



## JLAF07: Background Papers

### Agenda item 2: New JLAF Appointments

Following the process of advertisement for and the appointment of members of the JLAF, the membership has changed. Below is a list of the members of the JLAF as of the 1<sup>st</sup> July 2005.

<b>Membership of the JLAF as at 1<sup>st</sup> July 2005</b>		
<b>JLAF Member</b>	<b>Interest Category</b>	<b>Period of Membership</b>
Councillor Chris Cray - Bath & North East Somerset Council	Nominated as Councillor Members	Nominated annually by each Council
Councillor Christopher Orlik - Bristol City Council		
Councillor Howard Gawler - South Gloucestershire Council		
David Colbourne	Other	Appointed to the JLAF for <b>3</b> years from 16/05/2003
William Dawson	User	Appointed to the JLAF for <b>3</b> years from 16/05/2003
Ann Fay	User	Appointed to the JLAF for <b>3</b> years from 16/05/2003
Peter Gould	User	Appointed to the JLAF for <b>3</b> years until 30/06/2008
John Gunnery	Landowner	Appointed to the JLAF for <b>3</b> years from 16/05/2003
Peter Hart	User	Appointed to the JLAF for <b>3</b> years from 16/05/2003
Robert Killen	Landowner	Appointed to the JLAF for <b>3</b> years until 30/06/2008
Mark McGuinness	Other	Appointed to the JLAF for <b>3</b> years until 30/06/2008
Alun Morgan	Other	Appointed to the JLAF for <b>3</b> years until 30/06/2008
Ray Newbigin	User	Appointed to the JLAF for <b>3</b> years until 30/06/2008
Ronald Phelps	User	Appointed to the JLAF for <b>3</b> years until 30/06/2008
Kenneth Scott	Other	Appointed to the JLAF for <b>3</b> years until 30/06/2008
Andrew Short	User	Appointed to the JLAF for <b>3</b> years from 16/05/2003
Adam Stratton	Landowner	Appointed to the JLAF for <b>3</b> years from 16/05/2003
Janet Wallis	Other	Appointed to the JLAF for <b>3</b> years from 16/05/2003
Margaret Wilson	Landowner	Appointed to the JLAF for <b>3</b> years until 30/06/2008
Robin Winfield	Landowner	Appointed to the JLAF for <b>3</b> years until 30/06/2008
Paul Wynne	Landowner	Appointed to the JLAF for <b>3</b> years from 16/05/2003

# Agenda item 7: Draft Annual Report

## JLAF Second Annual Report 2004-2005

### Summary

This is a report on the second year of the Joint Local Access Forum for Bath & North East Somerset, Bristol City and South Gloucestershire (the JLAF). This report fulfils the requirements of paragraph 12 of The Local Access Forums (England) Regulations 2002.

### Membership

The JLAF has 21 voluntary members, that is, one councillor from each authority involved and 18 other members. The councillor members are appointed annually by each authority. The other 18 members are appointed by the three authorities together, with a reasonable balance between members with landowning interests, user interests and other interests. These 18 members were appointed for periods of either two years or three years, so at the end of this year 9 places are available for (re)appointments.

There have been no resignations from the JLAF in the second year, and the membership has remained the same. At the meeting of the JLAF on the 9<sup>th</sup> July 2004, the members re-elected Alun Morgan as Chairman and re-elected Ray Newbigin as Vice Chairman for a period of one year.

The membership of the JLAF for the year July 2004- June 2005 is shown in the table below. The membership from July 2005 is shown on the JLAF website.

<b>JLAF Membership 2004-5</b>	<b>Area of interest</b>	<b>Appointment Period (from June 2003)</b>
Bill Blyth	Representative of other interests	2 years
David Colbourne	Representative of other interests	2 years
William Dawson	Representative of user interests	3 years
Ann Fay	Representative of user interests	3 years
John Gunnery	Representative of owner/occupier interests	3 years
Rae Harris	Representative of user interests	2 years
Peter Hart	Representative of user interests	3 years
Robert Killen	Representative of owner/occupier interests	2 years
Alun Morgan	Representative of other interests Chairman of the JLAF, JUL04-JUL05	2 years
Ray Newbigin	Representative of user interests Vice-Chairman of the JLAF, JUL04-JUL05	2 years
Angela Nicoll	Representative of user interests	2 years
Ronald Phelps	Representative of user interests	2 years
Andrew Short	Representative of user interests	3 years
Adam Stratton	Representative of owner/occupier interests	3 years
Janet Wallis	Representative of other interests	3 years
Chris Weedon	Representative of other interests	2 years
Robin Winfield	Representative of owner/occupier interests	2 years
Paul Wynne	Representative of owner/occupier interests	3 years
Councillor Chris Cray	Nominated by Bath & North East Somerset Council	MAY2004-MAY2005 MAY2005-MAY2006
Councillor Christopher Orlik	Nominated by Bristol City Council	MAY2004-MAY2005 MAY2005-MAY2006
Councillor Howard Gawler	Nominated by South Gloucestershire Council	MAY2004-MAY2005 MAY2005-MAY2006

### JLAF Observers

There are a number of observers of the JLAF. These are bodies or individuals that are invited to the JLAF meetings, who can provide information to the JLAF or receive advice from the JLAF. These include a member of the executive of each council, secretaries of adjacent local access forums and government and agency contacts.

## Meetings of the JLAF

The JLAF held three main meetings during its second year, on 9<sup>th</sup> July 2004, 5<sup>th</sup> November 2004 and the 4<sup>th</sup> March 2005. In addition to the three main meetings, a discussion group met to look at access land issues in detail and held a site visit on the 24<sup>th</sup> May 2005. Papers for all of the meetings of the JLAF are available from the secretary and on the JLAF website, but below is a selection of subjects considered by the JLAF in its second year:

- Access Land introduced by the Countryside and Rights of Way Act 2000, including the approach by the councils and the identification of priority sites
- Nature conservation, including the consideration of this on Access Land work
- The development of Rights of Way Improvement Plans by each of the three authorities
- The Joint Local Transport Plan
- The Discovering Lost Ways project
- The Avon-area cycle map
- The Bath Definitive Map Project
- Areas of Outstanding Natural Beauty and the Cotswold Conservation Board.
- Consultations by South Gloucestershire Council on its Rights of Way Enforcement Policy
- Bath & North East Somerset consultation on a draft Strategy for Horse Riders
- Consultation by DEFRA on Mechanically Propelled Vehicles
- Consultation by DEFRA on Cross-Compliance

## JLAF Website

A JLAF website has been maintained at [www.jlaf.org.uk](http://www.jlaf.org.uk). The website includes all meeting papers of the JLAF, documents produced by the JLAF and other information that relates to the work of the JLAF.

## JLAF Work Programme 2005/6

The following areas of work are among those that the JLAF expect to consider in the coming year:

- Access Land. Following the new right coming into force in December 2004, the JLAF maintains a statutory interest, for example in considering applications for restrictions on access land. The JLAF will wish to review work on access land in its area.
- Rights of Way Improvement Plans (ROWIPs). The JLAF is a statutory consultee for Rights of Way Improvement Plans, to be prepared by each authority by November 2007. It is anticipated that this will be the major area of interest for the JLAF at least over the coming two years.
- JLAF liaison with authorities. The JLAF wishes to develop its relationship with each authority with a view to promoting the authorities' functions. Similarly, the JLAF wishes to develop its relationships with other bodies, including adjacent LAFs and the Public Rights of Way Liaison Groups arranged by each council.

## JLAF Forward Programme 2005/6

The table below shows meetings proposed for the following year. This does not include any additional meetings including sub-groups that might be arranged.

<b>Meeting Date</b>	<b>Agenda items submitted by</b>	<b>Pre-meeting, week of (suggested)</b>	<b>Papers available</b>
<b>01 JUL 2005</b>			
<b>04 NOV 2005</b>	14 OCT 2005	17 OCT 2005	28 OCT 2005
<b>03 MAR 2006</b>	10 FEB 2005	13 FEB 2006	24 FEB 2006
<b>07 JUL 2006</b>	16 JUN 2006	19 JUN 2006	30 JUN 2006

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## Agenda item 8: Access Land

### Site visit of the 24<sup>th</sup> May 2005 and proposed letter

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The Access Land Discussion Group of the JLAF had a site visit to view a piece of Access Land at Lansdown, north of Bath. Following this visit, a letter has been drafted by the chair. It is proposed that this letter be sent from the JLAF to the landowner of the Access Land.

There follow two documents. Firstly an email from the Vice Chair regarding Access Land at Lansdown, then secondly, a copy of draft text of the proposed letter to the landowner of the Access Land.

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**From:** Raymond Newbigin [mailto:Newbigin@BTinternet.com]  
**Sent:** 16 November 2004 19:13  
**To:** Chris Hogg; Alun Morgan  
**Subject:** Access Land: Lansdown

Chris,

When we were discussing the B&NES priorities for Access Land, Will Steel made an interesting remark about the Lansdown Access Land to the effect that the farmer at Chelscombe Farm had blocked the Right of Way. Because we were short of time, we passed on to other business.

Today, my wife and I had a look at this area because I suspected that it would be a good site for Access Land. My comments are:

1. It is a superb site. It faces south and is largely ungrazed rough pasture.
2. It is near the western end of the city (population some 80,000) and has easy access from both the north and the south. A park and ride site is close to the northern access.
3. Bath has some 1.5 million visitors a year and some of them will want to get out of the city and see the magnificent views and visit Beckford's Tower.
4. Walkers coming from the south on their way to the Access Land will pass through the Primrose Hill Community Woodland Trust which is 24 acres of mixed woodland and wild flowers with some picnic benches.
5. The footpath which comes from the north, opposite the MOD buildings, divides and the right hand path has been effectively blocked by the farmer with two notices pointing the footpath to the left. This left hand path is well used and later, where the path crosses the unmade road, there is a notice saying "Private Land". Generally, this footpath is well sign-posted and the stiles are satisfactory – but could be improved.
6. This is a superb site, near a centre of population, it has plenty of historic interest and has access from both the north and the south. I suggest that JLAF ask B&NES to prepare this site for use as Access Land as soon as possible with its opening not later than the spring of 2005.

Ray

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#### **DRAFT LETTER**

Dear [Landowner],

My name is Alun Morgan and I am writing to you as chairman of the Local Access Forum for the Bath area. Our role is to try to ensure that the provisions of the Countryside and Rights of Way Act 2000, (CROW Act), are carried out in a fair and reasonable manner. Thus our Forum is made up of a selection of representatives who are all users of the countryside: farmers, landowners, National Trust representatives, walkers, riders, cyclists and independent members.

I understand that you feel aggrieved that some of your land has been declared Access Land under the CROW Act, without you having had the option to oppose the decision. Sadly, I have to say that the Act is now law, and there you no longer have any opportunity to contest that decision. Consequently, the land is now formally Access Land, and gives walkers a right of access on it on foot.

Nevertheless, I feel that we could help to minimise the impact of this change on you. There is little doubt that walkers would derive a great deal of pleasure by being able to walk along the top-edge of your land in order to enjoy the wide views of western Bath. With your help, it should be possible to create a route along this area which would not impinge on your privacy and require *at* most two stiles and some very small signs. I would also wish to emphasise that such a route would only be open to walkers – riders or cyclists would have no such privileges.

I recognise that you must feel that this Act has had a major impact on your freedom of action. I would be very happy to come and discuss the situation with you in detail if you feel that would help – including explaining how the Act will operate, and the limitations imposed on walkers who make use of Access Land.

Yours sincerely...

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## Agenda item 9: Rights of Way Improvement Plan

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To prompt discussion, there follows the text of a letter on the subject of Rights of Way Improvement Plans from a JLAF member Ann Fay.

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Dear Alun,

5/4/05

You asked for member's thoughts on the Rights of Way Improvement Plan. The Strategy for Improving Local Rights of Way, as presented by the Authorities for inclusion into the Local Transport Plan, is full of generalities.

The users want more than Assessments and Statements as specified in the document. We want some specifics mentioned. Not necessarily specific sites for improvement though examples of the various classes of improvement wanted would be encouraging.

Some of the areas for improvement looked for are:

- 1) Bringing the present network into full use, where the paths are needed.
- 2) Joining up existing paths into a coherent network. This particularly applies to bridleways and RUPPS as the footpath network is much more comprehensive.
- 3) Improving the state of roadside verges where they can be used as links between paths or providing inside hedge paths where there is no verge.
- 4) Providing safe road crossings.
- 5) Making routes multi user.
- 6) Improving selected routes for disabled access, including disabled riders and carriage drivers.
- 7) Making good some of the past errors in planning where paths have been allowed to be built over, cut off by roads, quarried away etc.
- 8) Returning some of the old routes into use. This mainly applies to bridleways and routes with higher rights as these old routes are now mainly footpaths. The Discovering Lost Ways Project should help with this. (should this be mentioned in the ROWIP? It is very relevant to improvements in the network)

Yours sincerely,  
Ann Fay

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# Agenda item 10: Development of a Public Path Order policy for Bath & North East Somerset

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## Introduction

The following is merely a discussion document intended to enable an informed discussion to take place about the development of a suitable policy for B&NES. Nothing that follows should be taken as an indication of the likely content of such a policy if and when one is adopted.

The areas that have been included are ones that it may be useful to cover in any policy statement; some of the areas may be removed, others may be added.

## Legislation

Public Rights of Way (PROW) can be created, diverted and extinguished under the Highway Act 1980 (HA80) and the Town and Country Planning Act 1990 (TCPA90).

Section 26 HA80 covers the procedures for creating new Footpaths and Bridleways using Public Path Creation Orders.

Section 116 HA80 covers the procedures for applications to the Magistrates Court for Orders to stop up (extinguish) or divert footpaths, bridleways and carriageways. DOE Circular 2/93 para 35 has advised authorities to use other available powers for stopping up and diverting footpaths and bridleways unless there are good reasons for not doing so.

Section 118 HA80 covers the procedures for extinguishing footpaths and bridleways only in the interests of the owner, occupier or lessee of land or of the public using Public Path Extinguishment Orders

Section 119 HA80 covers the procedures for diverting footpath and bridleways only in the interests of the owner, occupier or lessee of land or of the public using Public Path Diversion Orders

There are separate specific powers relating to orders to divert or extinguish PROW for crime prevention and school security, in connection with SSSIs and with Railway Crossings. There will also be requirements introduced by the CROW Act in connection with diversions affecting agricultural land

Section 257 TCPA90 enables the making of PPOs to divert or extinguish footpaths and bridleways where that is necessary to allow permitted development to take place.

Orders made under any of these powers are referred to as Public Path Orders.

## Principles

- Should the Council consider applications where there is no public interest?
- Should the Council consider applications to extinguish PROW without a concurrent creation order or similar commitment to provide a satisfactory alternative route?

## Prioritisation

- Should there be a means of prioritising the processing of applications beyond chronological order of receipt?
- TCPA applications are normally dealt with before HA applications – sometimes orders made under HA rather than TCPA because either Planning Permission has not been finalised or the proposal is beyond the scope of TCPA provisions.
- What about internally generated “applications”?

## Obstructions

- There is an expectation that a PPO application will not normally be accepted nor progressed unless the Definitive line of the PROW is unobstructed and available for use.
- Subject to exemptions set out in B&NES Enforcement Policy – any other exemptions?
- What about other PROWs on land under the control of the applicant?

Extract from current B&NES Enforcement Policy

### "POLICY EP3

*A Public Path Order will be considered as an acceptable alternative to enforcement action only where all of the following criteria are met:*

- 1. The obstruction does not appear to have been a deliberate attempt to interfere with the public's use of the route;*
- 2. The obstruction is not of recent origin (the use of PPOs to deal with obstructions placed after the date of adoption of this policy will only be considered in exceptional circumstances);*
- 3. In the opinion of a B&NES PROW Officer, an alternative route exists that will fulfil the requirements of the relevant PPO legislation."*

## Charges

Authorities power to charge for the making of Path Orders (both s118, 119 HA80 and s257 TCPA90) are set out in the Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 (SI 1993/407). (Blue Book pp 595-596) See Appendix A below:

B&NES currently charges an £800 administrative fee for the making of a PPO. The applicant is also expected to meet the cost of advertising the PPO in a local paper at three stages - Order making, Order confirmation and Order certification (if required). The cost of an advert varies but is normally in the range £300 - £350.

There is a wide Officer discretion to waive all or part of these charges - normally exercised where the Order is considered in the public interest or will allow the resolution of a longstanding problem.

There is no real problem when Orders are being made solely or partially in the public interest and the applicant is not being charged. Difficulties arise when Orders are in the interest of the landowner / lessee / occupier and they attract objections.

Councils in such situations have two options:

1. Abandon the order and refund the applicant the charge unless they agree to its abandonment – and why should they?
2. Forward the Order to the SoS for determination but incur significant additional (non-recoverable except in the event of unreasonable objections) expenses putting the case at either PI, Hearing or written reps – even the latter requires considerable time in preparation.

Neither of these is particularly attractive. It has made me question why we should process any applications for PPO not made in the public interests if there is the slightest possibility of them receiving objections even if we consider that the application is nonetheless reasonable. A number of questions come to mind:

1. can we require applicants to sign a separate agreement agreeing to meet additional expenses incurred at "determination" stage? – Para 3(1) seems to rule this out...
2. can we require applicants to sign a separate agreement agreeing to the abandonment of the order if (reasonable) objections to the Order are received and sustained?
3. the regulations require the Authority to refund "a charge" if the order is abandoned in certain circumstances. Is "a charge" the same as "all charges"? Does the practice of splitting the charges and invoicing separately for plan preparation, informal consultations, site visits, negotiations, etc and order making overcome this difficulty to some extent?
4. Could we adopt a policy of neutrality at any determination of an objected PPO, requiring the applicant to present their own case?

e.g. Where an Applicant still wishes to proceed with an Order to divert / extinguish PROW, made in his / her interests, to which objections have been made, it will be forwarded to the SoS for determination on the basis that the OMA will normally adopt a neutral stance to the outcome of the Order. (The order will still first be considered by the appropriate Regulatory Committee of the OMA who retain the discretion to abandon the order if they feel they cannot support it for whatever reason.) The council will limit its role in the subsequent determination process to confirming that all procedural requirements have been complied with. The onus will be on the applicant to present any case in support of confirmation of the order

### New routes

- Should there be standard requirements relating to widths, structures, maintenance liabilities?
- We currently require that new sections of FP should be a minimum of 1.8 metres wide and Bridleways 3.0m wide except in exceptional circumstances
- We normally require gaps or gates in fence lines rather than stiles on new sections of paths
- Confirmation of a PPO automatically makes the new path maintainable at public expense. Should there be defined criteria by which we judge whether that responsibility is acceptable?
- Should we have requirements about quality / diversity of views?

### Policies of other Authorities

A number of Highway Authorities have policy statements covering this area of work. Some of these that are available on the internet are listed below:

Hampshire CC: <http://www.hants.gov.uk/countryside/row/changes/diversions1.html>

Hertfordshire CC: <http://enquire.hertsc.gov.uk/ROWGuide/GoodPrac/Sec47.htm>

Lancashire CC: <http://www.lancashire.gov.uk/environment/countryside/prow/diversion.asp>

## **Appendix A: Extract from Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 (SI 1993/407)**

These state:.....

### **3. Power to charge in respect of the making and confirmation of public path orders**

(1) Where –

- (a) the owner, lessee or occupier of land or the operator of a railway requests an authority to make a public path order under section 26, 118, 118A, 119 or 119A or the 1980 Act, or
- (b) any person requests an authority to make a public path order under section 257 or 261(2) of the 1990 Act.

and the authority comply with that request, they may impose on the person making the request any of the charges mentioned in paragraph (2) below.

(2) Those charges are –

- (a) a charge in respect of the costs incurred in the making of the order; and
- (b) a charge in respect of each of the following local advertisements, namely the local advertisements on the making, on the confirmation, and on the coming into operation or force of the order.

### **4. Amount of charge**

- (1) Subject to paragraphs (2) and (3) below, the amount of a charge shall be at the authority's discretion.
- (2) ....\*
- (3) The amount of a charge in respect of any one of the local advertisements referred to in regulation 3(2)(b) shall not exceed the cost of placing one advertisement in one newspaper.

## 5. Refund of charges.

The authority shall, on application by the person who requested them to make the public path order, refund a charge where –

- (a) they fail to confirm an unopposed order; or
- (b) having received representations or objections which have been duly made, and have not been withdrawn, the authority fail to submit the public path order to the Secretary of State for confirmation, without the agreement of the person who requested the order; or
- (c) the order requested was an order made under section 26 of the 1980 Act and proceedings preliminary to the confirmation of that order were not taken concurrently with proceedings preliminary to the confirmation of an order made under section 118 of the 1980 Act; or
- (d) the public path order is not confirmed by the authority or, on submission to the Secretary of State, by him, on the ground that it was invalidly made.

\* Regulation 4 amended by the Local Authorities (Charges for Overseas Assistance and Public Path Orders) Regulations 1996 (SI1996/1978) w.e.f. 1/4/97. [4(2) was omitted thereby removing the ceiling on charges]

(Guidance was also given in **DoE Circular 3/1993: Recovery of costs of Public Path and Rail Crossing Orders**. (Blue Book pp670-672)).

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# Agenda item 11: Updates

## a. Defra ministerial changes

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Following the general election, the ministerial responsibilities that cover areas of the JLAF's interest have changed. The following might be of interest, and is taken from the Defra website.

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### Defra's Ministers

- Secretary of State: Rt Hon Margaret Beckett, MP
- Minister of State: Elliot Morley, MP
- Parliamentary Under-Secretary (Commons): Ben Bradshaw, MP
- Parliamentary Under-Secretary (Commons): Jim Knight, MP
- Parliamentary Under-Secretary (Lords): Lord Bach of Lutterworth

Jim Knight MP, Parliamentary Under-Secretary (Commons) (Rural Affairs, Landscape and Biodiversity) [has responsibility for many of the areas of JLAF interest]:

- Sustainable Rural Communities
- Commission for Rural Communities
- Natural Resource Protection
- Natural Environment and Rural Communities (NERC) Bill, Natural England, Rural Development Service (RDS)
- England Rural Development Programme (ERDP)
- Global and national biodiversity (incl. Convention on International Trade in Endangered Species (CITES) & Convention on Biological Diversity (CBD)), National Parks, Areas of Outstanding Natural Beauty (AONBs), Sites of Special Scientific Interest (SSSIs)
- **Horse Issues**
- Forestry
- **Access, rights of way, Common Land (incl. Commons Bill)**
- Inland Waterways, British Waterways

- UK spokesperson at Fisheries part of Agriculture and Fisheries Council during EU Presidency

Jim Knight was elected MP for Dorset South in June 2001. He served as Parliamentary Private Secretary to Rosie Winterton at the Department of Health between 2003 and 2004, before going on to serve as PPS to the Department of Health's Ministerial Team.

Mr Knight, 40, was educated at Cambridge. Before entering Parliament, he managed a publishing company, based in the West Country, for 10 years. Prior to that, Jim Knight managed arts venues and worked for a small scale travelling theatre company. Jim Knight is married with two children.

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## Agenda item 11: Updates

### b. Natural Environment & Rural Communities Bill

The government published the Natural Environment & Rural Communities Bill in May. This has two particular areas of interest to JLAF members. Firstly, at part 6 of the bill: “Provisions to clarify the use of mechanically propelled vehicles on public rights of way.” These follow from the consultations on the use of mechanically propelled vehicles in the Countryside, and the proposals that would limit historic evidence of non-mechanical vehicular use to the recording of Restricted Byways on the Definitive Map, and the extinguishment of any higher public rights.

**Taken from the explanatory notes to the bill, found at:**

<http://www.publications.parliament.uk/pa/cm200506/cmbills/003/en/06003x--.htm>

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#### **Natural Environment and Rural Communities Bill. Part 6: Rights of way**

25. A purpose of Part 6 of the Bill is to limit those vehicular rights that can be recorded on English and Welsh local authorities' definitive maps and statements showing public rights of way. It does this by halting implied creation of rights of way for mechanically propelled vehicles, preventing post-1930 use of a way by a mechanically propelled vehicle from giving rise to any future public right of way, and (subject to certain exceptions) extinguishing existing public rights of way for mechanically propelled vehicles if those rights are not already recorded on the definitive map and statement.

26. Under current law, evidence of use by non-mechanically propelled vehicles of a route for a 20 year period or a dedication for such use gives rise to a public right of way for all vehicles. This is recorded on the definitive map and statement as a byway open to all traffic. In the 2004 case of *Bakewell* the House of Lords decided that a right of way may arise where mechanically propelled vehicles have used a route for the 20-year period, even where that use is illegal.

27. The Bill's provisions provide that illegal use of a route by a non-mechanically propelled vehicle will not give rise to a new public right of way. It also extinguishes certain unrecorded rights of way that have arisen through illegal use, and prevents their being recorded on the definitive map and statement.

28. There are property owners and others with an interest in land who rely on unrecorded public vehicular rights of way for access to that land. The Bill ensures that, if the public right of way for mechanically propelled rights is extinguished, those people are provided with a private right of way to access the land.

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The other area of particular interest, are the statutory measures necessary for the re-organisation of rural and countryside functions nationally that is already underway. There will be two bodies amalgamating functions of the current Countryside Agency, English Nature and the Rural Delivery Service (RDS): the Commission for Rural Communities and Natural England. Please see the press release concerning this, over:

From: Defra Press Release 208/05, 19 May 2005 at:

<http://www.defra.gov.uk/news/2005/050519a.htm>

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## **NATURAL ENVIRONMENT & RURAL COMMUNITIES BILL PUBLISHED**

Two new organisations tasked with conserving, enhancing and managing England's valuable natural environment and giving a stronger voice to rural communities would be created under the Natural Environment and Rural Communities Bill, which is published today.

The Bill would:

- Create a new agency, Natural England, by bringing together the world-class strengths of English Nature, parts of the Countryside Agency and most of the Rural Development Service. It would be responsible for our landscapes and biodiversity and helping people to enjoy them.
- Formally establish a Commission for Rural Communities to give a strong voice to people in country areas, especially those suffering disadvantage.
- Give the Secretary of State greater flexibility in allocating funding and delegating responsibility to delivery bodies working under Defra's remit. This would help to make access simpler and easier for customers and tailor delivery to regional needs.
- Introduce a number of measures designed to help streamline delivery and modernise wildlife and national park legislation.

Welcoming the Bill's publication Secretary of State for Environment, Food and Rural Affairs Margaret Beckett, said:

"Economically thriving rural communities and businesses, fair access to services and a rich and diverse natural environment are the aims of the legislation we are publishing today.

"The organisations that will form Natural England are already working closely together. Over the coming months they will increasingly act as a single voice and address environmental issues in a more integrated way, providing an authoritative body to conserve and enhance our landscapes.

"The Commission for Rural Communities will be a strong new national rural adviser, advocate and watchdog. It will be charged with ensuring that Government policies are making a real difference on the ground in tackling disadvantage in rural areas.

"We have already made significant progress in supporting rural communities, helping village shops to stay open, legislating for the presumption against the closure of village schools and promoting flexible options for the sustainability of Post Office branches. We have also made a commitment to exploring measures to improve access to affordable housing for rural residents and their families.

"This Bill enables us to build on the work we have already done in supporting rural communities and will enable an exciting new organisation to be formed, which should help everyone enjoy our rich and diverse landscapes."

Jim Knight, Minister for Rural Affairs, Landscape and Biodiversity, said:

"This is the legal cornerstone of implementing last year's Rural Strategy, which set out an exciting vision of a better quality of life for all, with sustainable development at its heart.

"I am confident that it will make our delivery structure fit for purpose so that we can make a real difference in meeting the needs of rural people and businesses and ensure, more integrated management and protection of England's rich and diverse natural environment."

Natural England will be established by January 2007, subject to Parliamentary agreement. Until then the existing bodies will work together in a confederation with shared goals and vision.

The Bill received a broad welcome from the Environment, Food and Rural Affairs (EFRA) Select Committee and organisations working in areas affected when it was published in draft form.

### Notes for editors

1. The Government published its Rural Strategy 2004 last July. This built on the evidence and recommendations in Lord Haskins' Rural Delivery Review commissioned by Secretary of State Margaret Beckett and published in October 2003. Further information on the Rural Strategy is available at [www.defra.gov.uk/rural/strategy](http://www.defra.gov.uk/rural/strategy).

2. The EFRA Committee's Report on the Rural Strategy and the draft Natural Environment and Rural Communities Bill was published on 26 March 2005. See: [www.parliament.uk/parliamentary\\_committees/environment\\_food\\_and\\_rural\\_affairs/efra\\_land\\_use\\_and\\_rural\\_affairs.cfm](http://www.parliament.uk/parliamentary_committees/environment_food_and_rural_affairs/efra_land_use_and_rural_affairs.cfm).

3. The Natural Environment and Rural Communities Bill and associated explanatory notes, together with the regulatory impact assessment, are available on the Defra website: [www.defra.gov.uk/rural/ruraldelivery/bill](http://www.defra.gov.uk/rural/ruraldelivery/bill). The Government's Response to the Environment Food and Rural Affairs Select Committee Report on the Rural Strategy and the draft Bill will be published shortly.

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# Agenda item 13: The next meeting JLAF08

## (in Bristol on the 4<sup>th</sup> November 2005)

### Proposed Agenda Items

### Following Meeting Dates

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The following are dates for full meetings of the JLA, following a pattern of once every 4 months, on the first

03 MAR 2006	15th & North East Somerset	10 FEB 2005	13 FEB 2005	24 FEB 2005
07 JUL 2006	South Gloucestershire	16 JUN 2005	19 JUN 2005	30 JUN 2005

Meeting Date	Location	Agenda items submitted by	Pre-meeting, week of (suggested)	Papers available
<b>01 JUL 2005</b>				
<b>04 NOV 2005</b>	Bristol	14 OCT 2005	17 OCT 2005	28 OCT 2005