

ACCESS

Countryside and Rights of Way Act 2000

Issue 5

October 2004

Right of access comes into force in first two areas

A landmark event on Sunday 19 September at Derbyshire Bridge in the Peak District's Goyt Valley marked the beginning of a new right of access across the first areas of open country and registered common land in England under the Countryside and Rights of Way Act 2000. This historic event introduced a major new right of access for people in the lower North West

and South East of England; a right which people have campaigned for well over a century. Regional celebrations were also held in the Forest of Bowland on Sunday 19 September and at Ditchling Beacon, near Brighton on the South Downs on Monday 20 September.

Commencement Order for the new right of access

The Commencement Order which brought into effect the new right of access in the Lower North West and South East of England on 19 September and certain other provisions across the whole of England, such as the power for access authorities to appoint wardens under section 18, can be viewed at <http://www.hmso.gov.uk/si/si2004/20042173.htm>

Central southern area commencement date announced

The new right of access will come into force in central southern England on 14 December 2004. The central southern area includes South Gloucestershire, Bristol, Bath and North East Somerset, North Somerset, Somerset (excluding West Somerset and Taunton

Deane), Wiltshire, Berkshire, Dorset, Hampshire and the Isle of Wight. The Countryside Agency issued the conclusive map for the area on 28 September. A Defra press release is at: <http://defraweb/news/2004/040924a.htm>

Defra website revised

We have revised and updated the Defra Open Access website. You will be able to access the new site via the Defra Wildlife and Countryside page at <http://defra/wildlife-countryside/cl/accessopen/index.htm>. The website includes new guidance and information on:

- (i) Alun Michaels' letter of 1 September to all local access forums in England;
- (ii) Guidelines for recognising land which falls into one of the categories of excepted land, described under Schedule 1 to the Countryside and Rights of Way Act 2000; and
- (iii) Guidance on appeals where an application to restrict or exclude access has been refused. This supplements existing guidance on appeals against the mapping of land as open country and registered common land, and challenges under the Human Rights Act 1998.

Public places

A variety of legislation affects what can be done in public places. During the passage of the Bill, concerns were raised that allowing some of this legislation to apply to land covered by the Countryside and Rights of Way Act would put unfair burdens on landowners and occupiers whose land becomes a public place for the first time. Defra consulted in February 2004 on whether to make regulations to prevent the legislation from applying. After carefully considering the issues, we decided not to introduce regulations at this time.

We have however issued three sets of guidance on the application of the main pieces of legislation that affect public places for (i) land managers (ii) police constabularies and (iii) local authorities. These are all available at <http://defra/wildlife-countryside/cl/accessopen/accessopen08.htm>. The Guidance for land managers can also be obtained free from Defra Publications, Admail 6000, London SW1A 2XX: tel: 08459 556000, quoting reference PB 10183.

Defra Circular

A Defra circular [02/2004] on the role of local highway authorities and National Park authorities as "access authorities" in managing public access to new access land. was issued on 17 September. A copy has been sent to all local authorities and National Park authorities in England, and to the Secretaries of local access forums. The Circular has also been sent to bodies and organisations closely involved in the introduction of the new right of access. Further copies may be obtained free from Defra Publications (address as above), quoting reference PB 10118.

Access Management Grant Scheme

To build on the early momentum gained and to help access authorities plan ahead, Alun Michael has announced that the Access Management Grant Scheme is to cover the whole of England and is to be extended to March 2007. He also announced that the scheme is to be enhanced to better deal with public access management issues around disused mines and quarries. A new rapid response service to deal with unexpected access management issues which arise on the ground will be piloted in mapping areas 1 and 2.

The Countryside Agency is considering how the scheme might be fine-tuned, and priorities revised, for next year.

They are talking to the Local Government Association and a number of access authorities. Comments from other individuals or organisations would also be welcome by 1 October 2004. Contact: AMGS Administration, Countryside Agency, Bridgewater House, Whitworth Street, Manchester, M1 6LT. Tel 0161 2371061 or e-mail AMGSadmin@countryside.gov.uk.

Further information on the scheme is available at http://www.countryside.gov.uk//open_access/index.asp. Issue Two of the Access Management Grant Scheme Bulletin can be obtained from AMGS Administration.

Planning Inspectorate public portal

The Planning Inspectorate's Planning Portal is the first point of call for anyone who wants to find out about the planning system in England and Wales. It is aimed at everyone, from central government and local authorities to planning professionals and the lay person. You can now submit an Access Restriction appeal using the Planning Casework Service through

the portal. You can also search for and see submitted appeals locally and nationally; view them on a map; see the papers and plans; make your comments online; track progress in real time and view decisions. The portal is available at <http://www.planningportal.gov.uk/> and then click on the appeals tab.

Signage guidance

The Countryside Agency has published "Signs on access land in England – Guidance for access authorities". A separate leaflet was published for landowners "Signs on access land in England – Guidance for land managers". These are both available on <http://www.countrysideaccess.gov.uk> or can be obtained free from the Agency's publication service tel: 0870 120 6466.