

# Peak District Local Access Forum

**Date:** 16<sup>th</sup> December 2010

**Item:** 6

**Title:** Open Access Issues

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## **Purpose of the Report**

The purpose of this report is to provide an update on various issues related to the management of open access in the Peak District.

The report also proposes an Access Sub-group which would take forward the work of the Restriction Review Sub-group and would meet as and when required to deal with wider open access issues.

## Review of Restrictions

A report was presented to the March 2009 meeting of the Local Access Forum to advise on the process for reviewing long-term directions for the exclusion of public to open access land within the Peak District National Park. A Local Access Forum Sub-Group was established to comment on the consultations for existing directions and proposed variations.

A presentation is intended for the next meeting of the LAF to give an overview of the outcome of the statutory 5 year reviews for each site.

## Management and Display of Restrictions

At the April 2010 meeting, it was reported that the contract with Natural England (NE) for managing certain responsibilities relating to restriction casework was due to be renewed. The revised Memorandum of Agreement has now been received and agreed.

The new system for managing and displaying restrictions, known as OASYS and administered by the Open Access Contact Centre at NE, has been in place for a year now. The PDNPA is looking to complement this by providing additional information on access land on its website. An update report will be provided to a future LAF meeting.

## Decadal Review of Mapping

Defra announced in October 2010 that it was deferring all work for two years on the first statutory review of the maps under Section 10 of the Countryside and Rights of Way Act 2000. This decision will be reviewed in August or September 2012. They envisage that 'it will be necessary in due course to make regulations, under section 10(3) of the Countryside and Rights of Way Act 2000, to extend the maximum period set out in section 10(2)(a) after which the first review must be undertaken'.

This delays the opportunity to potentially resolve various issues with the existing conclusive maps and management measures may have to be relied on to resolve these for now.

## Agri-environmental Payments

Defra announced in November 2010 the details of spending until 2014 on Higher Level Stewardship. The proposed changes are intended to focus its role on safeguarding the environment. More money will go to protecting wildlife and reducing water pollution and less spent on farm renovations and access to the countryside.

New agreements will no longer cover annual payments for the provision of permissive access, which includes the creation of paths, higher-rights on footpaths, improvements for less mobile users and upgrading to permissive open access land and for educational access visits. However, one-off payments for capital items such as gates, stiles, and hard standing for parking for less mobile users will still be available on land which is not a public right of way or open access.

Existing agreements will continue to be funded for the remainder of their term, but any that expire before 2014 will not be continued. For the next 4 years at least, opportunities to negotiate new access and to renew existing arrangements could be adversely affected without a financial incentive being available. These agreements have offered opportunities to resolve some of the issues relating to fragmentation of access in the White Peak in particular.

Details of the access included in agreements is found at:

<http://cwr.naturalengland.org.uk/>

## Dedications

Under section 16 of CRoW, a landowner may dedicate land for public access. The Access to the Countryside (Dedication of Land) (England) Regulations 2003 sets out the formal process for doing so. This is available on all land including that of a type not included under CRoW, such as woodlands and agricultural land.

The decision is irrevocable and in perpetuity. The Forestry Commission is required to be consulted for woodland, and Natural England and English Heritage for ecological or archaeological designations.

In 2004, the LAF considered details of the Authority's intention to dedicate its woodlands. Some woodlands were considered not suitable for dedication because of their size, location or no access to them. Other Authorities and organisations have also dedicated land. In 2010, Millstone Edge was formally dedicated by Sheffield CC.

The dedication process offers the opportunity to increase access and safeguard rights in perpetuity. This may become more important as a result of the deferral of the mapping review and the reduction in payments under agri-environmental schemes.

## Disposals

In September 2010, the Authority's new Asset Management Plan 2010-2020 was approved. The Authority is reviewing its strategies for its rural estates, recreational facilities, operational buildings and woodlands. The focus of the plan is on fundamental reviews of the Authority's ownership and management of properties. For some properties this means a partnership approach or disposal.

The Authority will own or manage properties directly only when this contributes to key NPMP outcomes, and there is no other realistic way of achieving those objectives. For minor properties there is a presumption for disposal as long as their contributions to outcomes can be adequately protected. Where this includes a recreation outcome, the best means of protection may be dedicating it as open country.

A presentation will be made to the next meeting of the LAF on details of the Asset Management Plan. The LAF has been consulted on the draft objectives for the Roaches as to how it could be protected and enhanced by any new partner. The LAF will also be consulted on the disposal of every property which has a recreational interest.

Defra announced in October 2010 its intention to fundamentally reform the Forestry Commission's estate with diminishing public ownership and a greater role for private and civil society partners. At the same time, the commitment to biodiversity and other public benefits has been reiterated. Existing public rights of way and access will be unaffected. There will be a public consultation on proposals.

#### Access Sub-group

The LAF has been consulted on the Roaches and there will be other consultations in due course on the Authority's estates, the trails and minor properties. There may also be some input on the operational properties and other recreational facilities. There will also be ongoing work on other access issues relating to restrictions, mapping, and opportunities for increased access.

It is proposed that the Restrictions Review sub-group continues its work in a wider access context. The Access sub-group would meet in January to respond to the Roaches consultation and then would meet on an as and when necessary basis.

#### **Recommendation**

- 1. That the Restrictions Review Sub-group be re-established as an Access Sub-group.**
- 2. That the report be noted**