

ACCESS

Countryside and Rights of Way Act 2000

Issue 2

May 2004

Commencement of access – a new timetable announced

On 29 April 2004 the Government announced the likely regional timetable for the new right of access to come into effect. The announcement noted that the process of mapping the countryside was a complex one and it was important to recognise that the timetable announced may be subject to change. The full text of the press announcement can be viewed at:
www.defra.gov.uk/news/2004/040429c.htm

The timetable anticipates commencement dates in each mapping region of England as follows:

Region	Date of opening
South East	19 September 2004
Lower North West	19 September 2004
Central Southern	December 2004
Upper North West	May 2005
North East	May 2005
South West	August 2005
West	October 2005
East	November 2005

Further information on each of the regions can be found on the Agency's website:
www.ca-mapping.co.uk/mapping/default.htm

Restrictions and exclusions of access

Statutory guidance under section 33 of the Act has been approved by the Secretary of State. This statutory guidance has been issued by the Countryside Agency to National Park authorities and the Forestry Commission on the discharge of their functions as 'relevant authorities' in relation to the local exclusion or restrictions of these access rights in England. The Agency discharges the same functions in relation to CROW access land that is not the responsibility of National Park authorities or the Forestry Commission. In discharging these

functions the Agency will also have regard to the guidance. The guidance can be seen at:
www.openaccess.gov.uk/wps/portal/ra/guidance

Appeals against the refusal of a relevant authority to make a direction as requested can be made to the Planning Inspectorate. A Guide for Appellants has been published on the Inspectorate's website, along with a Guide for Third Parties who might want to comment on an appeal. The guidance may be seen on the Inspectorate's website: www.planning-inspectorate.gov.uk/access/guidance/index.htm

New consultation paper on appeals against notices

We issued a consultation paper on 12 March 2004 inviting views on proposals for regulations on appeals relating to notices given by access authorities under section 36(3) or 37(1) of the Act. A copy can be seen on: <http://defra.gov.uk/corporate/consult/notice-access/consultation.pdf>. The consultation closes on 2 June 2004.

Consultation paper on public places

Consultation on how access land should be treated in relation to public places legislation (section 42 of the Act) closed on 23 April 2004.

South West provisional map issued

The provisional map for the South West region was issued on 4 March 2004. Any person with an interest in land shown as open country or registered common land on the provisional map in this area may appeal against its inclusion on the map. All appeals for this area must be received by the Planning Inspectorate by midnight on 4 June 2004. More information on appeals can be found on the Inspectorate's website: www.planning-inspectorate.gov.uk/access/index.htm

Regulations – current position

We issued a consultation paper in July 2003 on the possible need to regulate on the removal or relaxation of general restrictions under paragraph 7 of Schedule 2 to the Act. Following the response to the consultation we have concluded not to issue regulations but instead to issue guidance that will set out a clear procedure for both relevant authorities and owners as to when and where it would be appropriate or inappropriate to remove or relax restrictions. More details will follow in later editions of 'Access'.

We have also decided not to introduce regulations on emergencies under section 31 of the Act since there is nothing in the Act or the Access to the Countryside (Exclusions and Restrictions) (England) Regulations 2003 that would prevent a relevant authority from putting a restriction in place immediately to avoid risk of fire or danger to the public, or for nature conservation or heritage preservation purposes, at short notice.

Any views on 'Access'

We would welcome any comments or views on 'Access' to: access@defra.gsi.gov.uk.

While every effort is made to ensure that the information in this bulletin is accurate on the date of publication, it is issued for information only and it should not be taken as a formal statement of Government policy nor as a definitive interpretation of Part I of the Countryside and Rights of Way Act 2000.

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