



DARTMOOR LOCAL ACCESS FORUM

EXPLANATORY NOTES

Introduction

Sections 94 and 95 of the *Countryside and Rights of Way Act 2000* place a duty on highway authorities and National Park authorities to establish an advisory body to be known as a Local Access Forum. These notes give information about the status, role and responsibilities of the Dartmoor Local Access Forum, based on the *Local Access Forums (England) Regulations 2002*.

1 Title

The forum will be called the Dartmoor Access Forum as it will cover the administrative area of the Dartmoor National Park.

Regulations allow for two or more appointing authorities to establish a joint access forum for their areas or for any part of their area. This would enable Dartmoor National Park Authority to have a joint forum with Devon County Council or Plymouth City Council. However it is considered that a single access forum for the Dartmoor National Park area would be expedient. This would allow for the effective use of Forum Members' time. Each of the appointing authorities have their own unique issues: Plymouth and Torbay both have predominantly urban interests and Devon County Council's main concern will remain with public rights of way, whereas the Dartmoor National Park Authority's primary concern will be the management of open access in the context of the local rights of way network.

2 Role and Responsibilities

The Forum is a statutory advisory body established by, and responsible to, the Dartmoor National Park Authority (NPA). Though it will not have the power to make decisions, the advice it will give will strongly influence how the Authority and the Countryside Agency perform their executive functions in relation to access to the countryside.

The Forum will have the primary purpose of giving advice to the NPA and to the Countryside Agency on how to make the countryside more accessible and enjoyable for open air recreation, in ways which address environmental, social and economic interests. It will also advise Devon County Council and the Forestry Commission where appropriate. It will encourage and assist access provision, giving strategic advice on issues of particular local relevance. The Forum is expected to improve liaison between interest groups and to have links with other forums which may be established.

It is expected to give advice on three main topics:

- the development of recreation and access strategies which cater for a wide range of people;
- the improvement of the rights of way network; and
- the implementation, management and review of the statutory right of access to the countryside.

It is also expected to:

- develop a constructive and inclusive approach to the improvement of recreational access to the countryside;
- respect local circumstances and different interests while operating within national guidance;
- provide advice on issues of principle and good practice which is consistent with national guidance;
- engage in constructive debate and seek consensus wherever possible;
- where consensus is not possible, make clear the nature of differing views and suggest how they might be resolved.

Developing recreation and access strategies

The new access arrangements introduced by the *Countryside and Rights of Way Act 2000* provide authorities with the opportunity to evaluate recreation and access provision across an area. It will be important that the new access to open countryside and registered common land is integrated with existing provision to give opportunities to as wide a range of people as possible.

The Forum will advise the NPA on:

- strategies for recreation and access which set rights of way and open access in a broad context, integrating provision for access, all forms of open air recreation, transport, tourism, health and public information;
- the extent to which strategies ensure that fair provision is made for all users and reflect the needs of local people and businesses;
- the co-ordinated use of resources to deliver integrated recreation and access provision and management.

Improving the Rights of Way Network

Section 60 of the *Countryside and Rights of Way Act 2000* will require highway authorities to prepare Rights of Way Improvement Plans which review the adequacy of their rights of way network and which propose action to secure an improved network. It is expected that Devon County Council and the NPA would jointly prepare any such Improvement Plan for Dartmoor. Statutory guidance on the preparation of these Plans has yet to be published.

The Forum will give strategic advice to the highway authority/NPA on:

- reviews of rights of way, including the extent to which local rights of way meet the present and likely future needs of the public;
- the draft Improvement Plan prior to publication;
- the results of public consultation on the draft Plan and any particularly significant issues which have arisen from it;
- the priorities for the action plans which follow from the review; and
- progress in implementing the action plan.

The Forum will take a strategic approach to its work on rights of way. Exceptionally, the Forum will be asked to advise on cases of national significance, which have implications for local access provision.

Implementation, Management and Review of the statutory right of access to the countryside

The Forum will advise on and assist in the introduction, management and review of the statutory right of access to the countryside.

In producing maps of open country and registered common land the Countryside Agency will:

- produce guidance on procedures it will follow for mapping open country and registered common land;
- consult widely on draft maps showing the boundaries of open country and registered common land;
- produce provisional maps which take account of representations and advice made during consultation, for submission to the Secretary of State; and
- on confirmation or modification by the Secretary of State, issue conclusive maps.

Members of the Forum will be able to use local knowledge and contacts to help the Agency and its contractors to take full account of local information in the production of these maps.

The Countryside Agency and National Park Authorities will have the power to close land or to apply restrictions to the right of access, on the grounds of nature conservation or heritage, specific land management needs, danger of fire, or other danger to the public, in accordance with the legislation. It may not be possible for the Agency to consult with the Forum on each application for local restrictions, especially when relatively short notice is given. However, it will aim to consult local forums on applications for all extensive or longer term local restrictions to access.

3 Membership

The Access Forum will comprise Members with a wide range of relevant interests and expertise. Regulations require that a balance is achieved between the number of Members representing the two main interests – users of the right of access and rights of way, and owners or occupiers of access land or land crossed by rights of way. They also encourage the representation of other interests especially relevant to the local area and in the case of Dartmoor these are considered to be wildlife conservation, cultural heritage conservation, tourism, sport and recreation, health, outdoor education, the military, local businesses and the residents of nearby urban areas.

The appointment of Members initially for a mixture of one, two and three years will allow for the staggered replacement of Members over time, so providing continuity to the Forum. Regulations dictate that appointments can only be made for between one and three years, but Members are eligible for reappointment.

The lower and upper limits to the size of the Forum (10 and 22) are again set out in the Regulations. In seeking to initially appoint 18 Members to the Dartmoor Access Forum the NPA is seeking to balance an optimum and effective working size with a broad representation of the many and varied interests. This will leave the option to appoint additional Members to the Forum, as the need arises.

The Regulations restrict the number of members of a district council, a county council or a national park authority who may be appointed to a forum in any part of that authority's area. The maximum is two for a forum up to 16 members and three for a forum of 17 or more members. It is proposed that two members of the NPA be appointed to the Dartmoor Access Forum and that no places are specifically allocated for members of the constituent county and district councils, though this will not preclude the appointment of any Member, on the basis of his or her relevant experience and interests, who also happens to be a member of one of these councils, subject to the Regulations being satisfied.

Devon County Council, as highway authority, and Plymouth City Council, as adjoining highway authority, will both be invited to have permanent officer observer status on the Forum.

The Chair and Deputy Chair of the Forum are elected by Members at their March meeting, to serve for one year, and thereafter will be appointed annually, though there will be no restriction upon the number of years these offices are held, providing that the Member remains appointed to the Forum.

Members will be appointed according to clear criteria that are set out in the Appendix to the Terms of Reference for the Forum with the Chair and Deputy Chair normally representing different interests. Members will be sought who can bring a wide range of experience, including that of:

general recreational use, eg walking, riding, cycling;
land management, eg farming, forestry, common land management;
land ownership, eg landowners, occupiers and tenants; and
wildlife conservation, cultural heritage conservation, tourism, sport and active
recreational pursuits (such as climbing, fishing), health, outdoor education, the
military, local businesses and the interests of the nearby urban areas,
especially Plymouth.

Furthermore, Guidance from the Department for Environment, Food and Rural
Affairs encourages authorities to take account of the needs of younger
people, women and people on low incomes, and to seek representation from
people with disabilities. Representation in any category from at least one
individual with experience of the needs of the disabled will be strongly
encouraged.

4 Administration

Administration of the Forum will be conducted in accordance with the *Local
Access Forums (England) Regulations 2002*.

The Forum will normally hold four meetings a year.

The NPA will provide a Secretary for the Forum and will ensure that premises
are available for meetings that are suitable for accommodating public
attendance. The Forum will be advised by and receive reports from officers of
the NPA.

The Secretary will arrange and promote meetings, agree meeting agendas
with the Chair and circulate agendas and papers for the meetings, help the
Chair to run the Forum according to the *Local Access Forums (England)
Regulations 2002*, produce minutes of meetings, facilitate the provision of
information to the public and produce a short annual report.

The Secretary will be the link between the Forum, the NPA, the Countryside
Agency and neighbouring local access forums. The Secretary will report, as
appropriate, the views of the Forum to the Agency and to the relevant officers
and committees of the NPA and will report back to the Forum on any
responses or action taken following its advice.

5 Allowances

The Chair, Deputy Chair and Members will all be appointed on a voluntary
basis, but will be able to claim reasonable travel expenses for attendance at
meetings, training events and other approved visits and where appropriate a
carer's allowance may be claimed. The current rate for motor mileage
allowances is 40 pence per mile for the first 10,000 miles in the tax year, and
the carer's allowance is currently fixed at £4.50 per hour (with effect from 1
April 2006).

Appendix 1

Statutory Functions of Local Access Forums

taken from DEFRA Guidance Letter

- 1 A local access forum is a statutory advisory body having no executive functions.
- 2 Local access forums are statutory advisers to appointing authorities (local highway authorities, National Park authorities and any London borough council which has resolved to establish one or more forums) on the improvement of public access to land within their area for open-air recreation and the enjoyment of the area. The functions of a forum are set out in section 94(4) and (6) of the Act.
- 3 A local access forum is a statutory consultee on any byelaws to be made by access authorities in respect of access land, councils' proposals to appoint wardens for access land, and on rights of way improvement plans in its area. Under the *Access to the Countryside (Maps in Draft Form) (England) Regulations 2001*, made under section 11 of the Act, a forum must also be consulted by the Countryside Agency on draft maps of open country and registered common land, and will receive reduced scale maps derived from provisional maps (although the forum will have no right to appeal against the provisional map).
- 4 In addition, the Act requires local access forums to be consulted on directions to be made by the relevant authorities (National Park Authorities, the Countryside Agency and in certain cases the Forestry Commissioners) in relation to restrictions and exclusions of access lasting for a period which exceeds or may exceed six months.
- 5 The Act requires the relevant decision-making authorities to have regard to the views of local access forums in reaching decisions in relation to the imposition of any byelaws, proposals for long term closures of access land and on wider access issues such as those contained in the new rights of way improvement plans.
- 6 The statutory duty on local access forums to advise as to the improvement of public access to land in that area for the purposes of open-air recreation and the enjoyment of the area is wide-ranging in its scope, and may include, for example, commenting on the access strategies prepared by local authorities, and the approach adopted by local highway authorities to publicising the availability of opportunities for open-air recreation and the enjoyment of their area.
- 7 We are also aware of the existence in some areas of rights of way liaison groups, as distinct from local access forums. It may be possible for rights of way liaison groups, where they exist, to contribute views to the forum on the rights of way improvement plans. In general, we would expect a forum to advise on strategic and planning issues (for instance local and structure plans) and not on individual cases (for example, particular rights of way orders or planning applications).
- 8 Further information on issues which fall within the scope of the work of a local access forum will be included in the statutory guidance to forums to be issued by the Secretary of State.