is less significant than with sheep. Indeed, the reverse may be the case - cattle are more likely to present a risk to walkers with dogs rather than vice versa, particularly where bulls, or recently-calved cows and their calves are present in an area of open country. The frequency with which serious incidents arise are, fortunately, few and far between. Even so, landowners/farmers have a duty of care to walkers and so need to be mindful of the risks (see note below about liability) and so are obviously concerned to minimise risks.

Grass for Winter Forage Conservation

The period before and during harvesting is most critical. Dog faeces will contaminate hay and silage crops and, if the dog carries certain diseases, may pass on infections.

Effects on Land Management Practices

An indirect effect is the influence on decisions about land management. It is likely that land managers will sometimes have to adjust their management practices

because of the risk of dogs affecting their stock. This means that farmers are operating below their financial optimum and, where nature conservation interests are concerned, may prevent the ideal grazing regime being applied.

Dogs and Disease

Dogs can be responsible for spreading diseases that also affect cattle (such as neospora, which causes abortion in cattle) and sheep (such as hydatid cysts – which can also infect people). Whilst stock can be treated a more effective solution is for dogs to be treated by their owners.

Farm Assurance Schemes

Many farmers now participate in farm or crop quality assurance schemes. In this way, they can secure a premium price for their products. Participation in farm assured schemes is voluntary, although breach of scheme rules can have significant effects on the saleability of the farmer's produce. There is sometimes concern that the public's dogs affect a farmer's assured status. Whether it does depends on the details of the protocols of the scheme to which the farmer seeks to comply. For example, the National Dairy Farm Assurance Scheme requires that "Dogs and cats (where practical) must be wormed regularly" (see: http://www.ndfas.org.uk/standards/herd_v2.asp). So, it is open to interpretation as to whether it is practical for a farmer to require visitors' dogs to be wormed regularly.

Liability for Livestock

Under the Animals Act 1971, if an animal injures someone or causes damage, the owner (or 'keeper' of the animal) may be liable if:

- it was likely to cause that kind of injury or damage unless restrained, or
- any injury or damage it caused was likely to be severe, and
- the characteristics of the animal that made this likely are abnormal in that species, or are abnormal in the species except at particular times or in particular circumstances, and
- those characteristics were known to you, or to someone who looks after the animal for you.

The owner or keeper does not have to be negligent to be liable under this Act, but he/she won't be liable if the damage or injury was wholly the fault of the person suffering it, or if they voluntarily accepted the risk of it happening to them. If they were trespassing on the land where the animal was kept, he/she won't normally be liable, but remember that people are not trespassing while exercising CRow access rights.

Go back to [Public Access and Land Management](#)

How Can LAF Members Make a Difference?

So, what can LAF members do to help? Possibilities are:

- LAF membership will include land managers and you could ask them to make a presentation to other members to give an insight into the challenges and factors to consider when managing land with public access;
- helping devise specific solutions to specific problem sites (based on [site visits](#));

Good Practice Example

A countryside centre and farm business operate at Sacrewell with an established bridleway routed through the farmyard. Rider use was prevented by a cattle grid installed by the farm business for stock security needs. In addition crops blocked a footpath. To avoid these obstructions it was necessary to use the A1 and A47 roads for some distance. The property owner negotiated with the Peterborough LAF to secure an alternative route for both the bridleway and footpath across his land avoiding use of the roads. At the same time the LAF was able to secure better linkage through these improvements to the Hereward Way long distance footpath, part of European Footpath E2, which starts in Nice, France and finishes on the north-east coast of Ireland.

- making sure that advice to prescribed bodies takes due account of land management interests;
- promoting good practice and a positive approach to access and recreation management (see [Further Information](#) for more details);
- help prescribed bodies to decide what will be the least restrictive option to apply when considering restrictions (especially over CRoW access land);
- acting as arbiters or independent advisers in disputes between land managers and access users;

Good Practice Example:

Cumbria LAF has played a key role in helping to improve planning and arrangements for responding to wild fires within Cumbria. A Cumbria Wildfire Group has been established to bring the plethora of partners involved in this area together.

- making itself aware of all perspectives of the issue especially where dogs are causing concern – affected parties (landowners and dog owners) can get very excited about dogs and it is important that any LAF advice is given from a balanced viewpoint;
- where ‘problems’ come to light, trying to get to its root cause before deciding on possible control strategies;
- working with the appointing authority on deciding priorities for Higher Level Stewardship scheme funding, where public access benefits are proposed;
- helping devise and implement some of the suggestions made for managing access (e.g. zoning, signage);

- advising relevant prescribed bodies about the possibility of using [Dog Control Orders](#).

Go back to [Public Access and Land Management](#)

Further Information

If you want to find out more about reconciling public access and land management, consult the following sources of information:

Visitor Management

Advice on Managing Public Health and Safety on Access Land (2002). Final report by Asken Ltd for Countryside Agency, Countryside Council for Wales and Forestry Commission. Natural England, Cheltenham.

Best of Both Worlds website – www.bobw.co.uk - for guidance on reconciling conflict in the countryside.

Fire Severity Index explained -

http://www.openaccess.gov.uk/wps/portal!/ut/p/.cmd/cs/.ce/7_0_A/s/7_0_G3/s.7_0_A/7_0_G3

Natural England guidance:

- Managing Public Access (2005): Natural England Publications
http://www.openaccess.gov.uk/wps/portal!/ut/p/.cmd/cs/.ce/7_0_A/s/7_0_G9/s.7_0_A/7_0_G9
- Positive Access Management:
<http://www.openaccess.gov.uk/wps/portal/lm/positive>
- Occupiers' Liability:
http://www.openaccess.gov.uk/wps/portal!/ut/p/.cmd/cs/.ce/7_0_A/s/7_0_GA/s.7_0_A/7_0_GA
- Restricting Access:
http://www.openaccess.gov.uk/wps/portal!/ut/p/.cmd/cs/.ce/7_0_A/s/7_0_G9/s.7_0_A/7_0_G9
- Signs on Access Land – Guidance for Land Managers:
<http://naturalengland.communisis.com/naturalenglandshop/docs/CA182.pdf>
(166kb)
- You and Your Dog in the Countryside:
http://www.openaccess.gov.uk/wps/portal!/ut/p/.cmd/cs/.ce/7_0_A/s/7_0_G9/s.7_0_A/7_0_G9

Farming

Cattle and Public Access in England and Wales. Ref: AIS 17EW. Advisory leaflet produced by HSE. See: <http://www.hse.gov.uk/pubns/ais17ew.pdf> (40Kb)

Effects of Public Access on Livestock (2000). Unpublished report by Entec UK Ltd for Countryside Agency. Natural England, Cheltenham.

Open Access website – land management. See:

http://www.openaccess.gov.uk/wps/portal!/ut/p/.cmd/cs/.ce/7_0_A/s/7_0_FO/s.7_0_A/7_0_FO

Out in the Country: Where you can go and what you can do (2000 revised 2002): <http://naturalengland.communisis.com/naturalenglandshop/docs/CA9.pdf> (405kb)

Planning for Access and Land Management (PALM) 2007. Prepared for Scottish Natural Heritage. See: <http://www.outdooraccess-scotland.com/upload/PALM%20pub%20screen%20pdf.pdf> (2.14mb)

Forestry/Woodland

Community Forests – see: <http://www.communityforests.org.uk/index.htm>

England Woodland Grant Scheme. See: <http://www.forestry.gov.uk/ewgs>

Improving access to woods, watersides and the coast 2000. Natural England Publications Ref: CA33.

Managing Health and Safety in Forestry: <http://www.hse.gov.uk/pubns/indg294.pdf> (275kb)

Visitor Surveys & Counts carried out by the Forestry Commission. See website: <http://www.forestresearch.gov.uk/forestry/infd-5pgazz>

Woodland owners' attitudes to public access in South East England. (2002). Report by University of Brighton for Forestry Commission South East Region. See website: [http://www.forestry.gov.uk/pdf/fcin074.pdf/\\$FILE/fcin074.pdf](http://www.forestry.gov.uk/pdf/fcin074.pdf/$FILE/fcin074.pdf) (500kb)

Woodland Trust - has some very useful information about managing public access in woodlands. See: <http://www.woodland-trust.org.uk/>

Shooting

BASC Codes of Practice on various aspects of shooting and game (see: <http://www.basc.org.uk/content/settingthestandard/codesofpractice>).

Effect of Public Access on Lowland Game Management (2005). Royal Agricultural College, Game Conservancy Trust and British Trust for Ornithology Report for the Countryside Agency and Forestry Commission

Moorland Code:

<http://www.countrysideaccess.gov.uk/content/download/636/3831/file/Moorland%20Code.pdf> (2.06mb)

Relevant Authority Guidance. See:

<http://www.openaccess.gov.uk/wps/portal/ra/guidance> and in particular, the guidance relating to shooting of live quarry. See: <http://www.openaccess.gov.uk/wps/portal/!ut/p/ s.7 0 A/7 0 GN/.cmd/acd/.ar/sa.fir eAptrixPortletAction/.c/6 2 PG/.ce/7 1 P2/.p/5 1 9E/.d/0?PC 7 1 P2 aptrixPortlet Action=UpdateAptrixPortletContext&WCM Context=http://www.openaccess.gov.uk/l wwcm/connect/LandManagersPortal/AdministeringAccess/Guidance/MainContent/In dex+of+Chapter+2.5/AdministeringAccess Guidance Chapter2.5.16>

and:

<http://www.openaccess.gov.uk/wps/portal/!ut/p/ s.7 0 A/7 0 GN/.cmd/acd/.ar/sa.fir eAptrixPortletAction/.c/6 2 PG/.ce/7 1 P2/.p/5 1 9E/.d/6?PC 7 1 P2 aptrixPortlet Action=UpdateAptrixPortletContext&WCM Context=http://www.openaccess.gov.uk/l wwcm/connect/LandManagersPortal/AdministeringAccess/Guidance/MainContent/In dex+of+Chapter+2.5/AdministeringAccess Guidance Chapter2.5.17>

Dogs

Dog Walking on Access Land – see:

http://www.countrysideaccess.gov.uk/things_to_do/dog_walking

Forestry Commission/Forest Enterprise has done a lot of innovative work on managing dog walking in their forests. For more information, see:

- Concordat with the Kennel Club. See: [http://www.forestry.gov.uk/pdf/kennel_club_concordat.pdf/\\$FILE/kennel_club_concordat.pdf](http://www.forestry.gov.uk/pdf/kennel_club_concordat.pdf/$FILE/kennel_club_concordat.pdf) (1.13mb)
- How to Engage with Dog Walkers: <http://www.forestry.gov.uk/forestry/INFD-6ZALEQ>
- Managing Dogs in the Woods: <http://www.forestry.gov.uk/forestry/infd-6yef8w>
- PROGRESS Project (in the New Forest). Report about Dog Walkers (2005). See: [http://www.forestry.gov.uk/pdf/new-forest-dog-study.pdf/\\$FILE/new-forest-dog-study.pdf](http://www.forestry.gov.uk/pdf/new-forest-dog-study.pdf/$FILE/new-forest-dog-study.pdf) (462kb)
- Walkies in the Woods: <http://www.forestry.gov.uk/forestry/INFD-6XDJXF>

Natural England (2006) Ref CA205. You and Your Dog in the Countryside. See: <http://naturalengland.communisis.com/naturalenglandshop/docs/CA205.pdf> (2.25mb)

Natural England guidance on use of discretionary dog restrictions under CRoW Act Section 23. See:

http://www.openaccess.gov.uk/wps/portal/!ut/p/s.7_0_A/7_0_GN/cmd/acd/ar/sa.fireAptrixPortletAction/c/6_2_PG/ce/7_1_P2/.p/5_1_9E/d/0?PC_7_1_P2_aptrixPortletAction=UpdateAptrixPortletContext&WCM_Context=http://www.openaccess.gov.uk/wwcm/connect/LandManagersPortal/AdministeringAccess/Guidance/Annexes+part+2/Annexes+sub+menu2/AdministeringAccess_Guidance_AnnexE

Go back to [Public Access and Land Management](#)

10. Public Access and Nature Conservation

	Page
Introduction	96
Key Points	97
Dogs	99
How Can LAFs Make A Difference?	102
Legal Considerations	104
Further Information	106
Useful Contacts	238

Go back to [Main Contents](#)

Introduction

Providing access and recreation opportunities for the public to visit and enjoy the natural beauty of the English countryside will encourage greater awareness of its value to those enjoying this access; it should ultimately result in better protection of the environment. This is a more inclusive analysis than the traditional view, which could perhaps be characterised as being that “You can have access or you can have nature conservation but not both”.

Even so, public access will impact on the natural environment and may affect nature conservation interests in several ways (see table below). The key question for LAFs is how can they advise the prescribed bodies to act in ways that maximises the positive benefits and minimises the adverse effects.

Effect	Mechanism/Comment
Disturbance	People, and their dogs (especially if off-lead and out of control), can disturb animals, especially birds and the impact can be more significant at certain times of year. Repeated disturbance can be a particular problem at some sites.
Trampling and erosion	Passage of people’s boots, bikes and vehicles, plus the hooves of horses all exert a pressure on the ground that can cause damage to vegetation and disturb the soil, leading to erosion.
Wildfires	Most fires that are not intentional are caused by people. These may be inadvertent, such as when someone discards a lit cigarette or a moor burn gets out of control; however, many are deliberately set by arsonists.
Influences on land management decisions	Some areas of nature conservation interest require managed livestock grazing, often using traditional breeds, for them to retain this interest. Presence of the public has been shown to influence land managers’ decisions, especially regarding grazing by sheep (risk of worrying by dogs) and cattle (risks to public safety).
Certain types of contamination	Although against the law, some people drop litter and fly-tipping is an increasing problem. Less widely appreciated concerns are: <ul style="list-style-type: none"> - introduction of alien species (especially plants) into the wild; - introduction of alien diseases (such as rabies); - nutrient enrichment by dog faeces and urine.
Damage to earth heritage.	Geological features are usually thought to be robust but this is not always the case; damage can be done to rocks, fossils and cave features for example.

However, current thinking is more towards reconciling access and nature conservation – that you can have the best of both worlds – provided appropriate management is applied.

Go back to [Public Access and Nature Conservation](#)

Key Points

Key points to bear in mind when trying to reconcile nature conservation and public access/recreation are:

- it is not necessary to think of it being one or the other. Through careful management, you can have public access and still retain nature conservation value in most circumstances;
- good practice means following strategies appropriate to the types of effects which are to be countered;
- always look for the least restrictive option when considering what restrictions are needed;
- think wider than just walkers, horse-riders and cyclists – there are many different forms of recreation conducted in the countryside (see: Best of Both Worlds website – www.bobw.co.uk - for more insight into the issues);
- base your advice as far as possible on fact rather than speculation.

Dogs can be a major concern of managers of sites with high nature conservation value. A multi-faceted approach to managing dog owners seems to work best and LAFs could provide assistance in developing suitable strategies.

Good Practice Strategies for Minimising Impacts

Good practice strategies are listed below:

Disturbance

- minimising disturbance to a level that allows populations of wild animals to be sustained in the long term; and
- using the least restrictive option in achieving this end.

Dogs can pose particular problems because of their greater propensity to disturb wildlife.

Trampling and erosion

Good practice to manage the effects of trampling and erosion can be summarised as:

- anticipating where problems may occur and using positive access management techniques to reduce visitor pressure;
- monitoring changes in vegetation and soil structure so that trampling and erosion is halted before it becomes a serious problem;
- intervening at the minimum level necessary to halt trampling and erosion, especially in sensitive locations (such as National Parks and AONBs);
- using the least restrictive option in achieving this end.

People tend to prefer solid ground to walk across, so will normally avoid wet areas (although the path width can expand significantly as a result); likewise, people generally choose gentler slopes to climb than steep ones, so there is a built in tendency for the influence of the above factors not to act in combination. But even

the most resilient land will suffer from damaging trampling, and possibly erosion, if visitor pressure is sufficiently high. Also, short sections of an otherwise resilient route may suffer because of poor drainage, for example.

Management and control of wildfires

- reducing the incidence of wildfires;
- being prepared for wildfires so that the length of time from outbreak to being brought under control is minimised;
- keeping the potential fuel load (i.e. the amount of dead vegetation or other combustible materials) at the lowest level consistent with good management for nature conservation.

Influencing land management

- factoring public access into your land management decision-making;
- anticipating potential public concerns over your land management decisions and allaying any fears;
- producing a management regime that allows land management, public access and nature conservation objectives to be met through appropriate education, consultation and stakeholder engagement.

Certain types of contamination

- keeping the site free of litter;
- stopping the introduction and/or spread of alien species wherever possible; and
- restricting the area affected by dog faeces.

In practice, there's little that can be done about urine, although it is useful to note that most dogs 'go' within a few hundred yards of where they enter a site/leave a car.

Earth Heritage

- preventing damage or loss of earth heritage (for example by ensuring that geologists follow the Geologists' Code); and
- retaining earth's heritage in the setting and location in which it was found, so that it retains its value for researchers (for example by encouraging people not to remove artifacts from sites and promoting the reporting of discoveries).

Implementing these strategies may require using the same sorts of [Visitor Management Options](#) as for reconciling access with other aspects of land management. Further details and practical guidance on how these strategies can be translated into action can be found in the Nature Conservation-Access Management Handbook (See [Further Information](#)).

Go back to [Public Access and Nature Conservation](#)

Dogs

There are around 6m dogs in the UK. In some of the most popular breeds (e.g. Labrador, golden retriever, terriers and crosses), their breeding has been to put up birds for shooting or to pursue mammals. However, all dogs retain an innate tendency to chase a moving object, such as a wild animal.

It is important to recognise that dogs play an important positive role in British society. Benefits include:

- promotion of health and well-being of their owners (and their children);
- use as working dogs;
- use of dogs to assist people with illnesses or disabilities;
- economic benefits in terms of sales of dog-related goods.

Dogs are regularly taken by their owners into the countryside. Over all types of sites, a significant minority of regular access users are dog owners, although observers at some heathland sites in southern England have recorded that as many as 93% of all users were dog walkers. Research has shown that:

- around 5-7% of walkers in the uplands and 25-50% of walkers in lowland areas are accompanied by dogs
- in various studies, around 50-90% of these dogs were off-lead and up to 14% were deemed (by researchers/observers) to be running out of control.

Their needs and preferences of walkers with dogs are similar to non-dog owners, although they like to have opportunities to let their dog safely off its lead. However, non-dog owners are not always welcoming of dogs, with a significantly proportion having been observed to take what appear to be evasive action when a dog approaches, and object particularly to finding dog faeces in public access areas.

Dogs generally affect a larger area than a walker with regard to wildlife because they tend to roam around, and groups of dogs may exert a stronger influence than a single dog. For breeding birds there is clear evidence, both research-based and anecdotal, that disturbance exposes the eggs or young to a greater risk of loss to opportunistic predators, especially corvids. This appears to be the greatest risk arising from disturbance on sites where visitor and dog numbers are high. This effect is greatest for ground nesting birds in a variety of habitats.

Key findings for all bird groups or species are that:

- the presence of dogs provokes a disturbance response at greater distances and for longer periods than stimuli from recreational activities (including people without dogs) during the breeding season for most of the species studied, especially ground nesting ones, and for one species this disturbance distance was twice as long in the breeding opposed to the wintering season;
- breeding success can be improved significantly when dogs are managed, including in beach environments;

- lekking² birds may be particularly vulnerable to disturbance by dogs;
- the response to dogs differs between species of ground feeding/roosting wintering birds but dogs generally have a greater effect than walkers and (for some species) joggers;
- reaction to dogs has an energy cost and this can be significant in winter, although compensatory feeding (e.g. at night) is found in some species;
- evidence concerning possible habituation is mixed.

There are some indirect effects that merit consideration:

- there is a potential risk of dogs spreading disease amongst wild animals but there is no evidence to suggest that this is significant;
- research and anecdotal reports show that dogs contribute to nutrient enrichment of infertile habitats through defecation and urination;
- the presence of dogs at a site can exert an influence on how it is managed, particularly where some form of grazing by livestock is thought to be the optimum management regime. The influence arises from the need to consider the compatibility of livestock (especially breeding ewes and lambs) and dogs and concerns that may be expressed by users (not just dog walkers) about the presence of large grazing animals;
- there are certain risks to health and safety associated with dogs' presence in the countryside (i.e. injury to people with dogs, injuries caused by dogs and zoonoses).

Advice from Natural England is that managers of sites of nature conservation importance should:

- develop integrated strategies for dog management and control, including control of potential predators that benefit from the presence of dogs (such as corvids and gulls);
- consider zoning their sites to differentiate between areas where dogs are allowed/not allowed and where they can be on/off-lead at times throughout the year;
- plan strategically how the pattern of people's behaviour can be influenced (without breaching their rights), such as through steering, use of signs etc., to direct people towards areas where impacts of dogs (and humans) will be less significant on the not unreasonable assumption that they will take their dogs along the same route;
- exploit the tendency for dogs to urinate and defecate soon after their arrival at a site by creating 'sacrifice areas' between car parks and site entry points where feasible;
- implement campaigns to promote responsible behaviour amongst dog owners and where they can find dog-friendly sites;

² A lek is a gathering of males, of certain bird species, for the purposes of competitive mating display. The act of displaying is referred to as lekking.

- co-ordinate dog management with other aspects of site management (e.g. predator control, livestock management).

Go back to [Public Access and Nature Conservation](#)

How Can LAFs Make a Difference?

Here are some areas where LAF inputs might make a difference to reconciling access and nature conservation:

- Natural England has a procedures for assessing the likely changes to patterns and levels of use of land when access is introduced but this depends on some local knowledge (as South Lincolnshire LAF did in the case below);

Good Practice Example:

South Lincolnshire LAF acted as 'independent arbiters' in a dialogue between Natural England and local farmers. An area of land was mapped as CRoW Access Land and local ramblers expressed an interest in gaining access to it (there were no other means of access to the block of land). The farmers feared that public access might put at risk the environmental interest in the land (which is designated as a SSSI) and disrupt their sheep grazing. The LAF made a site visit and concluded that access levels were likely to be very low and suggested ways in which any impacts could be minimised by careful selection of location of stiles, signs, etc. The LAF input helped put the farmers' minds at rest. The work was funded by an AMGS grant.

- the LAF may decide to issue formal advice to NE on how to reconcile public access and nature conservation. For example, the timing of a recreational event may be critical in avoiding adverse impacts and LAF may be able to advise NE on what possible means exist to reconcile recreation and nature conservation priorities;
- help allay the fears of landowners by raising awareness of how public access and recreation can be 'managed' to minimise impacts on nature conservation;
- in their dealings with recreational bodies, raise awareness of nature conservation priorities and procedures for gaining approval and avoiding adverse impacts;
- working with NE to adapt proposals to achieve mutual goals of greater biodiversity and continued public access;

Good Practice Example:

Natural England want to re-introduce mixed deciduous woodland into an area of common land on the north eastern fells of the Lake District. The woodland will help achieve some of the Biodiversity Action Plan objectives for the area. The land, being registered common land, is also CRoW Access Land and the proposed plantings will impinge on public access. The Lake District LAF became actively involved after receiving a presentation of the proposals. 'Involved' meant:

- discussion of the proposals at a LAF meeting;
- review of the report that set out NE's planting and fencing proposals;
- a site visit;
- a special workshop of LAF members (prior to a full LAF meeting) to decide

on access requirements for each of the six proposed woodland blocks;

- provision of formal advice supporting the proposals on the condition that the LAF advice was followed and that suitable provisions are put in place to ensure removal of the fencing when required.

Natural England has now adopted the LAF advice and will follow it when the scheme goes ahead.

Dogs and Nature Conservation

How can LAFs help?

- making itself aware of all perspectives of the issue – affected parties (nature conservation site managers and dog owners) can get very excited about dogs and it is important that any LAF advice is given from a balanced viewpoint;
- where ‘problems’ come to light, trying to get to its root cause before deciding on possible control strategies;

Good Practice Guidance:

Hampshire Countryside Access Forum has embarked on tackling the problems of access with dogs. Dogs must be a primary reason for Countryside Access in the Urban Fringe and they have specialised needs - needs that are poorly catered for by Local Authorities - but can have an impact on conservation. At the LAF's request, Hampshire County Council commissioned a report on the Winchester area and hope this could become a model for others elsewhere.

- helping devise and implement some of the suggestions made for dog control strategies (e.g. zoning, signage);
- advising relevant prescribed bodies about the possibility of using [Dog Control Orders](#);
- encouraging the adoption of practical solutions to difficult problems which might otherwise not be considered, such as:
 - o permit schemes (where permission of the landowner is needed for access);
 - o development of dog-free and dog-friendly areas;
 - o ‘dog-days’ during which dog owners are engaged in discussion and educated in what constitutes good practice.

Go back to [Public Access and Nature Conservation](#)

Legal Considerations

There are many pieces of legislation that afford some protection to nature conservation and these have to co-exist with other legislation that provides rights of public access for recreation. Below are some of the key points of nature conservation legislation that affect access and recreation.

- *Designations*: The level of protection of wildlife is greatest where an area of land is covered by a statutory designation; where this land also carries a right for public access, the interaction between the two comes under greatest scrutiny. The range of designations is listed on the Naturenet website: <http://www.naturenet.net/status/>. The most common designation is "Site of Special Scientific Interest" (SSSI). Accompanying every SSSI is a citation that explains what about the site is 'special'. Some SSSIs are also designated under EC criteria – Special Protection Areas (SPAs) for breeding birds and Special Areas of Conservation (SACs) for special habitats.
- *Consents for Recreational Activities on SSSIs* : When notifying a site as an SSSI, Natural England provides a list of operations for which their consent is needed (formerly referred to as 'Operations Likely Damage' and 'Potentially-Damaging Operations'). If an owner or occupier of an SSSI proposes to undertake one of the listed operations, he/she will need consent. Recreation may be one of the listed activities and, in some circumstances, NE may want an 'Appropriate Assessment' to be carried out before they will come to a decision. In deciding how a site is to be protected, NE should apply the principle of least restrictive access option. More details of the consents procedure can be seen on Best of Both Worlds (see: <http://www.bobw.co.uk/Default.aspx?page=Consents570>).
- *Impact Assessments*: Policies, projects or plans that may have an effect on SACs or SPAs will need to be subject to an impact assessment. This will include any new access or recreation proposals such as a new public right of way. There are various types of assessment that may be needed:
 - Strategic Environmental Assessments (SEA);
 - Environmental Impact Assessments;
 - Appropriate Assessments;

Further details of how to find out more about the SEA process are given in [Further Information](#), below.

- *Nature conservation on Access Land*: The CRoW Act (s26) gives power to Relevant Authorities to restrict or exclude the right of public access to CRoW Access Land where it believes this is necessary for the purpose of conserving flora, fauna or geological or physiographical features of the land in question (see: http://www.opsi.gov.uk/Acts/acts2000/ukpga_20000037_en_3#pt1-ch2-l1g26). Its decision will be based on advice from Natural England (the landowner cannot apply for restrictions for nature conservation reasons). For long term restrictions, the LAF has to be consulted. Similar procedures apply to restrictions for the preservation of cultural heritage, although the relevant advisory body is English Heritage.

- *Nature conservation and public rights of way*: The Highways Act 1980 has been amended over recent years to allow the rights or alignments of public rights of way to safeguard wildlife. Examples include:
 - o SSSI Diversion/Extinguishment Orders
 - o Traffic Regulation Orders for Environmental Reasons (see [Public rights of way](#) for further information)

The law relating to dogs in the countryside has become quite complex. Some sources of guidance on this are listed in [Further Information](#).

Disclaimer: The contents of this section are for guidance only and do not constitute a definitive statement or interpretation of the law. Anyone seeking to rely on the relevant legislation should seek independent legal advice.

Go back to [Public Access and Nature Conservation](#)

Further Information

If you want to find out more, consult the following sources of information:

Access-Nature Conservation Handbook (in prep) from Natural England, Manchester
Best of Both Worlds website (www.bobw.co.uk) for best practice guidance on how to resolve conflict between outdoor recreation and nature conservation.

Dogs Access and the Law. See:

<http://www.countrysideaccessforum.hants.org.uk/walking/walkingdoglaw.html>

Dogs, Access and Nature Conservation: Ref R649.

- Full report:

<http://naturalengland.communisis.com/naturalenglandshop/docs/R649%20part%201.pdf> (891kb)

- Research Information Note:

http://naturalengland.communisis.com/naturalenglandshop/docs/R649_part_1.pdf (891kb)

ENCAMS. Undated. *Dog Fouling and the Law. A Guide for the Public*. ENCAMS.

<http://www.encams.org/uploads/publications/dogfoul.pdf> (68kb)

Nature Conservation and Recreation – literature review (in prep). A report prepared by Penny Anderson Associates and Asken Ltd for Countryside Agency.

Review of Effects of recreation on woodland soils, vegetation and fauna. See website:

<http://naturalengland.communisis.com/NaturalEnglandShop/product.aspx?ProductID=3f2d23df-eb11-4f53-8ce2-d3685e896399>

Managing for Wildlife and Heritage:

http://www.openaccess.gov.uk/wps/portal/!ut/p/ s.7 0 A/7 0 GF/.cmd/acd/.ar/sa.fireAprixPortletAction/.c/6 2 PD/.ce/7 6 18M/.p/5 6 LU/.d/0?PC 7 6 18M aprixPortletAction=UpdateAprixPortletContext&WCM_Context=http://www.openaccess.gov.uk/lwcm/connect/LandManagersPortal/ManagingAccess/PositiveAccessManagement/MainContent/Section+3.+Access+and+managing+your+land/ManagingAccess_PAM_S3WildlifeHeritage

Sidaway, R. (2005). *Resolving Environmental Disputes – From Conflict to Consensus*. Earthscan, London.

University of Portsmouth (2006). *Understanding the Psychology of Walkers with Dogs*. See:

http://www.countryside.gov.uk/Images/Understanding%20the%20Psychology%20of%20Walkers%20with%20Dogs_tcm2-29976.pdf (3.34mb)

Wildlife impacts – the effect of dogs on wildlife (mainly birds) has been the focus of much research over recent years by Natural England and RSPB. Various papers are now available, many reviewed in the publication “Dogs, Access and Nature Conservation” – see above.

Strategic Environmental Assessment – for guidance, see: <http://www.english-nature.org.uk/pubs/publication/PDF/SEAbiodiversityGuide.pdf> (803kb)

Go back to [Public Access and Nature Conservation](#)

11. *Generating Benefits from Public Access*

	Page
Introduction	108
Key Points	109
Benefits of Public Access	110
Needs and Preference of User Groups	111
Multi-Use Trails	118
Barriers to Participation	119
Overcoming Barriers	121
How Can LAFs Make a Difference?	123
Further Information	126
Useful Contacts	238

Go back to [Main Contents](#)

Introduction

There is much interest in stimulating public access to the countryside for recreation and in the use of public rights of way for both recreation and utilitarian purposes. From the government's perspective, greater participation has the potential benefits of:

- improved health and well-being bringing about social gains and savings in health costs;
- reductions in traffic congestion, pollution and carbon emissions (if people switch from cars to more sustainable modes of transport like walking and cycling);
- economic benefits to rural areas, promoting agricultural diversification;
- re-engaging people with the countryside – the source of much of their food.

This is all well and good for the government, but what's in it for the public? What will motivate them to participate? Natural England commissioned research from the Henley Centre for Forecasting (see Further Information) and they identified four major drivers of demand:

- Retuned to nature - the growing desire to engage with the natural world.
- Drive to physical activity and health - growing Government focus on increasing activity levels as a means of achieving better public health outcomes.
- Experience economy - the focus on experience over material goods.
- Changing lifestyles of children and young adults - the increasingly 'urban', sedentary and technology-led lives of young people.

These are also the drivers around which most uncertainty exists. The Henley Centre has produced a series of strategic papers that discuss the potential benefits of public access, what drives participation and the trends influencing these drivers. This is 'high level stuff', so the rest of this section focuses on more detailed issues that flow from these underlying trends.

Go back to [Generating Benefits from Public Access](#)

Key Points

Key points are as follows:

- there are lots of benefits associated with members of the public gaining access to the countryside, not only to the participant, but also to the local economy (assuming participants spend some money locally!);
- different types of user have different sets of needs and preferences which public rights of way and CRoW access land can meet;
- multi-use trails are often able to meet the needs and preferences of the maximum number of users;
- there are, though, lots of people who do not visit the countryside for recreational purposes, many because they simply have no interest in doing so or do not give it a higher priority;
- there are many people who are currently non-visitors but who would visit the countryside if barriers to them going (both perceptual and real) were removed;
- LAFs can help their appointing authority in finding out more about these barriers and how they can be removed;

Go back to [Generating Benefits from Public Access](#)

Benefits of Public access

Public access for walking, cycling, riding can generate many different benefits.

Benefits to participants: The Best of Both Worlds website (www.bobw.co.uk) lists the benefits to participants in outdoor recreation:

Everyone will have their own reasons for wanting to participate in outdoor recreation and pursuits. The ones that commonly mentioned are:

- **rising to the challenge:** The great outdoors can provide a challenge – physical and mental – for climbers, cavers, canoeists, mountain bikers, horse riders and so on. People feel invigorated and rewarded from doing these things
- **just ‘being there’:** is enough for some. A chance to get away from urban clutter and humdrum every-day existence
- **being close to nature:** can make positive contributions to our health, help us to recover from pre-existing stresses or problems, have an immunising effect by protecting us from future stresses, and help us to concentrate and think more clearly
- **it’s good for people’s physical health:** People using the countryside for outdoor recreation, now referred to by some as “green exercise”, are fitter and emotionally more content
- **it’s good for mental fitness and well-being:** Activity out of doors can stimulate a feeling of well being. To quote Community Care magazine - “If you really want to feel better, and if you are able to, you can’t beat a good shot of fresh air and exercise in a green environment.”
- **it’s an inspiration to artists:** Many artists, poets and writers derive inspiration from the natural landscape.

Benefits to local economies: Users of public access, especially visitors from outside the immediate locality, can bring significant benefits to the local economy through the money they spend and the use they make of services. This can create and support many jobs in areas where opportunities are limited. The Ramblers’ Association (2003) reckoned that walking in the countryside generated somewhere between 180,000 and 250,000 full time equivalent jobs in England. Where public access is for utilitarian purposes and substitutes for private cars, there are benefits in terms of reduced traffic congestion. Defra has developed a computer model (called “PROWTOOL”) to assist in calculating the benefits that could arise from access developments (see [Further Information](#)).

Benefits to the national economy: Healthier, fitter and more content people place less demands on public services, such as the National Health Service. Research into ‘green exercise’ is beginning to reveal these wider benefits.

Benefits to the environment: giving people the chance to experience the natural environment at first hand is an opportunity for them to gain an appreciation of its value and instil a desire to see it protected or enhanced.

In short – accessing the countryside is generally a good thing!

National, regional and local authorities all recognise the net benefit and have policies to promote and encourage public access in a variety of forms.

Go back to [Generating Benefits from Public Access](#)

Needs and Preferences of User Groups

Each type of user group tends to have its own needs and preferences, as research for Rights of Way Improvement Plans has revealed. It is dangerous to generalise too much, though, as each main category of user can be split into sub-categories and individuals will have his or her own reasons for using public access. Below, we list some of the generally recognised needs of different types of user.

Walkers

This is the largest user group and can be broken down into many sub-groups. However, most walkers will fall into one (or more) of 'Casual', 'Ramblers' and 'Walkers with dogs'. Research undertaken by Bedfordshire County Council (as part of a series of pilot projects part-funded by the then Countryside Agency) set out the stated needs and preferences of these types of walkers.

Casual	Serious	Walkers with Dogs
<ul style="list-style-type: none"> • natural looking paths – not smooth, artificial surfaces; • variety of surfaces and terrain (but not too muddy); • maps and information about routes, so you can choose a route suitable for your ability; • paths clear of obstruction; • way marking – reassurance you are on the right track; • safety; • some areas with activities for children; • benches; • safe car parking; • wildlife interest/attractive environment; • no litter, fly tipping; • no children on bikes. 	<ul style="list-style-type: none"> • variety – differing grades, surfaces, scenery; • natural surface and environment; • not too muddy; • adequate signage and way marks; • ideally no busy road crossings, or at least a safe crossing point; • paths not obstructed; • furniture and bridges in good repair, with gaps or kissing gates instead of stiles; • adequate public transport for linear routes; • safe and sufficient parking; • effective response to complaints; • access to Definitive Map as required. 	<ul style="list-style-type: none"> • sufficient dog bins that are emptied regularly; • room for the dog to run off the lead; • safe for the dog to run off the lead i.e. no vehicles, other walkers, livestock; • controlled undergrowth; • no stiles or dog gates as dog gates are only suitable for small dogs; • clear and sufficient signage; • clear routes across fields; • lighting in winter on local routes near to the road; • attractive environment; and • opportunities for the dog to drink (natural streams, ditches or water supplied by pubs).

Note: this is what respondents said they liked to have when out walking, not necessarily what they expect!

Cyclists

Cyclists can also be divided into a number of different categories, as shown in the table below.

Cycling sub-groups – Key Interests and Preferences

Sub-group	Type Of Cycling	Needs and Preferences
Infrequent Leisure Cyclists	Traffic Free Cycling Packaged Cycle Touring Holidays and Short Breaks	Traffic-free cycle paths Cycle hire Packaged cycling holidays
Family Leisure Cyclists	Traffic Free Cycling	Traffic-free cycle paths Cycle hire
Occasional Leisure Cyclists	Day Cycle Rides (10-25 miles on quiet country roads and traffic-free paths) Cycling Short Breaks <ul style="list-style-type: none"> - self-organised - centre-based 	Circular day cycle routes with maps and information Traffic-free cycle paths Safe places to leave the car while off cycling Bases for cycling short breaks Cyclist friendly accommodation (usually serviced) Cycle parking and storage Cycle repair/rescue
Frequent Leisure Cyclists	Day Cycle Rides (25-35 miles, primarily on quiet country roads) Cycling Short Breaks <ul style="list-style-type: none"> - self-organised - centre-based + touring 	Circular day cycle routes with maps and information Safe places to leave the car while off cycling Cycle access by train (for some) Ideas for cycling short breaks Cyclist friendly accommodation (usually serviced) Cycle parking and storage Cycle repair/rescue
Cycling Enthusiasts	Day Cycle Rides (up to 40-50 miles, primarily on quiet country roads) Independent Cycle Touring Holidays and Short Breaks (longer distances)	Ideas for day cycle rides – Cycling Enthusiasts will tend to plan their own rides, using cycle route leaflets for ideas and information Safe places to leave the car while off cycling Cycle access by train (for some - generally more important for Cycling

		<p>Enthusiasts than for other market segments)</p> <p>Ideas for cycle touring holidays and short breaks</p> <p>Cyclist friendly accommodation (usually serviced + youth hostels)</p> <p>Cycle parking and storage</p> <p>Cycle repair</p>
Occasional Mountain Bikers	<p>Mountain Bike Trail Riding</p> <p>Mountain Biking Breaks</p>	<p>Purpose built and signed mountain bike trails</p> <p>Mountain bike hire</p> <p>Car parking</p> <p>Cyclist friendly accommodation (particularly camp sites and self-catering)</p>
Mountain Bike Enthusiasts	<p>Mountain Bike Trail Riding</p> <p>Mountain Biking Breaks</p>	<p>Information on where to go mountain biking – Mountain Biking Enthusiasts will tend to plan their own routes, but will also make use of purpose-built and way marked mountain bike trails</p> <p>Car parking</p> <p>Cyclist friendly accommodation</p>
Utilitarian	<p>Commuting to/from work</p> <p>Commuting to/from school</p> <p>Travelling to access shops and services</p>	<p>Good surfaces</p> <p>Direct routes, as free from traffic as possible</p> <p>Secure bike parking/storage</p> <p>Showering facilities (at place of work)</p>

Source: Adapted from ACK Tourism *et al* 2001

Horse Riders

Research by Rural Resources for Shropshire County Council³ revealed that horse riders, like walkers and cyclists, need off road routes and safe crossing points where a route crosses a busy road. Those interviewed by the researchers said how important it is that these off road routes are:

- free from obstruction and other obstacles mentioning difficult gates, electric fencing, dogs, bulls, cows and other horses;
- not overgrown with vegetation such as brambles and nettles, or have overhanging branches and low trees; and
- well signposted and way marked.

Horse riders need surfaces to be generally level and preferably free from pot holes. They should also be well drained to prevent poaching, preferably with a natural surface (not tarmac or concrete).

Carriage Drivers

Evidence of their needs is limited but Sheffield Hallam and Rural Resources both considered their needs in the course of research for local authorities. In short, the needs of carriage drivers are similar to those of horse riders plus:

- Adequate parking for manoeuvring carriages and horses;
- Area close to car park to tack up horse and harness horse to carriage;
- Long distance routes with gates wide enough to allow the carriage to pass through;
- Absence of blocking vegetation.

Opening and closing gates may also be a particular bugbear of carriage drivers; the Forestry Commission has developed some carriage driving trails and present some examples of good practice.

Drivers of 'Off-Road' Motor Vehicles

A study by Defra⁴ asked a range of organisations that represent off-road motor vehicle drivers what they sought from routes. Each group made a similar response but they embraced the following points:

- unsurfaced routes that are 'different' from ordinary roads (Land Access and Recreation Association);
- routes that are free from obstructions and conflict with other users (All Wheel Drive Club);
- good surface, free from obstructing vegetation, preferably with some character and history (Trail Riders Fellowship);
- challenging natural gradient and surface (Association of Classic Trials Clubs);

³ See: <http://www.iprow.co.uk/docs/uploads/Salop.Horse.and.Cycle.Study.pdf>

⁴ See: <http://www.defra.gov.uk/wildlife-countryside/cl/mpv/pdf/researchrep-veh.pdf>

- reasonable length and interesting topography (Association of Rover Clubs);
- routes that are not damaged by light vehicle use (Green Lane Association).

Research carried out for Nottinghamshire County Council ⁵ suggests that recreational drivers are happy to share routes with other users. More information about the rights of the public to drive mechanically-propelled vehicles is included in the section on [Public Rights of Way](#).

Disabled People

The needs of people with disabilities will be influenced to some extent by the nature of their disabilities. The City of York explored the needs of this group and produced the following summary:

Needs of People With Disabilities

Wheelchair users need:	
<ul style="list-style-type: none"> ▪ signs at eye level ▪ catches which are easy to reach and operate ▪ space on car parks to transfer from their car to their chair ▪ accessible toilets ▪ views unrestricted by handrails or walls ▪ hand rails at appropriate heights ▪ surfaces which are firm, level & non-slip 	<ul style="list-style-type: none"> ▪ gates which are easy to open and close ▪ minimum crossfall on paths or even cambers ▪ spaces to sit next to companions at seats and accessible picnic tables ▪ space to pass other path users ▪ space to turn corners ▪ minimum gradients on all paths ▪ level space next to ramps or gates
People with walking difficulties or dexterity/balance problems need:	
<ul style="list-style-type: none"> ▪ level, even surfaces on paths ▪ steps with handrails and even treads and risers ▪ seats that are easy to rise from ▪ minimum gaps in the path surface ▪ minimum gradients along and across paths 	<ul style="list-style-type: none"> ▪ easy to negotiate stiles and gates ▪ gates that are not heavy and catches that are easy to operate ▪ passing places on paths ▪ resting places at regular intervals ▪ horse riders need places to mount and dismount, plus easy catches on bridlegates
Visually impaired people need:	
<ul style="list-style-type: none"> ▪ Space to pass other path users ▪ Clear edges to paths ▪ Even and clearly marked steps 	<ul style="list-style-type: none"> ▪ Warning of hazards at head height ▪ Even path surfaces ▪ Easy to use catches on gates

Source: Hosker et al (2003) See:

<http://www.iprow.co.uk/docs/uploads/York.ROWIP.accessibility.pilot.report.RH.pdf>

Public access for disabled people is discussed further under "[Access and Disabled People](#)".

⁵ See: <http://www.iprow.co.uk/docs/uploads/Nottinghamshire.Vehicle.users.Final.report.pdf>

Minority Ethnic Groups

People from minority ethnic groups face a greater range of obstacles to participation in public access and recreation. There are some key features about the people in these groups that are particularly significant.

Urban dwellers: Ethnic minority populations in England are predominantly urban dwellers. For example, in London 60% of people are of white British origin, compared to over 90% in the south-east region excluding London. However, do not assume that people from BME groups all live in cities. Indeed, the problems of small rural ethnic communities can be overlooked precisely because there are few of them - back in 1994, the National Council for Voluntary Organisations ran a Rural Anti-racism Project, which in turn was a response to Eric Jay's report for Commission for Racial Equality 'Keep them in Birmingham'.

Incomes: one researcher found that overall, 57% of people from the ethnic minorities in Britain are on a low income. Lack of disposable income and low car ownership may, therefore, be a barrier to visiting the countryside by these groups.

Rural Backgrounds: Many immigrants have come to live in England from countries where there are much closer ties to rural areas. However, as noted above, immigrants to England tend to live in urban areas, often living adjacent to other minority communities, where they feel safer, blend in, are less likely to suffer racial abuse and so feel more comfortable.

Perceived barriers: The Countryside Agency (2005a) and the Black Environmental Network (undated) in their research have common barriers to ethnic minorities visiting the countryside. These are:

- lack of cultural habit
- lack of knowledge
- cost of visiting the countryside
- transport
- different patterns of use (of the countryside)
- lack of culturally appropriate provisions
- dogs

New influx: as has been widely reported in the press, there has been a major influx of immigrants into the UK from the new accession states of the EU (particularly Poland and Romania), as well as refugees from countries such as Iraq and Afghanistan.

Why bother developing these new audiences? Well, for several reasons:

- There is a moral obligation to make sure that publicly-funded services provide the greatest possible benefit;
- It fits with national or regional programmes to regenerate communities;
- A desire to help build a sense of identity and cohesion in the local community;

- The benefits of working with other organisations with similar aims at local or regional level;
- The need to supplement limited public funding with other sources of income.

(adapted from Heritage Lottery Fund guidelines)

Go back to [Generating Benefits from Public Access](#)

Multi-Use Trails

Greatest use of a route, whether existing or newly created, is if it can be promoted as a multi-use trail. Typically, this is taken to mean able to be used by walkers, cyclists, horse riders and people with mobility impairments or other disabilities. In developing a multi use trail, benefits of usage are maximised; on the downside, costs can be high and there may be difficulties in allowing horses and wheelchairs but trying to exclude motorbikes!

It is in this context that the term 'Greenways' has developed. This does not have any legal meaning but its common meaning is a trail developed for multi-use. Greenways often follow the route of disused railway lines, which are ideally suited to such use.

A key question that often arises is whether different categories of users should be kept separate from others, especially as ideal surface conditions for different groups vary. Often, there is insufficient width to accommodate this. Further, conflict between user groups is often more imagined than real.

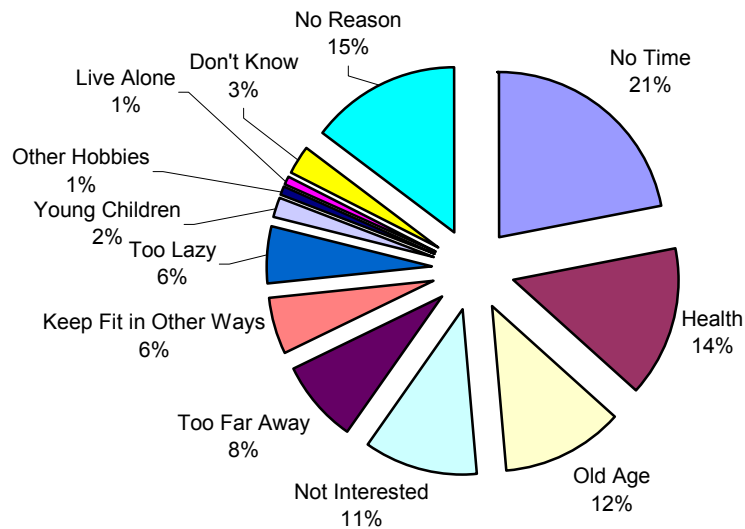
Fortunately, a lot of experience has been gained over recent years in the planning and design of multi-use trails (see [Further Information](#)).

Go back to [Generating Benefits from Public Access](#)

Barriers to Participation

So, if it is such a good thing, why does around 50% of the population not participate in access and recreation in the countryside? England-wide research has identified a number of common barriers to participation. The figure below shows the main reason given by heads of households in which no member of the household participates in public access.

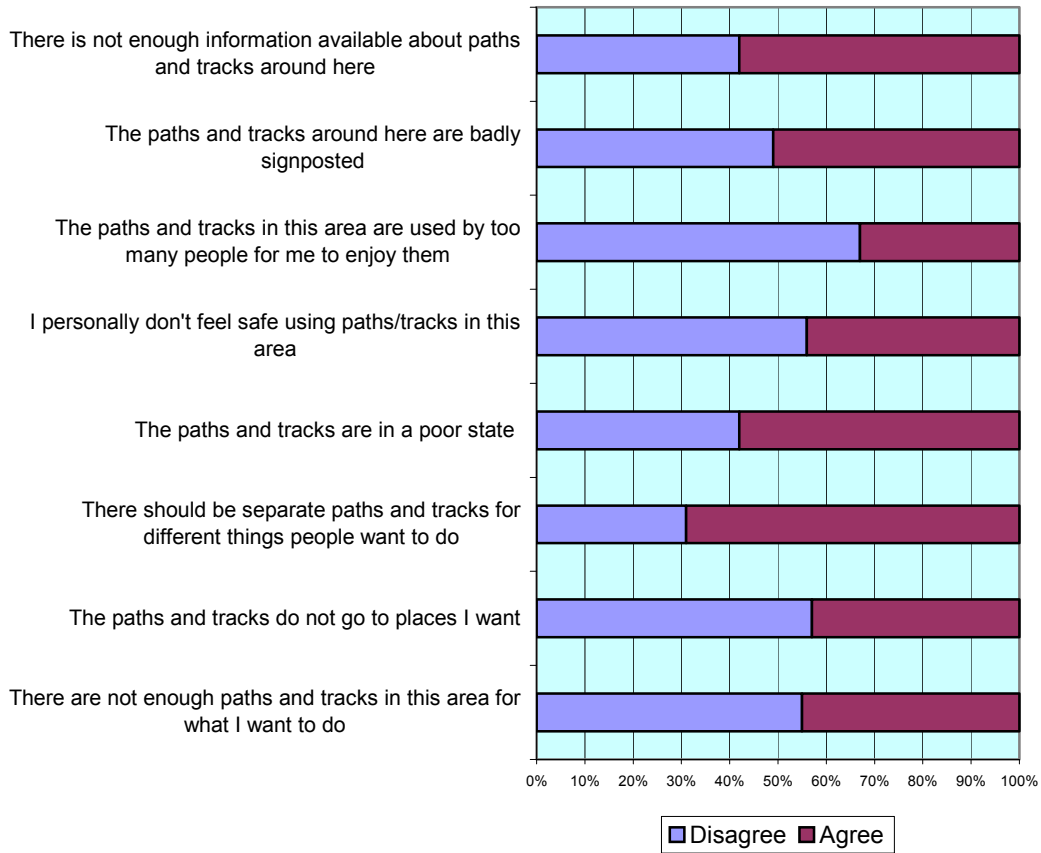
Reasons Given For Non-Participation (% of Respondents)



Source: National Use and Demand for Rights of Way (2001) by Entec UK Ltd for the Countryside Agency.

Many of these responses indicate a low priority given to use of the public access network. This may arise out of perceptions of difficulties likely to be encountered. The same researchers asked all respondents a number of questions about the public rights of way network to test their perceptions. The results are given below.

Tendency to Agree or Disagree With Statements about the PRoW Network



There are likely to be local variations in non-participation and public perceptions will vary. The research done prior to preparing the Rights of Way Improvement Plan for your area should have revealed some of the local barriers to participation.

Go back to [Generating Benefits from Public Access](#)

Overcoming Barriers

Local highway authorities do not have a duty to promote public access, but most do so because of the benefits to be gained. The two basic approaches seem to be:

- provide information about the access opportunity (e.g. a particular footpath or a country park);
- target particular sections of society.

Examples of these two types of promotion are given below.

Promoting Access Opportunities

Visit any local highway authority website (typically either the 'Countryside' or 'Rights of Way' sections) and there's a good chance you'll come across pages devoted to promoting routes in the authority's areas. Examples are:

- Oxfordshire: http://www.oxfordshire.gov.uk/wps/portal/publicsite/councilservices?WC_M_GLOBAL_CONTEXT=http://apps.oxfordshire.gov.uk/wps/wcm/connect/Internet/Council+services/Environment+and+planning/Countryside/Walks+and+rides/ENV+-+C+-+Country+walks
- Norfolk: <http://www.countrysideaccess.norfolk.gov.uk/>
- Kirklees: <http://www.kirklees.gov.uk/events/themedetails.asp?tid=80>

Some authorities organise programmes of guided walks or "Walking Weeks" type events. Examples are:

- Dartmoor NPA: <http://www.dartmoor-npa.gov.uk/vi-eventsguidedwalks>
- Warwickshire Walking Festival: <http://www.warwickshire.gov.uk/walkingfestival>
- Isle of Wight Annual Cycling Festival: <http://leisure.iwight.com/events/cyclingfestival.aspx>

Targeting Specific Groups

Examples of projects/programmes designed to stimulate public access amongst specific groups are:

- The 'Safe Routes to Schools' initiative: which aims to encourage and enable children to walk and cycle to school. For further details, see: <http://www.saferoutestoschools.org.uk/>
- The Walk Your Way to Health Initiative (WHI): Pioneered by British Heart Foundation and Natural England, WHI aims to encourage people, particularly those who take little exercise, to do regular short walks in their communities. For further details, see: <http://www.whi.org.uk/>;
- the Mosaic Project: an initiative by National Park Authorities to stimulate interest in the parks from within the black and ethnic minority

- communities. For further details, see:
<http://www.mosaicproject.org/index2.htm>;
- the Lake District National Park Authority and British Mountaineering Council devised a 'Visitor Payback Scheme', in an effort to introduce local children to the delights of outdoor activities. For more information, see:
http://www.lake-district.gov.uk/lake_district_docs95/open_return_2004_7cs6.pdf (60kb)
 - Lancashire Trumper Scheme: Lancashire County Council has created three buggy-friendly trails at Beacon Fell Country Park and has purchased three special buggies (Trampers) for use by disabled people. The scheme has been promoted amongst groups of mobility-impaired people. For more information, see:
<http://www.lancashire.gov.uk/environment/countryside/sites/bdisability.asp>

Go back to [Generating Benefits from Public Access](#)

How Can LAFs Make a Difference?

Here are some ideas that LAF members may consider to make a difference:

- find out why people in your area don't take part (study the research done when preparing the RoWIP or those of neighbouring authorities);
- encourage your appointing authority to do further research (either as discrete market research or as part of a Citizens' Panel omnibus survey) into why people don't take part in public access – and why people do take part;

Good Practice Example

The Oxfordshire LAF has initiated a freepost feedback form to be included in circular walks packs etc so that the LAF can assess customer feedback. It has been adapted for use on the web.

- identify under-represented groups and think about what special barriers they may face;

Good Practice Example

The Bedfordshire LAF has developed its own position statements on "inclusive access" and this is considered the norm on public rights of way and open spaces. The LAF has also produced a programme of health walks, events and practical works that volunteers can support which is promoted through doctors' surgeries.

- advise your appointing authority and other prescribed bodies about the potential for:
 - o themed festivals, promoting public access;
 - o appearing at shows, events etc. (e.g. county/agricultural shows) to promote the benefits of access and recreation in the local countryside;
 - o a guided walks programme, what it might contain and how it should be publicised;

You might also want to help others like water companies, the Forestry Commission and the National Trust.

Good Practice Example:

The two LAFs covering Lincolnshire (Mid Lincolnshire LAF and the South Lincolnshire and Rutland LAF) have been actively involved in commenting on information leaflets intended to promote a range of walks, prior to publication.

Good Practice Example:

Dartmoor LAF offered a range of editorial comments on the NPA publication "Walking on Dartmoor" and gave its endorsement to the publication (and got

its logo on the cover!).

- ensure RoWIP actions involving promotional activities are fully implemented;
- individual members may like to offer assistance in checking the content of promotional materials prior to publication;
- put forward suggestions for special projects, and making sure that developments embrace as many possible user groups as conditions allow (see [Multi-Use Trails](#));
- identifying routes that could be further promoted or developed.

Some possibilities for LAFs to consider in relation to helping minority ethnic groups are:

- Work with existing good practice and research – don't re-invent the wheel, so check out some literature cited here, check what liaison your local authority did during the ROWIP process, etc.
- Work with partnerships and agencies who understand the needs of people from BME groups and have ways into those community groups.
- Work with individuals and organisations who share your aims - there may be officers from sports development, tourism or health departments for instance, who have similar agendas to you.
- Remember that many of the barriers to access faced by people from BME groups will be common to other groups so work to remove or mitigate the effect of those difficulties rather than thinking “what can we do for black and minority ethnic groups?”
- Be realistic in choosing who to work with – better to deliver a sustainable low key project successfully, than to promise major schemes and not deliver. Consultation about likely demand and usage will help guide these decisions
- If you don't have the experience of working with diverse communities in your LAF, find someone who does – perhaps the next door LAF, equalities/communities officer from a local authority, wildlife trust or national park authority, for instance.

Good Practice Example:

Access and audience development plans for Heritage Lottery Fund bids require consultation and identification of target groups of visitors. Work on the Dunstable Downs for the local authority and National Trust involved:

- Setting up consultation events through a locally based community officer
- A range of consultation to suit the groups – focus groups, site visits, informal interviews
- Ensuring a range of voices were heard – young people, older people

and representatives of groups

- Taking on board suggestions such as visitor centre opening hours, foods in the café, transport problems, design of interpretation and information, targeted events, the need for an outreach/community officer

HLF produce a good booklet to help people writing Audience Development Plans (from HLF see contact below). There are useful checklists in it as well as guidance to working with a variety of 'hard to reach groups' and how to identify barriers to access.

Good Practice Examples:

The Mosaic Project of 2001-2004 was carried out by the Black Environment Network (BEN) and the Council for National Parks under the umbrella of the Integrated Access Demonstration Projects and aimed to encourage BMEs to visit the countryside. As well as laying down the foundations for attracting ethnic communities into the National Parks, suggestions for removing barriers included:

- establishing links with groups
- providing training to staff
- developing a model which will encourage them to make the visits.

The Lake District National Park Authority, which was involved in the original project has already delivered 750 events this year which include:

- a visit from the Preston Hindu Temple
- a conservation project for homeless men
- hosting 115 students from three London schools.

The second stage of the Mosaic project is being proposed, and will focus its work on the four National Parks which are closest to the big multicultural urban populations: the Peak District, Yorkshire Dales, North York Moors and the Brecon Beacons.

Go back to [Generating Benefits from Public Access](#)

Further Information

The primary source of information about access demand in your area will be the RoWIP and any research done to underpin its proposals – speak to the relevant Rights of Way officer in the highway authority (also, see [LAFs and RoWIPs](#)).

Rights of Way Use and Demand Study (2003). Revised by Roy Hickey for the Countryside Agency. Available on: <http://www.iprow.co.uk/docs/uploads/RevisedUse.Demand.pdf> (445kb)

RoWIP Exemplar Projects. See: http://www.iprow.co.uk/gpg/index.php/Outputs_of_the_ROWIP_Exemplar_Programme

Countryside Recreation Network (priced publications):

- Social Exclusion in Countryside Leisure in the United Kingdom the role of the countryside in addressing social exclusion (2001) (Price £10)
- Removing Barriers; Creating Opportunities; Social Inclusion in the Countryside (2001) (Price £15)

For more details, see: <http://www.countrysiderecreation.org.uk/publications/>

Henley Centre for Forecasting – research for Natural England.

- Demand for Outdoor Recreation: http://www.countryside.gov.uk/Images/Paper%20%20Demand%20for%20outdoor%20recreation_tcm2-28144.pdf (451kb)
- Health and Outdoor Recreation: http://www.countryside.gov.uk/Images/Paper%20%20Health%20and%20Outdoor%20recreation_tcm2-28145.pdf (485kb)
- Supply of Places for Outdoor Recreation: http://www.countryside.gov.uk/Images/Paper%20%20Supply%20for%20Outdoor%20recreation%20v2_tcm2-28146.pdf (613kb)

Information about Multi-use trails can be found in:

- the Greenways Handbook. See: <http://www.countryside.gov.uk/LAR/Recreation/Greenways/GreenwaysHandbook/index.asp>
- On the Right Track – surface requirements for shared use routes. Ref CA 213. See: <http://naturalengland.communisis.com/naturalenglandshop/docs/CA213.pdf> (1.1mb)
- Research into how people react on off-road routes. Ref CRN32. See: <http://naturalengland.communisis.com/naturalenglandshop/docs/CA205.pdf> (2.29mb)

- Shared use paths and tracks. Information from Scottish Natural Heritage. See: <http://www.snh.org.uk/publications/online/advisorynotes/71/71.html>

The Waste and Resourcing Action Programme has done some interesting work on the use of recycled rubber in trail surfacing. See:

- technical report:
http://www.wrap.org.uk/applications/publications/tyres/publication_details.rm?id=9410&publication=4356
- case study concerning bridleway:
http://www.wrap.org.uk/applications/publications/tyres/publication_details.rm?id=9410&publication=3758

If you want to find out more about public access for minority ethnic groups and other under-represented sectors of society, you could consult the following sources of information:

Countryside Agency's "Diversity Review" (see: <http://www.countryside.gov.uk/LAR/Recreation/DR/index.asp>);

MOSAIC Project: <http://www.mosaicproject.org/>

Black Environment Network has produced a large number of reports, many being refreshingly short (listed on: <http://www.ben-network.org.uk/resources/pubs.aspx>). Two of particular relevance are:

- Access to the Countryside (Excerpt): a report from Black Environmental Network (BEN). See: http://www.ben-network.org.uk/uploaded_Files/Ben_1/Ben_file_1_26.pdf (17kb)
- A Place in the Country: Is Britain's countryside and rural heritage really for all? (2001) Report by BEN for Tourism Concern. See: http://www.ben-network.org.uk/uploaded_Files/Ben_1/Ben_file_1_35.pdf (9kb)

Capturing Richness - Countryside visits by black and ethnic minorities – Countryside Agency

Visible communities' use and perceptions of the North York Moors and Peak District National Parks – a policy guidance document for national park authorities Kye Askins, University of Durham Sept. 2004

Social exclusion in countryside leisure in the UK: the role of countryside in addressing social exclusion: a report for the Countryside Recreation Network by Bill Slee and Derren Jones, CRN 2001

Go back to [Generating Benefits from Public Access](#)

12. Access to Inland Waters and the Coast

Access to water, whether inland waters or the coast, has become a topic of special interest. This section provides some background to these forms of access and recreation and some pointers to where LAF involvement might produce benefits.

	Page
Introduction	129
Key Points	131
How LAFs Can Make A Difference	132
Further Information	134
Useful Websites	136
Useful Contacts	238

Go back to [Main Contents](#)

Introduction

It is helpful to consider access to inland waters and coastal waters separately, as the legal situation differs.

Inland Waters

Inland waters can be defined as those which contain fresh water. They comprise natural watercourses (such as rivers, streams, becks), man-made watercourses (e.g. drains, canals), natural waterbodies (lake, pools, ponds) and man-made waterbodies (e.g. reservoirs).

Estuaries

We all know what estuaries are but there is perhaps uncertainty about where their limits lie – when does a river enter an estuary and when does the estuary become the open sea? The former is a slightly easier question to answer than the latter because OS maps show the ‘Normal Tidal Limit’. This is the point at which the level of a river or stream ceases to be affected by the tidal flow. NTL is annotated on OS maps. The correct determination of this point is important as various agencies are responsible for coastal protection work up to the NTL (source OS website: <http://www.ordnancesurvey.co.uk/oswebsite/freefun/geofacts/geo0666.html>).

The lowest point of an estuary is less easy to describe and also perhaps less significant. It could be determined in terms of the gradient of salinity, with ‘open sea’ being the point where the increasing salinity of the water reaches the same as the salinity as that in the sea. However, for the purposes of navigation and fishing rights, estuaries are tidal and so regarded as being part of the sea.

Estuaries can experience wide tidal ranges (such as the Severn Estuary), which has the second highest tidal range in the world. The areas of foreshore exposed at low tide are of great value for wildlife (especially birds).

Another important feature of estuaries is that they create an obstacle to onward passage around the open coast, as some penetrate a long way inland. Some are bridged or able to be crossed by all year round ferries.

Coastal Waters

One of the difficulties with coastal access is defining what is meant by ‘the coast’, as an examination of a map of the coast will soon reveal. The interface between land and sea is complex and dynamic. So, too, is the state of public access both to the coast and along it. Consequently, Defra is currently (early 2008) considering how to improve access to and along the English coast, in order to meet commitments made in the Labour Party manifesto and the Rural White Paper 2004⁶.

⁶ Rural White Paper (Our Countryside: The Future - A Fair Deal for Rural England) stated that “The Countryside and Rights of Way Bill provides for the statutory opening of **coastal land** if appropriate in the future. We shall review this in the light of experience with other types of land open for statutory access, and consult fully on any proposals.”

Legal definitions have been provided in past legislation. The CRoW Act provides a legal definition of 'coastal land' as being:

“(a) the foreshore, and

(b) land adjacent to the foreshore (including in particular any cliff, bank, barrier, dune, beach or flat which is adjacent to the foreshore).”

The following definitions are commonly used when thinking about the coast:

- **the sea** – the area of water up to mean low water mark (MLWM);
- **the foreshore** – the area between MLWM and mean high water mark (MHWM) – sometimes called the inter-tidal zone;
- **coastal land** – any other area, inland from the foreshore, including land above MHWM that is integral with the foreshore (such as dune systems or beaches), that is not covered by sea.

There is a common law right of navigation in coastal and tidal waters. People have a legal right to fish in coastal and tidal waters for recreational purposes (i.e. providing the catch is not sold). However, there is no general right of public access to the foreshore or land adjacent to the shore. In addition, some foreshores are used by horse riders, although this can sometimes be regulated by local byelaws. The British Horse Society has a leaflet on this.

Because access to the coast has been the subject of much recent research, there are several other sources of information which may be of interest to LAF members (see [Further Information](#)).

Go back to [Access to Inland Waters and the Coast](#)

Key Points

Inland Waters

Key points to note are:

- there is no general right of access to or on inland waters and it is the 'riparian' landowner (the owner of the land which forms the bank of the waterbody) that owns the property rights and granting permission for access or for angling is in his/her gift;
- waterbodies on CRoW access land are classed as 'land'. However, the CRoW Act does not confer a right to swim or navigate on inland waters that are included with maps of CRoW access land;
- the Environment Agency has a general responsibility for inland waters and responsibility for flood defence on designated 'main rivers' (of which there are about 30,000km in England);
- river banks are dynamic and if the line of a public right of way is broken due to bank slips, the line is lost (it does not automatically move to divert around the slippage).

Estuaries

Key points to note are:

- like coastal waters, there is a common law right of navigation and to fish for recreational (i.e. non-commercial) purposes but no general right of access;
- can be dangerous to members of the public because of the tidal movements, which can be large and rapid, and risk of quicksand;
- estuaries are often of great value for wildlife;
- can present a major obstacle to onward passage around the coast.

Coastal Waters

Key points to note are:

- there is currently no general right of public access to the coast or the foreshore although much of the foreshore is accessible on a de facto basis;
- there is a common law right of navigation and to fish for recreational (i.e. non-commercial) purposes;
- coastlines are dynamic and if the line of a public right of way is broken due to land slips, the line is lost (it does not automatically move to divert around the slippage).

Go back to [Access to Inland Waters and the Coast](#)

How Can LAFs Make A Difference

There are several ways in which LAF members can make a difference:

- If you think it necessary, you could ask the appointing authority to appoint a new member with expertise/knowledge in access to water;
- Assuming suitable expertise is available, you may want to advise prescribed bodies on the development of strategies re: access to water;
- Access to water is likely to be an area of policy development and implementation over the next few years. This will give rise to various government consultation papers to which your LAF may want to respond;
- Using its local knowledge, the LAF could help with development of local access proposals, as anticipated for development of access along the coastal corridor;
- There may be opportunities to provide advice to the Environment Agency regarding, for example canoe access, although because the Agency is not a Section 94(4) body this will need to be done via one that is (e.g. your appointing authority or Sport England) if the Environment Agency are to be required to have regard to the advice;
- Help your appointing authority to develop strategies/management plans by nominating representative on for strategic/policy development groups.

Good Practice Example:

Hampshire's Countryside Access Forum has supported the recruitment of a new member to represent access to water (which has been effectively done). They have considered in detail proposals from the Itchen Navigation Project and responded with recommendations that more should be done to provide access for cyclists and disabled people (although the advice was not heeded).

Good Practice Example:

Cumbria LAF has been instrumental in helping to set up a Rivers Access Working Group to look at improving access for all user groups along rivers on a river by river basis.

Good Practice Example:

Devon Countryside Access Forum set up a working group to look at the problems around water access and listened to views from water access users, fishermen and those associated with fishing related tourism.

Good Practice Example:

The Lake District has set up an internal project group to develop its strategy towards access and recreation on lakes, rivers and the coast. A member of the Lake District LAF has been appointed to sit on one of the project sub-groups.

- the Environment Agency is developing an approach to preparing water recreation strategies (on a pilot basis in two areas of England) and there may be opportunities for LAF members to feed into this process, especially if/when it goes national.

Go back to [Access to Inland Waters and the Coast](#)

Further Information

A better place to play – our strategy for water-related sport 2006-2011 (2005). Environment Agency strategy. See: http://www.environment-agency.gov.uk/commondata/acrobat/final_english_strat_1325406.pdf (1.13mb)

Asken Ltd (2007). Appraisal of Options for Improving Access to the English Coast. A partial regulatory impact assessment for Defra. See: <http://www.defra.gov.uk/wildlife-countryside/issues/pdf/asken-report.pdf> (1.21mb)

British Horse Society (undated). Riding on Beaches. See: <http://www.bhs.org.uk/DocFrame/DocView.asp?id=2031> and <http://www.bhs.org.uk/DocFrame/DocView.asp?id=541>

Coffyn, D. (2004). The right of navigation on non-tidal rivers and the common law. Published by the author.

Countryside Council for Wales (2006). Managing Recreation on Inland Waters in Wales: A review of approaches. Report for CCW by Countryside and Community Research Unit. <http://www.snowdonia-active.com/upload/documents/CCW%20Inland%20Water%20Final%20Report.pdf> (982kb)

Effects of Canoeing on Fish Stocks and Angling (2000). Environment Agency Report W266.

Improving access to woods, watersides and the coast (2000). Natural England Publications Ref: CA33:

Managing coastal activities: a guide for local authorities (2004). See: <http://www.defra.gov.uk/wildlife-countryside/issues/coastal/coastal-guidance.pdf> (352kb)

Managing Personal Watercraft: (2004). By the Royal Yachting Association: See: http://www.rya.org.uk/NR/rdonlyres/8DCE2C6E-FFA1-48A5-81AA-726D01AFFBCF/0/Managing_personal_watercraft_2004.pdf (552kb)

Natural England has posted a large amount of material on its website but information that may be of particular interest to LAF members are:

- Natural England (2007). Improving coastal access – our advice to government. See: http://www.countryside.gov.uk/Images/Advice%20to%20Government%20Report_tcm2-31282.pdf (3mb)
- Risk & Policy Analysts Ltd (2006). Options to Improve Coastal Access in England – Study to Investigate Costs. See: http://www.countryside.gov.uk/Images/RPA%20Costs%20Report_tcm2-31275.pdf (300kb)
- IPSOS-MORI (2006). Coastal Access in England (survey of members of the public). See:

http://www.countryside.gov.uk/Images/Annex%20%20IPSOS%20MORI%20COASTAL%20ACCESS%20-%20FINAL_tcm2-31270.pdf
(2.54mb)

- Peter Scott Planning Services Ltd (2006). Coastal Access in Europe. See: http://www.countryside.gov.uk/Images/CoastalAccessEurope-SUMMARY_tcm2-31606.pdf (52kb)
- Natural England has done research into Canoe Access agreements. See: <http://naturalengland.communisis.com/naturalenglandshop/docs/CRN79.pdf> (57Kb)

University of Brighton (2002). Demand for water-based sport and recreation – the facts. Report for Defra. See: <http://www.defra.gov.uk/wildlife-countryside/resprog/findings/watersport.pdf> (1.75mb)

Go back to [Access to Inland Waters and the Coast](#)

Useful Websites

Inland Waters

Best of Both Worlds provides information about reconciling water-based recreation and conservation. See: www.bobw.co.uk.

British Canoe Union have started a campaign to improve access rights for canoeists. More about the campaign can be found at:
<http://www.riversaccess.org/>

British Waterways is responsible for managing most of the canal network. See: <http://www.britishwaterways.co.uk/>

The Environment Agency has a general responsibility for the water environment in England. See: <http://www.environment-agency.gov.uk/>

Inland Waterways Advisory Council provides advice on the management of inland waters. See: <http://www.iwac.org.uk/>

Legislation concerning access to water:

- according to Naturenet: <http://www.naturenet.net/law/rivers.html>
- according to Canoe Wales:
http://www.canoewales.com/framesX.html?/riverguide/access_legals.htm
)

University of Brighton has a website that reports on a project entitled "Strategic Planning for Water-related Sport and Recreation in England and Wales". See: http://www.brighton.ac.uk/waterrecreation/project_overview.htm

Waterscape: <http://www.waterscape.com/>

Access to the Coast/Coastal Waters

Defra has a lot of material on its website:

- Improving Access to the English Coast: <http://www.defra.gov.uk/wildlife-countryside/issues/accesscoast.htm>
- Integrated coastal zone management:
<http://www.defra.gov.uk/environment/water/marine/uk/iczm/index.htm>
- Flood and coastal erosion risk management:
<http://www.defra.gov.uk/enviro/fcd/default.htm>
- Agencies and other bodies involved in coastal management:
<http://www.defra.gov.uk/wildlife-countryside/issues/coastal/appendix2.pdf>
(60kb)

The Maritime and Coast Guards Agency is responsible for organising rescues from the sea – www.mcga.gov.uk

Natural England now has an area of its website devoted to Coastal Access for All. See:
http://www.countryside.gov.uk/LAR/Access/coastal_access/index.asp

The Royal National Lifeboat Institute provides services to rescue people from the sea. See: <http://www.rnli.org.uk/>

Go back to [Access to Inland Waters and the Coast](#)

13. Dedication of Land and Routes for Public Access

Many access rights have come into existence through statute – either by giving statutory backing to common law rights (such as the move to record the public rights of way network) or by creation of general rights (such as through Part I of the CRow Act). However, it is possible for a landowner to create rights of public access through his/her own volition. This section provides information about how land and routes can be dedicated for public access.

	Page
Key Points	139
How Can LAFs Make A Difference	140
Legal Considerations	141
Further Information	144
Useful Contacts	238

Go back to [Main Contents](#)

Key Points

Key points to bear in mind about dedicating rights of access:

How: A landowner can do this by dedicating:

- An **area of land** as CRoW access land or a Town/Village Green
- A **linear route** as a public right of way.

Why: But why would landowners want to do this?

- they may simply want to provide something of amenity value for public use – this may be particularly true of charities and conservation bodies;
- there may be benefits in terms of reduced maintenance costs;
- it may help to ‘regularise’ access where current access arrangements are ‘de facto’;
- it may lead to a reduction in the occupiers’ liability towards access users (e.g. land dedicated under Section 16 of CRoW benefits from the lower level of duty of care afforded by CRoW Section 13);
- it may be preferable to having a public right of way imposed through a creation order.

Duration: Any dedication is made in perpetuity, or (in the case of leased land dedicated under CRoW Section 16) until the expiry of the lease. This is an important consideration when authorities seek to develop new promoted routes; creation can involve investment of both effort and money, and dedication offers a means of securing this investment (because, unlike permissive access, the dedication cannot be withdrawn).

Conditions: Dedications can be made contingent on certain conditions which might be stipulated by the dedicator. For example, a landowner dedicating land as CRoW access land under Section 16 can choose to relax some of the general restrictions set out in Schedule 2 (if he or she so wishes).

Go back to [Dedication of Land and Routes for Public Access](#)

How Can LAFs Make A Difference?

Dedicating a block of land or a linear route for public access is a big step for a landowner – it involves giving up a property right. LAFs may have a role in helping the relevant local highway, access or commons registration authority by:

- identifying the need for a new right of access;
- explaining to landowners the benefits of dedication;
- suggesting ways that public access can be managed;
- expressing thanks to the landowner who has agreed to the dedication;
- giving its backing to any attempts to find funding needed to achieve the dedication;
- making use of, and encouraging others to use, the dedicated land;
- encouraging the linkage of dedications with new developments – to provide access opportunities for new residents;
- encouraging potential dedicators to dedicate for higher rights usage, not just for pedestrians.

Go back to [Dedication of Land and Routes for Public Access](#)

Legal Considerations

There are three primary ways in which a landowner can dedicate land for public access:

- [as CRoW access land under CRoW Section 16](#);
- [as a green under the Commons Act 2006 Section 15](#);
- [as a public right of way](#).

As CRoW access land under Section 16 of CRoW:

The process for dedicating land is set out in the associated regulations – The Access to the Countryside (Dedication of Land) (England) Regulations 2003 (see <http://www.opsi.gov.uk/si/si2003/20032004.htm>). The key points are that:

- landowners and leaseholders with 90 years or more of the lease left to run can dedicate land for public access;
- dedication by the freeholder will remain in force indefinitely – in other words “for ever”; whereas a dedication made by a leaseholder will cease to have effect when the lease expires;
- by dedicating land, not only does this give long-term security to the public’s right of access, it will provide a reduction in the occupier’s duty of care (see Section 13 of CRoW Act);
- where there is an inferior leasehold or someone with another form of legal interest (e.g. an easement or an agricultural tenant), then any dedication must be made jointly;
- dedicated land becomes CRoW access land and is subject to the same rules and regulations, including the possibility that it may become excepted land;
- owners and leaseholders considering dedicating land for access should discuss their plans with Natural England, English Heritage and the Forestry Commission, as appropriate, at an early stage, especially if statutorily-designated sites are involved. These bodies will advise on how best to introduce public access with least impact on sensitive features;
- in order to make a dedication, a draft dedication instrument needs to be submitted following procedures laid down in regulations⁷. In summary, a dedication instrument must:
 - be made in writing;
 - explain that it is made under Section 16(1) of the 2000 Act;
 - identify the land to be dedicated in the form of a plan or map:
 - o to a scale of not less than 1:10,000;

⁷ Countryside Access (Dedications of Land as Access Land) (Wales) Regulations 2003. Welsh Statutory instrument 2003:135

- that shows the boundaries of the land to be dedicated; and
- uses an identifiable grid;
- give the details of those people making the dedication (name, address, postcode) and any other persons who are consenting to it;
- include a statement of the dedicators' entitlement to make the dedication and that, to the best of their knowledge, no-one else needs to give consent;
- indicate if there are to be any removals or relaxations of the general restrictions that apply to CRoW access land (giving details of the relaxations – what, when, where);
- include a declaration of authority to sign and confirm compliance with the regulations;
- the draft dedication instrument must be sent to the access authority (or authorities, if the land to be dedicated occurs in more than one access authority area), Natural England, Defra, Forestry Commission (if any of the dedicated land is woodland) and any mortgagee that exists at the time dedication is made. The draft should be submitted three months before the dedication is to be signed;
- access to dedicated land becomes available when the dedication instrument is executed⁸. This will be six months after the date that it has been signed. However, it has to be lodged with the access authority (or authorities) no later than 1 month from when it was signed. The person making the dedication must also send a copy of the lodged dedication instrument to Natural England, Defra, Forestry Commission (where woodland is involved) and any mortgagee.

As a Town or Village Green under Commons Act 2006

Section 15(8) states that “The owner of any land may apply to the commons registration authority to register the land as a town or village green. This would then ensure that the area was available for participation in sports and recreation, in perpetuity. In principle, any land dedicated as a green would be accessible only to local inhabitants or inhabitants of a neighbourhood within a locality. This is relatively new legislation and there has been no experience of it in action yet.

As a Public Right of Way

There are three ways in which new public rights of way can be created other than by a creation order or deemed dedication. These are:

- express dedication by the landowner;
- creation by agreement with the local authority; and
- creation by agreement with the local council.

Only the freehold owner of the land has the legal capacity to dedicate a public right of way.

⁸ Or when the Commencement Order bringing CRoW Part I into effect, whichever is the later.

Express dedication occurs where landowners consciously and deliberately give the public the right to use ways over their land. Certain conditions must be satisfied: it must be intended to dedicate the way as a public right of way; the public must actually use the way (i.e. it must be accepted by the public); it must be for the public at large, not merely for local people or some other group; and it must not be for a specified period only. The path that is created will not automatically be maintainable at public expense.

Local authorities have the power to enter into creation agreements under Section 25 of the Highways Act 1980. Such agreements between the landowner and the authority can incorporate certain limitations and provide for payment of compensation. Any way created under an agreement automatically becomes maintainable at public expense. Some authorities have standard schemes for this purpose.

Local councils can also enter into agreements to create public rights of way under Section 30 of the 1980 Act. However, there is no provision for payment of compensation in such cases or for paths created in this way to be maintainable at public expense, unless a separate agreement is reached under Section 38 of the 1980 Act to adopt the way.

Go back to [Dedication of Land and Routes for Public Access](#)

Further Information

Dedicating Land Under Section 16

A form for registering the dedication as a local land charge is also available:
<http://www.defra.gov.uk/corporate/regulat/forms/crow/crow3.pdf> (10kb)

A Model Instrument for Dedication is available on Defra's website:
<http://www.defra.gov.uk/wildlife-countryside/cl/guidance-crow.pdf> (222kb)

Beedell, J., Jones, P., Wooldridge, M. 2006. Dedicating land for public access research project – development of a payment scheme. Scoping report for Countryside Agency.

Defra (2004) Guidance note on dedication of land under Section 16 of the Countryside and Rights of Way Act 2000. See:
<http://www.defra.gov.uk/wildlife-countryside/cl/guidance-crow.pdf> (222kb)

Defra (2004). Guidance to local authorities about dedications under Section 16 (Letter from S Carter). See: <http://www.defra.gov.uk/wildlife-countryside/cl/accessopen/guidance-localauthletter.pdf> (24kb)

Fisher German (2005). Advice on a scale of incentives to landowners to dedicate land for public access under Section 16 of the Countryside and Rights of Way Act 2000. Unpublished report to the Countryside Agency, Cheltenham.

Go to the page about [CRoW Access Land and its management](#) for more information on this.

Dedicating Land as a Town or Village Green

Go to the page about [Town and Village Greens](#) for more information on them.

Dedicating a Way as a Public Rights of Way

Countryside Agency (2003). A guide to definitive maps and changes to public rights of way. Ref CA 142. (Only available electronically) See:
<http://naturalengland.communisis.com/naturalenglandshop/docs/CA142.pdf> (185kb)

Countryside Agency (2005). Managing Public Access – A Guide for Land Managers. Ref CA210. Natural England Publications.

Riddall, J., Trevelyan, J. (2007). Rights of Way – A guide to law and practice. "The Blue Book". 4th Edition. Published by the Ramblers' Association (London) and Open Spaces Society (Henley).

The Public Rights of Way Good Practice Guide (<http://www.iprow.co.uk/gpg/index.php/Contents>) provides a lot of background information about public rights of way.

Go back to [Dedication of Land and Routes for Public Access](#)

14. Access and Disabled People

	Page
Key Points	146
General Principles About Accessibility	148
How Can LAFs Make A Difference?	150
Legal Considerations	154
Further Information	156
Useful Contacts	238

Go back to [Main Contents](#)

Key Points

What are the key points to consider?

- *Definition of disability:* The Act defines “disabled person” as a person with “a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities”. The guidance refers to statements in the Act that an impairment is only to be treated as affecting the person's ability to carry out normal day-to-day activities if it affects one of the following:
 - mobility;
 - manual dexterity;
 - physical co-ordination;
 - continence;
 - ability to lift, carry or otherwise move everyday objects;
 - speech, hearing or eyesight;
 - memory or ability to concentrate, learn or understand; or
 - perception of the risk of physical danger.
- *Who is covered by the legislation:* Note that some pieces of legislation relate to people with disabilities, some with mobility problems and some who are blind or with impaired vision.
- *Mobility Impaired:* Mobility impaired people are not necessarily disabled. They could be recovering from an operation, have an infirmity, be pushing a pram or simply just be out of condition.
- *Definition of discrimination:* It is unlawful for a service provider to discriminate against a disabled person by:
 - refusing service;
 - providing service of a worse standard or in a worse manner; or
 - providing service on less favourable terms
 except in certain circumstances which are specified in legislation.
- *Service Provider:* DDA 1995 applies to bodies, organisations and businesses that provide a public service. The applicability of this legislation to public access has not yet been tested in law. It is currently believed that landowners with public access rights over their land are not service providers for DDA purposes. But, a local highway authority seeking to improve or promote a public right of way, or create access to it would be providing a public service. Similarly, a landowner who provides permissive access may also be providing a public service.
- *Test of reasonableness:* the 1995 Act introduces a ‘test of reasonableness’. This means that service providers have to make provision for disabled people when providing that service, subject to this provision being reasonable. Note that what might be ‘reasonable’ for a local authority to do may be not be ‘reasonable’ for (say) a private landowner. Again, this piece of legislation has not been tested in the courts.

- *Access Infrastructure:* when designing infrastructure for disabled users, provision needs to be made for their special needs, such as:
 - o reserved car parking places which are level, firm, marked on the ground and signposted;
 - o accessible toilets (or at least letting people know the location of the nearest);
 - o think about where signs should be located (their position and the height at which they are posted)

Guidance is available through various publications – see [Further Information](#).

- *Carer/Supporters:* It is important to think about people who support disabled people when visiting the countryside. For example, at a paid venue, they could be offered a discount/free entry.
- *Training:* Rangers and wardens may benefit from increasing their awareness about the needs of disabled people and training in how best to meet the needs of people with disability.
- *Information needs:* Many disabled people are reluctant to attempt to use public access because they are uncertain about what they'll find and whether they can traverse a route within the constraints of their disability. Therefore they need information to assist them making an assessment of what they will encounter;
- *Meeting demand sensitively:* It is essential that groups of local disabled people and local communities are involved in decisions about major projects to improve provision so that their needs are met in a way that is sensitive to individuals and the environment in which new routes are created.

Go back to [Access and Disabled People](#)

General Principles About Accessibility

Who do we mean? Cabinet Office figures from 2002 suggest that there are over 11 million people in the UK who are categorised as disabled. Similarly, Office of Deputy Prime Minister figures from 2003 estimate that 1 in 5 people in the UK has a disability. These figures do not include the many people who have a temporary disability or medical condition nor the families and friends of disabled people who are affected by someone else's disability.

There has been a tendency in the past to focus on the needs of wheelchair users and people with mobility problems when making decisions about facilities and services. But, these represent only a small proportion of disabled people, who also include people with sensory impairment, learning difficulties and mental health problems. It is important, therefore, to recognise that disabled people are not a homogenous group, and there is a wide diversity of abilities and aspirations. Importantly, people need good information that enables them to make their own judgements about what lies within their capabilities.

Legal Principles: The **Disability Discrimination Acts** of 1995 and 2005 aim to ensure that disabled people are treated in a fair way and not discriminated against. The Acts place duties on providers of goods, facilities and services and make it unlawful for a service provider to discriminate against a disabled person:

- By refusing to provide (or deliberately not providing) any service which it provides to other members of the public; or
- By providing a lesser standard of service for disabled people.

The 2005 Act covers all functions of public bodies, not just services and therefore includes the provision of paths, etc. Other changes included a requirement on public bodies to positively promote disability equality by:

- Explaining how it will promote equality for disabled people;
- Challenging discrimination against disabled people;
- Helping to remove barriers for all disabled people.

To 'comply' with the DDA, services and facilities must meet current codes of good practice. However, whilst there are building regulations that influence design in the built environment, there are none for public access. Instead, guidance is taken from sources such as:

- BS5709 for Gaps, Gates and Stiles;
- BT Countryside For All Standards;
- Standards proposed by the then Countryside Agency in "By All Reasonable Means".

Standards: When sites or services are unable to reach the BT Countryside for All Standards in the 'wider countryside' for example, the **principle of least**

restrictive access is a useful guiding principle. This principle emphasises the need to ensure that practical works on sites and service provision should restrict the access of a minimum number of people. In other words - providing facilities which have the highest possible standard of accessibility. Priority should always be given to removing or modifying human-made barriers since these are generally the things which restrict access the most. Of course, there may be a variety of reasons why the highest accessibility standards cannot be achieved, including consent of the landowner or practical difficulties. However, it is important for all public authorities to make the reasoning for all such decisions transparent. Consultation and involvement of disabled people at local and regional level is required by the DDA and will result in pragmatic solutions that have local support. In all cases, though, there will be a need to consider historic landscape features that should be retained (e.g. stiles in certain local, vernacular styles can be retained but with a gate alongside).

Improving Access: A useful approach to improving access for people with disabilities can be to focus on assessing the '**key experiences**' for each site or access route and looking for ways of improving access to them for as wide a range of people as possible. This is a different approach from the traditional 'What can we do for disabled people' way of thinking. In addition, we need to balance what is 'appropriate' for each site, facility or service according to a range of factors: likely demand; site sensitivity and ability to cope with visitors; feasibility; local and regional context, etc.

There is always a balance to be struck between human-made 'improvements' and the sensitivity and character of the site, which may include ecological, physiographical and archaeological features. The BT Countryside for All approach of determining how accessible a place, service or feature should be (the standard) according to how remote a place is (the setting) is now widely accepted. So, for instance, visitors should reasonably expect surfaced paths, lots of seating etc. close to buildings and in more formal landscapes, but less intervention in remoter and less developed settings.

Design of countryside furniture may also vary. For example, seats should have arms and backs in more formal settings, whilst simple benches and perches on walls, rails, logs or boulders are appropriate in remote locations. Similarly, there is a basic, minimum standard of information and orientation that should be provided even for remote sites if they are managed/ promoted i.e. at least a publication or (where appropriate) an on-site panel. However, more popular or accessible sites should have information and interpretation in several formats.

You should work with the understanding that a large proportion of people with disabilities wish to be able to experience the countryside as far as possible in the same way as non-disabled people. In other words, they do not particularly want to see it significantly changed or altered, they would like the opportunity of being able to visit it on their own, rather than in a group, and to be able to access and experience different parts rather than one small dedicated area.

Go back to [Access and Disabled People](#)

How Can LAFs Make A Difference?

There are many ways in which the LAF can work with its appointing authority and other bodies to which it can offer advice. Here are some suggestions:

At a strategic level:

- make sure that local authorities in your area adequately provide for public access for people with disabilities in local policies and proposals, for example:
 - i) Disability Equality Schemes;
 - ii) Strategies for people with disabilities (including access audits of access routes, sites, facilities and services);
 - iii) Local Development Documents;
 - iv) Local Transport Plans;
 - v) Green Infrastructure Plans;
 - vi) Walking and Cycling Strategies;
 - vii) Planning and publicising “Access for All” or “Easy to Use” routes.
- Make sure that disabled users or groups which represent their needs are included in consultations about these documents and related research.

Good Practice Example:

Lancashire County Council was keen to ensure that disabled people were given the chance to state their needs and views. The Council distributed a questionnaire to all relevant groups in the county, including the LAF. A presentation was given and some of the issues raised in responses were discussed in a LAF meeting. The Lancashire LAF was asked to advise on how best to consult further.

- Accurate information in the right format and right place is often more important than physical access improvements. Clear descriptions of the physical accessibility of access networks is key to ensuring people with disabilities will use them and can decide their suitability according to their own needs;

Good Practice Example:

Research into how to show access information for the Countryside Council for Wales produced the following checklist of good practice:

- Leaflets or websites which give details about **why the place or route is worth going to** – what there is to see and do, either as written text or in photos, plus **positive images of a variety of people** enjoying the site or route

- Websites or leaflets which have **photos of key barriers** such as stiles, steep sections of path plus those with general views of the route
- Being able to **choose a route by a variety of criteria** such as length, habitat, proximity to a village, etc.
- Websites that **conform to accessibility standards**
- Well designed leaflets / maps which use **clear symbols** or notation
- Information about easy walks which is **easy to find** on an organisation's website with **good links** to other things that might support someone's visit such as public transport or accessible accommodation

Good practice avoids use of:

- **Subjective or vague statements** such as 'varying surfaces and slight gradients';
- **Grid references** as locations for walks;
- Use of **terms that visitors won't understand** e.g. 'built to Fieldfare standard';
- Describing a route as '**wheelchair accessible**' or 'suitable for.....';
- Accessibility detail which is hidden away in a rights of way department's website.

At a detailed level:

- Use the expertise of anyone on your LAF, or a local disabled user, to let you see the issues through their eyes by going out with them to make use of access routes;

Good Practice Example:

The City of York employed some interesting approaches to assessing the needs of people with disabilities when preparing their RoWIP. They:

- talked to people with disabilities about their needs, and took people on-site for a direct insight;
- provided training to authority staff, not only on how to assess routes for the needs of disabled people but also to alert them to perceived and real barriers that exist.

See: Hosker Y (2002). Research into the needs of disabled people. A Report for the City of York (see:

<http://www.iprow.co.uk/docs/uploads/York.ROWIP.accessibility.pilot.report.RH.pdf> (1.21mb)) for more details.

- Promote the concept of Access For All, including the idea of making sections of new routes suitable for use by people with a range of abilities. This means that even if a whole route cannot reasonably be made fully

- accessible, as much of it as can be will be! Appendix 1 of “By All Reasonable Means” explains this more fully (see [Further Information](#)). Also guidelines produced by the Heritage Lottery Fund for Access Plans have useful checklists of organisations, how to do access audits and a system for planning access improvements (see [Further Information](#)).
- Advise your authority to adopt the ‘least restrictive access’ approach. This means that, for example, when creating new access routes or reviewing existing ones, we should be installing furniture that restricts access by the least number of people. So for instance the sequence of thinking of what to do where a path crosses a boundary should be: gap; 2-way gate; one-way gate; kissing gate; then step-over stile (as a last resort).
 - Make sure that the authorities and organisations who are developing new access opportunities adopt appropriate standards when replacing infrastructure or designing new routes. Defra has produced guidance on this (see [Further Information](#)).
 - Encourage and participate in consultation with local communities and disability groups over proposed developments.
 - Make sure that someone from the authority is monitoring progress with RoWIP implementation, especially actions that will provide improvements for disabled people.
 - Ask to read drafts of publications and review them to make sure they are suitable for people with disabilities, or ensure that the appointing authority or someone is taking this role.
 - Action on the ground – what can you do to make the countryside more accessible to people with disabilities. Examples of what can be done are:
 - “Trampers” or mobility scooters being made available in Country Parks for hire by people with a mobility impairment (as at Beacon Fell Country Park, in Lancashire – for more information see <http://www.visitlancashire.com/site/country-escapes/walking/Trampers>);
 - use of temporary portable loos at events organised for disabled ramblers (as done on occasion by Disabled Ramblers).

Good Practice Example:

Two members of the Wakefield LAF have worked together to develop a series of maps detailing walks for people with sight and mobility impairment, involving on-the-ground research in the Ackton reclamation site.

Good Practice Example:

Devon’s Countryside Access Forum visited the ‘easy to use’ path at Westward Ho! and advised on improvements to path furniture, the car park surface and path entrance.

Some LAFs have formed disability or 'access for all' sub-groups which deal with disability issues and report back to the main LAF.

Good Practice Example:

The Lake District National Park Authority has invested a lot of effort in developing its 'Miles without stiles' network. A variety of 'access for all' routes have been created and information made available which is specially tailored to the needs of people with disabilities. See: http://www.lake-district.gov.uk/index/enjoying/outdoors/miles_without_stiles.htm for more.

The Lake District LAF has been involved in supporting the Authority at various stages of the network's developments.

Go back to [Access and Disabled People](#)

Legal Considerations

Key pieces of legislation are:

- **Disability Discrimination Act 1995:** which requires providers of services to the public to take reasonable steps to avoid discrimination against people with disabilities. See: <http://www.opsi.gov.uk/acts/acts1995/1995050.htm> for a copy of the Act;
- **Disability Discrimination Act 1995 (Amendment) Regulations 2003:** makes some amendments to the 1995 Act. See: <http://www.opsi.gov.uk/si/si2003/20031673.htm#4> for a copy of the Regulations.
- **Disability Discrimination Act 2005:** which amends the DDA 1995 and, amongst other things, requires public bodies to promote disability equality and applies to all functions of public bodies, not simply those where the body is a “service provider”. See: <http://www.opsi.gov.uk/ACTS/acts2005/20050013.htm> for a copy of the Act. Functions of public sector bodies: DDA 2005 places a duty on public authorities – as set out in the box below (s49A(1) of DDA 1995, inserted by DDA 2005 Section 3)

General duty

(1) Every public authority shall in carrying out its functions have due regard to—

- (a) the need to eliminate discrimination that is unlawful under this Act;
- (b) the need to eliminate harassment of disabled persons that is related to their disabilities;
- (c) the need to promote equality of opportunity between disabled persons and other persons;
- (d) the need to take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons;
- (e) the need to promote positive attitudes towards disabled persons; and
- (f) the need to encourage participation by disabled persons in public life.

- Parts of the Countryside and Rights of Way Act 2000:
 - a. Section 60(2)(c): which requires Rights of Way Improvement Plans to take account of the “accessibility of local rights of way to blind or partially sighted persons and other with mobility problems...” (see: http://www.opsi.gov.uk/Acts/acts2000/ukpga_20000037_en_5#pt2-pb3-l1g60)
 - b. Section 69 (see: http://www.opsi.gov.uk/Acts/acts2000/ukpga_20000037_en_6#pt2-pb5-l1g69) which introduces:

- Powers for competent authorities to authorise erection of structures (e.g. gates or stiles) on footpaths or bridleways, at the request of the land manager and a duty to have regard to the needs of persons with mobility problems when considering whether to give authorisation (CRoW Section 69(1) and (2) – to amend HA 1980 Section 147)
- a power to local highway authorities to enter into agreement relating to improvements to footpaths and bridleways for the benefit of persons with mobility problems (CRoW Act Section 69(3) – to introduce HA 1980 Section 147ZA).
- **Chronically Sick and Disabled Persons Act 1970.** Section 20 ensures that the offence of driving of mechanically propelled vehicles on footpaths, bridleways and restricted byways and on other open countryside does not apply to people using a recognised ‘invalid carriage’.

Dogs: much of the legislation that relates to excluding dogs from certain areas does not apply to assistance dogs. **The Kennel Club** has produced guidelines for countryside managers on developing a positive welcome for dogs including assistance dogs. Their website is www.the-kennel-club.org.uk. Other sources include: www.dogsforthe-disabled.org, www.hearing-dogs.co.uk and www.guidedogs.org.uk.

Disclaimer: The contents of this section are for guidance only and do not constitute a definitive statement or interpretation of the law. Anyone seeking to rely on the relevant legislation should seek independent legal advice.

Go back to [Access and Disabled People](#)

Further Information

If you want to find out more, consult the following sources of information:

Access Plans from the Heritage Lottery Fund. Website: www.hlf.org.uk.

Bell, S., Findlay, C. and Montarzino, A. OPENspace Research Centre (2006). Access to the countryside by deaf visitors. Scottish Natural Heritage Commissioned Report No. 171 (ROAME No. F03AB05). See: http://www.snh.org.uk/pdfs/publications/commissioned_reports/F03AB05.pdf (363kb)

British Standards (for BS8300 for buildings and BS5709 for gates, gaps and stiles) from the British Standards Institute. Website: www.bsi-global.com

BS 5709:2001 - Gaps, gates and stiles available from the British Standards Institution, Customer services 020 8996 9001 or from the BSI web site www.bsi-global.com. There is also a guide to interpreting BS5709 – available on: <http://www.pittecrofttrust.org.uk/BS5709/Understanding%20BS5709%2020070825%20b.pdf> (997kb)

BT Countryside For All guidelines from 1997 and updated CD version 2005. Available from the Fieldfare Trust (see: www.fieldfare.org.uk).

By All Reasonable Means (Ref: CA215): inclusive access to the outdoors for disabled people (see: <http://www.countryside.gov.uk/LAR/ByAllReasonableMeans.asp>).

CCW and Countryside Agency (2006). Section 69 of the Countryside and Rights of Way Act 2000: Advice and Guidance. Report prepared by John Trevelyan for the Countryside Agency and Countryside Council for Wales.

Centre for Accessible Environments. Website: www.cae.org.uk. It offers training and publications plus advice on availability/costs of auditing equipment such as Gradlevels, light meters etc.

Centrewire, 'Designs for easy access to rights of way' supplier's brochure. Based in south of England - useful to see ideas for accessible designs and costs. Website: www.centrewire.com.

Countryside Agency's "Diversity Review" (see: <http://www.countryside.gov.uk/LAR/Recreation/DR/index.asp>).

Defra have produced a summary of existing guidance relating to implementation of Section 69 of CRow. <http://www.defra.gov.uk/wildlife-countryside/issues/public/s69existing.pdf> (45kb)

Defra website covering implementation of Section 69 of CRow: <http://www.defra.gov.uk/wildlife-countryside/issues/public/s69new.pdf> (30kb)

Disability Rights Commission offers advice on the legislation and has a helpline. They also publish guidance documents on organising events, using

BSL interpreters, producing easy to read documents, signage for people with a learning disability, etc. Website: www.drc-gb.org.

Joint Mobility Unit (JMU) has an access partnership to advise individuals and organisations on physical access issues (though their focus is mostly on the built environment). Website: www.jmuaccess.org.uk.

Joint Mobility Unit (JMU) Sign Design Guide available from them or RNIB. (Priced publication).

Kennel Club has produced guidelines for countryside managers on developing a positive welcome for dogs including assistance dogs. Their website is www.the-kennel-club.org.uk. Other sources include: www.dogsforthedisabled.org, www.hearing-dogs.co.uk and www.guidedogs.org.uk.

Natural England - You can visit the Natural England website: http://www.countrysideaccess.gov.uk/things_to_know/access_for_the_disabled. A factsheet can be downloaded from this site.

Natural England (2008). A sense of freedom – the experiences of disabled people in the natural environment. See: <http://www.countryside.gov.uk/LAR/Recreation/DR/GuidanceAwareness.asp>

Paths for All Partnership produce factsheets and a suppliers guide for equipment, suppliers and contractors. Website: www.pathsforall.org.uk.

Paths without Prejudice by Alison Chapman, published 2001, CAX57, the Countryside Agency.

RADAR (Royal Association for Disability and Rehabilitation), Website: www.radar.org.uk (The source of RADAR keys. Their access officer can give contacts for disability groups around the UK).

Scottish Natural Heritage Advisory Note 156. See: <http://www.outdooraccess-scotland.com/default.asp?nPageID=52&nSubContentID=0>.

Scottish Natural Heritage's Countryside Access Design Guide provides information on best practice and design sheets on accessible countryside furniture and structures <http://www.snh.org.uk/publications/online/accessguide>.

Sense and Accessibility (2000). How to Improve Access on Countryside Paths, routes and trails for people with mobility problems. Countryside Agency Publications (Ref: CAX26).

Statutory Guidance to Local Highway Authorities on Preparation of their RoWIPs (see: <http://www.defra.gov.uk/wildlife-countryside/cl/rowip/rowip.pdf> (133kb)).

Go back to [Access and Disabled People](#)

15. Background Information about Key Areas on which LAF can Advise

	Page
CRoW Access Land and its management	159
Public Rights of Way	169
Development Planning and Control	189
Cycle Track, Cycle Ways and Cycle Lanes	206
Gating Orders	211
Dog Control Orders	215
Section 15 Land	220
Common Land	225
Town and Village Greens	231

Go back to [Main Contents](#)

CRoW Access Land and Its Management

The management of access over CRoW Access Land is perhaps the area where LAFs have the widest remit and ability to influence. It is crucial, therefore, that LAF members understand what CRoW Access Land actually is, and in what ways they can influence its management. This section aims to provide that understanding.

	Page
Key Points	160
What Rights Exist Over Access Land?	162
How Can Public Access be 'Managed'?	164
How Can LAFs Make A Difference?	165
Further Information	167
Useful Websites	168

Go back to [Background information about Key Areas on which LAFs can Advise](#)

Key Points

CRoW Access Land is land that is mapped as such under Part I of the Countryside and Rights of Way Act 2000. It constitutes:

- open country (limited in the Act to “mountain, moor, heath or down”) that is mapped as on Conclusive Maps⁹ produced by the Countryside Agency;
- registered common land shown on Conclusive Maps (see also [Common Land](#));
- land dedicated as CRoW Access Land under Section 16 (see [Dedication of Land and Routes for Public Access](#)).

The Secretary of State could extend the definition of open country to include coastal land (see also Access to Inland Waters and the Coast). Improved or semi-improved grassland is not included in any of these definitions. The mapping process was designed to provide an objective method of resolving the uncertainties inherent in the task.

(The mapping methodology can be see on the internet at:

<http://www.openaccess.gov.uk/S4/html/LWWCM/Section4/GeneralContent/Mapping/MapMeth.html>)

There are a number of circumstances in which land that would otherwise be CRoW access land is excepted (over which access rights do not apply). The types of land that are excepted can be summarised as being land:

- that has been “disturbed by any ploughing or drilling” during the previous 12 months;
- covered by buildings (and the curtilage of such land);
- within 20 metres of a dwelling or a permanent building used for housing livestock;
- used as a park or garden;
- used for the getting of minerals (including quarrying);
- used for railways and some other statutory functions (like telecommunications);
- used for golf courses, racecourses, aerodromes;
- covered by pens in use for the temporary holding of stock;
- used habitually for horse training;
- regulated by military byelaws.

⁹ Conclusive Maps provide the legally-definitive record of the extent of open country and registered common land to which CRoW Part I applies.

The full definition of 'excepted land' can be found at Schedule 1 of the Act (see: http://www.legislation.gov.uk/acts/acts2000/ukpga_20000037_en_10#sch1).

Some areas of land that meet the criteria for open country, or are registered common land are not CRoW access land because statutory rights of public access already exist through other legislation. These types of legislation are listed in Section 15 of the 2000 Act, and are:

- Section 193 of the Law of Property 1925;
- Local or private Acts, or a scheme made under Part I of the Commons Act 1899;
- Access agreements or access orders made under Part V of the National Parks and Access to the Countryside Act 1949;
- Land made accessible to the public under Section 19(1) of the Ancient Monuments and Archaeological Areas Act 1979.

These areas are collectively referred to as "[Section 15 land](#)".

The mapping of land as CRoW access land does not mean it cannot be developed. Any land that is to be developed (with planning permission, where required) will become excepted land. There is nothing in the CRoW Act to prevent an owner of CRoW access land from changing the vegetation cover of CRoW access land (for example, by planting trees), meaning that it no longer meets the criteria of "moor, heath and down". However, the status of registered common land is not changed by a change in land cover.

Land could become excepted land if the soil is 'disturbed' (e.g. by ploughing) for the purpose of planting crops or trees, and it would remain excepted for 12 months from the time of the disturbance. However, any owner or occupier planning to plough land covered by any natural or semi-natural vegetation will need to comply with the Environmental Impact Assessment regulations¹⁰.

Go back to [CRoW Access Land and its Management](#)

¹⁰ Environmental Impact Assessment (Uncultivated Land and Semi-Natural Areas) Regulations (Wales) 2002 (WSI No. 2127)

What rights exist over CRoW Access Land?

The CRoW Act provides a right for anyone to be on CRoW access land for “*open-air recreation*” on foot but without precluding the use of invalid carriages. In general, the Act requires anyone using CRoW access land to behave responsibly and not interfere with land management. The access is “24/7” – 24 hours a day, 7 days a week (unless restricted – see below).

The Act does not say what access users have a right to do (other than “*open-air recreation on foot*”), only what rights the Act does not give them. For example, an access user has no right to use a metal detector or launch a hang glider, whereas hill walking or rock climbing are not excluded and so these activities can be carried out as of right. Landowners can still allow activities such as metal detecting or launching of hang gliders should they so wish, but the Act does not give people the right to do this. Customary freedoms to participate in certain activities may have developed over the years. The introduction of the Act does not mean these activities have become illegal or prohibited and so cannot be allowed to continue (providing the permission or tolerance of the landowner or occupier continues).

The activities not included within CRoW access rights are summarised in the box below.

Schedule 2 of the Countryside and Rights of Way Act 2000 specifies those activities that the Act does not give anyone the right to do. These are (in summary):

- damage or interfere with any wall, fence, hedge, gate or stile, or neglect to shut a gate (except where it is clearly intended to be left open);
- drive any vehicle be it mechanically-propelled or otherwise, except mobility vehicles used by people with disabilities,
- ride a horse;
- use a vessel or sailboard, or bathe, in any non-tidal water;
- bring any animal other than a dog onto access land, although any dog must be on a lead of no more than 2 metres between 1st March and 31st July each year and at any time when in the vicinity of livestock;
- commit any criminal offence;
- light fires or act in a way that would cause a fire;
- damage (intentionally or recklessly) any wildlife, including eggs and nests, or plants, shrubs, trees etc.;
- feed livestock;
- go hunting, fishing or shooting;
- use, or have in their possession, a metal detector;
- obstruct the flow of any drain or watercourse, or anything intended to

control the flow of water;

- post any advertising or notices;
- intimidate, obstruct or interfere with the lawful activities of the land manager and others on CRoW access land or adjacent land;
- engage in any organised games, or in camping, hang-gliding or paragliding;
- engage in any activity organised or undertaken primarily for a commercial purpose.

The Secretary of State can bring in regulations in future that amend this list.

For full details, see Schedule 2 of the Act:

http://www.legislation.gov.uk/acts/acts2000/ukpga_20000037_en_10#sch1

Any member of the public who exceeds their rights on CRoW access land could become a trespasser. If this happens, the member of the public will lose their right of access to CRoW access land within the same ownership for 72 hours. This prohibition does not apply to public rights of way across land in the same ownership. In some cases, a person exceeding their rights by undertaking an activity specified in Schedule 2 may have committed criminal trespass or a criminal offence, and thus be liable to other penalties.

Where there is no right of access that enables the public to reach an area of CRoW access land, they have no right to cross other land. For them to have access, provision would need to be made via a path creation order or along a permissive route. A power has been introduced (at Section 58 of the Act) for Natural England to apply to the Secretary of State to create new rights of way expressly for the purpose of reaching otherwise inaccessible CRoW Access Land.

Go back to [CRoW Access Land and its Management](#)

How can public access be ‘managed’

Access land can usually be managed without using formal restrictions. Even where restrictions are required, authorities will usually use the ‘least restrictive option’ for achieving the required management of the site. This is discussed further under [Visitor Management Options](#).

The CRoW Act was designed to allow the interests of land management, nature conservation, cultural heritage and access users to be balanced. The two main mechanisms for achieving this balance are the scope for use of restrictions on CRoW access rights under certain circumstances and the promotion of good practice.

Restrictions can come in many forms. Examples could include:

- excluding dogs from lambing enclosures and grouse moors;
- keeping people to specified linear routes;
- requiring people to enter only at specified points;
- imposing specific restrictions on what can be done when on the land;
and
- excluding public access completely.

For simplicity, the word “restriction” is used here to cover both restrictions and exclusions of all types.

Restrictions can be introduced in three different ways.

- at the discretion of the landowner or tenant;
- by direction of the relevant authority on request from someone with a legal interest;
- by direction of the relevant authority without an application being made.

These restrictions only apply to CRoW access land. None of them has any effect on [public rights of way](#) or on land that is accessible to the public under other legal instruments (i.e. [Section 15 land](#)).

Section 20 of the CRoW Act requires Natural England to publish “a code of conduct for the guidance of persons exercising the right conferred by” the Act. This is available on Natural England’s website (see [Useful Websites](#)). Natural England has also published guidance for land managers – both farmers and those responsible for sites of nature conservation importance.

Go back to [CRoW Access Land and its Management](#)

How Can LAFs Make A Difference?

There is a duty for the LAF to be consulted and power for it to give formal advice on the following insofar as they apply to CRoW access land:

- **introduction of byelaws:** LAF members might wish to advise or comment on, alternatives, how the byelaws are formulated, enforcement; how the introduction of byelaws should be managed;
- **appointment of wardens:** where they are needed, what their role might be, how many are needed, how will they be managed/trained/supported etc.;
- **review of maps** of CRoW access land: Natural England is obliged to review the conclusive maps of CRoW access land at 10 year intervals or more frequently. This is an opportunity for mistakes to be rectified and the effect of changes in land use to be incorporated;

Good Practice Example:

The Bath/North East Somerset/Bristol/South Gloucestershire JLAF helped sort out one farmers' appeal against mapping of an area as Access Land by 'prodding' the access authority into taking action about provision of access to Access Land despite the relevant executive member ignoring letters from two different JLAF Chairmen. This matter had been 'a running sore' for a number of years and has 'involved a shot gun'.

Good Practice Example:

Northumberland Joint LAF has begun identifying areas of wrongly designated parcels of land and recording these for the decadal review.

- **long term restrictions** (6 months or more): are the proposed long-term restrictions really necessary? Do less restrictive alternatives exist?
- **dog control orders** (follow the link to [dog control orders](#) for more information): Are the control orders likely to be needed/effective? Are there better alternatives? How will they be enforced?

Other opportunities may arise where there is no obligation for the LAF to be consulted but on which LAF input could be valuable, for example:

- **Inputs to access assessments:** Natural England and other bodies will occasionally put together management plans for areas of land in which access is a key factor. Techniques have been developed for doing 'access assessments' but these rely on local knowledge. LAF members could provide this knowledge.

Good Practice Example:

South Lincolnshire LAF acted as 'independent arbiters' in a dialogue between Natural England and local farmers. An area of land was mapped as CRoW Access Land and local ramblers expressed an interest in gaining access to it (there were no other means of access to the block of land). The farmers

feared that public access might put at risk the environmental interest in the land (which is designated as a SSSI) and disrupt their sheep grazing. The LAF made a site visit and concluded that access levels were likely to be very low and suggested ways in which any impacts could be minimised by careful selection of location of stiles, signs, etc. The LAF input helped put the farmers' minds at rest. The work was funded by an Access Management Grant Scheme award.

- **Means of Access:** access authorities have the power to ensure that there are means of access onto CRoW access land. LAFs can have an important role in deciding what means are provided and where they should be located.
- **Comment on developments.** Change of use of access land is not prevented by its being mapped as CRoW access land but could result in it losing that status. For example, planting with trees would mean that the land was no longer 'open country'. However, land would not be removed from conclusive maps until next reviewed. Organisations such as the Forestry Commission may be willing to take advice from the LAF about the location and design of plantings to reduce the impact on access use.

Go back to [CRoW Access Land and its Management](#)

Further Information

Beardmore, K., Slater, D. 2003. The Management of Open Access on Grinton Estate. Report for The Countryside Agency, English Nature, Ramblers' Association and Moorland Association.

Countryside Agency (2005). Managing Public Access – A Guide for Land Managers. Ref CA210. Natural England Publications. See: <http://naturalengland.communisis.com/naturalenglandshop/docs/CA210.pdf> (708kb)

Defra (2006). Confirmation of Byelaws Relating to Countryside Recreation: Guidance for Byelaw-Making Authorities. See: <http://www.defra.gov.uk/wildlife-countryside/issues/byelaws/bcr1.pdf> (139kb)

Denbighshire Countryside Service 2003. The Effect of Access to Open Country on South Denbighshire. Denbighshire Council, Denbigh.

Department for Communities and Local Government (2006) Local Authority Byelaws in England: A Discussion Paper - Procedures for making, confirming and enforcing byelaws. See: <http://www.communities.gov.uk/documents/localgovernment/pdf/144539>

Elwyn Owen, R., Holdaway, E. 2001. The role of rangers/wardens in implementing the new right of access to open country in Wales. Ref: FC 73-04-125. Report for CCW, Bangor. See <http://www.countrysidecreation.org.uk/journal/pdf/spring%202002/3-ranger.pdf> (265kb) for a summary.

Lancashire County Council 2004. Bowland Open Access Pilot Study: A practical guide to the implementation of access to open country & registered common land. Lancashire County Council, Preston. (Report can be found by visiting: http://www.lancashire.gov.uk/Environment/countryside/access_all_areas/pilot.asp).

Relevant Authority Guidance is intended to help the Relevant Authorities decide when restrictions are needed and to what extent. This can be found on: <http://www.openaccess.gov.uk/wps/portal/ra/guidance>

Scottish Natural Heritage (2007) Planning for Access and Land Management. See: <http://www.outdooraccess-scotland.com/upload/PALM%20pub%20screen%20pdf.pdf> (2.14mb)

Go back to [CRoW Access Land and its Management](#)

Useful websites

The arrangements for handling restrictions are explained in detail on the Open Access website:

http://www.openaccess.gov.uk/wps/portal!/ut/p/.cmd/cs/.ce/7_0_A/.s/7_0_G9/_s.7_0_A/7_0_G9.

Information about 'Positive Access Management' is contained on:

http://www.openaccess.gov.uk/wps/portal!/ut/p/.cmd/cs/.ce/7_0_A/.s/7_0_GF/_s.7_0_A/7_0_GF

The Countryside Code:

http://www.countrysideaccess.gov.uk/things_to_know/countryside_code).

Defra's website contains information about byelaws – see:

<http://www.defra.gov.uk/wildlife-countryside/issues/byelaws/index.htm#1>

Go back to [CRoW Access Land and its Management](#)

Public Rights of Way

All LAFs will be faced with issues surrounding Public Rights of Way (PRoW). Indeed, in parts of the country where there is little CRoW Access Land, PRoW will be the main concern. It is important that LAF members have a good understanding of PRoW. Although, to the user, PRoW may seem relatively simple but to those charged with managing and maintaining the network (which includes the bodies which LAF advise), it can be very complex. It is impossible, and probably unnecessary, to provide all details here; the purpose is to highlight the key points of which LAF need to be aware.

	Pages
Key Points	170
Discovering Lost Ways	176
Rights to Drive Vehicles on PRoW	177
How Can LAFs Make A Difference	182
Further Information	187
Useful Contacts	238

Go back to [Background information about Key Areas on which LAFs can Advise](#)

Key Points

General Points

- public rights on a PRoW vary with its status;
- there are four categories of PRoW – footpath, bridleway, restricted byway and byway open to all traffic – the public rights over each category are defined in the [Glossary](#);
- the activity allowed is for the user to ‘pass and re-pass’ and to have with him/her anything that would be regarded by a court as a ‘usual accompaniment’ (which is generally taken to include dogs, pushchairs);
- rights are available ‘24/7’ unless legally suspended. This can be done by the making of a Traffic Regulation Order (TRO) or a byelaw or through temporary arrangements introduced by the landowner to permit dangerous activities to be undertaken without risk to the public. In this last case, diversion can only apply to footpaths and bridleways and an alternative route has to be provided;
- PRoW are regarded in law as highways and there is a well-established legal principle that “once a highway, always a highway”. This means that PRoW remain a public highway even if they fall into disuse. PRoWs can only be changed by following the correct legal processes.

Definitive Map and Statement

- surveying authorities are required by law to maintain a definitive map and statement of PRoW in their area (although some urban areas were given exemption under the original legislation and so are not yet covered by definitive maps);
- the definitive map shows the legal status of all routes that have been recorded as PRoW. The statement provides additional information about the PRoW, such as its width, whether there is any public right to drive animals, any ‘limitations’ (i.e. gates or stiles) allowed to be present and so on. Not every PRoW will be supported by an entry on the definitive statement;
- the definitive map and statement are legally conclusive insofar as the information they contain but the reverse is not true, thus a public right of way can exist in law that is not shown in the definitive map. One common error on definitive maps is that a route shown as a public footpath is really a bridleway but the ‘higher rights’ have not been recorded;
- changes to the definitive map can only be made by following the correct legal process:
 - o a Public Path Order (of which there are many types) is used to make changes that are required, for example, to enable development;

- o a Definitive Map Modification Order is used to amend the record where this is required, by for example recording and right of way that exists, but is not yet shown on the definitive map (see also Discovering Lost Ways).

Public Path Orders

The table below shows which mechanisms can be used by authorities to make public path orders for different reasons and on different types of PRoW (a “√” means that the mechanism can be used on this type of way, whereas a “X” means it cannot).

Type of way	Footpath and Bridleway	Restricted byway	Byway open to all traffic
Highways Act 1980			
Creation of a new public right of way, by agreement (Section 25) or by order (Section 26)	√	√	X
Extinguishment of an existing path (Section 118)	√	√	X
Application for a public path extinguishment order (Section 118ZA)	√	X	X
Stopping up of a highway for purposes of crime prevention (Section 118B)	√	√	√
Stopping up of a highway to protect school children and staff (Section 118B)	√	√	√
Application by proprietor of a school for special extinguishment order (Section 118C)	√	√	√
Diversion of an existing path (Section 119)	√	√	X
Application for a public path diversion order by owners, lessees and occupiers of certain types of land (Section 119ZA – NB yet to be enacted and <i>may not be enacted</i>)	√	X	X
Diversion of a highway for purposes of crime prevention (Section 119B)	√	√	√
Diversion of a highway to protect school children and staff (Section 119B)	√	√	√
Application by proprietor of a school for special diversion order (Section 119C – yet to be enacted)	√	√	√
Diversion of certain highways for the protection of SSSIs (Section 119D)	√	√	√
Town and Country Planning Act 1990			
Diversion or closure of paths for reasons of proposed developments (Section 257)	√	√	X
Countryside and Rights of Way Act 2000			
Application for path creation order for the purposes of access to open country (Section 58*)	√	X	X

* Use of this power requires Natural England to apply to the Secretary of State for a path creation order under Section 26(2) of the Highways Act 1980

Other statutory authorities have powers to make orders affecting public rights of way under a variety of legislation, for example the Secretary of State for Defence has powers to close public rights of way over land designated for operational use by the armed forces.

Most of the changes made to the public rights of way network are brought about by the orders set out in the table above. In each case, the authority making the order (which may be the highway authority, local planning authority, a district council or the National Park Authority for their area depending on the type of order being made) must advertise the order and allow a period for objections to be made to it. If objections are made the authority cannot itself confirm the order but, should it wish to proceed with the proposed change, must refer the matter to the Planning Inspectorate which will appoint an Inspector to determine the order by means of written representations, hearing or a public inquiry. The making of public path orders is a discretionary power of local authorities and an authority cannot be compelled to make an order or confirm an order, or to proceed with it if objections have been made to it.

Definitive Map Modification Orders

- in most cases, it is the surveying authority that is responsible for making the orders to make the changes. Most modification orders are made as a result of a formal application to the authority; however, the authority has a duty to make an order once it discovers evidence which, when considered with all other relevant available evidence, leads it to conclude that the definitive map and/or statement is in error in some way. The process can become complex but in essence, it follows the following route:
 - o the 'order making authority' examines relevant evidence and statement and decides whether it should make an order;
 - o if it decides to do so, the authority makes the order and publicises notice of the making of the order;
 - o anyone can raise objections to the order if they feel there is reason to do so;
 - o if the objections are not withdrawn, the authority must refer the matter to the Planning Inspectorate which will appoint an Inspector to determine the order;
 - o the Inspector will adjudicate over a public inquiry, public hearing or exchange of written representations;
 - o the Inspector will then decide whether to confirm, reject or confirm the order with modifications.

This is a complex process and there are several routes through it, depending on circumstances. These are described in more detail in a booklet produced by Natural England (see Further Information below).

Modification orders can take many years to work through the system. It is now a legal requirement for authorities to maintain a public register of certain orders, so that members of the public can keep track of progress.

Highway authorities are also required to maintain a 'List of Streets', which are those highways that are maintainable at public expense, although the list does not include any information about what rights exist over the ways listed.

Creation

There are ways in which new PRow can be created – see [Dedication of Land and Routes for Public Access](#).

Maintenance, management and protection of public rights of way

There is much debate about maintenance responsibilities. It is useful to think of PRow as just like any other public highway when it comes to thinking about maintenance and management – for example, who do you think is responsible for laying tarmac on a public road? Would you expect a farmer to be allowed to put a gate across a road wherever he wanted one?

Responsibilities are divided between the local highway authority and the landowner, as set out in the table below.

Highway Authority
<p>The roles and responsibilities of highway authorities are to:</p> <ul style="list-style-type: none"> - maintain the surface of highways that are maintainable at public expense and control vegetation (other than crops) on the surface of rights of way; - maintain bridges over natural water courses including farm ditches (if the ditch was there when the path was first dedicated); - provide signposts where PRow leave metalled roads (highway authorities must also waymark PRow, after consulting the landowner); - assert and protect the public's right to use PRow; - secure the removal of obstructions; - respond to notices served by members of the public under the Highways Act 1980 (under Sections 56 and 130A - as amended by Section 63 of the Countryside and Rights of Way Act 2000) requiring action to be taken over obstructions, or the maintenance of the surface of a PRow and any subsequent order from a magistrates' court; - ensure that there are no false or misleading notices that deter the public from using paths shown on the definitive map, and as appropriate to prosecute anyone who displays such notices; - take action, in default where necessary, to ensure that the duties of others are carried out; - take account of the accessibility of the local rights of way network to those with mobility problems or visual impairment when preparing Rights of Way Improvement Plans; - provide a minimum 25 per cent contribution towards any costs incurred by a landowner/occupier in maintaining gates or stiles on PRow, when requested to do so by the landowner/occupier; - in carrying out their functions, exercising their powers and meeting their duties, authorities have to comply with the requirements of the Disability Discrimination Acts (1995 and 2005).

Landowner

The roles and responsibilities of occupiers are to:

- keep PRow clear of any obstructions, such as padlocked gates, rubbish, barbed wire, slurry, manure, electric fences, hedgerows and chained or loose dogs (although the landowner is not responsible for whatever may grow on the surface, not planted by him/her, and which interferes with use of the way);
- warn users about potential dangers (e.g. slurry lagoons, quarries) near PRow with appropriate notices;
- fence-off abandoned quarries and plug old mine shafts where failure to do so would constitute a statutory nuisance;
- cut back vegetation encroaching from the sides, and above, so that it does not inconvenience the public or prevent the line of the PRow being apparent on the ground. (On bridleways, horse-riders should be allowed 3 metres (10 feet) of headroom). Occupiers do not have responsibility for the surface of a PRow except such as where crops (or 'volunteers' from previous crops) are growing on the surface or where they have failed to adequately maintain their drainage systems;
- keep paths clear of crops (other than hay and grass silage) to ensure that they do not inconvenience users;
- ensure that gates and stiles on PRow (where necessary and authorised) are maintained in good order (as this helps reduce trespass and damage): a minimum contribution of 25 per cent of the cost of works may be claimed by the occupier from the highway authority (some authorities provide materials, for example stile kits, and others may carry out the work themselves);
- provide adequate bridges where, with the permission of the highway authority, new ditches are made or existing ones widened;
- ensure that cross-field footpaths and bridleways are not cultivated (i.e. ploughed or disturbed) except where it is not reasonably convenient to avoid doing so¹¹;
- ensure that field-edge footpaths, bridleways, and any restricted byway, and byways open to all traffic or other public roads over which there are public vehicular rights are never cultivated;
- where the cultivation of a cross-field footpath or bridleway cannot be conveniently avoided, ensure that its surface is made good to at least the minimum width, so that it is reasonably convenient to use, within 14 days of first being cultivated for that crop, or within 24 hours of any subsequent cultivation (unless a longer period has been agreed in advance and in writing by the highway authority);
- ensure that paths over cultivated land remain apparent on the ground, to at least the minimum width, at all times and are not obstructed by growing crops;
- ensure that bulls are not kept in a field crossed by a PRow unless:
 - o they do not exceed 10 months old; or
 - o are not of a recognised dairy breed and are accompanied by cows or heifers.

It is good practice to follow the same rule with respect to permissive paths and on CRow access land, although this is not a specific legal requirement;

- ensure that any warning notices are displayed only when a bull is present in a field;
- never keep an animal known to be aggressive (including any bull of whatever breed) where the public has access – animals with young can be a threat in some circumstances;
- waymark PRow, preferably in consultation with the highway authority, as this is an effective way of reducing inadvertent trespass;
- ensure that no misleading signs are placed near PRow that might discourage access:

¹¹ In rare cases where a PRow has been dedicated with a common law right to plough, then the farmer will be entitled to plough the path without restoring it.

this may constitute an offence and highway authorities have powers under Section 57 of the National Parks and Access to the Countryside Act 1949 to remove such signs;

- take into account the needs of disabled people whenever providing a service to the public.

Remember that it is not always obvious who the 'occupier' is. It is usually the tenant or the owner-occupier. On land occupied by, for example, an electricity sub-station or water intake works, the occupier is the utility undertaker.

Promotion

There is no legal requirement on highway authorities to promote their networks to the public, but they do have powers to do so. Many authorities have invested a lot of effort in developing promotional material and campaigns to promote greater use of the PRow network. Stimulating use of access is discussed elsewhere – see "[Generating Benefits from Public Access](#)".

Go back to [Public Rights of Way](#)

Discovering Lost Ways

Discovering Lost Ways (DLW) was a project set up in response to Section 53 of the CROW Act, which provides for a cut-off date of 2026 for recording historic rights of way on the definitive map. After this date, any unrecorded rights would be extinguished. Following a scoping report, the DLW project established an Archive Research Unit to systematically research historic documents for evidence of lost ways not shown on the definitive map, and provide for applications to be submitted to the local surveying authority for definitive map modification orders.

In 2007 Natural England undertook a fundamental review of DLW to assess its alignment with Natural England's strategic direction and its delivery of public benefit.

This review tested different approaches to transforming the research into routes, working closely with partners in local authorities, and establishing a wider programme of stakeholder engagement through workshops and liaison with LAFs and volunteers. The response from LAFs was positive in wanting to work with others to improve the current situation. Although there were suggestions that a future role might involve undertaking site visits, filtering routes for investigation, or negotiating with landowners, many felt that their resources were limited and LAF local knowledge and experience should be used to advise at a strategic level on policy and processes.

The review concluded that the complexity of the underlying system for researching and recording historic claims makes the prospect of achieving public benefit through continuing DLW research unachievable within a reasonable timescale and cost, and that other approaches to research and claiming are similarly constrained.

Natural England's advice is that a re-evaluation of the relevant law and procedures by all the key national stakeholders is required to establish a broadly agreed way forward. Through facilitating and supporting this discussion among stakeholders, including LAFs, Natural England will seek to pursue the reforms necessary to provide a proper foundation for a definitive map which reflects, and is responsive to, the public need for an enhanced rights of way network.

Further information will be provided as the situation develops. Meanwhile, you can visit the Natural England website:

<http://www.countryside.gov.uk/LAR/Access/DLW/>.

Go back to [Public Rights of Way](#)

Rights to Drive Vehicles on Public Rights of Way

Disclaimer: The contents of this section are for guidance only and do not constitute a definitive statement or interpretation of the law. Anyone seeking to rely on the relevant legislation should seek independent legal advice.

The legal framework governing the driving of motor vehicles in the countryside, on public rights of way and on access land is complicated. Perhaps the single most important piece of legislation is the Road Traffic Act 1988 Section 34 (as amended). The key part is Sub-section 1 which states that: “if without lawful authority a person drives a mechanically propelled vehicle—

(a) on to or upon any common land, moorland or land of any other description, not being land forming part of a road, or

(b) on any road being a footpath, bridleway or restricted byway,

he is guilty of an offence.” It should be noted that the offence is a **criminal offence** over and above any civil trespass that may also be committed.

However, there are many other aspects of the law that need to be understood:

- the only category of public right of way which carries proven vehicular rights is Byway Open to All Traffic (BOAT) shown as **++++++/++++++** on OS maps (colour varies with scale of map);
- there is another category of highway (note that all public rights of way are also highways) – usually referred to as Unclassified County Roads (UCRs) or just Unclassified Roads (shown as **...../.....** on newer OS maps) – which are usually believed to have public vehicular rights for all vehicles;
- the driving of MPV was generally accepted on Roads Used as Public Paths (RUPPs) but, following the coming into force of CRoW Act Section 47, RUPPs became Restricted Byways and no longer carry a public vehicular right for MPVs;
- as a result of the Natural Environment and Rural Communities Act 2006 (NERC) Section 67, the rights to drive MPVs on most unrecorded BOATs have now been extinguished except:
 - o where an application to modify the definitive map was submitted to the relevant surveying authority before 20th January 2005 (although this provision is subject to a challenge in the courts);
 - o one or more of the exceptional circumstances set out in the NERC Act 2006;

See:

http://www.opsi.gov.uk/ACTS/acts2006/ukpga_20060016_en_7#pt6-pb1-11g67;

- the rights to drive MPVs on BOATs (or any other class of user and any other type of highway) can be suspended by the relevant traffic authority

- or National Park Authority making a Traffic Regulation Order (TRO) which prohibits driving of MPV;
- anyone driving an MPV along a BOAT has to comply with all the 'rules of the road'. So, he or she must have a valid licence and insurance, be in a fit state to drive, wear a helmet if on a motorbike, drive with due care and attention, have a valid MOT certificate (where needed) and so on;
 - the CRoW Act (Part I) does not give anyone a right to drive a vehicle on CRoW Access Land and this activity is included in the list of general restrictions in Schedule 2(1)(a) (see: http://www.opsi.gov.uk/Acts/acts2000/ukpga_20000037_en_10#sch2);
 - the Chronically Sick and Disabled Persons Act 1970, at Section 20, disapples the restrictions on MPVs on public rights of way and open country as respects recognised 'invalid carriages'. This means that their use on (say) a footpath or CRoW Access Land is **not** a criminal offence;
 - driving a MPV along a BOAT in a reckless manner so that its surface is damaged could constitute criminal damage;
 - causing damage to features of a SSSI for which the site has been notified may be an offence under the Wildlife and Countryside Act 1981 (as amended);
 - Section 59 of the Police Reform Act 2002 (see: http://www.opsi.gov.uk/acts/acts2002/ukpga_20020030_en_7#pt4-ch2-pb5-11g59) gives the Police the power to seize a MPV where the officer believes it has been driven in a way that contravenes either Section 3 or Section 34 of the Road Traffic Act 1988, although it is common practice for a warning to be given first;
 - using powers under the Environmental Protection Act 1990, it may be possible to have noise emitted by a vehicle classed as a statutory nuisance and for an officer of the relevant local authority to issue a Noise Abatement Order requiring the nuisance to cease (failure to do so could result in the vehicle being seized);
 - ceasing to drive illegally 'off-road' could be made the condition of an 'Acceptable Behaviour Contract' issued by the local authority or an 'Anti-Social Behaviour Order' issued by the Police. The Home Office has provided guidance on the use of both these instruments (see Further Information);
 - an employee using a company vehicle for an illegal purpose (e.g. carrying motorbikes to a site with the intention of driving them illegally) may invalidate the vehicle's insurance and this may be a disciplinary offence.

A longer list of possible offences is provided by Defra in its guidance to Local Authorities, Police and Community Safety Partnerships (see: [Further Information](#)).

So what are the key points to consider?

- *Lawful authority*: the landowner, the occupier, anyone acting on behalf of the landowner or occupier, or acting with their permission, plus anyone going about their legitimate business (e.g. the postman) has the lawful authority referred to in the Road Traffic Act 1988 Section 34. As a result, it can be difficult to determine when an MPV is being driven illegally. Anyone who can prove that they were driving an MPV over land where they have neither lawful authority nor a public right to do so, but that this was for the purposes of saving life, extinguishing a fire or dealing with a similar emergency, they would not be committing an offence under the Act;
- *Existence of public vehicular rights*: What is shown on the definitive map is not prejudicial to the existence of other rights that have not been recorded. This used to be a major hurdle to dealing with illegal MPV use because there was always the risk that a case would be lost because of the difficulty in proving that rights did not exist. Recent changes in legislation have significantly reduced this obstacle because it is now incumbent on the MPV user to show that vehicular rights exist. There remains some uncertainty over the rights attached to UCRs.
- *Types of Illegal MPV activity*: Research for Defra and CCW suggested that illegal MPV activities, and what type of person is normally the perpetrator (85% or so are male), could be classified into five broad groupings:
 - o **Neighbourhood off-road activity** - typically by young people, within and on the edge of urban areas and on any routes or land that are available including PRow, cycle tracks, parks and nature reserves. This activity often extends onto privately owned vacant or derelict land that is accessed using public routes or public access land. While small motorcycles appear to be the most commonly used MPV, this category includes some use of quad bikes;
 - o **Social off-road activity** - in which people drive off-road to engage in a range of group activities, for example drinking parties, taking drugs, the torching of stolen vehicles. These activities can take place almost anywhere but are perhaps more frequent close to urban areas;
 - o **Off-road trail riding** - primarily on motorcycles with good off-road capability, in the countryside particularly, but not exclusively, on open moorland;
 - o **Practice for off-road events** - the use of off-road motorcycles on areas of land to practice for particular types of events, for example motocross;
 - o **Fly tipping and vehicle dumping** - the use of all motor vehicles, except motorcycles, to fly tip in the countryside and the dumping of end-of-life vehicles in the countryside.
- *Types of MPV often driven illegally*: Any vehicle can be driven illegally. However, the majority of incidents of illegal MPV use involve motorbikes. This is because they are cheaper, able to cross a wider range of terrain than 4 wheeled vehicles and harder to exclude from countryside areas.

Sales of some classes of motorbike (e.g. the so-called mini-motos) have increased significantly over the last decade.

- *Police involvement:* only a uniformed police officer is empowered to require the driver of an MPV to stop (although anyone can ask). An offence under RTA 1988 Section 34 is a criminal offence and decision to prosecute would be made by the Crown Prosecution Service and, in some cases, in association with the police. Consequently, any attempt at controlling illegal MPV use must involve the police.
- *Controlling illegal MPV use:* There is a range of measures that can be used although no single measure is likely to be effective. The measures have been called “the three Es”:
 - **Education:** raise awareness amongst the public and the illegal riders about the fact that the law is being broken, that there are risks to health and safety (to both rider/driver and public) and so on. This includes on-site signage (although vandalism is a major problem) as well as publicity and distribution of leaflets. Having legally-correct and appropriately-located signs in place may be a pre-requisite for the police to take action. Another aspect to education is alerting potential offenders to the legal remedies available.
 - **Engineering:** using physical barriers of various kinds to bar entry by vehicles. The main difficulty with attempts at physical exclusion is that it risks barring use by legitimate users and may be illegal. Barriers can also be very visually intrusive.
 - **Enforcement:** use of the powers available to the police and local authority to deter illegal activity. However, this is resource intensive and often ineffective because:
 - It is hard to catch an illegal driver/rider who does not want to stop (many police forces have health and safety policies that prevent direct intervention);
 - Illegal activity at many places is transient and, by the time police arrive, the MPVs have disappeared;
 - Illegal MPV users alert each other to police presence at ‘hotspots’;
 - MPV drivers/riders are mobile and attempts to control illegal activity at one location can sometimes lead to increased activity at another;
 - Different police forces do not necessarily co-ordinate their records, so that a driver warned (under Police Reform Act 2002 Section 59) by one force is unlikely to have his motorbike seized if caught on a subsequent occasion by a different force.

However, concerted campaigns, backed by a range of measures, can be effective over time.

- *Objectives*: it may be worth considering what is the objective in controlling illegal MPV activity. Complete prevention may be an unachievable objective whereas getting the problem down to manageable proportions may be a more sensible approach.
- *Strategic approach*: Experience shows that illegal MPV use is often beyond the capacity of any one organisation or group of individuals to effectively control. A partnership of police, local authority, legitimate users, the local press and local community is usually needed.
- *Absence of legal options*: MPV users may feel that there are few or no options for them to enjoy their activity legally. Police officers also comment that they feel that it would be helpful if they could recommend legal alternatives. However, bespoke facilities often impose conditions (e.g. insurance and vehicle standards) and charge for use, which may deter some; there is also the problem of actually reaching the facility from the user's home.
- *Public deterrent*: The presence of other people appears to be one of the greatest disincentives to illegal MPV activity. Where other recreational users are present in significant numbers, illegal MPV use appears to be lower. It follows that by making a PRow or public place popular with legitimate users (e.g. walkers and cyclists), illegal MPV activity may be discouraged.

Go back to [Public Rights of Way](#)

How Can LAFs Make A Difference?

- persuading the Highway Authority to be proactive in protecting and asserting the right of the public to the use of the rights of way network;
- helping with deciding priorities for PRoW work;

Good Practice Example:

Hampshire Countryside Access Forum successfully influenced a new policy to prioritise their authority's work in resolving problems such as blocked paths, defective stiles and paths on the wrong route (this policy has been adopted by Hampshire County Council under the title "Priority guidelines for assessing maintenance and enforcement problem reports on the network"). It has also been helping the Council form a policy regarding permissive paths and a policy for determining the order in which definitive map modification orders are addressed.

Good Practice Example:

The Devon CAF held a working group meeting to devise a scoring system to assist the RoWIP Officer in evaluating a large number of potential and competing public access schemes for funding. Suggestions made by the LAF have been taken on board and the RoWIP Officer will be trailing a points system.

- giving advice on signing/waymarking

Good Practice Example:

Lincolnshire LAFs reviewed Lincolnshire County Council's proposals for revisions to its waymarkers and advisory signs.

Good Practice Example:

Lake District LAF members are consulted on all public path orders for comment. LAF comments can make it easier for the officers to deal with landowners whose applications for an order are likely to be unacceptable, and can encourage a more flexible approach.

Good Practice Example:

Devon's CAF has made a number of site visits and proposed an alternative route for a contentious diversion where a bridleway currently crosses an SSSI, through CRoW access land which is adjacent to Forestry Commission land. The Devon Countryside Access Forum has been involved in discussions with Devon County Council, the Forestry Commission and Natural England.

- working with landowners to agree proposals in public path orders, such as creation orders, in order to maximise public benefits;

Good Practice Example:

A need for an alternative bridleway route to avoid riding on a stretch of fast road was identified in a ROWIP. The Peterborough LAF presented an alternative route to the Forestry Commission (one of the main landowners), which then came up with an alternative proposal. However, this wasn't acceptable to a private landowner and finally an agreed alternative bridleway route was agreed between the LAF and Forestry Commission. This agreement was reached by meeting together on site, surveying and implementing the new route which involved some tree felling by the Forestry Commission to give adequate clearance.

- some LAFs are willing to get out into the field and help with maintenance work, although this is not necessarily how all LAFs would want to operate – much depends on local circumstances.

Good Practice Example:

Members of Peterborough LAFs get involved in surveying Rights of Way, fitting yellow topped marker posts, route marking, removal of obstructions (e.g. stiles) and Definitive Map and Statement work.

- stressing the importance of roadside verges for public rights of way users. These can be especially valuable for horse riders, as a means of linking sections of an otherwise fragmented network of bridleways. Verge vegetation management, obstacles in the form of road signs and health and safety concerns are all factors to be considered, though.

Management of Countryside Areas Affected by Mechanically-propelled Vehicles

'Off-road' driving is a legitimate countryside pursuit when carried out in the right place and time. The distinction between legal and illegal use is often hard to make. It is important, therefore, that the LAF uses its influence to support appropriate legal activity and to help control illegal MPV activity.

Scope – LAFs are restricted in the formal advice they can give to matters relating to legal use and, with respect to MPVs, use of byways open to all traffic only. However, where MPV use (whether legal or illegal) affects other aspects of access and recreation, formal advice can be issued by the LAF. However, with respect to any TROs made by a National Park Authority, the LAF is a statutory consultee. Because TROs can be made over any class of highway (not just byways) and any class of user (not just members of the public driving MPVs), they could be called upon to give advice on a wide range of circumstances.

Further, the LAF is not prevented from giving *informal* advice to their appointing authority on action it might take with respect to MPV use, although in such circumstances the authority would have no duty to have regard to it.

LAF Expertise

It is a legal requirement for the LAF to have representatives from a range of activities including user groups. The appointing authority may wish to appoint

an MPV user to the LAF, and LAF members may encourage the authority in this respect, where it believes such representation would be valuable.

Where serious problems exist, it may be helpful to set up a LAF sub-group. Experts can be co-opted onto this sub-group, if necessary. It is important to remember that any advice to be given are referred to the full LAF, unless the sub-group is convened so as to comply with the rules applying to LAF meetings and is empowered by the full LAF to issue advice on its behalf (see: [Practicalities of Running a LAF](#)).

Good Practice Example:

Cumbria LAF has set up a MPV Sub-Group, chaired by a LAF member but with Police, Lake District NPA and others represented on it. The sub-group was formed to consider strategy in the light of changes to the availability of legal routes precipitated by CRoW Act 2000 and NERC Act 2006. Its terms of reference are to:

- advise the Cumbria Local Access Forum on issues relating to MPV access;
- acquire the necessary knowledge and information to do this in a considered and authoritative way;
- notify the Forum of any developments or events that relate to such issues;
- respond (as necessary) directly to urgent requests from the County Council, Natural England or other appropriate bodies, for views or information relating to such issues.

Use and Management of Legal Resources

The LAF regulations¹² limit the scope of the matters on which LAF can give advice to prescribed bodies. Regulation 22 says that “The function conferred by paragraph (2 [i.e. matters on which the LAF can give advice]) is exercisable in relation to access by mechanically propelled vehicles only insofar as the access relates to byways open to all traffic.” However, there are several ways in which LAF Members can assist with management of resources and facilities for legal MPV uses:

- make sure that all legitimate MPV user interests are represented in:
 - LAF responses to consultation papers;
 - LAF comments on Orders affecting BOATs (e.g. TROs);
 - Proposals for development of legitimate MPV facilities (which will usually need planning permission);
- ensure that opportunities for improvements to local rights of way are included with the appointing authority’s Rights of Way Improvement Plan, where appropriate (i.e. taking into account costs, impact on other users and environmental concerns);

¹² Local Access Forum (England) Regulations 2007. See: <http://www.opsi.gov.uk/si/si2007/20070268.htm#21>

- advise the appointing authority on how best to promote awareness of BOATs and other ways which can be ridden/driven legally. However, because fewer routes are now available for being ridden/driven legally, there is a risk that MPV activity may become concentrated onto these few routes, resulting in unacceptable levels of damage, conflicts with other users and environmental impact;
- ensure that BOATs are maintained to an appropriate standard. However, it needs to be remembered that BOATs:
 - are supposed to be primarily for use by pedestrians and horse riders, rather than for vehicles and that there is no set standard;
 - may sustain damage as a result of use by farmers or foresters accessing land, and some responsibility for maintenance or repair may rest with them.

“Making the Best of Byways” gives more guidance on this (see [Further Information](#)).

Control of Illegal MPV Activity

It should be borne in mind that the local police force is not a prescribed body to which the LAF can give advice and so the police are not obliged to have regard to its advice. However, advice can be directed to other bodies, which are prescribed, in particular the local highway authority.

Areas in which LAF members might give assistance are:

- encouraging relevant organisations to come together to form a partnership with the objective of developing a strategy for bringing illegal MPV activity under control;
- using their local knowledge to help:
 - identify the nature of the illegal activity at troublesome sites and what type of user is causing it – this will help focus control efforts;
 - assist the local authority to assess the nature of complaints about MPV use (level of complaints is often used by authorities and the elected members as a guide to level of illegal activity but it is, in reality, a very poor indicator);
 - comment on proposals for control measures (e.g. signage, barriers, publicity/awareness raising campaigns);
- look at what is happening in other areas to see if there are any lessons to be learnt, and by bringing these to the attention of the LHA. For example, interesting work has been done in the Red Rose Community Forest area and pilot projects are underway in the Elan Valley and Cambrian Mountains in Wales;
- providing on-the-ground assistance. It may be necessary to collect factual information about illegal use before action can be taken and LAF members may wish to help.

Good Practice Example:

Following open discussion among the whole Hampshire Countryside Access Forum, a Vehicles Task Group was formed to draft a revised policy for Hampshire County Council. 'Off-road' motor vehicle use is probably the most contentious issue that the Forum has tackled, and the Task Group has members with radically different views. However, discussion has always remained courteous and productive, and a fair and reasonable policy is well on its way - the 'vehicles' representative has even organised a site visit (by vehicle!) for Forum members to look at a variety of routes. The value of having LAFs has really shown through here; if the Council had formed a group of known interested parties, with established attitudes, it is doubted that the outcome would have been so positive.

Good Practice Example:

The Joint LAF covering 5 authorities around Tyne and Wear made a significant input to the authorities' efforts to control illegal off-road driving. The JLAF Chair, Vice Chair and another forum member together with the Access Development Officer met up with Northumbria Police at Ponteland Command Centre. The meeting was to open dialogue with the Police in relation to the issue of reporting incidents of vehicles using the Public Rights of Way network. Discussions took place in relation to use of the '101 number'. This number is mainly used to report anti-social behaviour (e.g. graffiti) to ensure that it is directed to the right person to deal with, (rather than incidents happening on the rights of way network per se).

The police take the matter of anti-social behaviour on Rights of Way seriously and have powers to tackle the problem. However, they did stipulate that they need a record of the problems in order to justify action. So they would want forum members to feed back to the relevant users they represent and keep reporting.

Overall, the visit was well received by those present and the forum will continue to work in providing a safer network to all users. All JLAF members were asked to be vigilant when using the network and report any problems as they occur (where possible) or shortly after – the police have the information at hand and an officer may be nearby by assist.

Go back to [Public Rights of Way](#)

Further Information

A guide to definitive maps and changes to public rights of way (2003) available from Natural England Publication (Ref CA 142). See: <http://naturalengland.communisis.com/naturalenglandshop/docs/CA142.pdf> (182kb)

Auto Cycle Union (2007) Guidance Best practice guidelines for the operation & management of off road motorcycle facilities. See: http://www.acu.org.uk/uploaded/documents/ACU%20OFF%20ROAD%20REGS_1007_v21.pdf (216kb)

Countryside For All - Standards and Guidelines. A good practice guide to disabled people's access in the countryside. Fieldfare Trust, 67A, The Wicker, Sheffield, S Yorkshire, S3 8HT

Defra Guidance on control of fly tipping. A number of documents are included on its website: <http://www.defra.gov.uk/environment/localenv/flytipping/measures.htm>

Gaps, Gates and Stiles BSI 5709 - Specification (2001). See: http://standards.mackido.com/bs/bs-standards24_view_4020.html

Home Office Guidance to Acceptable Behaviour Contracts and Agreements (2007): <http://www.crimereduction.homeoffice.gov.uk/antisocialbehaviour/antisocialbehaviour058a.pdf> (542kb)

Home Office Guidance to Anti-Social Behaviour Orders (2006): <http://www.crimereduction.homeoffice.gov.uk/antisocialbehaviour/antisocialbehaviour55.pdf> (1.18mb)

If you want to find out more, consult the following sources of information:

Illegal use of public rights of way and green spaces with public access by mechanically propelled vehicles (2008). Research report for Defra and CCW by Faber Maunsell Ltd. See: <http://www.defra.gov.uk/wildlife-countryside/issues/public/illegal-use.htm>

Institute of Public Rights of Way Management website has a public access area with news updates and a comprehensive set of FAQs. See: <http://www.iprow.co.uk/>

Making the Best of Byways: A practical guide for local authorities managing and maintaining byways which carry motor vehicles (2005). Report for Defra. See: <http://www.defra.gov.uk/wildlife-countryside/cl/mpv/pdf/bestofbyways.pdf> (1.55mb)

On the Right Track – Surface requirements for shared use routes (2005). Ref CA 213. See: <http://naturalengland.communisis.com/naturalenglandshop/docs/CA142.pdf> (2.1mb)

Provision of PRow by Highway Authorities (2005). Research summary by Natural England. Ref CRN100. See: <http://naturalengland.communisis.com/naturalenglandshop/docs/CRN100.pdf> (50kb)

Regulating the Use of motor vehicles on public rights of way: A guide for Local Authorities, Police and Community Safety Partnerships (2005). Guidance from Defra. See: <http://www.defra.gov.uk/wildlife-countryside/cl/mpv/pdf/regulating-motorvehicles.pdf> (478kb)

Research into the Use of Byways by Mechanically Propelled Vehicles (2005). Report for Defra and Countryside Agency. (see: <http://www.defra.gov.uk/wildlife-countryside/cl/mpv/pdf/researchrep-veh.pdf> (878kb)).

Rights of Way – A Guide to Law and Practice (2007) 4th Edition. By John Riddall and John Trevelyan and published by the Ramblers' Association and the Open Spaces Society. This is supplemented by an online update at www.ramblers.org.uk/rightsofwaybook

Rights of Way Condition Survey (2000). Research summary by Natural England. Ref CRN43. See: <http://naturalengland.communisis.com/naturalenglandshop/docs/CRN43.pdf> (100kb)

Rights of Way Law Review produce a CD ROM of their published articles (see below for contact details).

Scrambling to Success: The Problems and Solutions to illegal off-road motorcycling in Greater Manchester Report by the Red Rose Community Forest. See: <http://www.redroseforest.co.uk/publications/pdf/fullreport.pdf> (1.08mb). Summary available on: <http://www.redroseforest.co.uk/publications/pdf/summary.pdf> (403kb)

TRF Code of Conduct for Drivers. This is on the Home Page of the TRF website: <http://www.trf.org.uk/>

Unclassified County Roads – Report for the Trail Riders Fellowship by Mike Furness, Sue Rumfitt and George Keeping. C/o TRF, PO BOX 196, Derby, DE1 9EY. (Priced publication).

General information on the use of MPVs on public rights of way can be found on the Byways and Bridleways Trust website at: <http://www.bbtrust.org.uk/>

Waymarking Public Rights of Way (2001). Ref CA77, Natural England Publications. See: <http://naturalengland.communisis.com/naturalenglandshop/docs/CA77.pdf>

Go back to [Public Rights of Way](#)

Development Planning and Control

	Page
Key Points	190
Development Planning – The Development Plan	191
Development Control – Planning Applications	193
Green Infrastructure	195
Other Local Authority Plans	197
Planning Enquiries and Hearings	198
How Can LAFs Make A Difference?	199
Further Information	204

Go back to [Background information about Key Areas on which LAFs can Advise](#)

Key Points

In this Handbook, development planning and control means:

- development planning - the preparation of plans by planning authorities which are used to guide the development and use of land;
- development control - applied to individual developments at site or property level, resulting in the grant or refusal of planning permission.

Development encompasses both physical development, including building and engineering operations, and material changes in the use of land.

Public access and recreation can be affected by development planning and control processes. In particular:

- plans may be prepared which include development proposals which affect local access in the area the proposals cover;
- specific built developments, which may already be included in plans, may be proposed which, if implemented, would affect local access to the land on which the development takes place or other land nearby;
- new developments may give rise to increased demand for access;
- changes of the use to which land is put may change the amenity enjoyed by access users of that land or adjoining land;
- planning permission may be needed for recreational activities.

There are various points within the processes for development plan preparation and development control where LAFs could provide assistance and influence outcomes.

Go back to [Development Planning and Control](#)

Development Planning – The Development Plan

There are now two main levels of plan preparation under the Development Plan:

- Regional Spatial Strategies;
- Local Development Frameworks.

Regional Spatial Strategy (RSS)

Each Regional Planning Body is preparing a Regional Spatial Strategy. The RSS will indicate which general areas are favoured for particular land uses or that protection of the environment in an area is a high priority. For example, it will indicate how many homes are needed to meet the future needs of people in the region, or whether the region needs a new major shopping centre or an airport.

An RSS should address access to leisure and recreation. It may do this by identifying protected areas of particular importance for the environment, for example National Parks, Areas of Outstanding Natural Beauty and green belt land and by strategic policies designed to protect and enhance public access.

Local Development Frameworks

Each local planning authority is preparing a Local Development Framework. This is a folder of documents that sets out how the local area may change over the next few years. Planning Policy Statement 12 (PPS12) sets out the Government's policy on the preparation of local development documents. In summary PPS12 describes local development frameworks as:

“The local development framework will be comprised of local development documents, which include development plan documents, that are part of the statutory development plan and supplementary planning documents which expand policies set out in a development plan document or provide additional detail. The local development framework will also include the statement of community involvement, the local development scheme and the annual monitoring report. Furthermore, local planning authorities should also include any local development orders and or simplified planning zones which have been adopted. The local development framework, together with the regional spatial strategy, provides the essential framework for planning in the local authority’s area.”

In areas where there are both county councils and district councils, the district council will prepare a local development framework while the county council will prepare a minerals and waste development framework. In National Parks, responsibilities are split between the county council, district council and the national park authority. So, references to local development frameworks should be taken to include not only built developments but also the minerals and waste development framework.

The key development plan documents that a local planning authority must prepare are:

- The Core Strategy; and
- Site Specific Allocations of Land.

Local planning authorities may also prepare (where needed):

- *Area Action Plans*: dealing with key areas of change or conservation, for example particular towns, areas of a city or rural areas, and which may make site specific allocations of land;
- *Other Development Plan Documents*: which means any other document that includes a site-specific policy to allocate land; and
- *Supplementary Planning Documents*: which expand policies set out in a development plan document or provide additional detail. Note that Supplementary Planning Documents do not make site-specific allocations of land and are not part of the statutory Development Plan.

Local planning authorities must include within the local development framework an adopted proposals map in accordance with Regulation 6.12 which should express geographically its adopted Development Plan policies. The adopted proposals map reflects the adopted Development Plan documents and is amended as new Development Plan documents are adopted.

Go back to [Development Planning and Control](#)

Development Control – Planning Applications

Town and country planning laws, and the supporting policies, statements and guidance, are complex and subject to frequent change. It is beyond the scope of the Handbook to explain this subject in detail. However, it is useful to have an understanding of the general process.

In most cases, anyone planning to build or erect a structure, or change the use to which land is put, will need to apply for planning permission. In determining planning applications, local planning authorities must have regard to the Development Plan (see [The Development Plan](#)). For example, proposals for development should accord with site-specific allocations and with policies for the development and use of land and buildings. However, there are other considerations which the local planning authority must take account of:

- Applications need to be accompanied by an Environmental Statement in some circumstances (i.e. most major developments). This will set out the expected impacts on the environment and how these impacts will be mitigated. Impacts on access and recreation should also be addressed, typically under the topic of community effects or non-motorised users of the transport network.
- There is a statutory requirement to address disabled access to buildings open to the public.

There are some situations where a blanket planning permission is provided by the Town and Country Planning (General Permitted Development) Order 1995, for example:

- some types of developments within the curtilage of a dwelling house;
- many agricultural and forestry buildings and operations;
- temporary use of land for any purpose if these take place on less than 28 days (or in the case of markets and motor sports, 14 days) per calendar year. These temporary uses cover some types of recreational activity – for example intermittent use of a field for clay pigeon shooting or camping. In general the 14 day rule covers activities with the potential to cause nuisance, (but note that the law on nuisance may restrict such activities even where they are permitted by the Order).

Temporary use of land referred to above is not permitted if:

- the land in question is a building or is within the curtilage of a building;
- the use of the land is for a caravan site, (but note that certain caravanning organisations are permitted to authorise small sites);
- the land is, or is within, a site of special scientific interest and the use of the land is for motor sports, clay pigeon shooting, any war game or for the display of an advertisement.

LAFs will be mainly interested in planning applications which affect areas open to access, public rights of way and other routes open to public access or which are likely to change demand for such access resources. Major applications affecting access or which affect demand for access will be of particular interest. For planning applications the potential concerns for LAFs are the same as for Site Specific Allocation of Land, although for developments which accord with the development plan the emphasis will be on getting the detailed design right. Good environmental design, public safety and access for disabled people are likely to be of importance to LAFs.

Go back to [Development Planning and Control](#)

Green Infrastructure

What is Green Infrastructure?

Green infrastructure (GI) is a strategically planned, delivered and managed network of multi-functional greenspaces, which can provide a healthy and rich environment. It needs to be delivered at all spatial scales, accommodating both accessible natural green spaces within local communities and often much larger sites in the urban fringe and wide countryside

Green Infrastructure is made up of:

- Urban and country parks
- Green informal recreation space
- Commons and village greens
- Woodland
- Natural and semi-natural habitats for wildlife
- Local Nature Reserves and county wildlife sites
- Sites of Special Scientific Interest and Scheduled Ancient Monuments
- Historic landscapes
- Waterways, waterbodies and wetland
- Public rights of way, cycleways and other recreational routes
- Green corridors including hedgerows, ditches, disused railways and verges

Green Infrastructure Strategies

Green infrastructure strategies provide visionary and strategic frameworks for integrated environmental planning across an area where significant new growth and development is planned.

They provide an up to date database of existing environmental assets (ecological, recreational, landscape and historical), which is then analysed to identify gaps and opportunities in the ecological and recreational networks. The concept of multiple use of sites and corridors is a key characteristic of GI plans. They can be at a variety of scales, as seen in parts of East of England region:

- Sub-regional (e.g. Thames Gateway South Essex Greengrid);
- County (e.g. Bedfordshire and Luton Strategic GI Plan);
- Specific growth area (e.g. Cambridgeshire Greenvision, Peterborough Green Grid Strategy, Harlow Area GI Plan, Thetford GI Strategy, Norwich GI Strategy and Haven Gateway GI Strategy);
- Borough specific (e.g. Thurrock Green Grid Strategy).

They should include an analysis of existing provision using the ANGST (accessible natural greenspace standards), such as:

- an accessible natural greenspace less than 300 metres (5 minutes' walk) from home;
- statutory Local Nature Reserves at a minimum level of one hectare per thousand population;
- at least one accessible 20 hectare site within two kilometres of home;
- one accessible 100 hectare site within five kilometres of home; and
- one accessible 500 hectare site within ten kilometres of home.

GI Strategies and plans usually include an action/ implementation plan. Some have development guidance.

What are GI Strategies for?

- Valuable source of information and a tool to guide landowners, planners, developers and others in assessing the impact of land use change and the opportunities to achieve environmental gain from development.
- They are primarily a tool to influence the planning process at a variety of scales: local site master planning, borough and wider strategic scale. They are beginning to be written into core strategies.

Go back to [Development Planning and Control](#)

Other Local Authority Plans

Local authorities prepare a range of non-spatial plans and policies outside the town and country planning system. These include:

- Rights of Way Improvement Plans (see: [LAFs and RoWIPs](#));
- Local Transport Plans setting out their plans for local transport. These typically include sustainable transport policies, policies for walking and cycling, access for the disabled and spending priorities. Local Transport Plans are subject to public consultation;
- Non-statutory plans and strategies that affect use of public rights of way, such as Countryside Access, Cycling and Horse Riding strategies.

Good Practice Example:

Recent meetings of the Surrey Countryside Access Forum have been dominated by discussion of a draft report entitled Sustainable Countryside Access, which is intended as a first step towards the development of a vision for public access in Surrey and will feed into both the Rights of Way Improvement Plan and the next Local Transport Plan.

Go back to [Development Planning and Control](#)

Public Inquiries and Hearings

In some cases, Development Plans may be made subject to public inquiry. So, too, can individual planning applications, if these are particularly contentious. Also, there is an appeals process which one or more of the interested parties can use if they feel that the outcome is not consistent with planning laws and guidance. These cases are heard by a Planning Inspector appointed by the Planning Inspector.

Go back to [Development Planning and Control](#)

How Can LAFs Make a Difference?

The following checklist is intended to guide LAFs in seeking to input into the development planning and control system:

One general strategy would be to raise the LAF's profile amongst planning officers within the local planning authority. Note that in unitary authorities and most national park authorities, the appointing authority is both. However, in county councils, the planning authority is the district council. So, you and/or officers of the appointing authority should make contact with the districts directly. The local officers within a county sometimes have informal arrangements to meet and this provides LAF members with an opportunity to address several districts simultaneously.

Below we refer to a number of different types of planning processes. These can be confusing to people not engaged in planning work. So, ask if you can be alerted to key times in the development of plans so that you can ensure your inputs are made at the best time. Remember, too, that:

- wording of policies are very important. For example, it is better if policies say things like "maintain and enhance" rather than just "maintain"; or use the term "public right of way" rather than "public footpath";
- there is a long-lead in time between a policy, plan or strategy being formulated and action occurring on the ground, but if you don't get engaged at the earliest stages, you may have an uphill struggle later. For example, it is better to get access provisions (for walking and cycling, for example) introduced into outline planning applications rather than wait until detailed planning applications are submitted.

Regional Spatial Strategies (RSS)

The key aspects of a RSS which a LAF may seek to influence are:

- Does the draft Regional Spatial Strategy recognise the importance of public access as a key part of leisure and recreation planning?
- Does the draft RSS recognise the relationship between the quality of countryside recreation and the state of the environment generally?
- Do any policies within the draft RSS potentially impact on areas important for public access or the quality of experience, which users enjoy in exercising access rights?
- LAFs might be concerned if there is an undue emphasis on protection of areas of obvious value while less importance is attached to access resources, which are important at a local level.

Good Practice Example:

The LAFs in the South West region put in a collective response to the draft RSS, facilitated by the LAF Regional Co-ordinator. Comments drew attention to many aspects of public rights of way provision, the Rights of Way Improvement Plan process and the association between access and tourism.

These issues had not been given due recognition in the RSS. Although the Independent Panel's report on the Examination in Public made few policy modifications in these areas, both green infrastructure and tourism are recommended areas for review.

Local Development Frameworks

Local planning authorities are required to involve the community at an early stage in the preparation of local development documents and to prepare a Statement of Community Involvement. Local Access Forums are one of the ways in which the community may be involved in the preparation of development plan documents and the following checklist is intended as a guide to the concerns on which LAFs should focus in their involvement in the preparation of local development documents.

Good Practice Example

The Oxfordshire LAF contributes to the District and City LDFs to ensure consideration of PROW and access issues. It has negotiated improvements at RAF Upper Heyford in the Comprehensive Design Brief to ensure PROW improvements.

Core Strategy

Core Strategies are prepared by local planning authorities and do not specifically identify land for development. However they may, for example, indicate that a general area is favoured for a particular land use or that protection of the environment in an area is a high priority.

- Does the draft Core Strategy specifically recognise the importance of public access as a key part of leisure and recreation?
- Does the draft Core Strategy specifically recognise the relationship between the quality of countryside recreation and the state of the environment generally?
- Do any policies within the draft Core Strategy threaten areas important for public access or the quality of experience that users enjoy in exercising access rights?

Site Specific Allocations of Land

Site Specific Allocations of Land may be made in a separate development plan document or as part of an area action plan or other development plan document. Where sites are allocated for a particular land use the following points need to be addressed:

- Does a Site Specific Allocation of Land potentially impact on access, whether on CRoW Access Land or public rights of way, resulting in more or less access being available?
- Does a Site Specific Allocation of Land potentially impact on the quality of the experience enjoyed by public access users, whether on an area or linear basis, resulting in more or less access being available?

- Does a Site Specific Allocation of Land change the potential need for access land or resources in an area by, for example, an increase in the local population and hence demand for leisure and recreation, and has provision been made to meet this demand?
- For any Site Specific Allocation of Land are there any safeguards which could be adopted to maintain access or the quality of experience of access users?
- Does the adopted proposals map properly reflect the adopted development plan documents?

Area Action Plans and Other Development Plan Documents are covered by the above checklist as all involve allocation of land.

Supplementary Planning Guidance

For many access concerns, the detail of proposals is important. Supplementary Planning Guidance may refer to public access and recreation, and so LAFs may want to influence the content of such guidance.

Good Practice Example

The Countryside Access Forum for West Sussex is engaging with planners in the early stages of planning for Strategic Developments in West Sussex to maximise opportunities for recreational access for all users, the scope for use of Section 106 agreements as a source of funding, and the wider Rights of Way network, access bridges/underpasses. They ran Working Groups and were involved in West of Horsham Masterplan consultations, as an example.

Development Control

Examples of the type of planning applications on which LAFs may want to comment are:

- changes of land use that will affect the status of CRoW Access Land (e.g. tree-planting);
- road schemes or other developments that may sever public rights of way
 - examine the Environmental Statement accompanying applications to ensure that impacts on public rights and recreational activities have been properly accounted for;
- ensuring alternative modes of travel (e.g. on foot and cycle) are considered in development proposals;
- ensuring that any increased demand arising from new housing development can be properly accommodated by surrounding access resources (this has been a critical issue with development proposals that affect the Thames Basin Heaths SSSI and SPA – see <http://www.surreyheath.gov.uk/planning/PlanningPolicyandConservation/ThamesBasinSPA.htm> for background information);
- identifying opportunities for funding through Section 106 agreements (see also – [Information about Sources of Funding](#));

- identifying opportunities for improvements to the rights of way network, or the dedication of land for access under CRow Section 16;
- suggesting that public access proposals embedded within proposed developments cater for the highest possible category of use (e.g. cyclists, horse-riders, carriage drivers), not just pedestrians and disabled people.

Good Practice Example:

Northamptonshire/Northampton LAF's highlight their success in gaining agreement for the construction of bridges for all PRow crossings for the proposed Corby Link Road, which is a new dual carriageway project presently entering a public inquiry stage.

Good Practice Example:

Lincolnshire LAFs gave advice to the Forestry Commission about access improvements for equestrians across the A1 dual carriageway at Morkery Wood. As a result, the FC has dedicated a route as a public bridleway and the Highways Agency has agreed to improvements to sight-lines.

Good Practice Example:

Dartmoor LAF was asked to give advice on an application for planning permission for the provision of a cycleway/footway between Moretonhampstead and Lustleigh. The Forum gave the application its support, provided that a number of issues were addressed.

Green Infrastructure (GI)

In Growth Areas/Growth Points with completed GI strategies:

- Obtain a copy of the GI strategy (almost all are available on the web);
- Seek an invitation to join the steering group which is co-ordinating the development and/or implementation of the strategy;

Good Practice Example:

Peterborough LAF has a representative that sits on the steering group that is developing the GI strategy. This ensures that public access is given due consideration.

- Ensure that ROWIP priorities are reflected in the GI strategy action plan priorities;
- Identify opportunities for the delivery of ROWIP targets through a multi-functional approach i.e. is there scope for looking at access projects in a wider dimension (e.g. landscape enhancement, wildlife corridors);
- When preparing responses to LDF core strategy and other consultations, and large planning applications, make sure there are references to GI and GI strategies.

In areas where GI planning is to start in the near future (such as around the 'growth points' announced by government):

- Seek an invitation to the stakeholder consultation process which is a key part of the strategy preparation process;
- Help those preparing the plans by providing information and identifying gaps and opportunities in the access network;
- Comment on the draft strategies to make sure access is properly and fully covered.

Planning Inquiries/Hearings

A representative of the LAF could give evidence at a public inquiry or hearing about the relevant formal advice that the LAF has given.

Go back to [Development Planning and Control](#)

Further Information**Laws, Regulations and Information about Development Planning and Control**

The key piece of primary legislation is the Town and Country Planning Act 1990: (http://www.uk-legislation.hmsso.gov.uk/acts/acts1990/Ukpga_19900008_en_1.htm)

The Planning Portal is probably the best source of information on development planning and control. See: www.planningportal.gov.uk. This includes a useful guide on Local Development Frameworks (see: <http://www.planningportal.gov.uk/uploads/ldf/ldfguide.html>).

The Department for Communities and Local Government website provides detailed information about planning. See: <http://www.communities.gov.uk/planningandbuilding/>

Defra's website provides further information of relevance to countryside. See: <http://www.defra.gov.uk/farm/environment/land-use/index.htm>

The Planning Inspectorate's website also contains useful information. See: <http://www.planning-inspectorate.gov.uk/pins/index.htm>

A Farmer's Guide to the Planning System. See: <http://www.defra.gov.uk/farm/environment/land-use/pdf/planning-guide.pdf> (483kb)

Regulations and Information Concerning Environmental Impact Assessment:

Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 <http://www.opsi.gov.uk/si/si1999/19990293.htm>

Circular 02/99: Environmental impact assessment: <http://www.communities.gov.uk/publications/planningandbuilding/circularenvironmentalimpact>

Environmental impact assessment: A guide to procedures (amended reprint 2001): <http://www.communities.gov.uk/publications/planningandbuilding/environmentalimpactassessment>

Environmental Impact Assessments of Forestry Projects (2007): [http://www.forestry.gov.uk/pdf/wgseia.pdf/\\$FILE/wgseia.pdf](http://www.forestry.gov.uk/pdf/wgseia.pdf/$FILE/wgseia.pdf) (880kb)

Environmental Impact Assessment (Uncultivated Land and Semi-Natural Areas) Regulations 2001: <http://www.opsi.gov.uk/SI/si2001/20013966.htm>

Green Infrastructure

Green Infrastructure Planning Guide. See: http://www.greeninfrastructure.eu/images/GREEN_INFRASTRUCTURE_PLANNING_GUIDE.pdf

Natural England's website contains more information about Green Infrastructure and greenspaces: <http://www.english-nature.org.uk/special/greenspace/>

More information about green infrastructure and some examples of how local authorities are dealing with it in their planning processes can be found at:

- www.harlow.gov.uk/gipwww.bedsandlutongreeninfrastructure.org.uk
- www.cambridgeshire.gov.uk/greenvision
- www.naturalnet.org.uk
- www.greengrid.co.uk
- www.goeast.gov.uk (for the East of England Plan)

Go back to [Development Planning and Control](#)

Cycle Tracks, Cycle Ways and Cycle Lanes

The subjects on which LAFs can advise include access to land for cycling. Cycling is also important as a means of transport to access areas of outdoor recreation. It is therefore likely that cycle tracks and cycle ways and possibly cycle lanes will be matters that a LAF has to consider. The definitions of cycle track, cycle way and cycle lane as used in this handbook are contained in the glossary, however whilst cycle track is a legally defined term, cycle way tends to be used more loosely and may cover a variety of routes. Cycle lane tends to be used to cover defined cycle only lanes within the vehicular carriageway reserved for cyclists. Cycling is an area where government policies on the promotion of outdoor recreation and the promotion of sustainable transport overlap, as such LAFs need to bear in mind the advice and information available from the Department for Transport as well as advice and information from Defra and Natural England.

	Page
Key Points	207
Powers of local authorities to create cycle tracks	208
How Can LAFs Make A Difference?	209
Further Information	210

Go back to [Background information about Key Areas on which LAFs can Advise](#)

Key points

Key points to bear in mind are:

- cycle tracks may be available solely for the use of pedal cyclists, or they may be multi-user;
- highway authorities can construct new cycle tracks alongside existing highways (making use of their order making powers to authorise this), can reserve part of a carriageway as for use by cyclists or can convert existing public footpaths into cycle tracks by order;
- bicyclists can use bridleways, restricted byways and byways and these as well as quieter roads, multi-user routes and cycle tracks can be linked together and promoted as a cycle way or cycle route;
- the Department for Transport seeks to expand opportunities for the public to cycle as part of its policy of encouraging sustainable transport;
- cycle lanes can be created in the carriageway by using an authority's powers under the Road Traffic Regulation Act 1984

The National Institute for Health and Clinical Excellence has published guidance on the health benefits of building infrastructure in a way that encourages physical activity, including cycling (see [Further Information](#)).

Go back to [Cycle Tracks, Cycle Ways and Cycle Lanes](#)

Powers of local authorities to create cycle tracks

A highway authority can construct a cycle track in or by the side of a highway maintainable at public expense. This can be a completely new route, solely for the use of cyclists or may be a segregated or un-segregated area of the footway that cyclists are permitted to use (it is an offence otherwise to ride a bicycle on the footway) and as such is shared with pedestrians. A highway authority can also designate by order any public footpath, or any part of a public footpath, as a cycle track. Such orders can be opposed and if opposed may be determined by an Inspector appointed by the Secretary of State for Transport, usually after the holding of a public inquiry.

Cycle ways or cycle routes

As noted above cyclists may use bridleways (although they must give way to pedestrians and horse-riders) and may also use all restricted byways, byways and roads (except special roads such as motorways) unless prohibited from doing so by traffic regulation order. To promote safe cycling as outdoor recreation and also to encourage cycling as an alternative sustainable means of transport, many authorities have developed promoted routes, often called cycle ways or cycle routes, which may follow routes of differing status to provide a longer or more useful route for cyclists.

Issues

The conversion of an existing public footpath into a cycle track can be controversial. In some cases walkers dislike having to share a previously pedestrian-only route with cyclists and the actions of some cyclists in behaving discourteously to other users underlies the concerns of some walkers. Care therefore needs to be taken in the selection and design of routes that will form cycle tracks.

Once a public footpath is converted into a cycle track it ceases to be a way that has to be recorded on the definitive map and statement, and therefore must be removed from it. This sometimes causes concerns amongst user groups representing the interest of walkers, particularly since the wide definition of cycle track (as a right of way for cyclists, with or without a right of way for pedestrians) raises the fear that walkers will be excluded from the route in the future. It is clearly stated in departmental guidance that a footpath converted into a cycle track remains a right of way on foot as well as a right of way for cyclists. However, the lack of a legally conclusive way of recording these pedestrian rights underlies the objections to some schemes.

The promotion of bridleways as routes to be used by cyclists can also cause concerns. Whereas cycle tracks (even those converted from public footpaths) can be segregated allowing a cycle free lane for pedestrians it is not easy to legally restrict cyclists to a segregated area of the bridleway. Other concerns centre round the provision of surfacing to facilitate the use of the route by cyclists as, unless care is taken, such surfacing can be unsuitable for horse riders. The issue of conflict between users can also arise, particularly in cases where cyclists are unaware that the status of the underlying route as a bridleway means that they must give way to other users.

Go back to [Cycle Tracks, Cycle Ways and Cycle Lanes](#)

How can LAFs make a difference?

LAFs can advise on the choice of footpaths to convert into cycle tracks and can advise on the suitability of surfacing and other works to minimise conflict between users on multi-user routes. LAFs may wish to be consulted about new cycleway or cycle track schemes to ensure that wherever possible they deliver sustainable transport options for people wanting to access areas of open country for outside recreation.

Good Practice Example:

Lincolnshire LAFs will act as a consultee at a strategic level and on the development of cycling policy.

Good Practice Example:

The Joint Local Access Forum covering Bath & North East Somerset, Bristol City and South Gloucestershire, is involved in supporting the development of two cycle ways/multi-user routes. One is around the Chew Valley Lake and the other is in Yate. One of the most significant elements of the JLAF's involvement to date has been its support for the principle of multi-use, i.e. inclusive of equestrian and cycling use.

There is some information about these projects in the draft minutes of a JLAF meeting, available at:

<http://www.jlaf.org.uk/meetings/JLAF13%20Draft%20Minutes%20FR021107.pdf>
(106kb)

Go back to [Cycle Tracks, Cycle Ways and Cycle Lanes](#)

Further information

The key piece of primary legislation is the Cycle Tracks Act 1984. See: http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1984/cukpga_19840038_en_1

The Act itself amended the definition of cycle track that was already contained in the Highways Act 1980

Information on the process of creating cycle tracks can be found on the Department for Transport website. See: <http://www.dft.gov.uk/consultations/archive/2004/ltnwc/annexblegaldefinitionsandpro1686>

Guidance on the process may be found in Department of Transport Circular 1/1986 which is reproduced at page 772 of Rights of Way – A Guide to Law and Practice (2007) 4th Edition. by John Riddall and John Trevelyan and published by the Ramblers' Association and the Open Spaces Society.

For Department of transport Policy Guidance. See: <http://www.dft.gov.uk/pgr/sustainable/cycling/> and <http://www.dft.gov.uk/pgr/sustainable/walking/actionplan/walkingandcyclinganactionplan>

On the Right Track – Surface requirements for shared use routes (2005). Ref CA 213. See: <http://naturalengland.communisis.com/naturalenglandshop/docs/CA213.pdf> (1.1mb)

For information on the Natural England sponsored integrated access project “Open Return – the B4 Network” which uses cycle tracks see: http://www.lake-district.gov.uk/index/looking_after/projects/open_return.htm

National Institute for Health and Clinical Excellence (2008). Promoting and creating built or natural environments that encourage and support physical activity. NICE Public Health Guidance Note: 8. See: <http://www.nice.org.uk/PH008>

Sustrans - see: <http://www.sustrans.org.uk>

Go back to [Cycle Tracks, Cycle Ways and Cycle Lanes](#)

Gating Orders

The purpose of gating orders is to restrict the use of public rights of way and some other highways (through the installation of barriers) for the purposes of reducing crime or anti-social behaviour. Although originally intended for use in urban settings, there is nothing to stop gating orders being used in rural locations. Gating orders are analogous to traffic regulation orders in that they restrict access to the highway to the extent specified in the order without affecting the status of the underlying highway. (Although unlike traffic regulation orders it is not an offence to breach a gating order). The order may restrict public access for whole or part of the day, and for categories of persons specified in the order (but not occupiers of premises adjacent to the way). Unlike traffic regulation orders there is no requirement for individual signage of a route subject to a gating order, although local highway authorities are obliged to keep a register of gating orders, available for public inspection. More detail on the criteria for making orders can be found in the section on Legal Considerations below.

Unlike special orders diverting or extinguishing public rights of way, gating orders do not require the designation of a “high crime” area before they can be used, and they may be imposed, despite opposition, without the need for a public inquiry to be held. LAFs therefore have a particular role in advising local highway authorities on how best to devise gating order policies and on the periodic review of orders.

	Page
How Can LAFs Make A Difference?	212
Legal Considerations	213
Further Information	219

Go back to [Background information about Key Areas on which LAFs can Advise](#)

How Can LAFs Make A Difference

Defra's guidance for LAFs suggests:

“Alley Gating

10. Forums may advise on the likely impact (either individually or cumulatively) which a proposed gating order will have on the use of a public right of way. Forums should take account of the fact that orders can be worded so as to restrict public use of the right of access for certain days of the week or for certain times of day (e.g. evenings only). Orders can also be varied or revoked once made.”

There is potential for LAF involvement in several areas:

- to give advice to its appointing authority (or local highway authority if different) on how their gating order powers may be deployed. This could include:
 - o development of a policy to help decide when use of gating orders should be contemplated, and how any that are made should be reviewed, leading to possible revocation or variation;

Good Practice Example:

Some authorities have already developed a Gating Order policy. See for example, the City of York's policy:

http://www.york.gov.uk/content/45053/64877/64887/Alley_gating/Alleygating_policy.pdf
(152kb)

- o development of appropriate procedures to be followed when considering making of a gating order;
- o development of criteria to judge in which circumstances a public inquiry should be convened;
- as a consultee on gating orders, a LAF can and provide advice on how such an order may affect public access, the authority is obliged to have regard to the LAF's advice;
- ask for the results of periodic reviews of the effectiveness of gating orders which have been made.

Good Practice Example:

Brighton and Hove LAF have been working hard on a couple of projects recently. The City Council has been looking into the possibility of making a couple of Gating Orders under the new powers introduced by the Clean Neighbourhoods and Environment Act 2005. The LAF were consulted at an early stage and a sub-group examined both cases. They presented their findings to the Forum who endorsed their recommendations.

Go back to [Gating Orders](#)

Legal Considerations

The Clean Neighbourhoods and Environment Act 2005 (Section 2) introduced a power for local highway authorities to make "Gating Orders". This power is now in force. You can see the legislation at: <http://www.opsi.gov.uk/ACTS/acts2005/20050016.htm>

The power is to make, vary and revoke gating orders. The intention is to restrict public access to the highways gated but without removing the underlying highway status. The Act states (at Section 2) that:

Before making a gating order in relation to a relevant highway the council must be satisfied that—

- (a) premises adjoining or adjacent to the highway are affected by crime or anti-social behaviour;
- (b) the existence of the highway is facilitating the persistent commission of criminal offences or anti-social behaviour; and
- (c) it is in all the circumstances expedient to make the order for the purposes of reducing crime or anti-social behaviour.

The Highways Act 1980 (Gating Orders) (England) Regulations 2006 (see: <http://www.opsi.gov.uk/SI/si2006/20060537.htm>) provide details of the procedures that local highway authorities need to follow when making and operating a gating order, particularly in relation to publicity and notification of interested parties. Regulations 4 and 10 require a council to give a notice to any LAFs through whose area the relevant highway passes before making, varying or revoking a gating order.

Go back to [Gating Orders](#)

Further Information

For further information about gating orders, contact:

- the relevant piece of legislation can be seen at:
http://www.opsi.gov.uk/acts/acts2005/ukpga_20050016_en_2#pt1-l1g2
and associated regulations; see:
<http://www.opsi.gov.uk/SI/si2006/20060537.htm>
- the Government's 'Respect' website gives some of the background to Gating Orders. See:
<http://www.respect.gov.uk/members/article.aspx?id=7924>
- the Home Office may have further information. See:
http://www.respect.gov.uk/uploadedFiles/Members_site/Articles/Enforcement_tools_and_powers/Environmental_orders/Gating_orders/GATING%20ORDERS%20-%20Guidance%20for%20making%20under%20s2%20CNEA_March%20006.doc

Go back to [Gating Orders](#)

Dog Control Orders

Local authorities, parish councils and some other organisations were given powers in the Clean Neighbourhoods and Environment Act 2005 to introduce Dog Control Order (DCOs) in certain circumstances.

	Pages
Key Points	216
How Can LAFs Make A Difference?	218
Further Information	219

Go back to [Background information about Key Areas on which LAFs can Advise](#)

Key Points

Who can exercise the powers? The Act sets out which bodies have powers to make Dog Control Orders (DCO) but the powers differ slightly between 'primary' and 'secondary' authorities. The Act defines primary authorities as:

- a district council;
- a county council for an area where there is no district council;
- a London borough council;
- the Common Council of the City of London; and
- the Council of the Isles of Scilly.

Secondary authorities are parish councils. The Secretary of State can also empower other bodies (which currently have powers to make byelaws concerning dogs) with DCO-making powers.

What are the laws? The powers were given effect by two sets of regulations:

- Dog Control (Procedure) Regulations 2006 and the
- Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations.

Existing byelaws and designations made under the Dogs (Fouling of Land) Act 1996 are unaffected by the new powers, although the legislation makes provisions to avoid overlap: if a DCO is made over land that is covered by byelaws made under the 1996 Act, the byelaws will cease to apply.

What are the offences? The law provides for five offences, which may be prescribed in a DCO:

- failing to remove dog faeces;
- not keeping a dog on a lead;
- not putting, and keeping, a dog on a lead when directed to do so by an authorised officer;
- permitting a dog to enter land from which dogs are excluded;
- taking more than a specified number of dogs onto land.

Where can DCOs be used? A Dog Control Order can be made over any land which is open to the air and to which the public are entitled or permitted to have access (with or without payment). In this context, any land which is covered is to be treated as land which is "open to the air" if it is open to the air on at least one side.

What Exemptions? The Secretary of State is able to specify some types of land where DCOs cannot be used, even though they meet the qualifying criteria noted above. The Control of Dogs (Non-application to Designated Land) (England) Order 2006 designates:

- Forestry Commission land in respect of all DCOs;

- roads (including highways, public rights of way and permissive ways) in respect of a DCO excluding dogs from land specified in the order.

Anyone with any type of assistance dog is not subject to a DCO excluding dogs from specified land in respect of his or her assistance dog, and anyone other than a registered deaf person (whose disability will not prevent him or her from being aware of and removing dog faeces) is similarly exempt from a DCO on the fouling of land. These exemptions are not relevant to the other three offences which can be the subject of DCOs.

What Defences? There are two defences available to anyone apparently in breach of a DCO:

- having a reasonable excuse;
- having the consent of the landowner.

For a DCO imposing a requirement to remove faeces, it is specifically stated that failing to observe that your dog has defecated or not having any means of picking it up are not acceptable defences.

Go back to [Dog Control Orders](#)

How Can LAFs Make A Difference?

- authorities planning to make a DCO have to demonstrate that a DCO is a necessary and proportionate response to problems caused by the activities of dogs and those in charge of them. It will also need to balance the interests of those who are in charge of dogs and those affected by the dogs' activities. The LAF should be able to make a comment on the appropriateness of a DCO as well as given advice on what might constitute due consideration;

Good Practice Example:

The Cumbria LAF has had an occasion to consider and advise on Dog Control Orders – when Carlisle City Council proposed to introduce such orders in 2006. In the event, the City Council made the Orders as proposed without any modifications. While it is clearly too early properly to evaluate the operation of the Orders, the LAF's view remains that its consideration of the matter correctly identified the questions that need to be addressed.

- the regulations require authorities to publicise its intention of making a DCO and invite representations. The LAF may want to make a representation;
- if an authority proposes to make a DCO affecting CRoW Access Land, it must consult the LAF in whose area that land lies. When consulted, LAF members should help formulate a response, which would address the suitability of applying a DCO to an area over which a variety of other management measures can be used (available under CRoW);
- it is likely that various on-the-ground measures (such as signage and 'policing') will be needed to enforce the DCO. LAF members may be able to advise on aspects of enforcement – e.g. location of signs;
- there are provisions for amending or revoking a DCO and so LAF members may want to advise its host authority to monitor the effectiveness of a DCO and to suggest changes if these are desirable to improve its effectiveness, or have it revoked if it is proving to be ineffective.

Go back to [Dog Control Orders](#)

Further Information

Link to relevant section of the Clean Neighbourhoods and Environment Act:

http://www.opsi.gov.uk/acts/acts2005/ukpga_20050016_en_8#pt6-ch1-pb1-l1g55

The Dog Control Orders (Procedures) Regulations 2006

<http://www.opsi.gov.uk/si/si2006/20060798.htm>

Defra guidance on use of Dog Control Orders:

<http://www.defra.gov.uk/environment/localenv/legislation/cnea/dogcontrol-orders.pdf> (180kb)

Go back to [Dog Control Orders](#)

Section 15 Land

Section 15 of the Countryside and Rights of Way Act 2000 relates to rights of access to land covered by other enactments and, therefore, exempted from CRoW access rights. Such land is informally known as 'Section 15 land'. There are a number of differing kinds of Section 15 land and this topic is consequently quite complex.

	Page
Key Points	221
How Can LAFs Make A Difference?	222
Legal Considerations	223
Further Information	224

Go back to [Background information about Key Areas on which LAFs can Advise](#)

Key Points

Key points to note are:

- rights over Section 15 land have primacy over CRoW rights;
- there are many different types of Section 15 land;
- the Section 15 land areas are generally NOT accurately mapped and do not necessarily coincide with CRoW Access Land;
- public rights over Section 15 land vary and are not well defined but are generally greater than CRoW;
- Natural England plan to make as much information about the extent of Section 15 land and the nature of the public rights over it;
- CRoW rules and regulations do not apply to Section 15 land.

Go back to [Section 15 Land](#)

How Can LAFs Make A Difference?

What possible roles can there be for LAF Members?

- if you know of any documentary evidence which would help us update our maps, Natural England want you to call the Open Access Contact Centre on 0845 100 3298, or email openaccess@naturalengland.org.uk;
- ensure that your authority supports Natural England in its intention to make Section 15 land data (showing the extent of the land area covered and the public rights available) easily-accessible to the public;
- take part in any consultation undertaken as part of the process of recording Section 15 land information;
- highlight the problems associated with users gaining information over the Open Access website that is misleading;
- as the data emerges, ensure that publicity (as appropriate) is given so that new opportunities for higher rights are used where they exist and can be exercised (see Good Practice example in box below);
- make sure provision is made (by NE) make provisions for future updates.

Example of Good Practice:

As part of the process of preparing their joint RoWIP, the Tyne and Wear Unitary Authorities notes that there may be higher rights available to the public over Section 15 land. The authorities decided to identify all the Section 15 land within its jurisdiction and they intend to show maps of Section 15 land in the final plan. The listing of Section 15 land is available as an Appendix to its RoWIP (see: <http://www.gateshead.gov.uk/DocumentLibrary/Leisure/Strategies/rowip/appendixh.pdf> (190kb)).

Note that LAFs are not statutory consultees on restrictions applying to Section 15 land, or where consent is sought for work on common land. However, you might want to encourage anyone applying for consent for works to consult the LAF if public access and recreation is affected.

Go back to [Section 15 Land](#)

Legal Considerations

The “Section 15” in question is Section 15 of the Countryside and Rights of Way Act 2000. This is reproduced in the box below.

Section 15 (CRoW Act)

15 Rights of access under other enactments

(1) For the purposes of section 1(1), land is to be treated as being accessible to the public apart from this Act at any time if, but only if, at that time—

(a) section 193 of the [1925 c. 20.] Law of Property Act 1925 (rights of the public over commons and waste lands) applies to it,

(b) by virtue of a local or private Act or a scheme made under Part I of the [1899 c. 30.] Commons Act 1899 (as read with subsection (2)), members of the public have a right of access to it at all times for the purposes of open-air recreation (however described),

(c) an access agreement or access order under Part V of the National Parks and Access to the [1949 c. 97.] Countryside Act 1949 is in force with respect to it, or

(d) the public have access to it under subsection (1) of section 19 of the [1979 c. 46.] Ancient Monuments and Archaeological Areas Act 1979 (public access to monuments under public control) or would have access to it under that subsection but for any provision of subsections (2) to (9) of that section.

(2) Where a local or private Act or a scheme made under Part I of the [1899 c. 30.] Commons Act 1899 confers on the inhabitants of a particular district or neighbourhood (however described) a right of access to any land for the purposes of open-air recreation (however described), the right of access exercisable by those inhabitants in relation to that land is by virtue of this subsection exercisable by members of the public generally.

See: http://www.opsi.gov.uk/Acts/acts2000/ukpga_20000037_en_2#pt1-ch1-pb4-l1g15

This does not sound simple. The reality is that it is **even more complex** than it first seems.

Go back to [Section 15 Land](#)

Further Information

The relevant piece of legislation can be seen at:

http://www.opsi.gov.uk/acts/acts2000/ukpga_20000037_en_2#pt1-ch1-pb4-l1g15

More information about the types of common land covered by Section 15 can be found by referring to “Our Common Land” – see common land – [Further Information](#).

Natural England have been gaining a better understanding of Section 15 and more information can be found on the Open Access website:

http://www.openaccess.gov.uk/wps/portal/!ut/p/.cmd/cs/.ce/7_0_A/s/7_0_1BP/s.7_0_A/7_0_1BP

Natural England has sought legal advice about Section 15 and this is available on the above website at:

http://www.openaccess.gov.uk/wwcm/resources/file/ebc9ef45ad9e1f7/Public_Rights_of_Access.pdf (265kb)

Go back to [Section 15 Land](#)

Common Land

	Page
Key Points	226
How Can LAFs Make A Difference?	227
Legal Considerations	228
Further Information	229
Useful Websites	230

Go back to [Background information about Key Areas on which LAFs can Advise](#)

Key Points

Ask anyone “Who owns common land?” and the chances are they’ll say – “No-one” or “everyone does; it’s owned by the people”. Neither is true. Common land has an owner just like any other sort of land; the difference is that someone else has a ‘right’ to do something on it. The most important right nowadays is to graze animals, but rights also exist on some commons for people to take wood, cut peat, fish, let pigs eat acorns or to win certain minerals like sand and gravel (and in some cases [e.g. the Forest of Dean] coal). There is a wonderfully archaic vocabulary to common land rights; for example, the rights referred to above are known as rights of pasture, estovers, turbary, piscary, pannage and ‘common in the soil’ respectively. Many common rights are not exercised but they are not lost through lack of use.

Also contrary to popular belief, until very recently there was no general right of public access to common land. This changed with the introduction and implementation of the CRow Act 2000.

Like any other land, common land can be bought and sold, split between different owners or consolidated into fewer hands. However, whatever happens, the rights of the commoners remain and have to be respected, in a similar way as public rights of way. The owner cannot stop or interfere with rights holders exercising their rights.

Go back to [Common Land](#)

How Can LAFs Make A Difference?

The LAF may have a number of roles:

- the Commons Act 2006 provides for some land that was originally omitted from registration to be registered. There would be a need for local information, and LAF members may be able to advise on how this can be procured;
- the Commons Act 2006 will enable the establishment of statutory commons management associations (subject to a range of requirements). LAF members may want to become involved in the process from the point of view of ensuring access and recreation interests are adequately taken into account;
- it may be helpful to a prescribed body to have LAF support if it wants to erect a structure on common land and needs consent. LAF members may wish to become involved in plans to change management over common land and give advice to any prescribed bodies involved – as in the Good Practice Examples (see Box below). Note that LAFs are not statutory consultees on matters affecting [Section 15 land](#), or where consent is sought for work on common land. However, you might want to encourage anyone applying for consent for works to consult the LAF if public access and recreation is affected.

Good Practice Example:

Natural England want to re-introduce mixed deciduous woodland into an area of common land on the north eastern fells of the Lake District. It needs consent from the Secretary of State to erect the fences that are needed to exclude stock during woodland establishment (15 years). All the land is CRoW access land and, because it will remain common land, the change of vegetation cover does not affect its status. Even so, the Lake District LAF became actively involved after receiving a presentation of the proposals. 'Involved' meant:

- discussion of the proposals at a LAF meeting;
- review of the report that set out NE's proposals;
- a site visit;
- a special workshop of LAF members to decide on access requirements for each of the six proposed woodland blocks;
- provision of formal advice supporting the proposals on the condition that the LAF advice was followed and that suitable provisions are put in place to ensure removal of the fencing when required.

Go back to [Common Land](#)

Legal Considerations

Laws brought in to protect the interests of commoners date back as far as 1235. Over the nearly eight centuries since then, a long list of laws and court decisions have further shaped the legal framework so that describing it is beyond the scope of this Handbook. If any LAF member wants to investigate the legal framework in more depth, look at the references given in “Further Information”. However, below are some key points in relation to public access:

- registered common land is a category of CRoW Access Land. However, some of the registered common land is also [Section 15 Land](#), and CRoW Access Rights do not apply. The access rights on Section 15 land are usually wider than CRoW access land and now apply to the public at large (and not just to local inhabitants, as some statutes were originally drafted);
- regulations affecting common land mean that structures that may impede public access cannot be erected on common land without consent from the relevant national authority (currently the Secretary of State). This requirement was formerly set out in Section 194 of the Law of Property Act 1925 but are replaced by provisions of Part 3 of the Commons Act 2006;
- registers are maintained by Commons Registration Authorities (typically the county or unitary authority). The registers were set up in the early 1970s and many are now out-of-date. The Commons Act 2006 should bring about an updating of the details (eventually), including the provision for some commons that were omitted from registration to be added to the register;
- access to registered common land (but not Section 15 land) can be restricted under the CRoW regime. Certain types of restrictions are discretionary (those introduced under Sections 22 and 23) and (those sought for land management, public safety or fire prevention) are subject to a direction being obtained from the relevant authority. Discretionary restrictions can only be introduced by the owner or the tenant and not commoners. In contrast, commoners have a legal interest in land over which they hold rights and so are entitled to seek a direction for the second category of restrictions. Even so, commoners can only apply for a direction if needed in order to exercise their common rights. For example, if someone holds grazing rights, he/she may want to seek restrictions connected with grazing animals – but not in connection with activities for which he/she holds no registered rights, such as cultivating the land or applying chemicals to it in order to improve the grazing.

Go back to [Common Land](#)

Further Information

Byrne, S. (2003). Common Land, Open Country: Defining a Future for the Countryside of England and Wales. Jon Carpenter Publishing, Charlbury.

Clayden, P (2007). Our Common Land, the law and history of common land and village greens. Sixth Edition. Open Spaces Society, Henley (priced publication). (see - <http://www.oss.org.uk/publications/publications.htm>)

Countryside Commission 1968. Report of the Common Land Forum.

Gadsden, G.D. 1988. The Law of Commons. Sweet & Maxwell, London.

Ubhi, N., Denyer-Green, B. 2006. Law of Commons and Village Greens. Jordans, Bristol.

Royal Commission on Common Land 1955-58. (Cmnd 462). HMSO 1958.

Short, C., Hayes, E., Selman, P., Wragg, A. (2005) A Common Purpose: A guide to agreeing management of common land. A report for the National Trust, Countryside Agency, English Nature, Open Spaces Society and Rural Development Service. See: <http://www.english-nature.org.uk/pubs/publication/PDF/CommonPurpose.pdf> (219kb)

Go back to [Common Land](#)

Useful Websites

Defra's website (<http://www.defra.gov.uk/wildlife-countryside/issues/common/index.htm>) contains a lot of information about Common Land.

The Open Spaces Society lobbies for better management of common land and provides assistance to members. See: <http://www.oss.org/uk>

Go back to [Common Land](#)

Town and Village Greens

	Page
Key Points	232
Doorstep and Millennium Greens	233
How Can LAFs Make A Difference?	234
Legal Considerations	235
Further Information	236
Useful Websites	237
Useful Contacts	238

Go back to [Background information about Key Areas on which LAFs can Advise](#)

Key Points

Town and village greens are areas of land, registered as such under the Commons Registration Act 1965. As with common land, some are privately owned but many are owned and maintained by the local parish or district council for the area. 'Greens' are defined as:

- land that has been allotted by or under any Act of Parliament for the exercise or recreation of the inhabitants of any locality;
- land on which the inhabitants of any locality have a customary right to take part in lawful sports and pastimes;
- land on which a significant number of the inhabitants of any locality have indulged in such sports and pastimes as of right for an uninterrupted period of not less than 20 years.

The phrase 'lawful sports and pastimes' has never been defined in law. It has been accepted as including such activities as the village cricket match, maypole dancing, flying a kite and 'idling beside the river'. 'Inhabitants of a locality' is now taken to include inhabitants of a neighbourhood within a locality. Land cannot be registered as both a green and common land but rights of common may exist over a green. Approximately 3,600 town and village greens in England have been registered under the Commons Registration Act 1965.

Go back to [Town and Village Greens](#)

Doorstep and Millennium Greens

One of the constituent bodies that created Natural England (the Countryside Agency) launched two initiatives to establish more greens – Doorstep Greens and Millennium Greens. Doorstep Greens are informal open spaces in communities where communal green space was previously lacking or run down. Millennium Greens are similar permanent ‘breathing spaces’ where people can relax, play, meet or simply get out for some fresh air. They are normally held by special local trusts that look after the land. A total of 500 of these areas have been secured in both urban and rural areas these two Lottery-funded programmes. They are not registered town or village greens, but have open access rights.

Go back to [Town and Village Greens](#)

How Can LAFs Make A Difference?

The LAF may have a number of roles:

- It may provide advice to the Commons Registration Authority concerning access and recreational use of land for which an application as a green has been submitted;
- There are provisions for local authorities to 'take over' the management of greens in some circumstances. The LAF may wish to advise the local authority on the desirability of using these powers. It could also draw this possibility to the authority's attention where they perceive that problems are arising through neglect (e.g. encroachment of bracken, erection of obstructions, misuse such as car parking on greens).

Go back to [Town and Village Greens](#)

Legal Considerations

Questions over the status of land used by local people for recreational purposes often arise when the landowner tries to develop the land for alternative use. Given that many greens lie within or close to villages and towns, the land is often highly prized for new housing or other built development. However, registered greens are protected against development.

Anyone can apply to have land registered as a green if it has been used by local people for recreation 'as of right' (i.e. without permission, force or secrecy) for at least 20 years. Applications can be made to the appropriate Commons Registration Authority in accordance with the procedures set out in legislation (as amended by the Commons Act 2006). This has provided:

- for a period of grace between public use being interrupted and an application for a claim to be received by the Commons Registration Authority;
- for a landowner giving permission for use of the land as a green *after* a 20-year 'as of right' period of public use, the use continues to be regarded in law as being 'as of right';
- that any break in use occurring as a result of statutory restrictions (e.g. for foot and mouth disease control) does not count as a break in the period of uninterrupted use;
- a mechanism for a landowner to dedicate land as a green (see [Dedications](#)).

Exercising the rights of public access created by Part I of the Countryside and Rights of Way Act 2000 is to be disregarded in any determination of whether land has become a town or village green.

Go back to [Town and Village Greens](#)

Further Information

Riddall, J. (2007). Getting Greens Registered - a guide to law and procedure for town and village greens. 2nd Edition. Open Spaces Society, Henley (priced publication). (see:

<http://www.oss.org.uk/publications/publications.htm>).

Ubhi, N., Denyer-Green, B. 2006. Law of Commons and Village Greens. Jordans, Bristol.

Simpson, D. (2006). Town and Village Greens – Market Research Report Stages 1 and 2. Report by ADAS for Defra. See:

<http://www.defra.gov.uk/wildlife-countryside/issues/common/pdf/TVGFinal-Report.pdf> (264kb)

The Commons Act 2006 can be accessed at:

<http://www.opsi.gov.uk/ACTS/acts2006/20060026.htm>

Go back to [Town and Village Greens](#)

Useful Websites

Defra's website (<http://www.defra.gov.uk/wildlife-countryside/issues/common/town-villagegreens/index.htm>) contains a lot of information about Town and Village Greens.

The Open Spaces Society lobbies for better management of town and village greens and provides assistance to members. See: <http://www.oss.org.uk>

More information about Doorstep and Millennium Greens can be obtained from these web pages:

- Doorstep Greens – see <http://www.countryside.gov.uk/LAR/Recreation/DG/Index.asp>
- Millennium Greens – see <http://www.countryside.gov.uk/LAR/Recreation/MG/Index.asp>

Go back to [Town and Village Greens](#)

16. Useful Contacts

There are many different organisations interested in accessing the countryside for recreation and it is impossible to list them all here. Instead, we list the key organisations for each major user category. CCPR website (see list below) also lists many national governing bodies of outdoor recreation activities. Also, many of the national bodies have a regional network and local clubs.

Organisation	Contact
ACU	Post: The Auto-Cycle Union Limited, ACU House Wood Street Rugby Warwickshire CV21 2YX Tel: 01788 566400 Web: www.acu.org.uk National governing body for motorcyclists
All-Wheel Drive Club	Post: All Wheel Drive Club PO Box 186 Uckfield TN22 3YQ Tel: 01825 731875 Web: http://www.awdc.co.uk/ National governing body for drivers of four-wheel drive vehicles
UKANPA	Post: UK Association of National Park Authorities 126 Bute Street Cardiff CF10 5LE Tel: 029 2049 9966 Web: www.nationalparks.gov.uk/aboutus/about_anpa.htm ANPA is the member organisation for the 'family' of national parks. As well as a useful portal, it provides useful information about national parks.
Association of Classic Trials Clubs	Post: ACTC has no administrative address as it is run from members' addresses Tel: n/a Web: http://www.actc.org.uk/index National governing body for participants in classic car trials
BASC	Post: The British Association for Shooting and Conservation Marford Mill Rossett Wrexham LL12 0HL Tel: 01244 573 000 Web: http://www.basc.org.uk/ BASC is the national governing body for shooting sports in Britain.

Black Environment Network	<p>Post: 1st Floor, 60 High Street, Llanberis, Wales, LL55 4EU Tel: 01286 870715 Web: http://www.ben-network.org.uk/ BEN is established to promote equality of opportunity with respect to ethnic communities in the preservation protection and development of the environment.</p>
Bridleways and Byways Trust	<p>Post: Bridleways and Byways Trust PO Box 117 Newcastle upon Tyne NE3 5YT Tel: n/a Web: http://www.bbtrust.org.uk/ The Byways & Bridleways Trust is a charity formed to protect the public rights that exist over the many ancient lanes that form part the British landscape.</p>
British Canoe Union	<p>Post: British Canoe Union HQ 18 Market Place Bingham Nottingham NG13 8AP Tel: 0845 370 9500 Web: http://www.bcu.org.uk/ National governing body for canoeists</p>
British Driving Society (for carriage driving)	<p>Post: BDS Executive Secretary 83 New Road Helmingham Stowmarket Suffolk IP14 6EA Tel: 01473 892001 Web: http://www.britishdrivingsociety.co.uk/ National governing body for drivers of horse drawn carriages</p>
British Horse Society	<p>Post: The British Horse Society Stoneleigh Deer Park Kenilworth, Warwickshire CV8 2XZ Tel: 0844 848 1666 Web: http://www.bhs.org.uk/ National governing body for horse riders</p>
BTCV	<p>Post: BTCV Sedum House Mallard Way Doncaster DN4 8DB Tel: 01302 388 883 Web: http://www2.btcv.org.uk/display/btcv_home BTCV provide volunteers to help with countryside projects. They also have some useful guidance on their website showing design standards.</p>

Central Council of Physical Recreation (CCPR)	Post: CCPR, Burwood House, 14-16 Caxton Street London SW1H 0QT Tel: 020 7976 3900 Web: http://www.ccpr.org.uk/ CCPR is the national alliance of governing and representative bodies of sport and recreation.
CLA	Post: Country Land and Business Association 16 Belgrave Square London SW1X 8PQ Telephone: 020 7235 0511 Web: http://www.cla.org.uk/ A membership body representing rural landowners and land-based businesses
Community Forests	Post: England's Community Forests c/o South Yorkshire Forest Partnership 4 Park Square Newton Chambers Road Chapelton Sheffield S35 2PH Tel: 0114 257 1199 Web: http://www.communityforest.org.uk/ The Community Forests programme is an initiative devised and run by Natural England. The website is a portal giving access to each of the 12 forests.
Countryside Management Association	Post: CMA Writtle College Lordship Road Writtle Chelmsford Essex CM1 3RR Tel: 01245 424116 Web: http://countrysidemanagement.org.uk/index.php The CMA links professionals working in a range of environments from Urban and Country Parks to National Parks, Local and National Nature Reserves and other protected areas.
CTC (Cyclists' Touring Club)	Post: CTC Parklands Railton Rd Guildford Surrey GU2 9JX Tel : 0870 873 0060 Web: http://www.ctc.org.uk/ UK's National Organisation for protecting and promoting the rights of cyclists that is funded through its membership and donations in return for support.

Defra	<p>Post: Department for Environment, Food & Rural Affairs Nobel House 17 Smith Square London SW1P 3JR Tel: 020 7238 6000 (main reception) Web: http://www.defra.org.uk/ Government department with responsibility for public rights of way. It is also the department covering public access, recreation and nature conservation, currently developing policy for improving access to the English coast.</p>
Department for Transport	<p>Post: Department for Transport Great Minster House 76 Marsham Street London SW1P 4DR Tel: 020 7944 8300 Web: http://www.dft.gov.uk/ Government department responsible for roads and transport. Also responsible for policy in relation to Local Transport Plans and issue guidance</p>
DIAL UK	<p>Post: Disability Information and Advice Line services (DIALs) St, Catherine's, Tickhill Road, Doncaster, S Yorks. DN4 8QN Tel: 01302 310123 Web: http://www.dialuk.info/ Provides information and advice to disabled people</p>
Disabled Ramblers	<p>Post: Orchard Cottage, Uplands, Ashted, Surrey, KT21 2TN Tel: Not available Web: http://www.disabledramblers.co.uk/ National governing body for disabled ramblers</p>
ENTRUST	<p>Post: ENTRUST 2nd Floor Acre House 2 Town Square Sale, Cheshire M33 7WZ Tel: 0161 972 0044 Web: http://www.entrust.org.uk/ ENTRUST is the body which regulates funding from the Landfill Communities Fund</p>
Equality and Human Rights Commission	<p>Post: England Office 222, Gray's Inn Rd London WC1X 8HL Tel: 08457 622633. Web: http://www.equalityhumanrights.com/en/Pages/default.aspx The Equality and Human Rights Commission champions equality and human rights for all, working to eliminate discrimination, reduce inequality, protect human rights and to build good relations, ensuring that everyone has a fair chance to participate in society. Took over from the Disability Rights</p>

	Commission.
Fieldfare Trust	Post: Volunteer House 69 Crossgate Cupar Fife KY15 5AS Tel: 01334 657708 Web: http://www.fieldfare.org.uk/index.htm Trust set up to research and set standards for development of facilities for disabled people in the countryside
Forestry Commission	Post: Forestry Commission England Great Eastern House Tenison Road Cambridge CB1 2DU Tel: 01223 314546 Web: http://www.forestry.gov.uk/ The Government agency that sets policy for and regulates forests and woodland in Great Britain.
Game and Wildlife Conservation Trust	Post: The Game Conservancy Trust Fordingbridge Hampshire SP6 1EF Tel: 01425 652381 Web: http://www.gct.org.uk/ Promotes game conservation
GLASS	Post: email only: secretary@glass-uk.org Tel: n/a Web: http://www.glass-uk.org/ The Green Lane Association is a national user group protecting our heritage of ancient vehicular rights of way and promoting sensible driving in the countryside
GLEAM	Post: GLEAM P.O. Box 5206 Reading RG7 6YT Tel: 01635 200764 (vice chairman 2008) Web: http://www.gleam-uk.org/ The pressure group which campaigns for changes in the law to stop thoughtless off-road drivers destroying green lanes, and the rights of walkers, riders and pedal cyclists to use them without danger and inconvenience.
Heritage Lottery Fund	Post: 7, Holbein Place London SW1W 8NR Tel: 020 7591 6042 Web: www.hlf.org.uk Part of the National Lottery dealing supporting heritage projects.
HSE	Post: HSE Rose Court 2 Southwark Bridge LONDON

	<p>SE1 9HS Tel: 0845 345 0055 Web: http://www.hse.gov.uk/ Government agency responsible for applying the laws relating to health and safety at work.</p>
International Mountain Biking Association	<p>Post: IMBA-UK Blackrig Lochmaben Dumfries and Galloway DG11 1RN Tel: 01387 810774 Web: http://www.imba.org.uk/index.php?page=Home National governing body for mountain bikers</p>
Institute of Public Rights of Way Management) IPRoW	<p>Post: Institute of Public Rights of Way Management Ltd PO Box 78 Skipton BD23 4UP Tel: 07000 782318 Web: http://www.iprow.co.uk/ IPRoW have a website that sets out good practice, with a particular emphasis on RoWIPs</p>
Kennel Club	<p>Post: The Kennel Club 1-5 Clarges Street Piccadilly London W1J 8AB Tel: 0870 606 6750 Web: http://www.thekennelclub.org.uk/ The primary objective of the Kennel Club is 'to promote in every way, the general improvement of dogs'.</p>
Land Access Recreation Association	<p>Post: LARA PO Box 40 Knighton LD7 9AE Tel: 01547 529946 Web: http://www.laragb.org/ LARA is an umbrella organisation that brings together the leading national associations in motor sport and recreation, and promotes and advocates responsible and sustainable motor sport and recreation.</p>
MENCAP	<p>Post: 123, Golden Ln. London EC1Y 0RT Tel: 020 7454 0454 Web: www.mencap.org.uk Charity which campaigns for people with learning difficulties</p>
Moorland Association	<p>Post: The Moorland Association 16 Castle Park Lancaster LA1 1YG Tel: (01524) 846846 Web: http://www.moorlandassociation.org/</p>

	The Moorland Association is a membership organisation; its members are mainly moorland owners and use their knowledge of moorland management to promote moorlands and lobby government.
Mosaic Partnership	Post: c/o Council for National Parks, 6/7 Barnard Mews London SW11 1QU Tel: 020 7924 4077 Web: http://www.mosaicpartnership.org/ Website that provides information about the Mosaic Project, through which ethnic minority groups have been introduced to national parks.
MSA	Post: Motor Sports Association Motor Sports House Riverside Park Colnbrook Slough Berkshire SL3 0HG Tel: 01753 681736 Web: http://www.ancc.co.uk/ National governing body for motorsports
NAAONB	Post: The National Association for AONBs The Old Police Station Cotswold Heritage Centre Northleach Gloucestershire GL54 3JH Tel: 01451 862007 Web: http://www.aonb.org.uk/ NAAONB is the member organisation for the 'family' of Areas of Outstanding Natural Beauty. As well as a useful portal, it provides useful information about AONBs.
National Institute for Deaf People	Post: 19-23 Featherstone St. London, EC1 Y8SL Tel: 0808 8080 123 Web: www.rnid.org.uk Charity which campaigns for people with hearing difficulties
National Lottery	Post: The National Lottery PO Box 1010 Liverpool L70 1NL Tel: 01923 425 000 Web: http://www.national-lottery.co.uk/player/p/home/home.do The National Lottery is the body which collects and dispenses funds sourced from the lottery.
National Trust	Post: The National Trust Heelis Kemble Drive Swindon

	<p>SN2 2NA Tel: 01793 817400 Web: http://www.nationaltrust.org.uk/main/w-trust/w-volunteering.htm A national charity which owns, manages and protects property of cultural heritage value. Its website include guidance on managing land with public access and recreation, experience gained from managing its own estate.</p>
Natural England	<p>Post: Natural England John Dower House Crescent Place Cheltenham Gloucestershire GL50 3RA Tel: 01242 521381 Web: http://www.naturalengland.org.uk/ Web: http://www.countrysideaccess.gov.uk/things_to_know/access_for_the_disabled Government agency responsible for public access and recreation. Natural England provides support to highway authorities.</p>
Natural England	<p>Post: Natural England Northminster House Peterborough Cambridgeshire PE1 1QA Tel: 01733 455000 Web: http://www.naturalengland.org.uk/ Offices of Natural England which are responsible for nature conservation in England</p>
	<p>Post: NFU Agriculture House Stoneleigh Park Stoneleigh Warwickshire CV8 2TZ Tel: 024 7685 8500 Web: http://www.nfuonline.com/ A membership body representing farmers</p>
Planning Inspectorate (PINS)	<p>Post: The Planning Inspectorate (England) Registry/Scanning Room 3/01 Kite Wing Temple Quay House 2 The Square Temple Quay Bristol BS1 6PN Tel: 0117 372 6372 Web: http://www.planning-inspectorate.gov.uk/pins/index.htm Government agency which provides inspectors to adjudicate over and determine cases involving rights of way.</p>

Police Forces	<p>Post: The Association of Police Authorities Limited 15 Greycoat Place, London SW1P 1BN Tel: 020 7664 3096 Web: www.apa.police.uk/APA/ Contact the local police force. Details from this website or from local telephone directory</p>
Ramblers' Association	<p>Post: Ramblers' Association 2nd Floor Camelford House 87-90 Albert Embankment London SE1 7TW Tel: 0207 339 8500 Web: http://www.ramblers.org.uk/ National governing body for ramblers</p>
Rights of Way Law Review	<p>Post: RWLR The Granary Charlcutt Calne Wilts SN11 9HL Tel: 01249 740 273 Web: http://dSPACE.dial.pipex.com/rwlr/ The Rights of Way Law Review is an authoritative commentary on the English law of rights of way: public footpaths, bridleways, byways open to all traffic, restricted byways, roads and private easements of way.</p>
Royal Association for Disability and Rehabilitation ()	<p>Post: RADAR 12 City Forum 259 City Road London EC1W 8AF Tel: 020 7250 3222 Web: http://www.radar.org.uk/radarwebsite/ RADAR is a national network of disability organisations and disabled people.</p>
Royal National Institute for Blind People (RNIB)	<p>Post: Royal National Institute for Blind People 105 Judd Street London WC1H 9NE Tel: 020 7388 1266 Web: http://www.rnib.org.uk/xpedio/groups/public/documents/code/InternetHome.hcsp Charity which campaigns for people with sight problems</p>
RSPB	<p>Post: The Lodge Potton Road Sandy Bedfordshire</p>

	<p>SG19 2DL Tel: 01767 680551 Web: http://www.rspb.org.uk/ Works for the conservation of wild birds.</p>
Sensory Trust	<p>Post: Sensory Trust Watering Lane Nursery Pentewan St. Austell Cornwall PL26 6BE Tel: 01726 222900 Web: http://www.sensorytrust.org.uk/ The Sensory Trust promotes and implements an inclusive approach to design and management of outdoor space, richer connections between people and place and equality of access for all people, regardless of age, disability or background</p>
Sustrans	<p>Post: National Cycle Network Centre 2 Cathedral Square College Green Bristol BS1 5DD Tel: 0117 926 8893 Web: http://www.sustrans.org.uk/ National body that is developing a national cycle network.</p>
Tourism for All	<p>Post: Tfa c/o Vitalise Shap Road Industrial Estate Shap Road Kendal, LA9 6NZ Tel: 0845 124 9971 Web: http://www.tourismforall.org.uk/ Assists in promoting tourism for all</p>
Trail Riders Fellowship (TRF)	<p>Post: The TRF PO BOX 196 Derby DE1 9EY Tel: 01279 505343 Web: www.trf.org.uk/ National governing body for trail riders</p>
Volunteering England	<p>Post: Volunteering England Regents Wharf 8 All Saints Street London N1 9RL Tel: 0845 305 6979 Web: http://www.volunteering.org.uk/ Volunteering England is an independent voluntary agency committed to supporting, enabling and celebrating volunteering in all its diversity.</p>
Wales Off-Road Steering Group	<p>Post: C/o Jont Bulbeck Countryside Council for Wales Maes-y-Ffynnon Penrhosgarnedd</p>

	<p>Bangor Gwynedd LL57 2DW Tel: 0845 130 6229 Web: http://www.ccw.gov.uk/ Working group set up by CCW to help devise solutions to problems arising from illegal off-road motoring.</p>
Walking the Way to Health Initiative	<p>Post: WHI Team (See "Natural England" above) Tel: 01242 533337 Web: http://www.whi.org.uk/ Initiative supported by Natural England to promote walking for health amongst those typically not involved in walking activity</p>
Wildlife Trusts	<p>Post: The Kiln Waterside Mather Road Newark Nottinghamshire NG24 1WT Tel: 01636 677711 Web: http://www.wildlifetrusts.org/ There are 47 local Wildlife Trusts across the whole of the UK, the Isle of Man & Alderney. They work for an environment rich in wildlife for everyone.</p>
Woodland Trust	<p>Post: The Woodland Trust Autumn Park Dysart Road Grantham Lincolnshire, NG31 6LL Tel: 01476 581111 Web: http://www.woodland-trust.org.uk The Woodland Trust is the UK's leading charity dedicated solely to the protection of our native woodland heritage.</p>

Go back to [Main Contents](#)

Appendix 1

Glossary of Terms and Abbreviations

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

(Note: text in green means that this word/phrase is also defined in the Glossary)

A

Access agreement. Usually an agreement concluded under the National Parks and Access to the Countryside Act 1949 to provide access to a specific area of open country.

Access authority. Highway authority or, in National Parks, the National Park Authority (NPA) has some duties and powers in relation to CRoW access land in its area.

Access for All. A term applied to routes that are designed to enable disabled people and mobility impaired users to make use of a way.

Access order. Access orders could be imposed on areas of open country under the National Parks and Access to the Countryside Act 1949. However, very few access orders have been made and now cannot be made over types of open country to which CRoW access rights apply.

Agri-environment scheme. A mechanism through which farmers and/or land owners are given payments in return for adopting land management measures or incurring capital costs that generate public or environmental good.

Appointing authority. The local authority (either a NPA or highway authority) responsible for appointing and administering a Local Access Forum.

Appropriate Assessment. A requirement of the Habitat Regulations, these types of assessment must be done where proposals for development (including creation of public access) could significantly affect (directly or indirectly) a Special Area of Conservation.

Areas of Outstanding Natural Beauty (AONBs). Designated by Natural England primarily to conserve and enhance the areas' distinctive character and natural beauty.

'As of right'. A legal phrase used in relation to presumed dedication of public rights of way under common law. To be 'as of right', use by the public has to be without force, without secrecy and without permission.

B

Bridleway. A public right of way for walkers, and those on horseback or leading a horse. Bicyclists also have a right of way, but must give way to walkers and horse-riders. A bridleway can run along a way where certain individuals have a right to drive other vehicles, such as a farm access drive. People reliant on certain mobility vehicles can also use bridleways. There may also be a public right to drive animals, such as cattle; this right does not exist over all bridleways, only those where the rights are recorded in the statement that accompanies the definitive map.

Byelaw. A local law that applies to specific areas of land. Many public bodies and some others (e.g. the National Trust) have byelaw making powers; the purposes for which byelaws can be made are set out in the relevant empowering legislation.

Byway open to all traffic. (Often referred to simply as a byway). The Wildlife and Countryside Act 1981 defines 'byway' as: a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used.

C

Coastal Access Corridor. A strip of land adjacent to the sea along which access rights are to be created, subject to proposed new legislation.

Common land. Land over which people other than the owner have (or had) rights of common, such as rights to graze animals or to gather wood. Most common land has been registered on maps held by [commons registrations authorities](#) (note that some specific commons have been exempted from registration).

Commoner. Someone with rights of common registered under the Commons Registration Act 1965.

Commons Registration Authorities. These bodies are responsible for maintaining the registers of [common land](#) and [town and village greens](#). They are normally the county or unitary authority.

Concessionary path. See '[Permissive Path](#)'

Creation Agreement. An agreement between a county, district, unitary or local council (e.g. a parish or town council) and a landowner to create [footpaths](#), [bridleways](#), or [restricted byways](#). These are sometimes called dedication agreements. Local councils may also enter into agreements to create other kinds of [highways](#), including cycle tracks (under s 30 of the Highways Act 1980).

Creation Order. An order that can be made usually by a [local authority](#) (subject to certain legal tests) to create a new [footpath](#), [bridleway](#) or [restricted byway](#).

Crime Prevention Order. A particular type of [diversion order](#) or [extinguishment order](#) that can be made for the purposes of preventing or reducing crime. A pre-requisite is that these orders can only be used in areas designated by the Secretary of State as being high crime areas and can be made for any right of way shown on the definitive map and any other footpath, bridleway or restricted byway that legally exists but is not shown on the definitive map.

CRoW access land. Land which is mapped as such under the Countryside and Rights of Way Act 2000 and, as a result, where the public normally has a right of access on foot for informal recreation. It includes [open country](#), [registered common land](#) and land dedicated for the purpose by its owner (see [dedicated land](#)). (Note: The term 'access land' may also be used, for example by Ordnance Survey, to describe other land to which there is open public access, though not necessarily by right, and which is not CRoW access land)

CRoW access rights. Refers to the rights created by CRoW Section 2(1). They are additional to any existing open access or linear access rights,

permissions or traditions over the same land. CRoW **restrictions and exclusions** do not constrain such existing uses.

CRoW Cut-off date. The date (1st January 2026 or any later date that may be set by the Secretary of State) on which certain rights will be extinguished if not recorded on **definitive maps**. This should not be confused with **NERC cut-off date**.

Cycle lane. A term used to describe the lane within the vehicular carriageway that has been designated for the use of cyclists. This may be informal, i.e. carriageway markings simply indicate that the lane is to be used by cyclists, or formalised by way of a **cycle track** order or a **traffic regulation order** made under the Road Traffic Regulation Act 1984

Cycle route or cycle way. A term used to describe a continuous route being promoted for cyclists. Such a route is likely to be made up of roads, **cycle tracks**, **bridleways**, **cycle lanes** and shared-use routes.

Cycle track. A **public right of way** on pedal cycles with or without a right of way on foot. A cycle track can be designated as an area within an existing carriageway or may be a route entirely separate from a carriageway.

D

Dedicated land. Means land voluntarily dedicated for access under CRoW Section 16. It then comes under the same management regime as **CRoW access land**, although the dedicator can vary slightly the nature of the rights being dedicated.

Dedication (of a right of way). A means by which a **public right of way** comes into existence. Dedication can be inferred or express. In the former, long use of a way by the general public '**as of right**' without interruption is taken to mean that the landowner intended to dedicate it as a public right of way. In the latter, the landowner states his intention to dedicate the way as a public right of way (and may also impose certain conditions). For the dedication to take effect, the way must be accepted (i.e. used) by the general public.

Dedication Agreement. See **Creation Agreement**.

De facto (access). Access that is taken as a fact, either by inferred permission or simply tolerated. As distinct from '**de jure**' access.

Definitive map. The legal record of **public rights of way** (**footpaths**, **bridleways**, **restricted byways** and **byways open to all traffic**), kept by **surveying authorities**.

Definitive statement. A statement that accompanies the **definitive map**, describing in detail the **public right of way** and any **limitations** or conditions that may exist on it.

De Jure (access). Access that is taken as a legal right, as distinct from '**de facto**' access.

Direction (related to CRoW access). Means a direction by which a **relevant authority** excludes or restricts **CRoW access rights** under CRoW Section 24, 25 or 26, or the Secretary of State for Defence does so under Section 28.

Disabled person. Disability is defined in the Disability Discrimination Act 1995 and a disabled person is someone who suffers from one or more of these disabilities.

Discovering Lost Ways. A long-running project commissioned by Natural England to record historic **public rights of way** which have not yet been recorded on the **definitive map**.

Discretionary restriction. Means an exclusion or restriction of public access notified by an entitled person to the **relevant authority** under CRoW Section 22 and the relevant Regulations.

Discretionary dog exclusion. Means a notification under CRoW Section 23 and the Regulations to the effect that on a specific area of **CRoW access land**, people with dogs are excluded from the **CRoW access rights** for the period specified by the landowner or farm tenant, as the case may be, on the grounds set out at Section 23.

Diversion order. An order that can be made, usually by a **local authority** (subject to certain legal tests), to divert the alignment of a **public right of way**.

Dog Control Order. A legal mechanism for imposing controls on dog owners over areas of land, made under Section 55 of the Clean Neighbourhoods and Environment Act 2005. Where these affect **CRoW access land**, it is a requirement of the Dog Control Orders (Procedures) Regulations 2006 that the relevant **Local Access Forum** is consulted.

'Duty of care'. A legal phrase referring to the legal responsibility that a landowner or occupier owes to people coming onto his premises. The duty varies depending on the status of the person (whether visitor or trespasser), and a lower duty of care applies to legitimate users of **CRoW access rights**.

E

Easement. A private right of access, not enjoyed by the public.

Excepted land. Means land for the time being falling within any of the descriptions at Schedule 1 to the CRoW Act [Section 1(2)]. The effect is that the land is not **CRoW access land** and therefore not subject to **CRoW access rights** or restrictions.

Extinguishment order. An order that can be made usually by a **local authority** (subject to certain legal tests) to close a **footpath, bridleway or restricted byway**.

F

Footpath (Public). A **public right of way** for walkers but not at the side of a road (see **Footway**). People reliant on certain mobility vehicles can also use public footpath.

Footway. The legal term for what is usually referred to as a pavement – part of the carriageway or road set aside for the use of pedestrians. It is an offence to cycle along the footway (unless part of it has been made into a **cycle track**) and it is an offence to ride a horse on a footway.

Foreshore. The area between **Mean Low Water Mark** and **Mean High Water Mark**.

G

Gating order. The Highways Act 1980 (as amended) empowers **highway authorities** to use this legal mechanism to erect barriers (such as gates), which may then be locked, for all or part of the time, on **public rights of way**. (See the Highways Act (Gating Orders) (England) Regulations 2006).

General restrictions. Limitations to the **CRoW access rights** as listed in Schedule 2 of the CRoW Act that apply at all times to all **CRoW access land** (but not **Section 15 land**) unless specifically relaxed by the landowner.

Green. See **Town/Village Green**.

Green Infrastructure: Green infrastructure (GI) is a strategically planned, delivered and managed network of multi-functional greenspaces, which can provide a healthy and rich environment. **Green lane.** A descriptive term for a type of way. It is normally used where the way is bounded by hedges or stone walls, and where the surface is not, or does not appear to be, metalled or otherwise surfaced (sometimes there is an old surface under the grass or mud). This descriptive term has no legal meaning and may refer to a public **highway** of any status or to a route with no public rights over it at all.

Greenway. A route designed for multi-use – usually for walkers, cyclists, horse riders and disabled people – often making use of abandoned railway lines. The term has no legal meaning.

H

Heritage Coast. The "heritage coast" classification scheme was initiated in 1972 to protect coastline of special scenic and environmental value from undesirable development. It has no statutory basis.

Higher rights. A term used to describe the actual, alleged or claimed existence of additional rights over a way shown in a **definitive map**. An example would be where it is claimed that a way shown on the **definitive map** as a **footpath** is really a **bridleway** – it is claimed that 'higher rights' exist over the way. The term is also used to describe additional rights to use **CRoW access land** for example horse riding rights under a dedication.

Highway. Any way over which the public have a right to pass and re-pass.

Highway authority. The authority that has the responsibility for managing highways, including **public rights of way**. Highway authorities are also usually the **access authority** (with respect to **CRoW Access Land**) and the **appointing authority** (with respect to **Local Access Forums**), except in **National Parks**. Further, they are usually the **surveying authority** for their area and have responsibility for maintaining the **definitive map** and **definitive statement**.

These are: London borough councils (though inner London boroughs are exempted from preparing and keeping a definitive map and statement), county councils (where there is both a county and district), unitary authorities (which may be variously called either a county, district, borough or city council).

I

J

Judicial review. Judicial review is a type of court proceeding in which a judge reviews the lawfulness of a decision or action made by a public body, including **local authorities**. Judicial reviews have been made of various legal decisions concerning **public rights of way**.

K**L**

Legal interest (in land). A legal right to some aspect of land, defined in the CRoW Act as including “any estate in land, and any right over land, whether the right is exercisable by virtue of the ownership of an estate or interest in land or by virtue of a license or agreement, and in particular includes rights of common and sporting rights”

Limitations. In respect of **public rights of way** these are restrictions reserved by or for the landowner at the time the right of way is dedicated or otherwise created. For example, a public footpath may be dedicated subject to the right of the landowner to have a stile over it at a particular point. It is not possible for a landowner to dedicate a public right of way subject to a limitation that would be inconsistent with its status, for example it would not be possible to dedicate a **bridleway** subject to the right to have a stile over it, though it would be possible to dedicate a bridleway subject to the right to have a gate over it.

List of streets. A list that a **highway authority** is required to maintain and keep up to date, recording all the highways in its area (including **footpaths**, **bridleways**, etc) which it is liable to maintain at public expense.

Local access forums. Advisory bodies appointed by the local **highway authority** or a **National Park authority** under the Countryside and Rights of Way Act 2000 to advise on the improvement of public access to land for the purpose of open-air recreation and enjoyment of the area.

Local authority. The **highway authority** and also any district council and **National Park authority** in its area.

Local council. A parish or town council.

Local Nature Reserve (LNR). They are places with wildlife or geological features that are of special interest locally. They offer people special opportunities to study or learn about nature or simply enjoy it.

Local planning authority. The **local authority** with responsibility for determining planning applications and issuing express planning permission. For most types of development, these are the district, unitary, metropolitan councils and **national park authorities**.

Local rights of way. A term used in the context of **Rights of Way Improvement Plans**, these are **public rights of way** plus **cycle tracks**.

Local Transport Plan (LTP). These documents set out the authority's local transport strategies and policies, and an implementation programme. The Transport Act 2000 requires most local transport authorities (county councils, unitary authorities and partnerships in metropolitan areas) in England (not London) to produce and maintain an LTP. Because **public rights of way** are **highways**, the LTP should cover them and may be a source of funds.

Long term direction. Means a direction that excludes or restricts **CRoW access rights** over **CRoW access land** indefinitely or during a period, which exceeds, or may exceed, six months and has specific consultation requirements under the Regulations.

M

Mean High Water Mark. (MHWM) Line depicting the encroachment of land by tidal waters at mean highest levels.

Mean Low Water Mark. (MLWM) Line depicting the limits of tidal waters at mean lowest ebb.

Mechanically-propelled vehicle. Any vehicle propelled by a motor but excluding powered wheelchairs and electrically-assisted pedal cycles.

Modification order. A Definitive Map Modification Order (DMMO), made by a [surveying authority](#) to amend the [definitive map](#) and/or the [definitive statement](#).

Motor Vehicle. Defined in road traffic legislation as a vehicle that is "road-legal".

N

National Nature Reserves (NNR). These were established to protect the most important areas of wildlife habitat and geological formations in Britain, and as places for scientific research. This does not mean they are "no-go areas" for people. It means that we must be careful not to damage the wildlife of these fragile places.

National Parks. Substantial tracts of land, often relatively wild and remote, with wide open spaces providing significant opportunities for outdoor recreation for the public. National Park status recognises the national importance of the area concerned in terms of landscape, biodiversity and as a recreational resource. National Parks in England are designated under the National Parks and Access to the Countryside Act of 1949, and responsibility for designating National Parks lies with Natural England

National Park Authorities (NPA). These were set up under the Environment Act 1995, to manage each National Park area, and have a remit which is to

- conserve and enhance the natural beauty, wildlife and cultural heritage of their areas, and
- promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

National Park Authorities are free-standing within the local government framework and are the sole local and mineral planning authority for their area. With respect to the CRoW Act, they are the [appointing authority](#), [access authority](#) and [relevant authority](#) for their area. With respect to [public rights of way](#) they are not the [highway](#), [traffic](#) or [surveying authority](#) but may have certain powers over rights of way delegated to them, or in their own right. Note that the Broads Authority is not an [NPA](#) but is similar to one in most relevant respects.

National Trail. A long-distance walking or riding route approved by the Government and developed and supported by Natural England in conjunction with the local authorities through which the route passes. National Trails are designated using powers provided under the National Parks and Access to the Countryside Act 1949.

Navigable. In general parlance, a body of water on which a boat can be navigated. In access legislation, it is applied to a body of water over which a right of navigation exists.

NERC cut-off date. The date before which applications for [modification orders](#) to record [byways open to all traffic](#) on [definitive maps](#) have the effect of triggering an exemption under the legislation preserving any public vehicular

rights for **mechanically propelled vehicles** from automatic extinguishment. In England, the cut-off date is 20th January, 2005.

Normal Tidal Limit. The point at which the level of a river or stream ceases to be affected by the flow of seawater.

O

Occupiers' Liability. This refers to the **duty of care** owed by an occupier to anyone coming onto the property he occupies in relation to risks arising from the state of his premises.

Open country. The term was defined in the National Parks and Access to the Countryside Act 1949, and extended by the Countryside Act 1968, to describe land types over which access agreements could be made. The term includes not only those covered by CRow Act (i.e. mountain, moor, heath and down) but also coastal land, water and watersides, and woodland.

Other routes with public access. A term sometimes seen on Ordnance Survey maps. OS uses the symbol to depict those routes on a **highway authority's list of streets** that are not shown as **public rights of way** or as coloured roads on OS maps.

Outline directions. (for **restrictions** over **CRow access land**). These can be given by the **relevant authority** where it is impossible at the time of an application to specify exactly when a restriction will be needed. Applicants must then notify the exact dates at least five working days before the direction can apply.

P

Performance Indicator. A means by which the efficiency and effectiveness of delivery of a service can be gauged. With respect to public rights of way, highway authorities have been required to report on 'ease of use' of ways in their area using Best Value Performance Indicator 178 (assessed using a standard method).

Permissive path. A route that is not a **public right of way** but where the landowner has granted permission to use the way (or does not object to its use).

Permissive Path Agreement. Agreement between a landowner and a **local authority** or parish council under which the landowner provides permission for public access without creating a **public right of way**.

Prescribed organisation. A voluntary sector organisation prescribed by regulations to receive copies of **modification** and **public path orders** and notices.

Public Path Order. An order made by an order making authority (usually the local **highway authority**) to create (see **Creation Order**), extinguish (see **Extinguishment Order**) or divert (see **Diversions Order**) a **public right of way**.

Public right of way. Legally the same as **highway**, though usually used to mean a **highway** other than a public road. Technically, highway is used to refer to the physical feature, and **public right of way** to the right to walk, ride or drive over it. People reliant on certain mobility vehicles can also use **public rights of way** (by virtue of Section 20 of the Chronically Sick and Disabled Persons Act 1970).

Q

Quiet Lanes. Quiet Lanes are minor rural roads which are appropriate for shared use by walkers, cyclists, horse riders and motorised users.

R

RAMSAR sites. Ramsar sites are wetlands of international importance designated under the RAMSAR Convention. In UK, Ramsar sites benefit from protection because a pre-requisite is that they are also **SSSIs**.

Reclassification order. An order made by a **surveying authority** to re-classify a way shown in the **definitive map** and **statement** from a **road used as a public path** (having investigated its correct legal status), to a **restricted byway**, or a **bridleway** or exceptionally, where bridleway rights were shown not to exist, a **footpath**. Provisions in the CRow Act have effectively abolished new re-classification orders but any orders made but not confirmed when the relevant clause came into force will need to be progressed to completion.

Registered common land. Means land registered as **common land** under the Commons Registration Act 1965.

Relevant authority. The authority responsible for the administration of, and issuing directions for, **restrictions** and exclusions on **CRow access land**. This is the **National Park Authority** (in a **national park**), the Forestry Commissioners (for dedicated woodland), or Natural England elsewhere.

Relevant date. The date on which the **definitive map** or a subsequent **modification order** or **reclassification order** provides conclusive evidence of the existence of public rights over a particular way. However, most surveying authorities maintain a 'working copy' of the definitive map which is more up-to-date showing the effect of any changes made since the last definitive map was completed or consolidated.

Restricted byway. A **public right of way** for walkers, horse-riders and non-mechanically propelled vehicles (such as carriage-drivers and pedal cyclists). Restricted byways were created when Section 47 of the Countryside and Rights of Way Act 2000 were brought into operation (which converted **roads used as public paths** into restricted byways). See **Road used as public path (RUPP)**.

Restrictions and exclusions. Specific limitations on public access that apply to specific areas of **CRow access land** for certain times. The limitation to **CRow access rights** may vary. For example, they could require dogs to be kept on leads or for walkers to remain on a specific linear route.

Rights of Way Improvement Plan. A plan that a **highway authority** is required to produce (by November 2007) under the Countryside and Rights of Way Act 2000. It enables **highway authorities** to plan for the improvement of the **local rights of way network**.

Road used as a public path (RUPP). A particular type of way shown on a **definitive map**. The Countryside and Rights of Way Act 2000 provided that all RUPPs over which the process of re-classification had not been started, have automatically been re-designated as **restricted byways**. The term is now obsolete but RUPPs will still be found on old OS maps.

S

Section 15 land. Is land to which public access rights already exist under:

- Section 193 of the Law of Property Act 1925;
- A local or private Act, or scheme made under Part 1 of the Commons Act 1899;
- An **access agreement** or **access order** made under Part V of the National Parks and Access to the Countryside Act 1949; or
- Section 19 of the Ancient Monuments and Archaeological Areas Act 1979.

For as long as such existing rights remain in force, they apply instead of the **CRoW access rights**. [CRoW Sections 1(1) and 15]

Section 35 Agreement. An agreement made between an **access authority** and a landowner to create a means of access to **CRoW access land** for the public to use (made under Section 35 of the CRoW Act).

Scheduled Monument. An area of land or feature designated (under the Ancient Monuments and Archaeological Areas Act 1979) as being of national importance for its historic or archaeological value.

School Security Order. A particular type of **diversion order** or **extinguishment order** that can be made to protect pupils and staff at schools from violence or threat of violence, harassment, alarm or distress where the highway authority considers that it is expedient to do so. A pre-requisite is that these orders can only be made for rights of way that cross land occupied for the purposes of a school and they can be made for any right of way shown on the definitive map and any other footpath, bridleway or restricted byway that legally exists but is not shown on the definitive map.

Site of Special Scientific Interest (SSSI). A British designation introduced under the 1981 Wildlife & Countryside Act. Sites are designated by Natural England because they have important plants, animals, geological and/or physiographical features. Each SSSI has a citation that explains why the area has been notified as a SSSI.

SSSI Diversion Orders. A particular type of **diversion order** that can be made to protect **SSSIs** from damage that is being, or could be, caused by public use of a **footpath, bridleway** or **restricted byway**.

Special Area of Conservation (SAC). This is a European designation, which came into force under the so-called Habitats Directive in 1994 and applies to many SSSIs adding a further layer of protection. They are SSSIs and are included within sites covered by the term Natura 2000.

Special Protection Area (SPA). Special Protection Areas are strictly-protected sites classified in accordance with Article 4 of the so-called Birds Directive, which came into force in April 1979. They are classified for rare and vulnerable birds and for regularly occurring migratory species of bird. They are SSSIs and are included within sites covered by the term Natura 2000.

Surveying authority. The **local authority** responsible for keeping the **definitive map and statement of public rights of way** up to date. They are generally the same authorities as the **highway authorities**.

T

Town/Village Greens. Areas of land, usually close to or within a town or village, over which members of the locality have a customary right to use the

land for sport and recreation. **Commons Registration Authorities** maintain a legally-definitive register of town and village greens.

Towpath. A way alongside a canal or river created to facilitate the towing of boats by people or horses. It is not necessarily a **public right of way**, though it may be, or it may be a **permissive path**.

Traffic Authority. The public body that exercises traffic management powers and is responsible for making **traffic regulation orders** (along with **National Park Authorities**).

Traffic regulation order. (TRO) An order made by a **traffic authority** (usually the local **highway authority**) or **National Park Authority** (in their **national park**) to restrict or regulate traffic on a highway. TROs are most commonly used to regulate or restrict motorised traffic, for example through speed limits or waiting restrictions, but can be used to regulate cyclists, horse-riders and walkers. A TRO may be permanent, temporary or experimental.

Trespass (Aggravated). The Criminal Justice and Public Order Act 1994 provides that anyone trespassing on land in order to intimidate someone engaged in a lawful activity or to disrupt a lawful activity on land is committing the offence of 'aggravated trespass'. This may have relevance to disruption of activities such as game shooting.

Trespass (Civil). Trespass that does not constitute a criminal offence; most forms of trespass fall into this category. An example of civil trespass is the riding of a bicycle on a public **footpath**, this action is a trespass against the landowner and is not a criminal offence unless prohibited by **byelaws** or a **traffic regulation order**.

Trespass (Criminal Offence). Trespass that is a criminal rather than a civil offence, as a result of byelaws or other legislation. Examples include walking on a railway line (other than proper crossing points), entering military land when byelaws prohibit entry, and in some cases trespass onto land with vehicles (which is also a specific offence under the Road Traffic Act 1988). Criminal offences are a crime against the state, rather than an individual.

U

Unclassified road. Roads named 'A', 'B' or 'C' etc. by the **highway authority** are generally regarded as classified roads – roads without any such classification are generally regarded as unclassified, and are sometimes given a reference beginning with 'U'. Usually, unclassified roads are the more minor or local roads.

Unclassified County Road. This term is commonly used to mean an unclassified road that the county council is liable to maintain. The name 'unclassified county road' was made redundant by the Local Government Act, 1972, and roads which carried this title should now be referred to simply as **unclassified roads**.

Urban common. One of several types of **common land** covered by the description used in Section 193 of the Law of Property Act 1925.

V

Vehicle. See [Mechanically-propelled vehicle](#). Non-mechanically propelled vehicles include cycles and horse drawn carriages.

W

White road. A term used to describe a way shown as a track (double lines) on an Ordnance Survey map but without the infill colouring used by OS to show either 'A' or 'B' roads or other roads of a certain width and surface, and where it is not recorded on the [definitive map](#) as a [public right of way](#).

X**Y****Z**

Go back to [Main Contents](#)

Abbreviations

AA	Appointing Authority
AMGS	Access Management Grant Scheme
ANGSt	Accessible Natural Greenspace Standards
ANPA	Association of National Park Authorities
AOB	Any Other Business
AONB	Area of Outstanding Natural Beauty
BME	Black and Minority Ethnic
BOAT	Byway Open to All Traffic
BTCV	British Trust for Conservation Volunteers
CCW	Countryside Council for Wales
CRoW Act	Countryside and Rights of Way Act 2000
DCO	Dog Control Order
DDA	Disability Discrimination Acts
Defra	Department for Environment, Food and Rural Affairs
DLW	Discovering Lost Ways
EC/EU	European Commission/European Union
ENAF	English National Access Forum
EWGS	England Woodland Grant Scheme
GI	Green Infrastructure
HA 1980	Highways Act 1980
HLF	Heritage Lottery Fund
KPI	Key Performance Indicator
LAA	Local Area Agreement
LAF	Local Access Forum
LAG	Local Area Group
LARA	Land Access and Recreation Association
LDD	Local Development Document
LDF	Local Development Framework
LSP	Local Strategic Partnership
LTP	Local Transport Plan
MHWM	Mean High Water Mark
MLWM	Mean Low Water Mark
MPV	Mechanically-propelled vehicle
NAAONB	National Association of Areas of Outstanding Natural Beauty
NE	Natural England
NERC	Natural Environment and Rural Communities Act 2006
NOCC	North Oxford County Coalition
NPA	National Park Authority
NTL	Normal Tidal Limit
PCT	Primary Care Trust
PPO	Public Path Order
PPS12	Planning Policy Statement 12
PRoW	Public rights of way
RAF	Royal Air Force
RoWIP	Rights of Way Improvement Plan

RSS	Regional Spatial Strategy
RTA 1988	Road Traffic Act 1988
RUPP	Road Used as Public Path
SAC	Special Area of Conservation
SEA	Strategic Environmental Assessment
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
TRO	Traffic Regulation Order
UCR	Unclassified County Road

Go back to [Main Contents](#)

Appendix 2

Guidance for LAF Members on Declaration of Interests

(with thanks to the Lake District National Park Authority for allowing us to quote this guidance)

Note: This is an example only – not a definitive statement of what is required by legislation

1 Introduction

The Local Access Forums (England) Regulations 2007 state in Section 6 – (8) that; “A member of a local access forum who is directly or indirectly interested in any matter brought up for consideration at a meeting of the forum shall disclose the nature of the interest to the meeting.”

Forum Members at their meeting on 18 November 2002 discussed declarations of interest and whether a Forum Member declaring a direct or indirect interest would participate in the relevant discussion. The Secretariat was asked to investigate what would constitute a direct or indirect interest and bring forward a proposal on the participation of Members within debates to which they have declared an interest.

Following research of the matter, the development of the vague definition of “direct or indirect” was felt necessary in order to provide all concerned with a set of guiding principles for declarations of interest.

The guidance is aimed to ensure that all the work of the Forum is conducted in an open, transparent and fair manner. Therefore, the terms of direct and indirect have been broadened into the categories described below (pecuniary, non-pecuniary, significant, clear and substantial) enabling the application of existing regulations and guidance on the subject. The following guidance is loosely based on the code of conduct for National Park Authority members and relevant advice notes from the Ombudsman.

2 Principles

- 2.1 Whenever you have a direct or indirect interest in any question or issue which Forum Members have to decide upon, you must declare your interest;
- 2.2 Do nothing as a Forum Member which you could not justify to the public;
- 2.3 The reputation of the Forum and National Park Authority depends on your conduct and what the public believes about your conduct;
- 2.4 It is not enough to avoid impropriety; you should at all time avoid any occasion for suspicion or the appearance of improper conduct.

3 Disclosure of interests

- 3.1 You should disclose direct and indirect interests. Interests may be pecuniary or non pecuniary and are equally important. Kinship, friendship and many other kinds of relationship can sometimes influence your

judgement and give the impression that you might be acting for personal motives. A good test is to ask yourself whether others would think that the interest is of a kind to make this possible. If you think they would, or if you are in doubt, disclose the interest and seek guidance from the Chairman or Vice-Chairman of the Forum or the relevant officer of the National Park Authority.

3.2 The principles about disclosure of interest should be borne in mind in your unofficial relations with other Forum Members or on informal occasions no less scrupulously than during formal meetings of the Forum, and its working groups.

4 Establishing the benchmarks for levels of interest

4.1 Pecuniary interests

The first question to ask is whether the Forum Member or their spouse, or their partner with whom the Forum Member is living even though they may not be married has a pecuniary interest in the matter under consideration. This would be a direct interest. An interest will not cease to be pecuniary because the Forum's decision is not to the financial advantage of the Forum Member. 'Pecuniary' can mean loss as well as gain. If the Forum's decision can have any financial effect at all upon the Forum Member then the interest should be declared. Forum Members should also have regard to the interests of other members of their immediate family with whom they have a close or established relationship; and should carefully consider the declaration of such interests.

A pecuniary interest may be so remote or **insignificant** that it cannot reasonably be regarded as likely to influence the Forum Member when considering or voting on any issue. Such an interest need not be declared as a pecuniary interest. However, whether the Forum Member thinks that he or she will not be influenced by the interest is not the key test so much as whether members of the public knowing the facts of the situation would reasonably think that the interest might influence the Forum Member. In such cases, interests must be declared.

4.2 Non-pecuniary interests

If there is no pecuniary interest there may still be a non-pecuniary interest to be declared. Again the test is not whether the Forum Member thinks there is an interest to declare but whether other people knowing the facts of the situation might reasonably think so. It may be advisable, therefore, for the Forum Member to seek advice from the appropriate officer of the National Park Authority or the Chairman or Vice-Chairman of the Forum on how the position is likely to be seen by someone other than the Forum Member.

Unless a non-pecuniary interest is **insignificant** it will need to be declared. Some significant interests may, however, be regarded as not being clear and substantial: in those circumstances a Forum Member may be able to participate, having declared the interest. (See Sections 4.4 and 5).

4.3 *Insignificant interests*

As with pecuniary interests, the interest need not be declared if it is insignificant. 'Insignificant' is not easily defined but the following test may be appropriate; is the interest such as could reasonably be regarded as influencing the Forum Member in any consideration or voting on the matter? If the answer is yes then the interest is **not** insignificant. A Forum Member ought to be sure of the insignificance of the issue if he or she is not going to declare it. If in doubt it is wise to err on the side of caution and declare the interest.

Interests which arise from business transactions could be regarded as declarable and at other times as insignificant. In deciding on which side of the line the case falls there must be consideration to the frequency and scale of the transactions.

Forum Members who have an interest which is significant may sometimes wish to take part in the Forum's consideration in a way which is detrimental to their own interest; for example, they may wish to speak in favour of an application for closure of open access land which will have a similar effect on the access management of their own land. However, such circumstances may not make it legitimate for the Forum Member to participate and there may be criticism if Forum Members personally recognise an interest (for example, a close friendship) but decide that they will not let this influence them.

4.4 *Whether significant interests are clear and substantial*

If a Forum Member decides there is an interest to declare then the question arises as to whether the interest is clear and substantial. If it is not, then, having declared the interest, the Forum Member will nevertheless be able to participate and vote on the matter. The test as to whether an interest is clear and substantial is whether a member of the public, knowing the facts of a situation, would reasonably think that the Forum Member **might** be influenced by the interest.

For example, it is likely that a Forum Member would have a clear and substantial interest in what happens on a neighbour's property (and this might indeed amount to a pecuniary interest and would be regarded as an indirect interest). An interest would be regarded as substantial if access restrictions were being considered on a Forum Member's property.

Forum Members should refrain from participating in the consideration of matters concerning their employers. For example; a Forum Member could be criticised for participating in the consideration of the creation of an access land byelaw from an applicant whom the Forum Member was about to commence employment.

5 **Participation despite having an interest**

Even if the interest is clear and substantial, a Forum Member may still be able to speak and in some cases to vote on the matter. These circumstances could include the following situations:

- Where the interest declared is membership of a public body.

- Where the interest declared is membership of a charity, voluntary body or organisation whose purposes could include wishing to influence the decisions of the Forum.

Forum Members should still consider whether in the light of the facts of any such case and in their own particular circumstances it is appropriate to participate.

There may be circumstances where it would be inappropriate for the Forum Member concerned to take part in voting on the matter. For example, if the Forum is considering a controversial closure application from a public body of which a Forum Member is an officer, it could be regarded as improper for that Forum Member to vote on advice regarding whether permission should be given. The Forum Member concerned might in the eyes of the public be seen as too closely committed to the proposal from the public body.

6 Dispensations

If the interest is pecuniary a dispensation could be granted by the holding of a ballot of all those Forum Members present at the meeting at which the matter is to be discussed. The Forum Member declaring such an interest must receive support for their participation in the discussion and voting procedure (either to speak and vote or just to speak), from at least two thirds of the Forum Members present.

If the interest is non-pecuniary then the Forum Members may in certain cases give themselves a dispensation. It is suggested that there are only two circumstances in which this can be done and advice should be sought from the Chairman of the Forum and from the appropriate officer of the National Park Authority.

The two circumstances under which Forum Members may give themselves dispensation to participate notwithstanding that they have a clear and substantial interest are where:

- a) at least half of the Forum would similarly have to withdraw, or
- b) a Forum Member's withdrawal together with that of other Forum Members would upset the Forum's balance of areas of representation to such an extent that the decision is likely to be affected.

Advice should be sought from the Forum's Chairman and Secretariat to help establish whether the declaration of interest and withdrawal would upset the balance of the Forum. A pairing arrangement may enable the withdrawal to take place without the balance being affected.

A good practice would be for a Forum Member who considers that either or both of the criteria for self-dispensation are satisfied to explain to the Forum before it considers the matter why the Forum Member thought that self-dispensation was appropriate: the Forum could then decide whether to proceed in the knowledge that the Forum Member was participating.

Even where one of the two grounds for self-dispensation exists, Forum Members are not obliged to give themselves such a dispensation. If the public

would regard a Forum Member's interest as so close to the matter under consideration that the Forum Member could not put the interest out of his or her mind then he or she should **not** take part in the discussion or vote on the matter, no matter how many of the Forum might be similarly affected or what effect the declaration of interest has on the balance of representation.

7 Seeking advice

The ultimate decision whether to declare an interest, whether to regard an interest as clear and substantial, will rest with the Forum Member. The advice to Forum Members who think they have or may have an interest to seek the advice of the Forum Chairman or appropriate officer of the National Park Authority before deciding that the interest should not be declared or should be subject to dispensation if at all possible, such advice should be sought before the meeting begins; ideally well before.

If other Forum Members or National Park Authority officers believe that a Forum Member has an interest which is not being declared, then they should share that belief with the Forum Chairman, Vice-Chairman and appropriate National Park Authority officer.

The safe course will always be to err on the side of caution and against participation where the Forum Member might reasonably be thought to have an interest. The Forum should always be seen to act fairly and this applies as much to Forum Members' participation in debate as elsewhere.

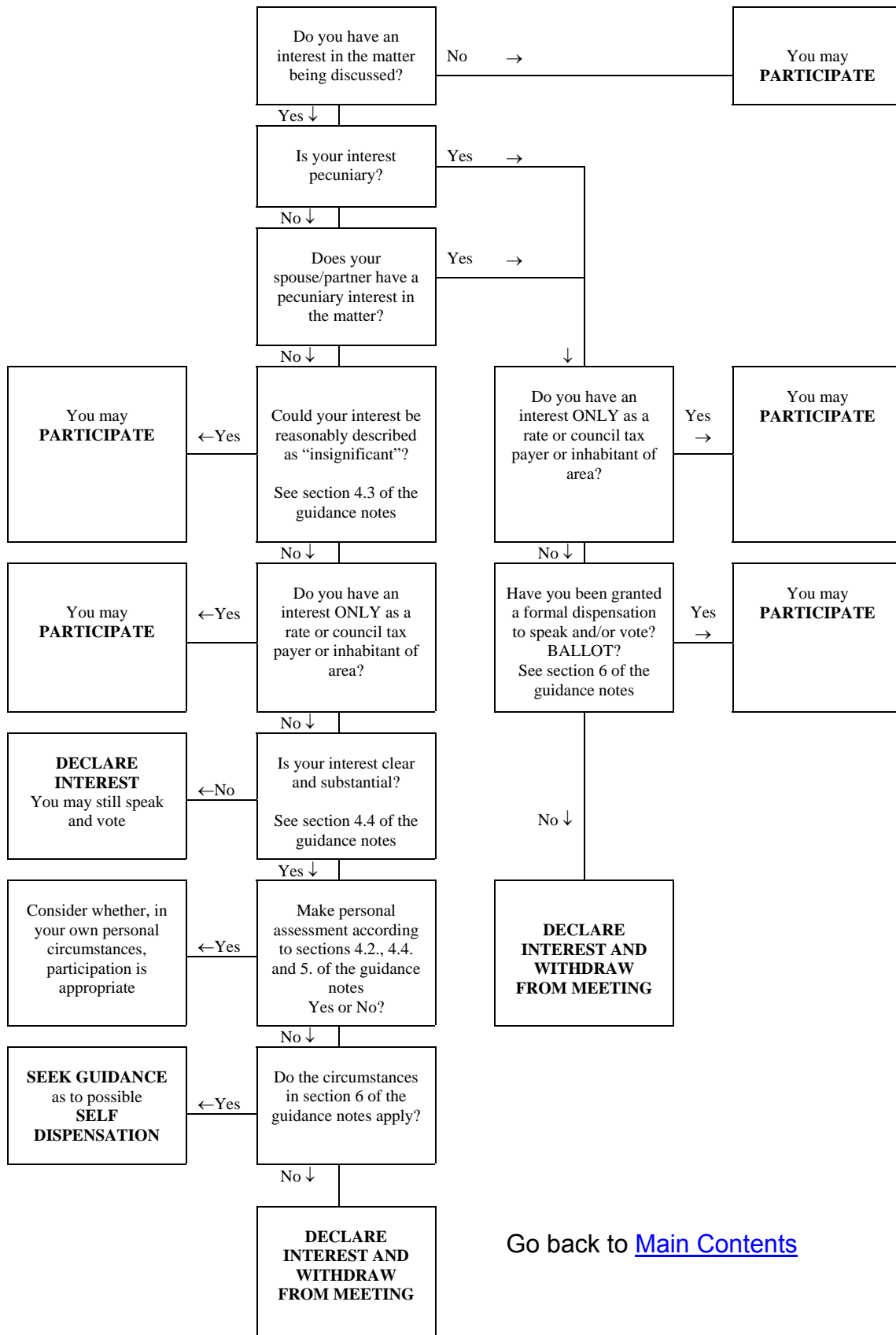
8 Withdrawal

Where an interest is declared and participation is not appropriate, the Forum Member should leave the room whilst the matter is considered. Allegations could be made to the National Park Authority and the Forum Chairman that Forum Members have sought to influence events by their continued presence after declaration of an interest. An exception to leaving the room can be made where the interest is declared in an item which is the subject of a formal report or minute from the National Park Authority or Member (or group of Members) of the Forum. But if any discussion develops on that report or minute then the Forum Member should leave the room.

In some instances Forum Members with an interest may wish to claim to be present at meetings not in their capacity as a Forum Member but as a member of the public. This distinction may not be apparent to other members of the public present. Nor may it sometimes be apparent to other Forum Members. The better course is for the Forum Member to resist the temptation to find out what is happening and to remain outside the room.

9 Flowchart

The flowchart below summarises the main steps in considering Members' interests, and should be read in conjunction with the advice and guidance in this note.



Go back to [Main Contents](#)

Appendix 3

Example of a LAF Position Statement

(with thanks to the Devon CAF for allowing us to quote this guidance)

“LOCAL DEVELOPMENT FRAMEWORKS

Background

As previously noted, the Local Development Framework (LDF) is a new planning system. Structure and Local Plans have been replaced with the Regional Spatial Strategy and Local Development Frameworks (District/Borough Council level). This is radically different from the old system and provides an opportunity for greater coordination and participation. There is a focus on distinctive issues and outcomes and documents are no longer just land-use led. Community engagement and sustainability issues are vital at each stage. The process recognises other plans including the Local Transport Plan and, by implication, the Rights of Way Improvement Plan.

The revised Guidance to Local Access Forums (Defra, March 2007) indicated that forums will make the best use of their time, in terms of advising on land use planning matters, by focussing on policies in the Local Development Framework. The Guidance indicates that forums may consider advising on issues which include:-

*“the likely impact, and options for minimising possible adverse effects, of planning policies and development proposals in respect of future public access to land; and
identifying and expressing support for opportunities to improve public access, or associated infrastructure, which might be developed through planning policies or new development”*

The Regional LAF meeting, held in Taunton in March 2007, included a workshop on Local Development Frameworks. This was led by Stuart Houlet, Planning Policy Officer, Sedgemoor District Council (Somerset) and Bob Maynard, Principal Planning Officer, Devon County Council. Their presentations clearly demonstrated the need for local access forums to:-

- get involved very early in the process
- develop a grasp of the LDF and what it can do
- ensure the LAF is mentioned in the initial Statement of Community Involvement
- respond to the Core Strategy and associated papers and follow this up by responding to more detailed Area Action Plans, where appropriate
- develop clear statements about what the LAF would like to see in LDF policy documents.

Annex A illustrates the type of documents involved in the LDF. [Not included in this Appendix]

Devon Countryside Access Forum involvement

The Forum has responded to a number of documents produced through the LDF process at local level. It is difficult for the Forum to respond effectively and consistently as:-

1. district/borough councils are at different stages in the process and are not producing the same documents within exactly the same timescale.
2. the approach to rights of way and access issues is inconsistent – some authorities give these issues a high priority whereas in others there is little mention.
3. the sheer quantity of documents makes it difficult for these to be considered adequately at full Forum meetings and it would overburden members to ask them to consider all these documents.

Proposal

The Forum should develop a list of key priorities for Local Development Framework documents. This will assist the Forum in responding equally and efficiently to all consultation papers. Such a proposal would be in line with the Guidance on Local Access Forums in England (Defra, March 2007) which states:-

4.8.1. The timing of requests for advice may not always correspond with a forum's meeting cycle. Liaison with the appointing authority in preparing the forward work programme and setting meeting dates should minimise this. Forums may also anticipate the need for advice and plan ahead by developing (and keeping under review) 'position statements' setting out advice on broad principles or key issues. The statements can then be used, if appropriate, by the forum Chairman or secretary in responding to Section 94(4) bodies when advice is required between forum meetings."

Devon County Council, for example, has produced its own briefing papers on such subjects as walking, cycling, rights of way and accessibility planning to assist it in working in partnership with District Councils. These can be viewed on www.devon.gov.uk/ldf-briefing-papers

Options

The Forum should initially ensure that it is listed as a statutory consultee in the Statement of Community Involvement.

The Forum should consider the following policy objectives for inclusion in the Core Strategy for any LDF documents. The Core Strategy process includes other documents entitled issues and options, preferred options and sustainability appraisal consultations.

Devon Countryside Access Forum

- A general statement of the Forum's statutory role and purpose.

Planning general

- The authority should take steps to ensure that rights of way are adequately protected from development proposals.

Functional walking and cycling

Each district council should;

- maximise opportunities for walking and cycling within villages and towns. This would accord with the Government health agenda and sustainability proposals;
- identify strategic walking and cycling routes within settlements and ensure these link to surrounding rural areas and the rights of way network;
- ensure new development proposals include safe and high quality provision for cycling and walking routes linking housing to schools, shops, employment areas and recreational and sports facilities;
- seek to develop circular routes within settlements to encourage healthier lifestyles and minimise car use;
- encourage opportunities to develop, facilitate and promote the National Cycle Network and its integration with other forms of transport;
- give adequate consideration to the requirements of those with mobility needs in the design of new walking and cycling routes, and in the improvement of existing routes.

Rights of Way

- recognise the rights of way network and its contribution to health, tourism and sustainability;
- protect the rights of way network from development proposals;
- ensure new housing developments link to the rights of way network, where appropriate;
- seek to improve the safety for rights of way users where routes meet or run alongside busy or dangerous roads;
- seek to create a network of circular routes around settlements to increase usage;
- explore integration of transport links with rights of way, particularly strategic long distance routes;
- seek opportunities to expand provision through the Common Agricultural Policy and other funding mechanisms;
- increase opportunities for strategic routes along former railways and canals;
- recognise other routes, such as Unclassified County Roads, and their contribution to recreational opportunities.

Other recreational space

- identify access land (open country and registered Common Land) and highlight the opportunities this affords for recreation;
- draw attention to permissive access opportunities on farmland and in the Forestry Commission woodlands;
- recognise the importance of green space, green linkages, playing fields and other similar areas and protect these from development;
- map and indicate legal uses of green space areas within the plan area;
- seek to develop green recreational areas within new housing and employment sites.

Other issues

- identify, facilitate and promote opportunities for water recreation.

These statements could be backed up by up-to-date statistical information on a range of issues, where appropriate, for example transport, tourism and health data.”

Go back to [Main Contents](#)

Appendix 4

Risk Assessments Handbook for Outdoor Visits

(with thanks to the Lincolnshire County Council for allowing us to quote this guidance)

Go back to [Main Contents](#)

Risk Assessment Handbook for Outdoor Visits

February 2007



**Mid Lincolnshire Local Access Forum
South Lincolnshire & Rutland Local Access Forum**

Site visits are a valuable way for forum members to increase their knowledge and expertise of access issues, as well as providing a means to respond to site-specific requests or consultations.

Site visits accompanied by Local Authority Officers - where site visits are accompanied by a member of staff, the responsibility for the group will rest with the relevant highway authority (Lincolnshire County Council / NE Lincolnshire Council / Rutland County Council).

Site visits unaccompanied - where LAF members are undertaking their role independently of local authority staff, they are acting as a member of the public and site visits are undertaken at their own risk. In addition to the risk assessment, members should:

- Plan route / trip
- Take a map or guide
- Check the weather forecast
- Wear appropriate footwear and clothing
- Let someone know where they are going and when they expect to return
- Take a mobile phone in case of emergency



Activity	Hazard	Identified Risk (To whom)	Level of Risk (Likelihood) High / Medium / Low	Precautions to reduce risk	Level of Risk achieved	Further action needed to reduce the risk?
Site visit, survey or inspection	Natural terrain	Slips, trips and falls resulting in personal injury (LAF member)	Medium	Ensure due care and attention to site conditions. Wear suitable footwear	Low to medium	
Site visit, survey or inspection	Inclement weather	Hypothermia Sunstroke / heat exhaustion (LAF member)	Medium	Suitable clothing to be worn appropriate to time of year / weather conditions	Low to medium	Consider postponement of site visit if weather conditions are extreme
Site visit, survey or inspection	Roadside working	Personal injury from being struck by passing traffic resulting in serious injury / death (LAF member / public)	Medium to high	High visibility jacket to be worn at roadside. Park vehicle appropriately	Low to medium	LCC to ensure high visibility clothing is available for site visits
Site visit, survey or inspection	Farm livestock, domestic or wild animals	Personal injury resulting from goring, biting and impact injuries (LAF member)	Low to medium	Assess the site / situation. Contact owner of animal or landowner if possible. Avoid startling animals or attracting their attention	Low to medium	Consider postponement of site visit
Site visit, survey or inspection	Threat of violence from other person	Personal injury (LAF member)	Low to medium	Mobile phone available. Arrange visits beforehand. Avoid confrontation and leave if threat of violence or abuse escalates	Low	Report incidents to LCC and / or police

Activity	Hazard	Identified Risk (To whom)	Level of Risk (Likelihood) High / Medium / Low	Precautions to reduce risk	Level of Risk achieved	Further action needed to reduce the risk?
Site visit, survey or inspection	Chemicals – pesticide crop sprays	Rashes, severe illness, poisoning	Medium	Do not enter areas where spraying is in operation. Observe any warning signs		Consider postponement of site visit. Seek medical advice about any unusual illnesses or rashes following a site visit
Site visit, survey or inspection	Open areas of water / fast flowing water	Possible death / drowning	Medium	Ensure due care and attention to site conditions. Observe any warning signs	Low	
Site visit, survey or inspection	Lyme disease	Tick bite resulting in rash / illness from bacterial infection	Medium	Wear long sleeved clothing / trousers in areas or times of year when ticks are present. Check the skin for any ticks and remove promptly	Low	Continual awareness Seek medical advice

Date of Review:

This risk assessment will be reviewed in February 2008.