

NEW FOREST ACCESS FORUM

Meeting: Monday 02 March 2015

Agenda item 5: Forum Officer's Report

1. HCC update

- ***Assert and Protect the Public Right***

Background: Hampshire County Council (HCC), as Highway Authority, has a statutory duty to assert and protect the right of the public to use and enjoy public rights of way. As part of this duty, the County Council must prevent the obstruction of rights of way. An obstruction may include buildings over part of a right of way, a barrier reducing the width of a right of way, unauthorised diversions etc. Obstructions can broadly be grouped into "historic" (which includes map anomalies) and those that are more "recent". Hampshire has over 450 "historic" obstructions, and the backlog of more recent cases is building.

For recent cases the approach has been to put HCC resources into addressing landowner responsibilities e.g. cutting back side vegetation, replacing or mending structures etc. It is easier than chasing/enforcing, but costly. Other issues are addressed through visiting or corresponding with landowners. Enforcement is the end point, but there is no formal enforcement policy in place.

For historic cases, anomalies are dealt with by the same team that deals with Definitive Map Modification Orders. The available resources do not allow the backlog to be proactively tackled; anomalies are dealt with as and when an issue such as a property sale arises. Again, there is no formal policy in place.

Status: Members of the Forum attended a joint sub-group meeting with members of the Hampshire and South Downs LAF's to advise HCC on how this should be dealt with. The result has been to draft a formal Enforcement Policy. The sub-group will be reconvened in April/May to look at this draft Policy; it will then come to the full Forum at its June meeting.

- ***New contact numbers for Hampshire County Council***

HCC numbers are changing from 0845 to 0300. These are included in most call plans, are charged at the same rate as 01 and 02 numbers from mobiles, or at the local rate. The number the public should now use to report problems on Rights of Way is 0300 555 1391 (note the old 0845 number will remain live for a period of time).

- ***Walking and Cycling Strategy***

In July last year the Forum submitted comments on a proposed Cycling Strategy for Hampshire. HCC has since reconsidered the proposed nature of the Cycling Strategy and a report was taken to the Executive Member for Economy, Transport and Environment on 20 January to agree an appropriate way forward (see www.hants.gov.uk/councilmeetings).

To ensure it is in the best position to support locally developed initiatives, feed into regional and national initiatives, and to take advantage of future funding opportunities, it has been agreed that there is the need to consider walking alongside cycling as part of a wider approach by HCC to the active travel agenda. A Walking Strategy and a Cycling Strategy will therefore be developed and both will go to public consultation in spring 2015 for at least eight weeks.

The comments previously submitted by the Forum will still be taken in to account when writing the new strategies, however as they will be high level documents, the content will be reduced compared to the Cycling Strategy originally described to the Forum last year.

2. LAF update

- **South East LAF Conference** – this has been booked for 19 May in London. Please contact Amanda (amanda.hull@hants.gov.uk) if you are interested in attending or if you have any ideas for agenda items, there are also slots available for LAF members to speak. The agenda will be finalised and circulated in early April.
- **National LAF Conference** – this has been postponed until the autumn; awaiting further information.
- **LAF News** – the fifth edition of the Local Access Forum newsletter published by Natural England is now available (www.gov.uk/government/publications/local-access-forum-newsletter). Any ideas for future articles to feature in this publication are welcomed.

3. National update

• **Countryside Stewardship Scheme and Educational Access**

Arrangements are being made to implement the new Common Agricultural Policy (CAP) regulations. This includes changes to the schemes under which CAP money is paid (Pillar 1 will provide direct payments to farmers; Pillar 2 promotes rural development).

Under Pillar 2, a new Countryside Stewardship Scheme will be introduced. This will comprise of three tiers, the 'Higher Tier' will fund work to improve biodiversity and pay for educational access. Much of the money is already committed towards paying for existing HLS agreements and therefore there is only £900 million of new money. 50% of this will go towards biodiversity outcomes, 20% will go to outcomes that protect water resources and 25% will go to schemes that will deliver both of these outcomes. The remaining 5% will be split between landscape, historical and access and engagement delivery. Due to budgetary restrictions it is likely that new educational access agreements will be targeted at those schemes which meet dual outcomes of protecting biodiversity and water resources.

The funding for educational access will be able to pay for capital items such as classrooms and toilets, Countryside Educational Visits Accreditation Scheme (CEVAS) training for farmers and revenue funding for visits. The audience will be children up to the age of 16 in establishments subject to OFSTED regulations; these include schools and early years.

Under the previous Higher Level Stewardship (HLS) scheme payments were made for the provision of permissive access however this will not feature as part of any of the new schemes. As the old HLS agreements come to an end, permissive access will therefore fade out. It is hoped that some farmers may continue to allow access through good will but there will be no obligation for them to do so.

Coastal Access

As the completion date for the building of the Coastal Path has been brought forward to 2020 it is anticipated that coastal LAFs will be contacted by Natural England (NE) sooner rather than later. Monthly meetings are being held by the project board and additional NE staff have been put towards implementing the requirements within the new timetable.

Deregulation Bill

The Bill is still in the House of Lords and they are still proposing and debating amendments. It will then enter 'ping pong' where any amendments will be considered before Royal Assent. The final date for Royal Assent of the Bill has been extended to 30th March.

The House of Lords did recently agree some relatively minor technical amendments to the Bill (note there is still scope for these amendments to be removed when they are considered by the House of Commons during 'ping pong'). The net effects were:

- to make paths created through a modification consent order maintainable at public expense (amended from at the expense of the surveying authority)
- allow for the use of written representations (as an alternative to a hearing or public inquiry) in the order confirmation process for 'right to apply' diversion/extinguishment orders
- to allow for severance of a 'right to apply' diversion/extinguishment order where only part of the order is objected to
- corrections in terminology to avoid confusion (i.e. use 'part' instead of 'modification' because in ROW parlance 'modification' has a specific meaning)

Two amendments were not moved as a consequence of Government putting on record: (i) an undertaking to assess the effectiveness of the right to apply provisions and associated guidance within two years; and (ii) clarification of certain points in relation to the proposed stakeholder working group on motor vehicle use.

4. New Forest Site Improvement Plan

Site Improvement Plans (SIPs) have been developed for each Natura 2000 site (sites designated as Special Areas of Conservation (SAC) and Special Protected Areas (SPA)) in England as part of the Improvement Programme for England's Natura 2000 Sites (IPENS). The plan provides a high level overview of the issues (both current and predicted) affecting the condition of the Natura 2000 features on the site and outline the priority measures required to improve the condition of the features. They do not cover issues where remedial actions are already in place or ongoing management activities which are required for maintenance.

The New Forest Site Improvement Plan was published by Natural England in December last year. Although the main focus of the Plan is on conservation actions some do relate to the proposed management of recreation (pages 11-13). These include a proposed £1million project for the NFNPA to develop and implement recreation management actions in 2018-2020.

Page 11 also refers to an action regarding atmospheric nitrogen pollution. In light of this the Forum could consider its role in advising on car free travel around the Park (e.g. evidence from a national study in 1991 suggests that a tenfold increase in cycling instead of car use could save up to three quarters of a million tonnes of carbon monoxide, 100,000 tonnes of nitrogen dioxide, and 16 million tonnes of carbon dioxide from being emitted into the atmosphere (Bikes not Fumes, CTC, 1992)).

The full Plan can be found on the website:

<http://publications.naturalengland.org.uk/publication/5174614971908096>.

Further information is being sought from Natural England about the next steps for the Plan, how it will be implemented and any potential involvement from the Forum (e.g. in the development of any recreation management actions).