



**Dedicated to the promotion and improvement
Of public access and rights of way**

FOURTH ANNUAL REPORT

September 2006 – August 2007

**Derby and Derbyshire Local Access Forum
Fourth Annual Report
September 2006 – August 2007**

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1. Chairman's Introduction

Welcome to the fourth annual report of the Derbyshire and Derby Local Access Forum. Again we have had a busy year fulfilling our statutory duties and planning the future work programme, negotiating priorities, setting targets and the agenda for the future years. This will be my last introduction to the Annual Report, as after four years I feel the time has come for the Access Forum to have another Chair. I would like to place on record my thanks to the staff of both Derby City and Derbyshire County Councils for their help and advice over the last four years.

A handwritten signature in black ink that reads "M. J. Missett". The letters are cursive and slightly slanted to the right.

Michael Missett
Chair Derby and Derbyshire Local Access Forum
September 2007

2. The Derby and Derbyshire Local Access Forum

2.1 Statutory Purpose

The Forum is a statutory body, set up by Derby City Council and Derbyshire County Council under the Countryside and Rights of Way Act 2000. It is concerned with Derby City and Derbyshire county to the south and east of the Peak District National Park.

The purpose of the Forum is:

- To advise the City and County Councils on the improvement of public access to the land within it's area for the purpose of open air recreation and enjoyment of the area
- The Forum can also provide advice to other bodies in relation to strategic access and recreation issues

2.2 Background to the Forum

The inaugural meeting of the Forum took place in August 2003, followed by the first formal meeting in September 2003. The meetings are hosted alternatively by the City and County, and are open to interested members of the public.

This report covers the fourth year of the Forum's business over the period September 2006 – August 2007.

3. What's happened during the year?

3.1 The Forum at work.

The Forum has fulfilled its role in a number of ways:

- The Forum has held 4 meetings during the year: in September 2006, December 2006, March 2007 and June 2007.
- The Forum has established a series of sub groups. These groups have been set up either in order to be able to consider issues in more depth than is possible during the main meetings or to progress matters that require a resolution outside of the timetables permitted by the meeting regime. 4 Sub groups have been designated over the year to consider the following:
 - Formal consultations from Defra and Natural England

- Draft Rights of Way Improvement Plan (RoWIP) consultations from the City and County Councils
- The Way Forward for the LAF
- Forum members have represented the Forum at meetings, regional events and training sessions
- Forum members have used their own networks of contacts to gather information and to help the authorities to disseminate information, particularly during the consultation stages within the Rights of Way Improvement Plan

3.2 Working with the City and County Councils

The Forum has received reports and given its advice on the following subjects during the year to the two appointing authorities:

- It has provided comments and advice to both councils on the work required to produce their **Rights of Way Improvement Plans**. Comments have been made in respect to the content of the draft Statement of Actions and on the draft reports themselves. The Forum has then been formally consulted by both Councils on their Draft Plans and submitted very detailed and considered responses.
- The Forum has received updates from the County Council on matters relating to the **Use of Motorised Vehicles in the Countryside**. Individual members have also been very involved with the County Council on exploring ways to progress this issue.
- The Forum has provided constructive advice to the City Council on the content and layout of the repackaging of its **Circular Walks Leaflets**
- The Forum has also received information reports from the County Council or discussed the following:
 - **Legal orders work** including the register of applications and the strategy for prioritising legal orders
 - A copy of the **Gating Orders Policy** for the County
 - A report detailing the results of the **BVPI performance results** (condition of the PRow network) for 2006/07
 - **Improving furniture standards**: improving stile design and replacing stiles with gates

3.3 Other topics considered and matters discussed

The Forum has **standing items** on all of its agendas to receive progress reports from both councils on the production of their Rights of Way Improvement Plans and on Open Access Land in its area. During the year

another standing item was added to the agenda in respect to Vehicles in the Countryside.

In respect to **Open Access** the Forum wrote to Natural England to express its concerns over the premature withdrawal of the Access Management Grant Scheme which meant that several proposed access improvements in the Forum's area could not proceed. The Forum also wrote to Ordnance Survey in connection to the lack of information about Access Points on OS maps.

The Forum discussed an opportunity to become involved with the promotion of a series of linear walks, linked to public transport, as one of the potential actions identified in the County Council's Draft Statement of Action. After much discussion within the meetings and outside, the Forum decided that this was not a role that it wanted to take on but that it was willing to offer advice to others who were planning to produce promotional material in the Derby and Derbyshire area covered by the Forum. This action is planned once the Forum is more secure in respect to its identity (see the report on the Way Forward for the Forum in Annex 1)

Forum members have received the following briefings and information:

- A briefing session on the Definitive Map and the on-line Register of Applications was held for members by the County Council's officer responsible for the Definitive Map
- Information from the County Council about its plans to apply for Green Flag status for Shipley Country Park
- A presentation from the Woodland Officer from the Forestry Commission about Access to Woodlands within the Forum's area
- Site visits were carried out following the June meeting at Rosliston Forest Centre to look at the 'Get Active in the Forest' scheme, which includes Walking for Health groups
- 3 Members attended a training course on Public Rights of Way for LAF members within the East Midlands organised by Natural England

Forum members were also invited to comment on the following:

- M1 Widening contract No 2 in relation to the Draft report on the effect on non motorised users
- Derby and Derbyshire Waste Sites Development Plan document

3.4 Liaison with others

- Seven members of the Forum attended a regional seminar, organised by the Peak District LAF for its adjoining Forums, entitled “Is there life for LAFs after CROW?” Topics included: balancing access with land management, promotion of access for all and accommodating vehicles in the countryside. A member of this Forum gave the talk on the vehicles topic.
- Members of the Forum once again attended a “Meet your Local Access Forum Member” walk promoted as part of a festival of walks in Derby City during June.
- The Chair of the Forum, together with another member attended a meeting of chairs and vice chairs from around the region, organised by Natural England

4. The Way Ahead

Forum members felt that the time was right to spend some time considering the role and future direction and organisation of the business of the Forum. A sub group was formed at the March meeting and subsequently met and produced a report for consideration at the June meeting. A full copy of the report is attached in Annex 1 as this will form the basis for the direction of the Forum for the years ahead.

5. Membership of the Forum

5.1 Members and representation

The Forum is constituted so that there is a balance of views representing:

- Different users interests
- Landowners or occupiers and land management issues
- Other relevant local interests relating to issues such as: nature conservation and heritage, local community involvement, tourism and local business, sustainable transport and access for all.

The Forum has the capacity to have up to twenty two members. Twenty members were originally appointed in July 2003, including two Councillors, one from each authority.

A full list of the members of the Forum during the period September 2006 – August 2007 can be found in Annex 2, together with details of their fields of interest. Annex 3 provides details of member’s attendance record at the formal meetings

5.2 Contact details

Further details about the Derby and Derbyshire Local Access Forum can be found on the web pages set up for the Forum, which can be accessed from either Derbyshire County Council or Derby City Council's web sites: (www.derbyshire.gov.uk or www.derby.gov.uk)

Members of the Derby and Derbyshire Local Access Forum can be contacted by writing to the Secretary of the Derby and Derbyshire Local Access Forum, c/o County Secretary, Derbyshire County Council, County Hall, Matlock, Derbyshire, DE4 3AG

Annex 1 DADLAF Working Group on Future work Programme

Introduction

At the last meeting of DADLAF, a sub-group was established to consider and report back on three issues: raising the profile of DADLAF, possible future work areas, and the content of the revised Regulations and Guidance on Local Access Forums published by DEFRA.

Profile

A number of options were discussed, and in the short term the following were considered to be worth pursuing:

1 Adoption of a house style for DADLAF, distinct from the appointing authorities, including a letterhead (one possible design is attached as Appendix A), and a review of the annual report to see how that might be developed to raise the profile of the LAF.

2 Letters to the new authorities to whom DADLAF can now offer advice (mainly parish and town councils and Sports Council for England), to set out our aims and work programmes and ascertain whether there are specific issues where we might be of assistance. The Derbyshire Association of Local Councils newsletter may be an effective outlet.

3 The adoption of a statement of the primary function/aims of DADLAF (a "mission statement"), which can be used in contacts with other organisations to set out what DADLAF does and how it might assist or support other bodies.

4 Attendance at events where relevant organisations and/or members of the public will be present, perhaps with a small exhibition related to DADLAF's work.

Revised Regulations and Guidance

A summary of the main points is included as Appendix B to this report. The new documents are largely a restatement of the 2002 Regulations and Guidance updated to reflect that most LAFs have now been established for some years, but there are some key changes which are highlighted in the Appendix and which will require action by DADLAF.

Future work programme

Since DADLAF was inaugurated in 2003, its agenda has been largely determined by the appointing authorities, and by the requirements to consider the identification of and arrangements for the new areas of open country, and the preparation of ROWIPs for the county and city. With these areas of work coming to the end of their current phases, the time is opportune to consider what topics DADLAF would wish to pursue in the next two or three years, and the remainder of this report sets out the conclusions reached. The group paid particular regard to the revised

Regulations and Guidance produced by DEFRA (especially Annex A, listing the subjects on which LAFs can advise), and to the draft ROWIPs.

The proposals for future action by DADLAF are set out below as subjects for action, with the intention that DADLAF, either directly or via working groups, will consider these in detail and prepare proposals and advice, which will be passed to the relevant authorities for consideration and action in their turn. They include two areas of work which are carried forward from the current work programme: vehicles in the countryside and annual work programmes arising from the ROWIPs.

There are four proposals for new areas of work. These are not listed in any order of priority or with any specific timescale, although it is recognised that there is enough work here for two years at least. DADLAF needs to consider what priority to give to each, and over what timescale each might be progressed. The topics are listed with an indication of the relevant paragraphs in Annex A of the Guidance.

If DADLAF is to embark on new areas of work, we need to consider how effective DADLAF has been so far, and how it can effectively carry out any programme which it might adopt. In particular, the resources available for secretariat support are crucial and need to be clearly understood by both DADLAF and the appointing authorities (see Appendix B). If DADLAF is to effectively pursue any of the subjects listed, it will be essential for such support to be made available, and the extent to which this will be so needs to be clearly understood from the outset.

Effectiveness of DADLAF as a group

Background: DADLAF is required to give advice on a range of issues (Annex A of the revised Guidance) to a range of bodies, and specified bodies are *required to have regard to* such advice. The Guidance emphasises the need for LAFs to receive feedback, so that they are aware of how far their advice is actively followed, and if it is decided not to accept it (in part or in total) why this is so.

Experience of seeking information, giving advice and receiving feedback from the recipient authorities over the first years of DADLAF's existence has been patchy. Action does not always appear to be taken as a result of DADLAF decisions or enquiries, and there is no comprehensive system of monitoring the process from advice being sought/offered to final outcomes.

The sponsoring authorities are required to provide secretariat support to each LAF. Paragraph 5.3.4 of the latest Guidance sets out the roles of a LAF secretariat as envisaged by DEFRA. The Guidance clearly indicates

that the secretariat should be identified as *being that of the LAF*, and by implication distinct from the sponsoring authorities (*para 5.3.2 – “a clear separation between their forum and any other responsibilities should be maintained”*). This presumably requires that a pre-determined amount of time should be reserved for LAF duties and kept separate from time on other duties.

Key issues: In relation to the list of secretariat functions set out in the Guidance, the key areas of concern are the absence of a comprehensive system for tracking comments/requests from the LAF and responses to these, the delays in the production of the minutes of meetings, and the extent to which secretariat support might be available for any new areas of work which DADLAF may wish to pursue.

1 With the potential for DADLAF to advise a new range of bodies under the new Regulations and Guidance (parish and town councils and Sports Council for England), it is important to be able to assess how far DADLAF’s advice is being taken, how useful it is considered to be by its recipients, and how far it contributes to work on the topics on which it is given. There needs to be a comprehensive system of monitoring decisions taken, information requested, advice given and feedback received, so that it is possible to determine how effective DADLAF has been, and to improve the quality of its advice if necessary. If DADLAF is to develop its own agenda for future work, the need for this will be more important, and we need to establish a system whereby action can be consistently monitored, records kept of advice given, and of decisions taken (with reasons where appropriate.)

2 As set out under the heading “Profile” above, DADLAF needs to have its own identity, separate from the appointing authorities, to emphasise the independent status of its advice, and to assist in promoting its work (especially to the bodies to whom it can now offer advice). This might include a “mission statement” to set out clearly what DADLAF’s aims are, a letterhead and other appropriate stationery.

3 The lack of separate allocations of time from the relevant officers for providing secretariat support (as defined in the Guidance) means that LAF work may not receive priority against their other areas of responsibility, for understandable reasons. (The continuing problem in getting minutes produced to the agreed timetable is a case in point.) This may have been less of an issue whilst the agenda was set largely by the work of the appointing authorities (open country and ROWIPs), but will be important if DADLAF is to develop its own agenda for future work. We need to have a

clear understanding of the budget allocated to DADLAF, and the level of secretariat support which will be available.

Continuing work

1 Vehicles in the countryside (Annex A para 3)

Proposals to assess routes for sustainability were agreed last year and following discussion with the vehicle user groups, proposals for a pilot project to apply the proposals in the Peak District are awaiting implementation. DADLAF needs to monitor the outcome of this pilot exercise and to contribute to the review of the assessment system. It will then need to be involved in its implementation in the DADLAF area.

2 ROWIP annual work programmes (Annex A paras 5 – 9, and para 2)

The County Council's draft ROWIP includes proposals to develop an annual work programme, which will be the subject of consultation with DADLAF each year. At present it is unclear how much work this will mean for DADAF but the Forum needs to ensure that it responds promptly and effectively to the consultations.

Topics for future work

3 Access Strategy. (Annex A paras 12 – 25)

Background: Whilst there is only limited open country and common land in the DADLAF area, there are other areas of access, which may be dedicated, permissive or de facto. These include woodland, waterside and sites such as country parks, Local Nature Reserves, plus access under Countryside Stewardship, National Forest tender scheme, etc.

In looking at this subject, DADLAF would need to consider the following:

- a) How much provision of each type is available in the DADLAF area, and how is this distributed in relation to the distribution of population?
- b) What should be the priorities for new provision?
- c) What are the needs of other users such as canoeists and cavers?
- d) Is there anything to be learned from experience elsewhere (e.g in Scotland)?
- e) What conservation issues are involved and how can they be addressed?
- f) What are the needs of disabled and disadvantaged groups and minority communities, and how should these be addressed within any strategy?

We will also need to be aware of the work of the local access groups which DCC in particular works with, the green space strategies of the district councils and any other relevant organisations.

This subject also links to the next one.

4 Access for non-recreational purposes. (Annex A paras 2, 17, 26 – 29)

Background: The revised Regulations and Guidance provide for LAFs to advise on access for “utilitarian” purposes (journey to work, school, shops, medical centres etc). Public rights of way and other access/green space can provide access, especially for those without access to a car, and walking and cycling are more sustainable modes of transport.

In looking at this subject, DADLAF would need to consider the following:

- a) How far does existing provision cater for the needs of communities for these purposes within the DADLAF area?
- b) What existing initiatives are there and what is their remit (e.g. Safe Routes to Schools)?
- c) How far does planning policy require provision of non-vehicular routes for access to services, and should DADLAF be a consultee for significant developments?
- d) What are the needs of disadvantaged groups and minority communities, and how can these be addressed?

This subject has overlapping interests with the first one above.

5 Definitive maps. (Annex A paras 5 – 8, 11)

Background: The availability of an up-to-date and accurate definitive map was highlighted as one of the top issues in the preparation of the ROWIPs, and DADLAF expressed the view that this needs to be a priority issue. The cut-off date for claims of 2026 in the CROW Act is fast approaching, and the Discovering Lost Ways project is intended to help ensure that this deadline is met, though there is concern that it is not proving effective in achieving this. There are acknowledged backlogs of claims in the County Council system.

In looking at this subject, DADLAF would need to consider the following:

- a) What are the procedures followed by the County Council in dealing with claims of different types, and what are the timescales involved in the various elements of these procedures?
- b) How far are these procedures determined by statute and how far does the authority have discretion to set its own procedures?
- c) How do procedures differ in other authorities where at least some claims seem to be processed more quickly?
- d) How can the issue of “lost ways” and the 2026 deadline be addressed?
- e) What can be done to assist the authority to improve its performance in this area?

6 Regional and national networking. (Annex A paras 30 - 31)

Background: The conference at Losehill Hall last year was considered to be a great success by those who attended, both for its formal content and for the opportunities to discuss experiences in an informal way. It endorsed the value of liaison between LAFs, at least at the regional level, and recognised that the National Access Forum does not in any way serve as a national outlet for LAFs to raise issues. When an individual LAF responds to consultation at the national level, e.g. from DEFRA or Natural England, there is little evidence that its response is given much weight, and there may be a case for LAFs to deal with such issues through regional networking.

In looking at this subject, DADLAF would need to consider the following:

- a) Is Natural England/DEFRA taking any initiative to develop regional or national networking for LAFs, and if so, what is envisaged, and how far will LAFs control the agenda?
- b) Should DADLAF take positive steps towards the organisation of a regional conference, and if so, what should the “region” comprise, what issues should the conference address, and how can it be financed?
- c) How can informal contact be initiated and maintained with neighbouring LAFs outside the arrangement of any conference, and what should be the objectives of such contact?

Recommendations

- 1 That the proposals for improving the profile of DADLAF be approved in principle, and the sub-group be requested to prepare more detailed proposals for approval at the next meeting.
- 2 That the summary of the 2007 Regulations and Guidance be noted and action taken as appropriate to comply with these.
- 3 That DADLAF considers the issues raised under the section on Effectiveness, and that urgent discussions be held by the chair and vice chair (and any other members whom they might select) with the appointing authorities to look at ways of addressing these.
- 4 That DADLAF agrees the list of subjects set out under Continuing Work and Future Work, and considers the relative priority and possible timescales for these.
- 5 That Working Groups be established to take forward the topic or topics agreed as the top priorities, with the immediate brief to prepare more detailed proposals for progressing them and a timetable for action.

Annex 2

Membership of Derby and Derbyshire Local Access Forum 2006-07

Name	Representing	Other Interests
Robert Bacon	Land use (farming)	Walking
Judi Bateman	Disability issues	Voluntary sector, charity work
Mike Benten	Conservation and access	Walking and bird watching
David Blackburn	Walking interests	
John Clarke	General rights of way interest	Historical routes, walking
Cllr Michael Carr	Derby City Council	Climbing and walking
Debbie Chesterman	Forestry, community involvement	Health
Hon Richard Curzon	Land use (farming)	Local History, Parish councils
John Disney	Small business and sustainable transport	Walking
David Giles	Motor vehicles interests	Mountain leadership and canoeing
Lyndsay Jones	Equestrian interests	Walking, cycling, education & environmental issues
Cllr Brian Lucas	Derbyshire County Council	Environmental issues & Sustainable communities
Michael Missett (Chair)	Community, sustainable transport	Community
Martin Pape	Walking interests	Cycling, orienteering
Boyd Potts	Access, conservation and outdoor recreation	Walking, climbing, caving & community involvement
John Pountain	Local Community	Walking, disability issues
Nancy Pountain	Disability issues	Elderly, general countryside issues
Andrew Shirley (Vice Chair)	Land use (farming) and rural business	Walking
Des Sims	Land use (farming)	Community
Dave Walker	Conservation and orienteering	Cycling
Terry Williams	Cycling interests	Walking
John Wiltshire	Land use (farming)	Walking, education access and conservation

Annex 3
Members Attendance Register 2006 - 07

Dates of meetings	29 Sept 2006	08 Dec 2006	16 March 2007	15 June 2007
Robert Bacon	✓	✓	✓	✓
Judi Bateman	✓	✓	✓	✓
Mike Benten	✓	✓		✓
David Blackburn	✓	✓	✓	✓
Cllr Mike Carr	✓	✓		
John Clarke	✓		✓	
Debbie Chesterman (from Oct 07)	-	✓		
Hon Richard Curzon	✓	✓	✓	✓
John Disney	✓	✓	✓	
David Giles	✓	✓	✓	✓
Lyndsay Jones	✓		✓	✓
Cllr Brian Lucas	✓			✓
Michael Missett (Chair)	✓	✓	✓	✓
Martin Pape	✓	✓	✓	✓
Boyd Potts	✓	✓	✓	✓
John Pountain	✓	✓	✓	
Nancy Pountain	✓	✓	✓	✓
Andrew Shirley (Vice Chair)		✓		
Des Simms				✓
David Walker	✓	✓	✓	✓
Terry Williams	✓	✓	✓	✓
John Wiltshire	✓	✓	✓	✓