

## ENGLAND ACCESS FORUM: FIRST MEETING, 15<sup>TH</sup> MAY 2008, CHELTENHAM

### Local Access Forum members

Duncan Graham	Cumbria	(Chair)
Edgar Ernstbrunner	Wigan	
Pam Brooks	Northumberland	
Steve Scoffin	Tees Valley	
Richard Holmes	Wakefield	
Hazel Armstrong	East Riding & Hull	
Edgar Powell	Worcestershire	
Andrew McCloy	Peak District NP	
Andrew Shirley	Derbyshire & Derby	
Bob Smith	Peterborough	
Matthew Balfour	Kent	
Alan Marlow	Hampshire	
Bob Harvey	Devon	
Claire Stuckey	North Somerset	

### Natural England

Pam Warhurst
James Marsden
Terry Robinson
Lucy Heath
Paul Johnson
Amanda Earnshaw
David Gear (Secretary)

(Apologies were received from Liddy Lawrence, Hertfordshire & Peter Ashcroft, Natural England)

Duncan Graham and James Marsden welcomed everyone to the inaugural meeting of the England Access Forum, and members introduced themselves.

The Chair emphasised the importance of the creation of the Forum and to the partnership which it entailed. There was no shortage of issues to be addressed as the agenda demonstrated. He looked forward to robust and constructive debate

### **1** Draft EAF constitution *(this had been circulated for discussion and approval)*

(a) Membership: The majority of LAF members were, coincidentally, LAF chairs. it was **confirmed** that this was not a prerequisite for membership, and that maintaining a balance of interests and individuals was a more significant criterion

(b) EAF/Natural England relationship: It was emphasised that although EAF was not a decision-making body, it was a Forum for constructive and robust dialogue in a partnership framework.

(c) NE representatives were full members and not officers in attendance

(d) Regional borders:

LAF regions were based on Government Office Regions. As a result, the south east had 19 members. Whilst LAFs could set up informal sub regions that was very much for the future.

(e) Natural England should undertake further work on how best London Boroughs could be absorbed into the structure.

(f) EAF meeting agendas: It was **confirmed** that EAF members (in conjunction with LAF regional co-ordinators) would put forward agenda items to be collated by the EAF Secretary, and finalised with the Chairman.

(g) EAF meeting minutes: Although EAF meetings were not open to the public, it was important that the work of EAF was transparent. Minutes would be sent to each LAF and publicly accessible via Natural England's web site.

(h) Member substitution: It was **confirmed** that on occasions when the inclusion of a particular agenda item meant someone's specific knowledge/experience would contribute to the discussion, then it would be pragmatic to allow substitution.

(i) Inter-regional development: It was **agreed** that opportunities for regional development and inter-regional liaison will be "encouraged" rather than just "explored" (penultimate bullet point).

The Constitution was then **agreed** subject to minor adjustments to wording to reflect the debate.

## **2 Forum name**

In discussion it was agreed that there was no perfect name or magic acronym. Various suggestions were made, with differing views on the merits of including the word 'countryside' in the title as per the CROW act, and the limitations in scope imposed by the use of 'access'. In the end it was agreed that 'England' (to avoid confusion with access to English as a language), 'Access' and 'Forum' were as good as it gets.

It was **agreed** to adopt the name England Access Forum (EAF).

## **3 Round up of LAFs Strategic Progress and Challenges**

It was **agreed** to defer discussion of this item to a future meeting.

## **4 Natural England's recreation and access policy**

Although this was emerging, it would have to go for its 'first reading' to Natural England's Board. before being seen by EAF. The typical stages of a Natural England policy process are:

- start with the premise that NE would 'talk to people';
- gathering of evidence;
- initiate a policy;
- develop the policy so as to enhance the delivery of its purpose.

At the earlier, 'scoping paper' stages, there should be opportunities for EAF involvement. The Chair emphasised the value of the earliest possible consultation with both EAF and LAFs and this was accepted by Natural England.

It was **agreed** that the diagram *Where Access fits in Natural England* would be circulated with the minutes.

## **5 Discovering Lost Ways**

- Following a year long review Natural England had concluded, (and recommended to Government), that its focus should move from archive research to facilitating a re-evaluation of the legislation and procedures for recording historic routes.
- Accordingly, Natural England was closing down the DLW project and, in its place, setting up a Stakeholder Working Group to consider all the issues surrounding unrecorded rights of way, and whether specific changes were needed to the relevant law and procedures.
- DLW had been successful in developing a research method enabling the identification and submission of evidence for lost ways to highway authorities. However, it does not result in any quicker determination of claims under the current system for recording these routes on the Definitive Map where it takes an average of three years for a route to be processed and recorded.
- Research suggested that DLW was actually a misnomer as over 50% of the routes identified are in regular use but not legally recorded. An unanticipated consequence of the cut-off date could be a net loss of access particularly in urban areas. Ministers had undertaken not to bring the cut-off date into force legally at least until the Stakeholder Working Group had reported.
- As part of the DLW close down activity, Natural England would discuss with stakeholders how best to share information, lessons learned and good practice, as well as encouraging networking amongst those with an interest in unrecorded rights of way.

Main points made in the discussion which followed were:

- While understanding the reasons for the DLW changes, LAF representatives emphasised the value of the hard and excellent work done by volunteers and stressed the need for accessibility to the material and support for local initiatives.
- There was an urgent need for simplification and modernisation of procedures.
- For the Stakeholder Working Group to function well, it would be essential to maintain a balance between interest groups.
- It was important to recognise that inherent in the nature of the process was the impossibility of one interest group getting everything it wanted; a balanced package of reforms was the aim.
- A central issue would be how to ensure that genuine rights of way were added to the definitive map without unnecessary paper work, but also without disrupting modern forms of land use.
- It was confirmed that some members of the Stakeholder Working Group would be members of LAFs, though not attending in this capacity. The view was expressed that there should be some form of direct representation of LAF interests.

## **6 Review of National Trails and Rutes**

The context for the Review, and its purpose is as follows:

- Established by the National Parks and Access to the Countryside Act 1949, England possessed 13 national trails, providing around 2,200 miles of high quality routes for walking, cycling and horse riding across our finest landscapes, mainly along public rights of way.
- According to the Long Distance Walkers Association, around 600 other strategic recreational routes have been created without the benefit of these such statutory powers, procedures, or funding arrangements.
- Natural England holds the statutory responsibility for planning and establishing national trails. Although their day-to-day management is carried out by the relevant highway authority, most of the costs of this work are supported by Natural England grants.
- The review will aim to “identify a sustainable, customer focused and prosperous future for long distance routes for walking, cycling and riding across England, including national trails”, and define Natural England’s role in relation to them. Specifically, the review will:
  - examine how the family of trails and routes work together;
  - find out what users and potential users want compared to what they get;
  - identify new options for their management, funding and marketing;
  - indicate what Natural England’s role should be; and
  - recommend a way forward.
- From September 2008 LAFs will be invited to advise on the review options (which could be the focus of a more detailed presentation at the next EAF meeting). Meanwhile LAFs will be kept informed of progress via LAF regional coordinators.

Main points made in the discussion which followed were:

- the recognition that it was legitimate for LAFs without national trails in their areas to input to the Review;
- that existing perceived anomalies in national trail funding (note sums spent on Hadrians Wall) should be examined/tackled; and
- that the supply/deficit of long distance routes for horse-riders should be remedied.

## **7 Coastal access**

Natural England, in conjunction with Defra, had recently agreed on the rather elegant (legal) solution of the round-the-coast route being a National Trail. On 3<sup>rd</sup> April, both Part 9 of the

draft Marine Bill (which dealt with access) and a first outline of Natural England's Scheme were published, (the latter on Natural England's web site). The Bill recognised the involvement of LAFs in the process of Natural England aligning the coastal trail and considering what access land should be included en route and what access management is required:

- Before submitting recommendations about the alignment of the trail along each section of coast to the Secretary of State, Natural England would consult LAFs, as well as owners and occupiers of affected land, local authorities, English Heritage, and the Environment Agency.
- After taking such views into account, Natural England would publish on a website the report it intended to submit to the Secretary of State for that section of coast.
- Natural England would send copies to LAFs as well as to all owners and occupiers of affected land that it had been able to identify, and to English Heritage, and the Environment Agency.
- LAFs would be able to make representations to Natural England regarding the report, as would owners and occupiers of affected land, English Heritage, the Environment Agency, and any other interested parties.
- Once Natural England had taken these representations into account, it would send the report to the Secretary of State, and include any representations it had received from LAFs, from affected owners and occupiers, and from English Heritage and the Environment Agency, together with Natural England comments on them.
- Natural England would also summarise any other representations made to it about the report, and send this summary together with any comments that it considered appropriate to the Secretary of State.

Main points made in the discussion which followed were:

- the sequence in which different parts of the trail would be designated had yet to be decided;
- there would be national trail-style determination of representations, rather than a CROW-style appeals procedure: the Secretary of State would be guided by the advice/recommendations received from his officials;
- a requirement for compensation would be avoided by locally sensitive alignment decisions that would avoid significant adverse impacts on business and property interests;
- temporary leys would be treated as a crop, with access confined to the field edge;
- higher rights for horses and cyclists couldn't be imposed uniformly around the coast: instead, local opportunities would be taken to improve these rights;
- public sector bodies might be more amenable to granting higher rights, and they would be 'factored in' where they already existed;
- on stretches of coast where nature conservation sensitivities arose, a range of mitigation options would be considered, and appropriate assessments undertaken where relevant;
- there were a handful of historical *causes celebres* around the coast which it was hoped the advent of the coastal national trail would finally resolve;
- funding for maintenance of the trail was a key issue, especially for relatively impoverished local authorities: although the obligation would ultimately fall on the taxpayer rather than the land manager, a precise mechanism for funding had yet to be agreed;
- close attention would need to be given for the rules governing the exercising of dogs, especially in view of the current diverse arrangements; Natural England was working with the Kennel Club on this issue; and
- the normal principle would be to route the trail around estuaries via the first bridge/tunnel/ferry.

Members raised the fundamental question of cost. It seemed that while Natural England would fund implementation, there was a very real danger that maintenance would be simply landed as an additional burden on Highway Authorities. As the ROWIP experience had demonstrated this was unlikely to be a satisfactory solution. LAF representatives emphasised the need for wide and transparent debate on this.

## 8 Support for LAFs

- (a) Members Information Handbook: Discussion pivoted around the pros and cons of Natural England publishing the document as a printed hard copy:
- The title had given the impression that it would be a 'handbook' in the traditional sense of a document that users could literally get their 'hands on'. Natural England would revise the name to something along the lines of "LAF Members Information Source".
  - Natural England's current publications policy stipulated that, owing partly to environmental considerations, hard copies of large documents were not produced.
  - The LAF Members Information Handbook was not immune from that policy, and at 277 pages of A4 it was unarguably a large document.
  - From its conception the Handbook had been envisaged as a web-based source of information, because of its many hyperlinks (rendered irrelevant in hard copy), and because of the ease of arranging future up-dates.
  - Given the 'audience profile' (ie mainly LAF members), Natural England was alert to the issue of a fair proportion either not using, (or at least not having easy access to), the internet.
  - Natural England was content for LAF appointing authorities to print (on demand and at their discretion), hard copies of the Handbook.

Although the problems were appreciated LAF representatives felt that every effort should be made to provide paper copies e.g. to the Secretaries and Chairs of each LAF.

- (b) Developing/supporting regional working/organisation: It was **agreed** that EAF members would collate suggestions from their regions, and forward them to the EAF Secretary. LAF representatives made it clear that, subject to research into what was required, the provision of adequately resourced regional support was crucial to the success of the Natural England/LAF partnership.

- (c) National newsletter: It was **agreed** that the EAF minutes would act as the national 'newsletter'.

- (d) National conference: It was **agreed** that (at least in the medium-term) it was more important to sort out regional conferences with relevant speakers, and even those might be optimistic ambitions given the background of current Natural England financial circumstances (eg a £12m+ cut and £5m in 'efficiency savings'.in 2008/09).

## 9 Other issues

It was **agreed** to defer discussion of ROWIPs, gating orders, Sustrans, etc to a future meeting. Gating orders would be addressed between meetings after more information on the problems had been made available.

## 10 Date of next meeting

It was **agreed that** the Secretary would canvas dates.

Note

At a meeting of LAF members at the close of the meeting it was resolved unanimously that

- Duncan Graham , Chair of Cumbria, be elected Chair of the England Access Forum.
- A working group drawn from LAF members of EAF be set up to support the Chair and work with Natural England.

end