

SOUTH WEST LOCAL ACCESS FORUMS NEWSLETTER - AUTUMN 2006



Joining together, naturally

In October, the Countryside Agency's Landscape, Access and Recreation Division, English Nature and the environment activities of the Rural Development Service merged to form a single body called Natural England. Helen Phillips, Chief Executive of Natural England said: "Natural England is about four things: having a healthy natural environment, people's enjoyment of the natural environment, sustainable use of our natural resources and a secure environmental future. We will be about the urban as well as rural environment and as much about tomorrow as we are about today". It will take some time for the new organisation to bed down but it offers the prospect of a unified and common approach to many of the issues of interest to local access forums.

In the South West NE will be headed up by Janette Ward, the new Regional Director. Janette was previously Regional Director for English Nature and has a background in nature conservation and environmental land management. She led English Nature's regional policy development and its 'people and nature' programme. The SW will be divided into three area teams.

Contribution to SW LAF newsletter from John Burcher, Chairman of Gloucestershire Local Access Forum, on what it takes to chair a Local Access Forum.

Gloucestershire Local Access Forum at Devil's Pulpit, summer 2006. Chairman, John Burcher, is bottom left of the picture.



I have been chairing the Gloucestershire Local Access Forum for nearly two years now, having been given the job after Stephen Wright left the group. At its most basic, the job involves simply keeping order by banging the table, and making sure meetings don't drag on too long.

In practice, I have also taken the chance to lead the group by example. I run a mixed farm in the village of Arlingham in the Severn Vale. I felt as a way of educating the people I deal with about farming matters that I should invite a contingent from the County Council's footpaths team to come and have a look round my farm. So we spent a morning last summer wandering around the farm and the village, talking about crops, grass and cattle, as well as a parish council project to protect an old lane. I have also hosted local Ramblers' Association secretaries on my farm, as well as a group of bird fanciers from the RSPB.

While the work on the GLAF has been quite an education for me, particularly with the awareness work that Mark and Alan organise for the group, I feel I have done my bit to educate both LAF members and others about the complexities of farming in the modern age.

John Burcher, Gloucestershire Local Access Forum



The Health and Safety Executive has just published a guide to cattle and public access <http://www.hse.gov.uk/pubns/ais17ew.pdf> The information sheet outlines the major potential hazards to farmers and farm workers or to members of the public where cattle, including bulls, are kept in fields where the public have access. The notes make clear the legal position, and recommend good practice on locating and handling stock and appropriate signing to minimise the risks for walkers and other rights of way users, such as horse riders and cyclists.

In the ten year period from 1996 to 2006 there were 46 incidents, involving seven deaths, resulting from encounters between cattle and members of the public.

Footnote: Defra is currently consulting stakeholders on whether a change in the Animals Act 1971 from one of strict liability to the introduction of a defence of reasonable care might be acceptable in principle. Defra is however clear that any change the law must ensure owners of horses or other animals take responsibility to make reasonable efforts to prevent damage and that full liability should still apply in any cases where negligence can be proved.

Showing your face

The Devon Countryside Access Forum has from its inception been adamant that it should not be just a talking shop. It has therefore always looked for ways by which it can spread its wings and get out to hear what its constituents are thinking, what the problems are on the ground and how those whose employment is concerned with rights of way in Devon, whatever their role, go about improving and developing access to the countryside.

One such opportunity is presented during the summer show season. It is then that members of DCAF can join the DCC Rights of Way Team as they tour the local shows in their mobile display caravan providing advice, information and assistance to the public. I joined the caravan at two of its destinations; the Mid-Devon Show held just outside Tiverton and the Honiton Show. These are some of my personal observations.

Overall it is a very valuable experience and is to be recommended to all DCAF or other Local Access Forum members. Why do I reach this conclusion? For the following reasons: First, it allows you to meet and get to know those who have to put policy into practice. It gives you an understanding of the skills they require; legal, practical and interpersonal. Patience is a particular virtue required, as any decision they make and put into practice is unlikely to suit everyone. One particular example was the policy of replacing stiles with kissing gates in a number of areas, in an effort to ease access along some popular routes. This policy is generally popular; however, we were approached by an outraged gentleman who demanded that the stiles were restored in order that he could use them as resting places while out on his walks. Very sympathetically the reasons behind the installation of the gates were explained. Second, as indicated above, you have face to face contact with the public which allows you to publicise the existence of the forum and what it seeks to achieve. As a personal observation I would suggest there is now a change of emphasis with regard to the type of query being raised. The days of the irate land owner seem to be disappearing with an increased number of questions relating to the availability of public rights of way close to people's homes, with the copies of the definitive map, which are available, being in constant demand. There also appears to be an increasing interest from those who seek

information on cycling and horse riding. Equally interesting was the fact that very few questions were put concerning access to 'open country' under the CROW Act. My thanks go to those who welcomed me to their caravan.

Tim Felton, Devon Countryside Access Forum member.

Section 15 land

Before the CROW Act, access rights already existed in certain areas under various other enactments. Some of these rights included 'higher rights' (for example, horse riding) as well as access on foot. In order to ensure these pre-existing rights are not lost, CROW access rights and restrictions do not apply to land affected by the enactments listed in CROW Section 15 (S15). Also, in some cases rights granted to local people have, in certain circumstances, been extended to the general public. As a result, the historic access rights and their associated management regimes continue to apply.

The Countryside Agency commissioned the Geodata Institute to research and map section 15 land. This is shown as a purple wash on the maps www.openaccess.gov.uk and shows where land affected coincides with open country, registered common or land dedicated for access under CROW Section 16. These maps are not definitive but show the best data collected so far. To date provisional figures show that:-

• Total open country and registered common land	935,000 ha
• Total area subject to rights under S15 legislation	193,000 ha
• Total open country and registered common land subject to rights under S15	170,000 ha
• % open country and registered common land subject to rights under S15	18%
• Total area subject to rights under S15 which falls outside open country or registered common land	23,000 ha
• % of S15 dataset which falls outside open country and registered common land	12%

Much of Section 15 has higher rights. Natural England does not believe it is acceptable to leave unexplored the potential public benefit offered by the data, already collected at public expense. NE has agreed with Defra to run a project to raise awareness of Section 15 and the opportunities available for access users, and decide how best to proceed. Consultation with key stakeholders is currently taking place to assess public interest in reviewing the data and using the rights available, so that any further development of S15 data is in proportion to the likely public benefit that could be realised. Work is also being done on improving the data sets and considering implications for dispute resolution and access management. A report will go to Defra early in 2007.

For further information, visit the NE website at

www.naturalengland.org.uk/leisure/access/default.htm or contact Sarah Seaman on sarah.seaman@naturalengland.org.uk or 0117 910 2964

Access Statistics

For those that enjoy statistics the South West Observatory, a partnership of environmental organisations (including the Environment Agency), has a website to share intelligence, evidence and research on environmental matters affecting the SW. It has recently introduced its own access website on http://www.swenvo.org.uk/environment/access_maps.asp and this is being developed. It includes a number of interesting clickable maps for the SW which show linear and open access relative to the index of Multiple Deprivation in the SW and also to population density.

Just to give an example, the linear access map, based on 5km squares shows that there is higher linear access in the North and East of the SW, with highest concentrations in Gloucestershire, Wiltshire, Somerset and Dorset. Areas around Minchinhampton (Gloucestershire), Stonehouse (Gloucestershire), Purton (Wiltshire) and Wroughton (Wiltshire) have particularly high levels of linear access.

Steering through uncharted waters

Several of the SW LAFs have, over the past year, listened to presentations by the British Canoe Union (BCU), fishing bodies and the Environment Agency (EA) in an attempt to understand the complexities of the water access debate, unfamiliar territory to many members. The Environment Agency has just published its report on pilot water access, on

<http://www.environmentagency.gov.uk/subjects/recreation/345720/1467794/?referrer=/subjects/recreation/>

In 2004 the Minister for Rural Affairs, Landscape and Biodiversity asked the EA to develop work which had featured in an earlier feasibility study carried out for the Countryside Agency. The remit was to secure voluntary canoe access agreements on four English rivers (Mersey, Teme, Waveney and Wear). The conclusion of the study is that “that voluntary canoe access agreements are feasible on a scale not previously considered possible. This has been achieved by developing a process for negotiating agreements that encourages those seeking access to be more systematic in their approach than they may have been before.”

The main points arising from the study are as follows:

- Voluntary agreements were successful in the vast majority of cases
- 70 km of access was secured on the four rivers
- specific and clear agreements were tailored to the individual requirements of landowners
- canoeists should abide by such agreements
- water users should contribute financially to support the management and protection of the water environment and to create more equality with anglers
- model terms and conditions, combined with successful local negotiation, were vital
- a strategic approach, embedded in local and regional policies and processes and in supplementary planning guidance, would further the cause of canoeists
- dedication under the Countryside and Rights of Way Act 2000 presented a further opportunity for landowners to permit water access

The Environment Agency suggests local access forums should be “convinced of the tools, mechanisms and potential benefits of supporting the development of canoe agreements in order to encourage appropriate initiatives.”

Following publication of the study, the BCU has drawn attention to the following points:-

- access was already in place or not contested on two of the rivers in question
- the gains have been minimal and in some cases access has been reduced
- the BCU was not adequately consulted
- the study has done nothing to deal with the angling versus canoeing debate
- the BCU is still pressing for a legal right of access to waterways, like the Scottish Land Reform Act, to address the fact that there are only 510 miles of access out of 41,000 miles of rivers with no public right of navigation in England and Wales.

The BCU highlights the fact that the EA report acknowledges the difficulties and limitations of achieving access by voluntary agreement where landowners contest access terms. Even where access has been gained this can be withdrawn at any time.

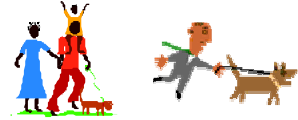
The draft LAF Guidance includes the expectation that LAFs will advise, where appropriate, on access to water and take account of the needs of water access users, either in terms of access on water or access to the water’s edge. LAFs will be legally obliged to dip their toes in the water.

The latest Access Newsletter stated that Defra has asked the Environment Agency to deliver strategic plans for improved access to inland waters, in conjunction with regional partners, and the South West is one of the first two regions identified.

The question of water access is complex and likely to flow for sometime. Ensure your LAF hears the debate from all those involved – landowners, canoeists and anglers.

Walking in GB – National Travel Survey and the ONS Omnibus Survey.

2005 figures published by the Department for Transport reveal some shocking facts. Figures are produced from household surveys and cover functional and leisure trips. As well as keeping a travel diary, respondents were asked a separate question about how frequently they take walks of 20 minutes (or about a mile) or more, regardless of the type of footpath or place.



Only 36% of people say they make a walk of at least 20 minutes duration 3 times or more a week. Importantly, **24% of people say they only walk for at least twenty minutes LESS than once a year** or never and this rises to 45% for the over 70s.

Achieving a nationwide target of 10,000 steps a day is an uphill battle. LAFs may wish to explore how the Rights of Way Improvement Plan and promotional activity can contribute to addressing the health issue.

DOGS

“*Understanding the Psychology of Walkers with Dogs: new approaches to better management*” is the title of a report by the University of Portsmouth published in August this year. It can be found on (but BEWARE 3MB file)

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

The Countryside Agency, Hampshire County Council, Hampshire Countryside Access Forum and The Kennel Club were on the Steering Group for the project. The report covers the positive and negative aspects of dog ownership and includes a recommended package of management measures to convey a positive approach to dog owners. The authors make the following comments and express the wish that the findings will inform land management practices and pilot projects in the future:

“Specifically, it is advised that policy and practice: (i) open the lines of communication with the dog walking community; (ii) provide clear and consistent messages that communicate how people (dog walkers and other visitors to the countryside) are expected to behave; (iii) encourage dog walkers to take responsibility for their dog’s behaviour and promote desired dog walking behaviours within the dog walking community; and (iv) enable dog walkers to feel valued and welcomed at sites via the provision of measures such as dog-related facilities, products and events. The benefits of such an approach may include increased respect for others (other people, dogs, wildlife, livestock, and so on), harmony between different communities visiting the countryside, a cleaner environment, happy customers, and happy dogs.”

....The revised LAF Guidance is anticipated by mid December.



I would welcome comments on the newsletter and particularly examples of good practice from your LAF or authority which can be included in the next edition.

I am attending a national meeting of Regional Coordinators on November 14. If you have any comments, or items for discussion, on how LAFs function please let me know.

Hilary Winter, Regional Coordinator, SW Region LAFs, Lucombe House, County hall, Topsham Road, Exeter EX2 4QW. Tel: 01837 810921. E-mail: hilary.winter@devon.gov.uk