



JLAF discussion group on Access Land. Meeting 1. Notes from meeting.

Date: Friday, 6th February 2004
Time: 2:00pm
Venue: Meeting Room 7, Riverside, Temple Street, Keynsham. BS31 1LA.
Present: Alun Morgan (JLAF Chair), Ray Newbiggin (JLAF Vice-Chair), Ann Fay, John Gunnery, Ron Phelps, Robin Winfield, Paul Wynne, (JLAF members), Chris Hogg (JLAF Secretary).
Apologies: None

Note: These are notes to the meeting of the discussion group and do not form formal minutes. Their purpose is to provide a brief summary of discussions and further clarification should be sought where necessary. Errors and omissions excepted. Please contact the JLAF at secretary@jlaf.org.uk with any suggestions for addition or amendment.

Points of discussion are in grey bold text.

- 2:00pm**
- 1 Introductions**

The discussion group was introduced as a means of looking in some detail at the issues around access land. The group cannot make any decisions or recommendations, but a summary of the discussions can be taken to the main JLAF meeting on 12th March, at Bath Cricket Club.
 - 2 Re-introduction to Access Land, and**
 - 3 Discussion.** Notes are combined.

Refer to paper: JLAF02 Agenda Item 7: Access Land.

What is Access Land?
Land shown on Conclusive Maps issued by the Countryside Agency (in England) as Open Country or Registered Common Land, and registered common land and land over 600m where no Conclusive Map has been issued, but not land that is excepted land.

Mapping process
Draft map 3 September 2002
Provisional Map 23 May 2003
Conclusive Map Summer 2004
The access land mapping is available on the internet at:
<http://www.ca-mapping.co.uk/mapping/default.htm>

Where are we now?
Provisional map, appeals hearings etc. due soon
Conclusive map, due, at the moment in summer 2004
It was suggested that the Conclusive Map may be delayed by two months because of the number of appeals submitted in Mapping Area 3, Central Southern, that covers the JLAF area, as reported in the Ramblers' Association Access Bulletin of 09JAN04. There was some discussion over the appeal process. More information is available – more information from the secretary.
It was suggested that there may be some changes to government departments (e.g. DEFRA) and agencies (e.g. the Countryside Agency and English Nature) as a result of Lord Haskins' Rural Delivery Review report. Changes to these

bodies may lead to changes in work on Access Land that the JLAF will have to be vigilant of.

Commencement Order, a government order, when Access Land on the Conclusive Map will become open. This may be at the same time as or close in time to the publication of the Conclusive Map.

Restrictions and Exclusions etc.

Excepted land will be Access Land that will not be open to the public, for example parks and gardens.

We are awaiting commencement of the restrictions regime, due in spring. Will include restrictions for nature conservation, for example.

There will be a 'central restrictions unit' - national help-line and website for the public and landowners to access current information

Refer to paper: Restrictions Fact Sheet

This paper was summarised.

Introduction to the maps

Maps will show all access land, including excepted land and that with restrictions on it. Will be on OS maps with other 'access' land such as Forestry Commission or National Trust Land with Access.

Points were made on how access land was to be shown, for example, the colouration of access land and whether access land would be distinct from other types of land such as Forestry Commission or National Trust land. There was some discussion on the likelihood of the Ordnance Survey being able to publish maps showing access land soon after publication of the Conclusive Maps and Commencement, and how access land would be shown. Experience with Ordnance Survey mapping was of a three-year run in, and a delay before errors were remedied. It will be suggested to the JLAF meeting that a letter be sent to the Ordnance Survey asking what arrangements have been made.

Survey of Access Land (so far in Bath & North East Somerset)

A survey has been undertaken in Bath & North East Somerset for most of the land shown on the provisional maps of access land. The results of the survey would be used to target resources. At a rough guess, one third of the access land was inaccessible from public rights of way and carriageways, and many of this land could not therefore be surveyed. **Discussion suggested that a survey in South Gloucestershire was important.**

The issues for Access Authorities (Bath & North East Somerset, Bristol City Council and South Gloucestershire):

Who is going to do this work?

The departments/ sections that will carry out work relating to access land is under discussion in South Gloucestershire Council and Bristol City Council. In Bath & North East Somerset this work is likely to be undertaken by the public rights of way team.

Resources

There are no resources for most Access Authority functions for Access Land. Power not a duty. Duties considered by many to come first. Some authorities are suggesting that Access Land Work will not be done without funding. DEFRA/CA have raised possibility of Fund, to fund 75% of works. Announcement 'hoped for' in the spring.

The commencement date and that of the Conc. maps will be the start of the process by authorities, but not clear (maybe to anyone) how the public is going to react to the access rights, opened on a regional basis. How will the public know where MOA agreements are in place, for example. May need staff as well as £ for works, agreements etc

Discussion centred on the importance of resources for access land work, and the nature of funds that the government provides local authorities for access and public rights of way work, for example that it is not ring-fenced. It was suggested that whilst funding is likely to be set soon for the

coming financial year, and the JLAF's work might be forward thinking, then some investigation into government provision and local council spending could be undertaken. The JLAF may wish to send a letter to each council and to the government asking such questions as: how much money has been provided by the government, how much has been allocated for access land and public rights of way work. A letter to the government might also highlight the need for a grant for work relating to access land.

Signage

Three types of signage proposed by the Countryside Agency for Access Land: 'waymarks', 'primary information points' (large interpretation boards) and 'secondary information points' (A3 size with space for a map). Information such as restrictions can be posted at these points, there may be issues over who removes restriction notices.

Discussion on signage included: Some land may be accessed quite rarely, therefore this needs to be considered when placing signs. Have to consider (or assume) vandalism and that replacement may not be as easy or immediate as is possible on high use linear routes, such as the Bath Skyline Walk. Therefore signing may be best kept simple, such as waymarks that are also easily replaced. Poor information/signs or missing signs will give a poor impression. As some access land will be 'off the beaten track' then those who are there will be there for a purpose therefore less chance of vandalism. Therefore increase signage in heavily used areas. Signage could include education of responsibilities, a copy of the map of the area, a key showing how access land is shown on Ordnance Survey maps and details of where to go for more information (e.g. the national telephone line).

S34-37 Means of Access Agreements

New links to, between and within Access Land

Between councils and landholders. They will include arrangements for access between access land plots, onto access land plots and within access land plots. Don't have to undertake agreements. Landholders can be taken to Magistrates court if not reasonable and enter MOA agreements. Payments may form part of the agreements.

It was highlighted that land holders may not know of access land. The NFU were surprised at how few queries they received over access land. Communication with landowners therefore essential, and should say bodies such as NFU and CLA may be able to advise. Such communication should include an education of the rules regarding access land, for example the restrictions of access that are available. The JLAF could suggest to each council, to DEFRA and to the Countryside Agency that packs should be sent to all landowners of access land. There was some discussion about methods by which new routes to access land may be made. There are various methods: Dedication of new access land to plots of access land, provision of an informal route by landholders, permissive paths by agreement, Creation Agreements to create new public rights of way and, Creation Orders to create new public rights of way. Discussion centred on the desirability of each method for both users and landowners. For example, the inflexibility of public rights of way for landholders and farmers and the expense and risk to that expense of formally diverting public rights of way. There are technical issues such as the difficulty of creating public rights of way to access land that may become 'dead ended' when access land is closed. **It was suggested that signage is**

especially important where temporary access is provided. Land ownership issues were discussed, including the access to land ownership details and the potential complications of Means of Access agreements and the creation of new accesses where land involved is in multiple ownership.

Information: CROW s38 provides for appeals against notices on landholders by access authorities for landholders to enter into Means Of Access agreements. It was said that guidance was due to be issued by end of 2003. At time of writing (FR13FEB04) secretary had not discovered such guidance as published.

Prioritising work on access land.

The JLAF could look at the priorities by principle, or by plots of access land. For example: E.g. those with access to them, those used for open access already, those with no access, groups of plots or those that may create a link.

Options raised for prioritizing included:

Land where appeals had been made versus land with no appeals. A comparison of the amenity value versus the cost (a cost-benefit process). Land where the landholder was not keen for access may be a lower priority on the basis of cost versus benefit. Similarly 'island sites' needing new access may attract a lower priority. Sites with current use may be given higher priority. It was suggested that the notification of landowners was a priority and important, but a separate point to that of priorities for work on access land. The JLAF might consider the highest priority access land as: 1. Access Land with access to it and no appeal. 2. Access Land with access to it and an appeal. 3. Other Access Land. This could then lead onto a study of likely usage, then of signage. The inclusion of landholders and potential users should be ensured during these stages. It was noted that there is a facility to dedicate access land for a higher use than that of pedestrians only. This may cause confusion to the public and may have to be addressed in education.

4 Summary of discussions (suggested actions for JLAF)

There are three areas that the JLAF could advise or request information by letter:

1. To the Ordnance Survey on Access Land mapping methodology.
2. To DEFRA and the three councils on finance for Access work, including calls for a grant for access land work.
3. To the three councils (and the Countryside Agency) on priorities for work on access land.

5 JLAF agenda item

The Vice Chair will summarise this meeting at the next JLAF.

The Secretary will send notes of the meeting to the Vice Chair by the end of the week of Monday 08FEB04.

The next meeting of this group wishes to meet again in approximately one month, depending on the outcome of the main JLAF03 meeting.

The main JLAF03 meeting would benefit from 'gossip time' – informal time to talk around the issues as a group.

6 Close