



Joint Local Access Forum (JLAF)

for Bath & North East Somerset, Bristol City and South Gloucestershire

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JLAF Update – May 2004

INTRODUCTION

This document has been produced to keep members of the JLAF, and others, updated between the full meetings of the JLAF. The next meeting of the JLAF is on 09 July 2004. This document is also available on the JLAF website at www.jlaf.org.uk where any internet links can be followed from within the document.

This document refers to information published on the internet. If you cannot access any of this information, please contact the JLAF secretary (contact details are above) for assistance.

ACCESS LAND

'Access' – Defra Bulletin

Defra have published the second of their bulletins on the subject of Access under the Countryside and Rights of Way Act 2000. This is available from the Defra website, on the timeline page of JLAF website, or from the JLAF secretary.

<http://www.defra.gov.uk/wildlife-countryside/cl/access-news/pdf/issue2may04.pdf>

Mapping of Access Land

The Planning Inspectorate is now processing appeals made against the provisional map in this area. Whilst the determination of appeals is outside of the remit of the JLAF, you might be interested to view the information that is published on the Planning Inspectorate website at:

http://www.planning-inspectorate.gov.uk/access/districts_list/central_southern.htm

Most appeals are being determined through the written representations procedure, although there are some hearings being scheduled for land in the JLAF area. At the time of writing, the hearings scheduled are:

- at 14:15 Tuesday 25 May 2004,
- at 09:15 Thursday 27 May 2004,
- at 11:15 Wednesday 02 June 2004, and
- at 14:15 Wednesday 02 June 2004.

All the above hearings are in Cribbs Business Centre, Hollywood Tower, Hollywood Lane, Bristol, BS10 7TW.

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The JLAF is a statutory body established by the three councils shown below, to provide advice as to the improvement of public access to land in the area of Bath & North East Somerset, Bristol City and South Gloucestershire for the purposes of open-air recreation and enjoyment of the area. Its views do not necessarily represent those of the three councils.



Decisions on appeals are also appearing on the Planning Inspectorate website and in the case of all decisions so far published in the JLAF area, the appeal has been allowed and the land concerned has been taken off the provisional map.

Access Land Funding – The Access Management Grant Scheme

This grant scheme has been announced by DEFRA, to be administered by the Countryside Agency, where Access Authorities will be able to apply for work on access land. The fund is limited to £2 million nationally in the year to the end of March 2005, and will pay for planning and infrastructure work on new access land. The scheme will prioritise land with a high conservation value. This is due, in part, to legal obligations related to mitigating the effects of changes to land with a European nature conservation designation. The authorities will be sent data when the application process opens showing sites that English Nature has considered a priority. The scheme opens on a regional basis, in a similar manner to the regional commencement that will launch the new rights of access.

Along with the data on nature conservation, the authorities will be sent the results of the Countryside Agency's work on "Section 15 land". Section 15 land is land that, following Section 15 of the Countryside and Rights of Way Act 2000, falls out of the definition of access land, therefore is not access land. It appears that this will affect some access land in Bristol, particularly the Clifton and Durdham downs that have access as a result of the Clifton and Durdham Downs (Bristol) Act 1861.

Defra Announces Dates For Access Land

The Department for Environment, Food and Rural Affairs has announced dates for commencement of access land rights. The new rights will commence on a regional basis. The JLAF area in area 3 (Central Southern England) is anticipated for commencement in December 2004.

The next date of note in the process for this area is 15 June 2004. From this date, owners and occupiers, and others (including English Nature) will be able to apply to the Countryside Agency for directions for restrictions on access land.

The table on the right is taken from the [openaccess.gov.uk](http://www.openaccess.gov.uk) website:
http://www.openaccess.gov.uk/wps/portal!/ut/p/.cmd/cs/.ce/7_0_A/.s/7_0_IP/.s.7_0_A/7_0_IP

RIGHTS OF WAY IMPROVEMENT PLANS (ROWIPs)

Government guidance is expected this July, outlining the process of producing the Local Transport Plans (LTPs) that are due to be published in July 2005. Rights of Way Improvement Plans (ROWIPs) due to be published by November 2007 are to be 'a strand' of Local Transport Plans. It is anticipated that the guidance will explain further the links between LTPs and ROWIPs. There are also discussions on a collaborative approach for producing LTPs in the area of the former county of Avon. In advance of the guidance, the four Unitary Authorities in the former Avon area, that is Bath & North East Somerset Council, Bristol City Council, South Gloucestershire Council (the JLAF authorities) and North Somerset are discussing their approaches to ROWIPs. It is possible that a common ROWIP framework will appear in the LTPs in this area, with individual ROWIPs to be prepared by each

Open Access Key Dates	Mapping Area 3 Central Southern
Conclusive map issue (Finalised open country and registered common land maps)	TBC
Open for directions (Dates when [the CA are] open for applications)	15-June-04
Early long-term directions (Dates by which to apply for long term restrictions that require an answer before access rights start)	Early Aug-04
Open for 28 day or special dog restrictions (Dates [that the CA] are open for notifications)	Nov-04
Regional Commencement (When the new rights come into force)	Dec-04
Please note: The dates [above] are yet to be confirmed but indicate the most likely date.	

authority. The JLAF will be consulted on any framework document, and during the production of ROWIPs.

SEVERN ESTUARY ACCESS FORUM

A 'Severn Estuary Access Forum' (a forum, but not a Local Access Forum) with representatives from the authorities and LAFs bordering the Severn estuary is being established by the Severn Estuary Partnership. It aims to inform a Severn Estuary Access Project that proposes to study and improve access adjacent to the estuary. As part of the work of the project, South Gloucestershire Council has some funding this year for improvements to the Severn Way. The improvements will centre on replacing stiles with kissing gates and re-signing the route. The work will be outlined to the JLAF at a later date, but if you have any questions in advance of this, please contact the JLAF secretary.

CONSULTATIONS

Bath & North East Somerset Strategy for Horse Riding

If you have not already done so and you wish to, please respond to this draft document as soon as possible. It is available on the internet at:

<http://www.bathnes.gov.uk/Tawm/PROW/horseriding.htm>

Bath & North East Somerset Council Enforcement Policy Consultation

Bath & North East Somerset Council is consulting on this working document. If you wish to respond to this consultation individually, then please do so, otherwise it can be discussed at the next meeting of the JLAF. The deadline for consultation is **Friday 16 July 2004**. The document is available on the internet at:

<http://www.bathnes.gov.uk/Tawm/PROW/Enforcement/default.htm> or contact the JLAF secretary.

Defra – Regulations About Appeals Against Notices Under Section 38 Of The Countryside And Rights Of Way Act 2000

This consultation on proposals for regulations has a deadline of **02 June 2004**. Access authorities have powers under the Act to make agreements with owners and occupiers of land to secure or improve means of access to access land. If the owner or occupier fails to abide by an agreement not to impede a means of access or, if an access authority considers it cannot enter into an agreement to open up a means of access on reasonable terms, the access authority may serve a notice requiring the owner or occupier to remedy the breach of the restriction or provide a means of access. If an owner or occupier fails to comply with the notice, the access authority may undertake the work itself and recover the cost. The Act provides a right of appeal against such notices, and on this process Defra is now consulting. The document is available on the internet at the address below, or can be obtained by contacting:

Defra Publications, Admail 6000, London. SW1A 2XX. Tel: 08459 556000.

<http://www.defra.gov.uk/wildlife-countryside/cl/accessopen.htm#appeals>

Defra – Public Rights Of Way and Cross Compliance

Defra is consulting on 'Cross-Compliance', considering how enforcement could be linked to farm payments through the Common Agricultural Policy (CAP) reforms. Very approximately, in terms of public rights of way, payments might be affected if public rights of way are obstructed. The consultation document states that this principle will not apply to access land. An extract from this consultation is included overleaf.

The consultation deadline is the **20 June 2004**. If they wish, JLAF members can send their views to the JLAF secretary by the **10 June 2004** for compiling, or can respond themselves. The document is available on the internet at the address below, or can be obtained by contacting: Defra Publications, Admail 6000, London. SW1A 2XX. Tel: 08459 556000.
<http://www.defra.gov.uk/corporate/consult/capsingle-payment/index.htm>

An extract from:

Consultation on proposed and possible measures for implementation of Cross Compliance in England, Defra.

Public Rights of Way

Possible measures (proposed as an entry requirement to ELS):

[ELS – Entry Level Scheme, the payment scheme that approximately 80% of farms are expected to be in]

Farmers must not obstruct the path of a public right of way which runs across their land;

Farmers must not damage or disturb the surface of a path on their land over which a public right of way runs; however, farmers may plough a right of way so long as the path is reinstated within any prescribed time limit;

Farmers must maintain any stile or gate for which they are responsible on their land that is on the path of a public right of way.

70. Public footpaths are a valuable feature of the countryside, important both to those who live in and visit the countryside. These measures would reinforce the existing legislation to protect public footpaths under the Highways Act 1980 (as amended).

71. We are considering whether cross compliance provides an appropriate opportunity to reinforce certain existing rules under public rights of way legislation relating to footpaths. Possible measures are set out above. We do not consider that it is possible to require, as a condition of the Single Payment, compliance with the statutory right of access under the Countryside and Rights of Way Act 2000 because of the limitations on cross compliance imposed by the Council Regulation.

Question 23

Do you think that we should include measures to protect rights of way as set out above?

Question 24

How workable do you consider these proposals to be and how do you think we could enforce these measures?

THE NEXT MEETING OF THE JLAF

The next meeting of the JLAF will be held at Tortworth on Friday 09 July 2004. Papers and directions for the meeting will appear on the JLAF website, and be sent to JLAF members and observers approximately one week before the meeting.

THIS UPDATE

If you've any comments or suggestions in relation to this document, please contact the JLAF secretary, whose details are on the front page.

This is a document for the Joint Local Access Forum for Bath & North East Somerset, Bristol City and South Gloucestershire (the JLAF). Its purpose is to keep members of the JLAF and others updated between full meetings of the JLAF by providing a brief introduction to developments relating to the work of the JLAF and further clarification should be sought where necessary. Nothing in this document should be interpreted as the views or the policies of the JLAF, or of the members of the JLAF, or of the constituent councils. Nothing in this document should be taken as an interpretation of the law. It is written with relevance to the JLAF area and thus may not be transferable to other areas. Errors and omissions excepted. Please contact the JLAF at secretary@jlaf.org.uk with any suggestions for addition or amendment. Monday 24 May 2004.