

THE ENGLAND ACCESS FORUM

The Board Room
John Dower House
Crescent Place
Cheltenham
Glos GL50 3RA

Tuesday 23 September 2008

AGENDA

- 12.30 Buffet Lunch – LAF members and Natural England staff
- 13.15 Welcome and Introductions by Duncan Graham, Chair of the EAF and James Marsden, Executive Director of Policy & Evidence, Natural England

For Decision

- 13.20 Regional support for LAFs (Papers 1 and 2)
- 13.40 Future Meetings – programme of dates (discussion)

Policy Development

- 13.50 Review of Trails and Routes (Paper 3 and presentation by Peter Ashcroft, Natural England)
- 14.20 Access Policy – verbal update since August consultation (Terry Robinson, Natural England)
- 14.35 Coastal Access – update (Paper 4 from Ben Nichols, Natural England)
- 14.40 Stakeholder Working Group – update (Paper 5 from Ben Nichols)

Access Issues with National Implications

- 14.50 Ministry of Defence – training impacts on access (Paper 6)

EAF Organisation - for Decision

- 15.00 Constitution – minor changes since last meeting (Paper 7 copy attached)
- 15.10 The Working Group (Paper 8 Peter Ashcroft and Duncan Graham)
- 15.30 AOB and close

EAF 23 September 2008

People who have confirmed their attendance

EAF representatives

David Brookshaw (in place of Alan Marlow), South East
Andrew McCloy, East Midlands
Brian Montgomery (in place of Andrew Shirley), East Midlands
Alistair Gordon (in place of Bob Harvey), South West
David Bowen, West Midlands
Duncan Graham, North West
Edgar Ernstbunner, North West
Edgar Powell, West Midlands
Hazel Armstrong, Yorkshire & Humber
Liddy Lawrence, East of England
Matthew Balfour, South East
Pam Brooks, North East
Richard Holmes, Yorkshire & Humber
Steve Scoffin, North East

Natural England representatives

James Marsden
Ciarran Gannon
Terry Robinson
Ben Nichols
Peter Ashcroft

Apologies from

Bob Smith, East of England

No confirmation from

Claire Stuckey, South West

Paper 1

PROPOSAL FOR REGIONAL SUPPORT FOR LAFs

The Need

It is clear from investigations that a level of support is needed for Local Access Forums, (LAFs) to engage with each other at the regional level and with Natural England.

There are 3 related needs:

- Staff time from within Natural England;
- Resources to employ part-time regional co-ordinators to help LAFs co-ordinate and organise themselves at a regional level;
- Resources to provide professional training to LAF members to support the effective delivery of LAF business.

Natural England will deliver a combination of staff time and finance in a way which reflects local and regional circumstances.

How the Needs will be addressed

1 Staff time within Natural England

Natural England will allocate sufficient staff time from regional and area teams to ensure that LAFs have clear lines of communication with Natural England.

Staff time will enable:

- each LAF to have a named NE staff contact within their local NE area team or regional office;
- regular exchanges of information and ideas;
- discussions on strategic recreation issues, LAF effectiveness, policy implementation, training and sharing good practice at a regional level;
- supervision of the Regional Co-ordinators (see 2 below).

Staff will not need to attend individual LAF meetings but will keep in touch with individual LAFs by, for example: email, minutes of meetings and the annual report.

2 Regional Co-ordinators

Three regions have regional co-ordinators acting as volunteers through extension of their duties as a LAF secretary. Natural England will support the extensions of this by funding a part time regional co-ordinator in each region.

A model role description is attached, which may be tailored to suit the regional need identified through discussions involving LAFs. Natural England has

secured funds for this financial year to pay for 2 days a month paid time plus travel costs for 8 co-ordinators. Two days is the average time currently spent by those performing these duties. Funds for next financial year are not yet secured but the intention is to maintain this level of support in 2009/10.

The regional co-ordinators will normally be selected from LAF secretaries or other experienced professionals within highway authorities. NE staff will negotiate grants with relevant organisations to establish these posts. In some instances co-ordinators may be employed via employment agencies.

3 Professional Training

Training needs will be identified by discussions between the regional co-ordinators and Natural England regional staff. When the necessary expertise or skills are not available within the LAF regional network then resources will be available to buy in suitable external training professionals.

There needs to be a sense of joint ownership and responsibility for training activities.

Because of the time needed to identify and agree training needs, some of which may not need external training professionals, it is likely that take up of this will be low in 2008/09.

Next Steps

Natural England will provide a dedicated budget to each region for this financial year.

Regional Staff will begin the selection of regional co-ordinators as the first of the above priorities.

Regional staff will identify sufficient staff time to foster good communications with LAFs.

Progress will be reviewed at the next EAF meeting.

Peter Ashcroft
29 August 2008

Paper 2

LAF REGIONAL CO-ORDINATORS

MODEL ROLE DESCRIPTION

Purpose

This post will provide a 'communications hub' across the region, to enable improved communication between individual LAFs, and between LAFs in the region and Natural England.

The overall purpose is to contribute to the effectiveness of LAFs and so lead to improvements in recreation and access locally, regionally and nationally.

Specific tasks

These may include the following: (with the exact mix and balance being decided at regional level):

- disseminating relevant information to individual LAFs;
- responding to individual LAF requests for information and advice;
- arranging regular meetings with LAF chairs and NE regional staff;
- facilitating 'away day' events so LAFs can learn from good practice across the region and/or England;
- identifying other training needs and agreeing the content, organisation, funding and delivery of any training events with NE regional staff;
- working closely with NE staff at area team and regional level to ensure that the role of LAFs is understood and LAFs are able to operate effectively;
- providing responses on behalf of the LAF regional network to NE consultations of regional or national significance;
- ensuring links with the England Access Forum, through contributing to calls for agenda items, ensuring their region is properly represented and providing feedback, working with the 2 regional LAF reps;
- contributing to the England-wide network of Regional Co-ordinators;
- providing an annual summary report of LAFs in the region.

Reporting and Responsibilities

The post holder will be responsible to a Natural England regional contact, who will advise on appropriate support and training and give feedback.

Peter Ashcroft

PAPER 3

REVIEW OF TRAILS AND ROUTES

Trails and Routes are:

Mainly traffic free routes for walking, cycling and horse-riding that typically:

- Have a name
- Can be enjoyed over a series of days as well as for shorter trips
- Are promoted as an attraction for visitors as well as local people.

There are 13 National Trails with which Natural England has a special relationship and spends £3.5m on them a year. There are around 550 other strategic recreational routes with which we have no engagement.

The aim of our review is to identify a sustainable, customer focused and prosperous future for Trails and routes and to define Natural England's role in relation to them.

The review has collected evidence from:

- Users and non users
- Highway authority staff who manage them
- National Trail Officers
- Commercial publishers
- UK Experts in recreation, conservation tourism and leisure
- International experts in trails and routes.

The presentation on 23 September will share the results of this evidence and pose some questions about how we could all add value to the status quo.

Our next steps are to develop specific options for Natural England's future role. When we have completed our thinking on all of this we will consult widely with our stakeholders. EAF and LAFs will have further opportunities to shape policy during the late autumn.

Peter Ashcroft

Paper 4 & 5

4 Coastal Access update

The process of pre-legislative scrutiny of the draft Marine Bill provisions on coastal access is complete, and the two Parliamentary committees have published their reports recommending specific improvements to the draft Bill. Government is considering their recommendations and Defra is expected to publish shortly its response to them, together with its report on its own consultation about the draft Bill.

The Marine Bill is expected to begin its Parliamentary passage during December. The first full draft of Natural England's statutory Scheme (methodology) will be published at the same time, building on the Outline Scheme that was published at the same time as the draft Bill.

In the meantime, Natural England is conducting an access audit in discussion with local access authorities around England in order to develop a still clearer understanding of the extent of existing access around the coast.

5 Stakeholder Working Group update

Natural England's review of the Discovering Lost Ways project has been completed, and the research contract set up by the Countryside Agency closed. As foreshadowed in the conclusions of the review, we have now established a Stakeholder Working Group with balanced representation from all of the main interest sectors. Natural England is challenging the Group to devise a set of agreed reforms to streamline the existing procedures and make them fairer. It believes that agreeing a balanced package of reforms that offers some benefits to all of the main stakeholders is a prerequisite of resolving some of the current problems in this area.

The Group has an independent Chairman - the former Defra civil servant, Ray Anderson, who has a distinguished track record in this kind of venture. The first meeting will be held on 1st October, and will be addressed by Jonathan Shaw. Government has indicated that it will not implement the 2026 cut-off date for extinguishment of unclaimed historic rights of way at least until this Group has reported.

Paul Johnson

Paper 6

COPY OF REPORT FROM CUMBRIA LOCAL ACCESS FORUM

MOD Proposals to Train in the Howgills

Reporting: Duncan Graham, CLAF Chair

In August the Forum and CCC were approached by the MOD to seek their views on an outline proposal to undertake a military training exercise in the Howgill Fells in late September. The thrust of the proposal was to explore carrying out an exercise across designated open access land in the area of Langdale Beck, above the Lune valley east of Tebay. The event would take place over one night with four days work on a wider area for preparations, and would involve air (helicopter) and ground movements as part of a wider coordinated operation taking place elsewhere.. It was agreed that MOD would come back with more formal proposals once things had been firmed up. At that stage the LAF Chair was assured that there were no proposals for closure

Over the following days the CA team were approached by the MOD and a land agent for an affected estate for information. The countryside ranger for the area went out on site with the liaison officer organising the exercise to help establish landowner / farmer contacts on the ground. Enquires followed with regard to the legal position on access rights over the area being considered for the exercise, and the mechanisms required for closing open access land and/or public rights of way. Natural England officers were also involved as the relevant authority for Open Access land.

With proposals for closure now being made, the LAF chair convened a meeting involving the MOD officer in charge, Natural England and Simon Boyd for the County Council. The MOD now proposed closure of a wide protected buffer zone for four days with the exercise involving live firing within a cordoned off area being overnight.

The proposal created a significant precedent when MOD revealed, although this has not been specifically stated, that this was a step outside MOD ranges to provide “fresh” wild territory and was part of a wider change of policy which could mean in the future closures across England: and that this was the first time an open access land site was being explored. The MOD were exploring whether this would require temporary closure of open access land and / or an adjacent bridleway because of the public safety implications.

We are not clear what powers, if any, can legitimately be used to close access land for this purpose - other than the 28 day power under the Crow Act – nor what power exists at all to close Rights of Way for this purpose except on land covered by properly made Byelaws or by using Section 28 of the Act.

In the event, because of land management interests (farm tenants do not want any disturbance to grazing livestock in the area, as they prepare for important livestock sales at that time), the MOD have agreed to postpone the date of the exercise but wish to revisit and undertake the exercise over the winter months.

The CLAF and CCC believe the issue raises serious concerns which should be addressed before any precedent is set which include:

- The precedent this sets for the MOD to undertake military exercises on open access land, and the likelihood of this happening here and elsewhere on a recurring basis,

- The possibility of considerable (imposed) closures and the intrusion this would have on the public's right to enjoyment of open access land
- The public safety implication of a live fire exercise, and exactly how the MOD would propose to assure us that no live ammunition has been left anywhere in the area
- How the public will be adequately informed of such a closure, and kept out of harms way during such an exercise.

We are not, it goes without saying, unsympathetic to the needs of MOD to organise and conduct training exercises, but we do feel that what appears to be a proposal which would set significant precedent is not undertaken until the implications have been explored and discussed with ourselves, the England Access Forum, Natural England and other affected parties such as the Ramblers Association

It is proposed therefore to write to MOD Estates in terms of the draft below with copies to Natural England, The England Access Forum and the Ramblers Association

Draft letter

MOD Proposals to Train in the Howgills

I am writing on behalf of members of Cumbria Local Access Forum and the Cumbria County Council to express our concern over MOD proposals to undertake a military training exercise in the Howgill Fells, and to draw your attention to the implications which we consider need to be addressed before a very significant precedent is set.

The CLAF and the CCC have been approached by the MOD with regard to carrying out this exercise across designated Open Access land in the area of Langdale Beck, above the Lune valley east of Tebay. The proposed exercise would involve night-time live firing within a cordoned off area managed within a protected buffer zone which might be closed for as many as four days.

We are led to believe that the selection of the site has been driven by an unprecedented desire to train on wild land outside of existing MOD ranges, and that this is the first time an Open Access land site has been considered. Because of the public safety implications, the exercise would almost certainly require the temporary closure of open access land and / or an adjacent bridleway.

We are not clear what powers, if any, can legitimately be used to close access land for this purpose – other than the '28 days' power under the CROW Act – nor what powers exist to close Rights of Way for this purpose except on land covered by properly made (Military) Byelaws or possibly by using Section 28 of the Act.

In the event, because of land management interests (farm tenants do not want any disturbance to grazing livestock in the area, as they prepare for important livestock sales at that time), the MOD have agreed to postpone the date but wish to return to undertake the exercise over the winter months.

The CLAF and the CCC believe the issue raises serious concerns. They include:

- The precedent this sets for the MOD to undertake military exercises on Open Access land (in this case, land which is closely adjacent to a National Park and is under consideration for possible inclusion within it), and the likelihood of this happening in Cumbria and elsewhere on a recurring basis,
- The possibility of considerable (imposed) closures and the intrusion this would have on the public's enjoyment of open access land
- The public safety implication of a live fire exercise (whether the land is closed or not), and how left over ammunition will be removed from/dealt with on site.
- How the public will be adequately informed of any closure(s), and kept out of harm's way during such an exercise.
- Under what precise powers closures would take place

We are not, it goes without saying, unsympathetic to the needs of MOD to organise and conduct training exercises, but we do feel that what appears to be a proposal which would set a significant precedent is not undertaken until the implications have been explored and discussed with ourselves, the England Access Forum, Natural England and other affected parties such as the Ramblers Association.

Paper 7

ENGLAND ACCESS FORUM - DRAFT CONSTITUTION

for approval on 23 September 2008

changes marked thus

Its purpose is to:

- provide balanced views and feedback to Natural England about all relevant access matters;
- exchange information;
- co-ordinate effective joint lobbying across Government;
- provide accurate information on policy initiatives and feedback on their implications and implementation; and
- to exchange best practice.

It will be organised as follows:

- the forum will meet three times per year, March/April, October/November and one other, normally in the summer;
- there will be 16 Local Access Forum (LAF) representatives, two from each region, and a smaller number of Natural England representatives comprising an Executive Director and senior colleagues sufficient to provide support, advice and expertise;
- decisions or recommendations made by the Forum will not be attributable to Natural England or binding on it;
- the process for nomination of LAF representatives is to be agreed within each region;
- The term of office for all individuals will be up to three years, but not exceeding their period of office as an individual member of a LAF;
- the Chair will be appointed from the LAF representatives;
- venues will be in Natural England offices around the country;
- the secretariat will be provided by Natural England who will liaise with the Chair. Papers can come from either the LAFs or Natural England;
- communication between LAFs and the forum will be through LAF Regional Co-ordinators who will be involved in raising agenda items, disseminating papers, etc;
- Natural England will reimburse travel expenses according to its transport and subsistence policies; i.e. travel by sustainable means on public transport at standard rates. A simple mechanism for claiming expenses will be used;
- appropriate liaison will be fostered with equivalent UK and European bodies.

The value of LAF volunteer time and additional professional support that the LAF representatives can draw on is recognised as a vital contribution to the Forum.

Additional points

- the Forum must be a constructive partnership not an occasion for LAFs simply to hold Natural England to account. The emphasis is on understanding and working together;
- LAF representatives will not be mandated delegates;
- there can be substitution for LAF representatives but every effort should be made to ensure continuity;
- each LAF region is free to determine how its two members are chosen;
- opportunities for regional development and inter-regional liaison will be encouraged;
- LAF regions will be encouraged to submit agenda items drawn from LAFs and to discuss agenda items prior to meetings. LAF Regional Co-ordinators have a key role to play in this and in disseminating ourcomes.

Peter Ashcroft

12 August 2008

Paper 8

The Working Group

Background

- At the 'meeting after the meeting' on 15th May it was unanimously agreed that a group be set up to support the Chair in managing the business of EAF and in dealing with matters arising between meetings, with a report on matters requiring ratification to the next full meeting.
- Nominations were sought and it was remitted to the Chair to secure the best balance reflecting different interest, expertise and geographical spread. The proposed group of five with two reserves was submitted to all EAF members and approved.

Developments.

- EAF members agreed subsequent to the May meeting that the Chair should seek a meeting with NE to clarify issues which had arisen. This took place on 27th June. Matthew Balfour and the Chair met in Sheffield with James Marsden and Ciaran Gannon. The Minute was circulated widely and was submitted to and welcomed by EAF members.

NE committed to

- support and maintain EAF as an effective national representative forum for LAFs to engage with and advise Natural England on this basis;
- develop a 2 year forward programme of policy development and delivery issues (e.g. draft report of National Trails review) on which we wish to consult and be advised by EAF.

EAF LAF members committed to

- establish a sub-group of 4-5 of its members (DG to inform us of the names) to ensure quick turnaround of consultations/requests for advice from Natural England between meetings of EAF as a whole;
- acknowledge that NE will wish to consult/seek advice on documents which are 'works in progress' and this implies a need for mutual trust and confidence that such documents will be treated on a "this is what we are minded to say/do, what do you think?" basis.

James Marsden undertook to consult with the group at the earliest stages of policy consultation without prejudicing the freedom of either party at later stages of consultation. The need for confidentiality was emphasised for obvious reasons.

NE subsequently invited comments from the group on the first draft of the Recreation Policy and this was given in the shape of a consolidated document very much reflecting practical grass-roots experience, James Marsden

described the report as 'very helpful' appreciating the quick turnaround required and met.

When items were being considered for the September 23rd Meeting, it quickly became clear that there a lot of them – welcome but presenting a logistical problem. A solution could be to sort the items into

- Those for decision
- Policy Development
- Access Issues with National implications
- Other issues

The fourth category could if necessary be dealt with in the following way:

- The working group should consider those items for which there is not sufficient time for them to be dealt with in the Forum itself.
- Papers relating to these items be first circulated to all EAF members so they have the opportunity to feed in comments.
- Resulting advice or decisions would go back to all EAF members for approval and ratification.
- If there is a subject uniquely close to the heart of any EAF member, that member may attend by arrangement with the Chair.

Recommendation

It is essential that business can be managed, conducted and progressed between full meetings

It is accordingly recommended that the remit and membership of the working group be confirmed as:

- Assisting the Chair with managing the business between meetings.
- Offering confidential advice to NE on the terms outlined in the Minute of 27-07-08, previously circulated.
- Considering items remitted from full EAF meetings and previously circulated to all members for comment.
- Nominations for membership when required will be remitted to the Chair who will seek to secure the best balance reflecting different interest, expertise and geographical spread, membership to be confirmed at Forum meetings.

Peter Ashcroft/Duncan Graham