Guidance on Local Access Forums in England

Issued by the Secretary of State



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Department for Environment
Food and Rural Affairs

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The Guidance is also available on the Defra website at www.defra.gov.uk/wildlife-countryside/access/crow/local-access-forums.htm.

Published by the Department for Environment, Food and Rural Affairs.
Published February 2007, taking effect 19 March 2007. Revised March 2009.

Product code: PB12240.

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Foreword

As independent advisory bodies - but operating on a statutory basis – local access forums are in a unique position to formulate fresh, creative and even challenging ideas, on ways to improve public access and open-air recreation for the benefit of all.

I am impressed with the fact that many forums have, in a relatively short space of time, become valued sources of independent, constructive, incisive and informed advice. The publication of this Guidance is intended to assist forums in developing their role further, so that all forums receive the support which they need to maximise their contribution to the decision-making process.

I believe that a forum's influence and its ability to 'make a difference' will depend crucially on its reputation for providing good quality advice, and this in turn depends on the knowledge, energy and commitment of its individual members. I understand that giving advice, without any decision-making power, can be a challenging - and sometimes frustrating - endeavour, but experience shows that forums can, and do, exert real influence for the better.

This Guidance has been developed in collaboration with forum members, and I am pleased that it incorporates many of the lessons learned, and best practices developed by forums over the past four years. I am grateful to all those who have assisted Defra in this. I would also like to take this opportunity to express thanks to all forum members across England who are freely giving their time and experience for the benefit of their local communities.



Barry Gardiner MP
Minister for Biodiversity, Landscape and Rural Affairs

Executive Summary

New regulations governing local access forums - the Local Access Forums (England) Regulations 2007 - have recently been made. This document contains Guidance for forums, and is issued by the Secretary of State for Environment, Food and Rural Affairs. It is primarily intended for forum members, since forums are legally obliged to have regard to this Guidance in carrying out their functions, but it will also be of interest to forum secretaries, appointing authorities and to the bodies which receive advice from forums (so called “section 94(4) bodies”).

The Guidance sets out how the Secretary of State expects forums to contribute (through the provision of advice) to better informed decision-making on public access to land, open air recreation and use of the public rights of way network.

Section 3 gives guidance on the role of forums. It encourages forums to maximise their effectiveness by focusing on issues which are most relevant to their own area, considering issues at the strategic level, taking care to direct advice to the most appropriate recipients and by adopting a proactive approach. It emphasises the importance of giving advice which is independent, constructive, relevant, inclusive, incisive and informed.

Section 4 contains practical guidance on the operation of forums. It sets out ways in which forums can conduct business, both during and between meetings, in order to make the best use of members’ time, knowledge and commitment.

Section 5 gives guidance on the role of forum members, including the importance of the chairman and vice-chairman in providing leadership and direction. It also highlights the importance of having an effective forum secretary to administer the forum.

Section 6 is intended to assist appointing authorities in performing their duties. It provides advice on running a forum, recruitment and appointment of members, and making changes to forum arrangements where this becomes necessary or desirable.

Section 7 will be relevant to both forums and to section 94(4) bodies. It explains that the legislation does not define when or how forums should advise, that it is for forums to decide what is most appropriate within the local context, and that section 94(4) bodies must have regard to relevant forum advice. It also sets out when forums must, by law, be consulted or notified on a particular matter.

Three annexes provide more detailed guidance. **Annex A** contains information on some of the main issues on which forums are expected to advise. **Annex B** contains a summary of the relevant legislation and **Annex C** contains background information on selected section 94(4) bodies.

An index is provided for quick reference purposes.

1. Introduction

1.1 There are over 80 local access forums ("forums") covering (almost) every part of England (except London and the Isles of Scilly). These are advisory bodies established under section 94 of the Countryside and Rights of Way Act 2000 (the "CROW Act") and operate in accordance with the provisions of that Act, and the Local Access Forums (England) Regulations 2007 ("the Regulations").[1] The relevant sections of the Act and the Regulations are summarised in **Annex B**.

1.2 Forum members are volunteers. They are appointed by local highway authorities and National Park authorities ("appointing authorities") to represent a range of local interests. Many forum members contribute their experience and knowledge in an unpaid capacity for the benefit of their local community. This makes it very important that members are given the support they require to undertake their advisory role as effectively as possible, and without disproportionate demands being placed upon their time.

1.3 Having recently made the Regulations, this Guidance is issued by the Secretary of State, to guide and assist forums in carrying out their duties. It also contains advice and information for forum secretaries, the appointing authorities and other bodies which may be recipients of advice from a forum.

1.4 Unless otherwise stated, references in this Guidance to 'Regulations' (e.g. "Regulation X provides that…") are references to provisions of the Local Access Forums (England) Regulations 2007.

[1] SI 2007 No 268.

2. Status of this Guidance

2.1 This Guidance is issued by the Secretary of State for Environment, Food and Rural Affairs and applies to England only. It takes effect on 19 March 2007 and replaces the Guidance issued on 14 November 2002. It will remain valid until further notice. It may be supplemented or revised from time to time, as the need arises.

2.2 Forums are required (by section 94 of the CROW Act) to "have regard" to guidance issued by the Secretary of State in carrying out their functions. This means that although not bound to follow this Guidance, forums are legally required to pay attention to it and must take it into account in carrying out their functions.

2.3 This Guidance, together with any subsequent guidance which may be issued from time to time, is available on the Defra website at:

www.defra.gov.uk/wildlife-countryside/access/crow/local-access-forums.htm

2.4 The above website also contains general background, historical information, and useful links, relating to forums.

2.5 Queries and comments on this Guidance, or suggested future improvements, should be addressed to Defra's Recreation and Access Team at:-

Zone 1/02
Temple Quay House
2 The Square
Bristol BS1 6EB
E-mail: recreation.access@defra.gsi.gov.uk

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3. The Role of Local Access Forums

3.1 Statutory function of forums

3.1.1 Local access forums are advisory bodies. Section 94 of the CROW Act defines their statutory function as being to:-

> advise as to the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area, and as to such other matters as may be prescribed.

3.1.2 The statutory function of forums was extended by Regulation 22, which prescribes an additional matter on which it is the function of forums to advise, namely:-

> public access to land in the area for “any lawful purpose” other than the purposes already mentioned in paragraph 3.1.1 above. (For mechanically propelled vehicles this further matter is limited to access insofar as this relates to byways open to all traffic).

3.1.3 Access to land for **‘any lawful purpose’** occurs where access to the land takes place without trespass or an offence being committed. The term ‘**land**’ is not defined in the CROW Act, which means that the definition in the Interpretation Act 1978 applies. This stipulates that "land" includes “buildings and other structures, land covered with water (see para 24 of **Annex A**), and any estate, interest, easement, servitude or right in or over
land."

3.1.4 What these statutory provisions mean in practice for local access forums is set out in paragraph 3.2.4 below.

3.1.5 Section 94(6) of the CROW Act requires forums to have regard, in carrying out their work, to:-

> (a) the needs of land management,
>
> (b) desirability of conserving the natural beauty of the area for which it is established, including the flora, fauna and geological and physiographical features of the area, and
>
> (c) guidance given from time to time by the Secretary of State.

3.1.6 Forums are statutory consultees in respect of a number of matters (see Section 7 and **Annex B**).

3.2 Bodies to whom forums give advice - “section 94(4) bodies”

3.2.1 Section 94 of the CROW Act makes it the statutory function of forums to give advice to the following bodies:-

- the appointing authority(ies)[2](which will be a highway authority or National Park authority)
- any county, unitary, district or borough council within the area of the forum
- the Secretary of State (in effect this means any Government Department with a Secretary of State, e.g. Defra and MOD, as well as 'executive agencies' such as the Planning Inspectorate and the Highways Agency)
- Natural England
- the Forestry Commission
- English Heritage

3.2.2 Regulation 21 prescribes the following additional bodies to whom it is also the function of forums to give advice:-

- Sport England (the English Sports Council)
- Area of Outstanding Natural Beauty (AONB) Conservation Boards
- Parish and town councils

3.2.3 The bodies listed in the above two paragraphs are together referred to as "**section 94(4) bodies**" in this Guidance.[3]

3.2.4 The advice which forums give to these section 94(4) bodies should fall within one (or more) of the following categories:

(a) improvement of public access (whether on foot or by horse, cycle, mechanically propelled vehicle or any other lawful means) to land in the area for the purposes of **open-air recreation and the enjoyment of the area**;

(b) public access to land in the area for **any other lawful purpose** (whether on foot, horse, cycle or by any means **other than by mechanically propelled vehicle**);

(c) public access to land in the area by means of a **mechanically propelled vehicle** for **any other lawful purpose,** but only insofar as the access relates to byways open to all traffic (BOAT).[4]

3.2.5 Sub-paragraph (a) above is concerned with recreational access. Sub-paragraphs (b) and (c) are concerned with other forms of lawful public access, and

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[2] Normally the appointing authority is the same body as the local highway authority. However, this is not the case in National Parks, and the regulations therefore provide that in National Parks, it is also the function of the forum to give advice to the local highway authority).

[3] The section 94(4) bodies are defined in section 94(4) of the CROW Act and in the Local Access Forums (England) Regulations 2007.

[4] The term 'Mechanically Propelled Vehicle' is not defined by legislation but Defra has issued guidance (Regulating the use of Motor vehicles on Public Rights of Way and Off Road, December 2005) which is available at www.defra.gov.uk/wildlife-countryside/access/crow/mpv.htm

are intended to enable forums to advise on 'functional' or 'utility' access issues, which might include using land (or a right of way) to get to work, school, shops or local amenities. Well managed public rights of way will encourage people to make healthier and more sustainable transport choices, and thereby help to reduce congestion, pollution and road accidents. This means that forums should take account of the needs of both recreational **and** non-recreational usage and potential. The Regulations are intended to make it easier for forums to do this.

3.2.6 Forums may advise their section 94(4) bodies on recreational and functional access in so far as it impinges on, or is affected by, any of the activities, functions or policies of the body concerned - whether directly or indirectly. Further guidance is given in Section 7 and **Annex A**.

3.2.7 Forums may occasionally consider that individuals or organisations which are not section 94(4) bodies would benefit from receiving advice or information (e.g. landowners, the police, transport providers). Whilst it is not the statutory function of forums to advise such 'third parties', it would be open to a forum to recommend that the access authority (or another section 94(4) body) engage with other individuals or organisations. For example, a forum could:-

- recommend that the access authority engage with landowners over a particular matter;
- give advice to a section 94(4) body in respect of a lottery funding application; or
- recommend that the access authority engage with the local police about a community safety issue affecting public access or public enjoyment of the local area.

3.3 Status of advice given by forums

3.3.1 Forums perform a statutory function and all section 94(4) bodies are required, under section 94(5) of the CROW Act, to "have regard, in carrying out their functions, to any relevant advice given to them" by a forum. 'Having regard' means that although not bound to follow such advice, section 94(4) bodies are legally required to take it into account in carrying out their functions.

3.3.2 When submitting advice to section 94(4) bodies it is recommended that the legal status of the forum's advice is made clear to the recipient. This can be achieved by including a statement to the effect that:-

> **This letter constitutes formal advice from the [***insert name of forum***].**
>
> **[***Insert name of relevant section 94(4) body***] is required, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to relevant advice from this forum in carrying out its functions.**

3.3.3 Such a statement will help the person receiving the advice (who might not be familiar with the role or status of the forum) to appreciate that the advice has a specific legal status.

3.4 Influencing decision-makers

3.4.1 In giving advice, forums should aim to **influence** section 94(4) bodies and thereby contribute effectively to the quality and robustness of decision-making. Influence will be enhanced where a forum provides **independent**, **constructive**, **relevant**, **inclusive**, **incisive** and **informed** advice which takes account of a broad range and balance of local interests and which assists section 94(4) bodies in carrying out their functions. Forums should consider other ways to maximise the usefulness (and therefore impact) of their advice. For example, advice should be delivered at the optimum point in the decision-making cycle and in ways which recognise and take account of the decision-maker's needs, objectives, constraints and role.

3.4.2 The quality and strength of the forum's relationship with the section 94(4) bodies (especially the appointing authority(ies)) is crucially important. The forum chairman, secretary (and other forum members depending on what is agreed locally) have a key role to play in maintaining and developing good relationships with the section 94(4) bodies, which will benefit all concerned.

3.4.3 Forums should aim to give advice which informs, assists, encourages - and even inspires - the section 94(4) bodies. On occasion it may be appropriate to give advice of a more cautionary, challenging or critical nature, but even then forums should always remain constructive in their approach.

3.4.4 Forums should seek to achieve clarity, balance and consensus in giving advice. However, advice should also acknowledge relevant minority viewpoints, and it will rarely assist section 94(4) bodies if consensus is achieved by glossing over a difficult but relevant issue. It is often helpful to address the pros and cons of a particular matter, and it is acceptable for advice to include an 'on-balance' recommendation where the issues are not clear cut.

3.4.5 Forums will often advise on matters where public access is just one of a number of considerations, and perhaps not the most important consideration. This means that a section 94(4) body may understand the forum's advice but decide not to follow it because other factors carry more weight. This does not mean that the forum's advice has not served a useful purpose: it will ensure that the final decision was properly informed and can help the decision-maker to address any adverse consequences arising from the decision.

3.5 Obtaining feedback from section 94(4) bodies

3.5.1 It is important that section 94(4) bodies provide feedback to forums. This will enable forums to see how they are making a difference, and when advice is not followed (for whatever reason) it will help them to understand why. Feedback is important in enabling forums to improve the relevance and usefulness of their advice in the future.

3.5.2 It is recommended that the forum secretary request feedback at the time of submitting advice to a section 94(4) body, and then follow up the request if necessary, so that the results can be reported to the forum.

3.5.3 Whilst all section 94(4) bodies are strongly encouraged to give feedback, forums should appreciate that these bodies will sometimes be constrained in providing detailed feedback. Also, for national bodies, there is the challenge of having to deal with over 80 forums throughout England, which means that they will need to be selective in accepting requests to attend forum meetings and may not have the capacity to enter into detailed correspondence, or to respond to requests for information on specific local issues. This is an inevitable reflection of the number of forums which the national bodies have to deal with, and does not mean that they give less weight to the advice received from a forum.

3.6 Proactively advising

3.6.1 Much forum work will inevitably be reactive and dependent on the timing of various initiatives or consultations. However, forums should adopt a proactive approach in setting their priorities and giving advice. Situations where a proactive approach can assist a section 94(4) body include giving 'early warning' of a potential problem or identifying possible solutions to an issue from a novel or fresh perspective. A proactive approach can also increase a forum's influence by enabling it to advise at an earlier stage in the decision-making process, before the options are narrowed down. This means, for example, that forums should feel free to:-

- encourage section 94(4) bodies to seek forum advice at an early stage;
- give advice to section 94(4) bodies without waiting to be asked;
- scrutinise and review the proposals, actions, policies or achievements of section 94(4) bodies, and make recommendations on the need for future action or policy development;
- ask section 94(4) bodies to assist the forum (e.g. by providing information) to help the forum formulate its advice;
- ask when the optimum time would be to provide advice on a particular matter, or ask to be consulted on a particular matter in the future; and,
- request feedback.

3.6.2 Section 94(4) bodies are not obliged to comply with requests for information or recommendations received from a forum, although doing so will help the forum to better fulfil its role. Forums should recognise that section 94(4) bodies will inevitably be working under time, financial, legal and other constraints. The best approach will often be to flag up any reasonable information needs early (e.g. via the Annual Work Programme or a Memorandum of Understanding) so that that they are more likely to be met.

3.7 Directing forum advice to the most appropriate recipient

3.7.1 When submitting advice it is important to ensure that it gets to the right person or team, so that it can be dealt with promptly. Before submitting unsolicited advice it is recommended that the forum secretary first identifies the correct recipient by name. This will avoid correspondence being sent to the wrong office or address, with

wasted time and effort which results. This is especially important in the case of large organisations such as Government departments and agencies (see **Annex C**).

3.8 Prioritising and focusing on strategic issues

3.8.1 It is recognised that forum members are volunteers and that many will be giving their time and experience freely. There will be a limit on the amount of time which forum members are able, or prepared, to devote to this work, and it will be important for forums to ensure that their workload is manageable. At the same time forum members will be keen to ensure that their time and experience is utilised to maximum effect. These objectives can be achieved through:-

- Prioritising and focusing on the key issues for the area. Certain issues will be more important to some forums than to others, and no forum is expected to respond to every consultation or provide advice on all issues (see 3.8.2);
- Considering issues at a 'strategic' level and avoiding site or route specific discussions (except when considered relevant);
- Making effective use of the secretary;
- Good chairmanship of meetings to ensure that all views are heard whilst ensuring discussion remains focused on the matter in hand; and
- Making effective use of the range and mix of skills and experience within the forum, with training where appropriate.

3.8.2 Forums should prioritise their time by identifying those issues which are of special interest or relevance to the area and then focus on issues where they consider their advice will be most useful and influential. This is likely to include those access and open-air recreation issues which:-

- have wider relevance across the local area;
- have a potential impact on more people (directly or indirectly) or on particular disadvantaged sections of the community;
- lie at the heart of access and open-air recreation policy and management in the area;
- generate a high level of public interest;
- have tended to be overlooked or neglected; or which
- the forum regard as important to the local area in some other way (e.g. in relation to the economic benefits, tourism or sustainable transport).

3.8.3 There is nothing to prevent forums giving advice on site or route specific issues, although relatively few forums are likely to have either the time or detailed knowledge to be able to do so routinely. However, in certain circumstances it will be helpful to consider site or route specific issues, such as where it will help the forum to:-

- understand and advise on how strategic policies impact on the ground;
- formulate advice of wider application, based on the lessons learnt from a specific local issue; and

- provide advice in response to a statutory consultation and/or which is of assistance to decision-makers dealing with a specific site-based issue (e.g. on a proposed long term restriction on public access to access land, on proposed byelaws or on how a dog control order or gating order will affect public access and enjoyment of the area).

3.8.4 Sometimes, an individual forum member will have detailed knowledge of a site specific case. In these circumstances, subject to declaring a personal interest (see 5.1.3 to 5.1.5), it will be perfectly acceptable for them to share their knowledge with the other forum members. However, the member (and the person chairing the meeting) should ensure that discussion (and resulting advice) remains balanced and open, remembering that there may be no one to explain the contrary position.

3.9 Measuring effectiveness

3.9.1 Appointing authorities and forum members will want to ensure that time invested in their forums is worthwhile and that advice makes a positive contribution to decisions affecting the local area. Forums should therefore consider and agree criteria against which to measure their effectiveness (possible measures might be the amount, relevance, range of advice given; feedback from section 94(4) bodies; assessments of where advice has made a difference). This will help forums to improve their effectiveness and make appropriate adjustments where necessary. The information can also be used in preparing the annual report.

3.9.2 As the body that is likely to be the main recipient of forum advice, the appointing authority(ies) are encouraged to assist forums in developing relevant and meaningful criteria which suit the local circumstances.

4. Working Arrangements

4.1 Forward work programme

4.1.1 Although not a statutory requirement, it is strongly recommended that forums prepare a forward work programme which sets out the forum's priorities and special areas of interest. This does not need to be over-detailed or time-consuming to produce. It can be made available for public inspection and can play an important role in helping to:-

- ensure that the forum focuses on issues which are the most relevant for the area;
- clarify the issues on which the appointing authority(ies) or other section 94(4) bodies would benefit from receiving advice;
- timetable when specific matters are likely to be discussed by the forum, enabling the secretary to commission reports or speakers, etc;
- inform the public about the work of the forum, and assist the appointing authority in recruiting suitable new members;
- identify training or other requirements; and
- review effectiveness when preparing the forum's annual report.

4.2 Annual Report

4.2.1 Regulation 13 requires every forum to produce an annual report on the discharge of its functions. Again, the report need not be over-detailed, but should briefly set out the main issues and occasions on which the forum gave advice during the year, and indicate the bodies to whom advice was given. The report may also:-

- review how effective the forum was in meeting its own criteria for measuring success or effectiveness and completing its forward work programme;
- identify the forum members and the interests they represent;
- give information on the meetings held and the main issues discussed;
- give information on any training events held;
- summarise any feedback received from section 94(4) bodies;
- identify issues which posed a particular challenge for the forum;
- address other issues relevant to the work of the forum.

4.2.2 Regulations 13 and 19 require the appointing authority(ies) to:-

(a) publish the annual report, and

(b) send a copy to the Natural England with 21 days of publication. (This information will be used to assist Natural England in delivering its own functions, and in supporting forums (e.g. through training)).

4.2.3 Appointing authorities are encouraged to make annual reports widely available, and may wish to supplement them with additional material on the

authority's own work, including information on how the forum's advice has been of assistance.

4.3 Forum meetings

4.3.1 The Regulations require a forum to meet at least twice a year, although most will meet more frequently. It is for each forum to decide how often to meet, how its meetings should be run, and how the quorum should be set. Forums should consider producing 'Standing Orders' which set out the operating procedures and expected standards of conduct. Standing Orders can help to ensure the forum operates in an efficient, fair and balanced way and should assist the chairman and secretary in carrying out their duties.

4.3.2 The Regulations require (with certain exceptions) the agenda (and any reports to be considered at a forum meeting) to be available for public inspection at the offices of the appointing authority at least three clear days before the forum meeting (i.e. there should be three full days on which the documents are available for public inspection). It is for the forum to agree how the agenda should be compiled in advance of each meeting.

4.3.3 The chairman should work with the forum secretary (and the appointing authority) to ensure meetings are arranged well in advance, are advertised, are open to the public, and have a suitable venue with appropriate refreshments.

4.3.4 The timing of meetings (e.g. whether daytime or evenings, weekdays or weekends) and the venue, should take account of the needs and preferences of forum members and others who may attend the meetings. It may be appropriate to vary the location and timing of meetings to enable a larger number and range of people to attend at least one meeting without having to travel far or impacting on their employment or business commitments.

4.3.5 The Regulations prescribe no procedures for voting. Forums may wish to seek advice from the appointing authority(ies) on the procedure to be followed.

4.3.6 Forum members attending meetings of the forum are entitled to claim travel and subsistence expenses, and any expenses in arranging for the care of their children or dependants, in accordance with Regulation 12.

4.4 Public access to Meetings and exceptions

4.4.1 Subject to certain exceptions, Regulation 7 requires forum meetings to be open to the public. This means the meetings are held in public, but does not mean that they are public meetings. A person who is not a forum member may be allowed to participate in discussions on specific agenda items at the discretion of the person chairing the meeting.

4.4.2 Regulation 7(2) allows members of the public to be excluded from a meeting in order to suppress or prevent disorderly conduct or other misbehaviour.

4.4.3 Regulation 7(7) provides, in effect, that any part of a forum meeting which relates to consultation on a direction to restrict access on a long-term basis, will not

be open to the public where the relevant authority or the Secretary of State, as the case may be, has decided, in the public or defence interest, not to publish a notice. Where the Secretary of State (or the relevant authority) has decided not to publish a notice, this should be clear from the consultation letter. Where this is the case the forum's secretary should bring regulations 7(7) and 9 to the attention of the Chairman before the meeting.

4.5 Public access to Documents

4.5.1 The Regulations require the agenda and any reports to be considered at a forum meeting to be available for public inspection at the offices of the appointing authority(ies) at least three clear days before the meeting, except where:-

- a meeting is convened at shorter notice, in which case the agenda and reports must be open for inspection from the time the meeting is convened; and
- an item is added to an agenda, in which case copies of the document adding the item to the agenda (or of the revised agenda) and any associated reports shall be open for inspection from the time the item is added to the agenda.

4.5.2 The Regulations require that copies of the minutes, the agenda, any reports submitted for a meeting of the forum, a list of any background papers for the report in question, and at least one copy of each background paper, are open for public inspection at the offices of the appointing authority for at least two years from the date of the meeting.

4.5.3 Regulation 9 requires that documentation connected with a consultation on a direction to restrict access on a long-term basis will not be open to public inspection where the relevant authority or the Secretary of State has decided not to publish a notice in the public or defence interest. It should be remembered that the public can be excluded from a forum meeting whilst such matters are under consideration.

4.6 Sub-groups

4.6.1 The Regulations contain no provisions relating to sub-groups, although a meeting involving a smaller group of forum members who are interested in a particular issue can be a useful way to manage the forum's work and make best use of members' time and expertise.

4.6.2 The purpose (and status) of a sub-group meeting should be agreed beforehand: If it is intended that it will lead to the submission of advice directly to a section 94(4) body (i.e. without first reporting back to a normal forum meeting) then it will need to be conducted in full accordance with the Regulations (open to the public, availability of agenda, minutes and reports, etc) and meet any local requirements for a quorum. In effect this means that the meeting must be a *bona fide* meeting of the forum. A meeting which does not comply with the statutory requirements (or quorum) will not constitute a meeting of the forum and cannot give advice to a section 94(4) body - instead its deliberations should be reported back and discussed at the next forum meeting.

4.6.3 Forum members attending sub-group meetings, informal meetings, training sessions or site visits, are entitled to claim travel and subsistence expenses and any

expenses of arranging for the care of their children or dependants in accordance with regulation 12.

4.7 Site visits

4.7.1 Site visits can provide a useful way for forum members to consider and discuss access and open-air recreational issues affecting their local area. The guidance contained in section 4.6 (sub-groups) also applies to site visits. Before a site visit the forum secretary should obtain advice, as appropriate, from the appointing authority(ies) in respect of health and safety, etc, and obtain any necessary permissions from land owners, etc. Forum members attending a site visit are entitled to claim travel and subsistence expenses and any expenses of arranging for the care of their children or dependants in accordance with regulation 12.

4.8 Business between meetings

4.8.1 The timing of requests for advice may not always correspond with a forum's meeting cycle. Liaison with the appointing authority in preparing the forward work programme and setting meeting dates should minimise this. Forums may also anticipate the need for advice and plan ahead by developing (and keeping under review) 'position statements' setting out advice on broad principles or key issues. The statements can then be used, if appropriate, by the forum chairman or secretary in responding to section 94(4) bodies when advice is required between forum meetings.

4.8.2 Consultations and requests for advice will usually be sent to the forum secretary, who should process them in accordance with a procedure agreed by the forum. This is likely to involve advising the chairman on prioritisation of any consultations, or requests for advice received. The chairman may discuss the handling of the issues with other forum members by telephone, e-mail, etc. Depending on the importance of the issues raised it may be decided that:-

- the issue should be added to the agenda of the next forum meeting;
- an extraordinary meeting of the forum or a sub-group (see section 4.6) should be convened;
- previous advice or a pre-agreed position statement (see section 4.8.1) provides adequate or interim advice;
- the forum should not respond to certain consultations (e.g. because the issues have limited relevance to the local area); or
- the chairman (or members) of a forum might express views in a personal capacity.

4.8.3 When forum members express opinions in a personal capacity they should avoid giving the misleading impression that the views expressed represent the formal advice of the forum under section 94 of the CROW Act.

4.9 Training

4.9.1 Appointing authorities should recognise that forum members may require training (e.g. to develop particular skills and to improve their technical knowledge). Authorities are encouraged to help members identify training needs, to find ways of meeting those needs, and to provide resources accordingly. The forum should take responsibility for:-

- identifying their own training needs; and
- discussing with the appointing authority(ies) how best to meet those needs.

4.9.2 The forward work programme should take account of any training which forum members believe will help them and/or which has been agreed with the appointing authority.

4.10 Networking and raising awareness

4.10.1 Forums are expected to improve liaison and understanding with, and between, local interests involved with access and open-air recreation. Networking can help forum members to perform their role more effectively. For example, forums and their appointing authorities might consider:

- producing a forum newsletter, publicity leaflet, or website to communicate and engage with the wider public, and particularly with socially excluded or disadvantaged groups; and/or
- hosting an annual event or meeting to highlight the forum's work, or displaying information at a county show.

4.10.2 Individual forum members also have a role to play in providing information to, and engaging with, the interests which they represent. Many forum members will have links with local organisations and networks which can help in this, although they should not overlook those organisations to which they do not belong.

4.10.3 Forum members who are members of a local council or National Park authority can act as an 'ambassador' or 'champion' for the forum within the authority as well as help to improve the quality of forum advice by explaining the authority's policies and constraints to fellow forum members. However, such members need to avoid prejudicing the independence of the forum's advice (see 6.5.8).

4.11 Regional liaison and cross boundary working

4.11.1 Forums should take steps to establish close cross-boundary links with neighbouring forums to ensure that issues of common concern or about adjacent parcels of land or water courses, are considered in a consistent way. Coordination and liaison arrangements will be for forums and appointing authorities to determine themselves, although support from Natural England is also provided (the precise details of which differ within each region).

4.11.2 Regional or sub-regional events which bring together forum members can provide a useful way to share knowledge and exchange good-practice. They can also provide an opportunity for representatives of some of the national section 94(4) bodies to engage with forum members.

4.11.3 Maps showing the geographical coverage of each forum, together with contact details, web site address, etc, are published on the Natural England website at: www.naturalengland.org.uk/ourwork/enjoying/accessforums/laf/default.aspx.

4.12 Financial Issues

4.12.1 The Government provides funding to meet the cost of running forums through the revenue support grant paid to local authorities, and by Defra funding of National Park authorities. It is for appointing authorities to ensure that they set aside adequate financial and administrative resources for running the forum. This will include, for example, the costs of copying and distributing papers, employing a secretary, accommodation/refreshments, members' expenses, publication of the forum's annual report, recruitment of forum members and other reasonable support and training needs.

4.12.2 Some appointing authorities have given their forum a notional budget, covering things like accommodation, administration and publicity. This can help to give forums a degree of independence but can take time for the forum members to manage. It is recommended that the forum and the appointing authority consider and identify the financial and other needs of the forum at the start of each financial year, as well as the means by which funding will be allocated and managed.

5. Roles and responsibilities

5.1 Forum Members

5.1.1 The role of forum members is to attend forum meetings and to contribute constructively to the advisory role of the forum by:-

- sharing (and developing) experience, knowledge, skills and opinions;
- valuing the contribution of other forum members, respecting minority views, engaging in constructive debate and seeking consensus where possible;
- adopting an inclusive approach to improvement of access, which reflects local circumstances and the needs of all sections of society;
- taking account of the needs of integrated land management, and of environmental, social, economic and educational interests;
- engaging with the interests which they represent (and others) to explain and promote the work of the forum;
- operating within the requirements of the law (e.g. section 94 of the CROW Act and the Regulations) and locally-set conditions of appointment or Standing Orders; and
- having regard to Guidance issued by the Secretary of State.

5.1.2 It is hoped that forum members will - on a personal level - find it a fulfilling, satisfying and enjoyable experience, in the knowledge that they are helping to improve public access and the quality of life for local people, as well as by personally developing new insights, skills or friendships.

Declaring a personal interest

5.1.3 Regulation 6(8) requires a forum member who is directly or indirectly interested in any matter brought up for consideration by the forum, to disclose the nature of that interest to the meeting. A direct or indirect interest might reasonably be regarded as one which:-

> might affect a member's well being, financial position, or business (which would be a 'direct' interest, as it impacts on the member directly), or that of a relative or friend (which would be an 'indirect' interest) to a greater extent than that of other council tax payers, ratepayers or other inhabitants of the area.

5.1.4 The Regulations do **not** prohibit a forum member with a direct/indirect interest from participating in the discussion (indeed, they might have a useful contribution to make), but the secretary should record all declared interests in the minutes of the meeting. An appointing authority is entitled to terminate the appointment of any member who fails to disclose a direct or indirect interest in a matter that is before the forum.

5.1.5 If a member is in doubt as to whether they could be regarded as having a direct or indirect interest in a matter, it is recommended they should err on the side of caution and disclose the nature of the interest accordingly.

5.2 Chairman and Vice-Chairman

5.2.1 The Regulations require forum members to elect from amongst their number a chairman and vice-chairman, taking such steps as may be necessary to ensure as far as practicable that they are drawn from members representing different categories of interest (note - they may both represent 'other interests' provided they do not represent the same interest). Members of the appointing authority should avoid offering themselves to these posts if possible.

5.2.2 The length of time to be served by the chairman and vice-chairman is for the forum to determine, but will be constrained by the maximum term of their appointment as a forum member.

5.2.3 The precise role of the chairman and vice-chairman should be determined locally by the forum and should not be unduly onerous. Much will depend on the time which the chairman and vice-chairman are prepared to devote. An effective secretary and supportive appointing authority will certainly reduce the call on their time, and there is no reason why other forum members cannot undertake certain tasks if it will help to share the burden.

5.2.4 In chairing a meeting the chairman and vice-chairman should adopt an inclusive approach, actively seeking to ensure that all relevant views are heard, and should steer the forum, as far as possible, towards a clear and agreed line. The chairman and vice-chairman should not feel constrained from contributing to the discussion by expressing their own views. It is for the person chairing the meeting to decide whether to allow observers or members of the public to participate in discussions on specific agenda items.

5.2.5 Outside of forum meetings the chairman and vice-chairman should work with the secretary in preparing the forward work programme and annual report, finalising the meeting agenda, liaising with the appointing authority(ies) on administrative, training and logistical matters, and dealing with matters that arise between meetings.

5.3 Secretary

5.3.1 Regulation 11 requires the appointing authority(ies) to employ a secretary "who shall be responsible for the administration" of the forum. Research undertaken by the University of Gloucestershire showed that the role of secretary was a critical factor in the effectiveness of forums. It is important to ensure that a suitable person is appointed to the position. The secretary should have sufficient time to devote to their duties as well as knowledge and experience relevant to their role and the work of the forum. A secretary can be appointed on a part-time basis or they may be an existing council employee, but they cannot be a Member of the appointing authority, nor a member of the forum itself.

5.3.2 Where an existing employee is appointed as secretary, a clear separation between their forum and any other responsibilities should be maintained. An existing employee may come from a relevant department of the authority or from 'committee services.' In the latter case, specialist staff (e.g. a rights of way officer) will need to be on hand to assist with the more technical aspects of the work. The precise arrangements will depend on what works best at the local level, but the impact on the

forum's effectiveness and on the chairman's workload should not be under-estimated.

5.3.3 The Secretary is responsible for the administration of the forum, and will thereby help to reduce the burden on the forum's members. Forums can help their secretary by identifying what level of support and information is required to enable the forum to undertake its advisory role, and by giving the secretary clear direction and instructions.

5.3.4 Effective administration of a forum will include the following activities:-

- **Meetings**:-
  - (a) Organising and advertising meetings,
  - (b) Preparing and circulating the agenda, commissioning/circulating papers in advance of meetings;
  - (c) Taking the minutes of meetings;
  - (d) Assisting the chairman and members in conducting meetings so as to comply with statutory requirements and this Guidance;
  - (e) Liaising with the appointing authority to ensure the meetings and proceedings of the forum are publicised;
- **Information management**:-
  - (f) Assisting with production of the forward work programme and annual report;
  - (g) Acting as the point of contact for anyone wishing to contact the forum, and forwarding information on to the chairman and/or members as appropriate;
  - (h) Receiving, prioritising and processing consultations and requests for advice;
  - (i) Assisting in production of publicity material, events and a webpage;
- **Liaison** with:-
  - (j) The appointing authority(ies), regarding financial management of the forum (if applicable), processing of members' expenses, etc;
  - (k) Forum members and the appointing authority(ies) over training and site visits (including any health and safety requirements);
  - (l) Neighbouring forums and regional contacts;
- **Reporting forum advice**:-
  - (m) Ascertaining the appropriate named individual or team to which forum advice should be sent;
  - (n) Sending the forum's advice to section 94(4) bodies;
  - (o) Seeking feedback and reporting back to the forum.

6. Guidance for appointing authorities

6.1 The role of appointing authorities

6.1.1 This section provides further guidance for members and officers of appointing authorities, on their role as the appointing authority. **It should be read in conjunction with the other sections.**

6.1.2 Appointing authorities have a crucial role to play in supporting their forum and contributing to its effectiveness, by:-

- Setting the Terms of Appointment for forum members;
- Appointing suitable forum members and notifying them of their Terms of Appointment;
- Providing a secretary to administer the forum;
- Publicising the forum agenda, minutes and papers for public inspection;
- Publishing the forum's annual report, and sending a copy to Natural England (the LAF co-ordinator, John Dower House, Crescent Place, Cheltenham GL50 3RA);
- Meeting the forum's reasonable running costs and reasonable training needs;
- Providing suitable venues and refreshments for forum meetings;
- Maintaining a good working relationship with the forum, and assisting the forum in developing its forward work programme, promotional material and events, etc;
- Helping the forum to develop criteria for measuring effectiveness; and
- Reimbursing members' expenses in respect of travel and subsistence costs, and any expenses for the care of children or dependants (and notifying the forum members of the rules for claiming expenses).

6.1.3 Appointing authorities are also section 94(4) bodies and are likely to be the main recipients of forum advice. In this context appointing authorities must have regard to any relevant advice from the forum, and should aim to:-

- Consult the forum on relevant matters (not just matters where there is a statutory duty to consult), preferably at an early stage in the decision-making process;
- Provide relevant information, reports, background papers, speakers, etc;
- Give timely feedback on advice received from the forum; and
- Raise awareness of the forum amongst officers and members throughout the authority.

6.1.4 Most forum members are volunteers giving freely of their time and knowledge. If the forum is to serve a useful purpose it is therefore important that the members are given the help and support they reasonably need from the appointing authority.

6.1.5 Although forums are independent advisory bodies and are not part of local government, the appointing authority should ensure that the forum conducts its business within its statutory remit having regard to this Guidance. Any complaints about the conduct of a forum, or a forum member, should be dealt with through the appointing authority's normal complaints procedures.

6.1.6 Some authorities may operate other advisory or consultative groups alongside their local access forum. These might deal with rights of way issues, or with wider issues such as tourism, regeneration or diversity. Where other forums or groups exist it is recommended that their different roles are made clear to all concerned, so that they work in partnership and avoid overlap. Different groups might also have experience to share (e.g. on how best to engage with and influence decision-makers) and there might be scope for joint training events, promotion and publicity.

6.2 Provision of information to Natural England

6.2.1 Regulation 19 imposes a duty on appointing authorities to provide the following information to Natural England:

(1) the appointing authority must send a copy of the forum's annual report to Natural England within 21 days of the report being published.

(2) the appointing authority must notify Natural England in writing (with details of the secretary's name, postal and email address, telephone number, etc) within 21 days of -

(a) employing a secretary for the forum, or
(b) becoming aware that any of the secretary's contact details have changed.

(3) appointing authorities must notify Natural England within 21 days of -

(a) establishing the forum;
(b) making any change to the area in respect of which the forum has functions;
(c) merging the forum with any other forum;
(d) terminating the functions of a joint local access forum in respect of any area.

6.2.2 Authorities may submit notifications and copies of annual reports to Natural England in either hardcopy or by E-mail. Until further notice please send them to Natural England's national LAF co-ordinator at:

Natural England
John Dower House
Crescent Place
Cheltenham
GL50 3RA

E-mail address: enquiries@naturalengland.org.uk

6.3 Making changes to forum arrangements or coverage

6.3.1 Part 3 of the Regulations provides for changes to be made to forum arrangements. The Regulations provide appointing authorities with the statutory

powers to adapt their forum arrangements to suit local needs as they change over time. Authorities have powers to establish new forums, merge forums, change the area covered by a forum and enter into - or withdraw from - joint forum arrangements.

6.3.2 Appointing authorities (outside London) are required to ensure that all parts of their area are covered by a forum, and no area can be covered by more than one forum at any one time. Before making any changes, appointing authorities are required to consult any forums or appointing authorities they consider will be affected by the changes. Following consultation, changes to the forum arrangements are given effect by notice in writing – see Part 3 of the Regulations for further details.

6.4 Joint forum arrangements

6.4.1 The CROW Act and the Regulations allow for the possibility of joint forums, whose members are appointed by two or more appointing authorities. The Regulations clarify how certain other operational matters are intended to work in relation to joint forums, and allow for appointing authorities to enter into – or withdraw from – a joint arrangement. Subject to the terms of the Regulations, the authorities participating in joint arrangements are free to decide the operational and administrative arrangements between themselves, including the sharing of costs.

6.4.2 Where one authority agrees to act as the 'lead' appointing authority for a joint forum, the active support and engagement of the other authorities will remain important if the joint forum is to carry out its functions effectively across its whole area.

6.4.3 The Regulations generally allow for responsibilities to be shared between the appointing authorities (e.g. appointments to a joint forum must be made with the agreement of each appointing authority). However, the Regulations require that the secretary to a joint forum should formally be employed by only one of the appointing authorities.

6.4.4 A member of a joint forum who wishes to resign (or requires leave of absence from meetings) may do so by giving notice to the appointing authority (or, where relevant, the appointing authorities) for the area of the forum at the time of the member's resignation.

6.4.5 Each appointing authority of a joint local access forum must comply with the requirements for making forum documents available at one or more of its offices.

6.5 Recruitment and appointment of forum members

Recruitment

6.5.1 The Regulations require the appointing authority to advertise forum vacancies in such local or regional newspapers circulating in the authority's area as the authority considers appropriate and on the authority's website, and also to consult whichever bodies or individuals they consider appropriate. The advertising requirements do not apply to the appointment of a person who:-

- is a Member of a district or county council or National Park authority for any part of the area of the forum, or

- is appointed to a forum in the circumstances described in regulation 5(2) or 5(3) (i.e. when the appointing authority change the forum arrangements and terminate the appointment of a member as a consequence, that member may be appointed to another forum in the authority's area).

6.5.2 The appointment process should be fair and transparent and comply with the authority's policies on social inclusion and diversity. A creative and proactive approach in advertising vacancies will help to attract candidates from a wide range of backgrounds, and should take account of the needs of young people (there are no lower or upper age limits), women, people on low incomes, people with disabilities and people from ethnic minorities. It is recommended that authorities should consult local organisations representing users and land managers (including those bodies listed in Annex E to the DoE Circular on Public Rights of Way - No. 2/93). It may also be worthwhile consulting other local authorities in the area and, where relevant, the AONB Conservation Board or joint advisory committee.

6.5.3 Places on the forum should not be 'reserved' for specific organisations, although relevant organisations may be invited to recommend suitable individuals or to advertise a forum vacancy amongst their membership.

6.5.4 There is no requirement for forum members to live within the area of the forum or its appointing authority.

Balance of interests

6.5.5 The Regulations require forums to have at least 10 and a maximum of 22 members, and that these should be people who appear to the appointing authority to be representative of:-

(a) users of local rights of way or open access land (e.g. walkers, horse riders, cyclists and carriage drivers);

(b) owners and occupiers of access land or land over which local rights of way subsist; or

(c) any other interests especially relevant to the appointing authority's area.

6.5.6 Appointing authorities must ensure a *reasonable* balance is maintained between those who represent the interests in paragraphs (a) and (b). Note that the Regulations stipulate a 'reasonable' balance and not an exact balance - what is reasonable may depend, amongst other things, on local circumstances.

Other interests

6.5.7 Authorities are encouraged to consider other interests which are relevant to the area, and to ensure these are also represented on the forum, which will help to contribute additional skills and perspectives. Other interests especially relevant to the area might include, for example, tourism and active recreation (whether on land or in the air), nature or landscape conservation, coastal issues, education, heritage,

health, public transport, community safety, and other business interests.

Forum members connected with local authorities

6.5.8 As independent advisory bodies, forums are not part of local government. Local authority representatives can sit on a forum and can play a useful role: by helping to improve the quality of forum advice (e.g. by explaining the authority's policies and constraints), and by raising the profile and status of the forum within the authority. Local authority representatives who sit on a forum should play a full and active part as members of the forum, by attending meetings and contributing to its deliberations - but should take particular care to avoid prejudicing the independence of the forum's advice. The Regulations impose a limit on the numbers of local authority members: forums with up to 16 members may contain two local authority members; forums with 17 or more members may contain up to 3 local authority members.[5]

6.5.9 There are no restrictions on members of local authorities from outside the area of the forum being appointed to a forum, nor on members of town or parish councils. Neither is there a bar on the appointment of local authority employees. However, authorities should avoid appointing officers who have responsibilities for access and rights of way. Such officers could face a conflict of interest and it is generally better for them to attend forum meetings as participating observers.

Appointment procedures

6.5.10 The Regulations require appointing authorities to notify forum members of the terms of their appointment, and, subject to the exception contained in Regulation 5(4), also require that members be appointed for a minimum of one and a maximum of three years. Within this range, appointing authorities have discretion to decide the period of appointment for each member, but should take account of the impact which this might have on the forum's effectiveness in terms of continuity (e.g. if all the appointments end at the same time). There is no limit on the number of times a member may be reappointed to a forum.

6.5.11 When making appointments it is recommended that the authority make clear what interest(s) the member is being appointed to represent.

Setting the Terms of Appointment

6.5.12 The Regulations provide, subject to Regulation 4(2) to (4), for appointing authorities to determine the Terms of Appointment of a member of a forum. In drawing up the Terms of Appointment authorities may wish to refer to section 5.1, but in any case it should be remembered that it is the function of forums to give independent advice. Notwithstanding anything that is (or is not) set out in the Terms of Appointment, the regulations stipulate that:

- A forum member shall be appointed for not less than one and not more than three years (subject to rules regarding re-appointment on a change of forum

[5] Local authority members are members of a district or county council or National Park authority for any part of the forum's area.

arrangements - see regulation 5(4)). Members may be re-appointed to a forum at the end of their term;

- A forum member may resign by giving notice in writing to the appointing authority for the area of the forum at the time of the member's resignation;
- An appointing authority must terminate the appointment of a forum member if he or she becomes a member of a district or county council, or National Park authority within the area, and the relevant limit on such members is exceeded;
- An appointing authority may terminate the appointment of a forum member if he has:
    - been absent from all the forum meetings for one year without the consent of the appointing authority;
    - failed to declare an interest under regulation 6(8).
- An appointing authority may, on a change of forum arrangements, terminate the appointment of forum members in certain circumstances – see regulation 4(4)(c) for further details.

Size of Forum (number of members)

6.5.13 Regulation 3 stipulates that a forum should consist of at least 10 and not more than 22 members, and that if numbers fall below 10 at any time the appointing authority must, as soon as reasonably practicable, appoint new members. In deciding how many members to appoint, experience has shown that appointing the maximum number of members does not necessarily lead to a significant increase in costs and can actually reduce costs by avoiding the need for a recruitment exercise if numbers fall below 10. A larger forum can also help to ensure reasonable attendance levels at forum meetings bearing in mind that not all members are likely to be able to attend every meeting.

7. Advising and Consultation

7.1 The advisory role of forums

7.1.1 The legislation does not define when, how or in what circumstances forums should advise, and it is therefore for forums to decide what would be most appropriate within the local context. **Annex A** contains a list of matters on which forums may give advice. However:-

- the list is not comprehensive (there are likely to be additional matters which are important to particular forums), and
- individual forums are not expected to advise on the full range of issues (the list is a 'menu' from which forums should select the matters in their area).

7.1.2 Forums can give advice without being invited to do so, and their advice can relate to any of the activities/functions/policies of the section 94(4) body concerned (in so far as it affects access to land and/or open air recreation, etc).

7.1.3 When requesting advice from forums, Section 94(4) bodies should remember, and make appropriate allowance as far as possible for the fact, that many forums do not meet on a frequent basis and may face difficulties in dealing with short deadlines.

7.2 Requirements to consult or notify forums

7.2.1 Legislation requires forums to be consulted, or provided with information, in a number of specific circumstances, as set out below. It is important to note that these provisions in no way limit the scope of section 94(4) bodies to consult forums on other matters, nor do they limit the scope of forums to advise section 94(4) bodies on other access and recreation matters.

7.2.2 There is a specific statutory requirement to consult forums in the following circumstances:-

- Highway authorities shall consult the relevant forum before preparing or reviewing a **rights of way improvement plan** (section 61(1)(e) of the CROW Act);
- Access authorities shall consult the relevant forum before making **byelaws in respects of access land** (section 17(3) of the CROW Act);
- Access authorities shall consult the relevant forum before first **appointing wardens for access land**, and thereafter from time to time consult the forum on the exercise of that power (section 18(2) of the CROW Act); and
- The relevant authorities (i.e. Natural England, National Park authority or Forestry Commission) or the Secretary of State as appropriate, shall consult the relevant forum before giving or reviewing **a long-term direction to exclude or restrict access to access land** for a period which exceeds or may exceed six months (sections 27 and 28 of the CROW Act, and regulations 9, 15 and 16 of the Access to the Countryside (Exclusions and Restrictions)(England) Regulations 2003).
- The Secretary of State shall consult a forum before making or reviewing a **long-term direction to exclude or restrict access to access land** (for a period which exceeds or may exceed six months) on grounds of defence or

national security (regulations 9 and 16 of the Access to the Countryside (Exclusions and Restrictions)(England) Regulations 2003.

- The Dog Control Orders (Procedures) Regulations 2006, require a primary or secondary authority to consult the relevant forum where the order will apply to access land, before **making, amending or revoking a dog control order**. The authorities must also notify the forum after making, amending or revoking an order.
- An appointing authority shall consult any forum which they consider will be affected by **proposed changes to forum arrangements** in accordance with regulations 16, 17 and 18 of the Local Access Forums (England) Regulations 2007.

7.2.3 There is a statutory requirement to notify or provide forums with information in the following circumstances:-

- Highways Act 1980 (Gating Orders)(England) Regulations 2006, require a council to give a notice to any forum(s) through whose area the relevant highway passes before **making, varying or revoking a gating order** (regulations 4 and 10); and
- The Access to the Countryside (Provisional and Conclusive Maps) (England) Regulations 2002 require Natural England to **send reduced scale provisional and conclusive maps to the relevant forums** (regulation 8).
- The appointing authority must give 21 days notice to any forum affected by **changes to forum arrangements** (regulations 16, 17 and 18 of the Local Access Forum (England) Regulations 2007)

ANNEX A

MATTERS ON WHICH FORUMS MAY ADVISE

1. This Annex contains guidance on matters which forums can give advice on. It should be noted that:-

- it is not comprehensive - there are likely to be additional matters which are important within the local context, and
- individual forums are not expected to advise on all matters which appear here - the list is a 'menu' to assist forums in identifying the most important and relevant issues for their local area.

Public rights of way

Management of Public Rights of Way

2. Forums have an important role to play in advising on the management of the public rights of way network, including issues such as:-

- maintenance and infrastructure
- signage
- promotion and publicity
- resources
- public safety
- identification of gaps in the network where there is a demand for access, including the need to link up existing footpaths and bridleways to create better, safer and more effective recreational opportunities
- the needs of land managers
- accessibility by different types of user (e.g. walkers, horse-riders, cyclists, etc) and by people with impaired mobility
- identification of opportunities for improvements to the network, and
- integration with other types of access and public transport

Mechanically propelled vehicles

3. Forums can give advice on improving *recreational* access to land (including public rights of way) by use of mechanically propelled vehicles. However, forums can only give advice on *functional* access by use of mechanically propelled vehicles insofar as the access relates to a byway open to all traffic (BOAT). The reason for this restriction is that without it the statutory function of forums would have expanded to include public use of the road network by mechanically propelled vehicles. The term 'mechanically propelled vehicle' is not defined by legislation but Defra has issued guidance ("Regulating the use of motor vehicles on public rights of way and off road", December 2005) which is available at: www.defra.gov.uk/wildlife-countryside/pdf/access/crow/regulating-motorvehicles.pdf.

4. Many of these issues will be most effectively progressed through authorities' Rights of Way Improvement Plans (see below), but this does not constrain forums from considering and advising on these issues in other contexts. Forums can also give advice on site-specific issues where they consider this represents good use of their time, such as commenting on proposed diversion orders, extinguishment orders, gating orders, etc.

Rights of Way Improvement Plans (RoWIPs)

5. Local highway authorities are required (under sections 60 and 61 of the CROW Act) to review the adequacy of their rights of way network, and to prepare and publish plans which contain an assessment of whether local rights of way meet the present and likely future needs of the public; the opportunities provided for exercise and open air recreation and the enjoyment of the authority's area; and access to local rights of way by blind, partially sighted persons and others with impaired mobility. These plans are known as Rights of Way Improvement Plans (RoWIPs). The legislation requires all unitary, county and metropolitan councils and outer London boroughs to complete plans with the exception of those whose overall performance had been rated as "excellent" in previous years by the Audit Commission[6]. Those authorities had the freedom to choose whether or not to complete a plan and this freedom was extended to "4 star" authorities under a new rating system. However, none of the authorities who had this freedom chose to exercise it, and with the replacement, in 2009, of the Comprehensive Performance Appraisal with the Comprehensive Area Assessment, this freedom is now withdrawn

6. Forums should aim to play an active role in the development and implementation of RoWIPs since they set the strategic framework for making improvements to linear access.

7. Authorities are expected to involve forums in the preparation of their RoWIPs from the outset. Authorities have also been asked to prepare progress reports for forums as RoWIPs are **prepared, published, implemented** and **reviewed**. Forums should be proactive in discussing and agreeing with local highway authorities how and when they will be consulted, and in identifying any training that might be necessary to ensure that they are able to contribute fully to the process. This might take the form of informal training through policy development workshops, site visits etc.

8. Forums can play a vital role in championing RoWIPs, and in making sure that local highway authorities implement the action plans which should form part of the final RoWIP. Forums should advise and aim to influence senior officers in local highway authorities and local councillors in a way which encourages and assists them in achieving the aspirations set out in their RoWIP. This may include, if necessary, advising on the resource requirements.

9. Background information on legislation and Government policy in relation to rights of way is available on the Defra website at www.defra.gov.uk/wildlife-countryside/access/prow/index.htm.

[6] This freedom was introduced by the Local Authorities' Plans and Strategies (Disapplication) (England) Order 2005.

Alley Gating

10. Forums may advise on the likely impact (either individually or cumulatively) which a proposed gating order will have on the use of a public right of way. A gating order restricts the public use of a right of way, but does not legally extinguish the right of way. Forums should take account of the fact that orders can be worded so as to restrict public use of the right of access for certain days of the week or for certain times of day (e.g. evenings only). Orders can also be varied or revoked once made.

The Discovering Lost Ways project

11. The Discovering Lost Ways project was set up by Natural England to research and facilitate the recording of public rights that would be lost if not claimed or recorded on the definitive map by the cut-off date of 1 January 2026. However, the project was wound up following a review of the project by Natural England in 2007/08, which concluded that, given the existing legislative framework and other constraints, the objective could not be achieved within a foreseeable timeframe. Natural England set up a Stakeholder Working Group, which is tasked with exploring possible ways in which the process of recording of public rights could be improved with a view to making completion of the definitive map and statement more achievable. The Group has been asked to work towards outlining a package of strategic reforms that would be acceptable to all rights of way stakeholders. It is expected that any such proposals would be produced by the end of 2009.

Public access land over which a right of access exists under Part I of the CROW Act 2000

12. The right of access under Part I of the CROW Act applies to 930,000 hectares of open country and 130,000 hectares of forestry in England (almost 8% of the land area). Forums play a vital role in advising on the management and promotion of this access land and should advise on:-

- **encouraging responsible and wider enjoyment of access land** by all sections of society;
- **managing public access** in ways which reduce the impact on agriculture, nature conservation or land management, and reduce the risk to public safety;
- provision of **publicity material**;
- policies on **local information points**, **signage**, **gates**, **stiles**, etc;
- whether the relevant authority should **make, vary or revoke a long term direction to restrict or exclude access**, and whether this represents the least restriction or most appropriate option in the circumstances. In particular forums should consider whether access could be managed by informal measures (e.g. notices), the area and length of the proposed restriction, and whether any modifications or conditions would improve public access;
- the need for **byelaws** under section 17(3) of the CROW Act. Forums should carefully consider whether the nuisance caused by the activity(ies) in question is sufficient to warrant the potential imposition of a fine. In particular, are the

byelaws necessary to preserve order, prevent damage, or to avoid undue interference with the enjoyment of the access land by others?;

- the appointment of **wardens** under section 18(2) of the CROW Act. Forums should advise on the need for wardens including complementary working with any existing ranger staff;
- make representations to the Planning Inspectorate during the course of **appeals** brought by a person with a legal interest in the land;
- advise the Secretary of State for Defence on any proposed long term restrictions **on access on military training lands**;
- identifying **opportunities to increase the amount of access land** through voluntary dedication by landowners (under section 16 of the CROW Act - see www.defra.gov.uk/wildlife-countryside/access/crow/dedicate.htm), including access for equestrians and cyclists.

13. See the following websites:-

- www.defra.gov.uk/wildlife-countryside/access/crow/index.htm for background on legislation and Government policy;
- www.countrysideaccess.gov.uk/things_to_do/open_access for information aimed at the general public; and
- www.openaccess.gov.uk for information aimed at land managers and owners.

Other public access issues

14. Forums may advise on recreation and access provision across their area, including local strategies, plans or initiatives which incorporate or affect access and recreation. This might include better integrating recreational and functional access with other policies, such as those concerned with public transport, highways, tourism, education, health, community safety, coastal zone management, economic development and housing provision. Forums therefore have a potentially wide-ranging remit which allows them to focus on the key issues for their own area.

15. In this context forums should consider:-

- the integration and improvement of different types of access provision and recreational opportunities;
- the extent to which fair provision is made for all current and potential users, and reflects the needs of local people, visitors and businesses;
- the co-ordinated and effective use of resources in providing and managing access and recreation; and
- dissemination of information to interested groups and the wider public.

16. Advice should take account of the role and remit of the body the forum is advising, so that advice is realistic and relevant.

17. The Regulations prescribe an additional matter on which forums may advise, namely public access to land for any lawful purpose other than the purposes on which forums were already entitled to advise. This new matter allows forums to

advise, for example, on public access for 'functional' or 'utility' reasons. This will include the access to land, or use of rights of way, to get to work, school, shops or local amenities. It should be remembered that historically most rights of way developed to meet a functional need and although public rights of way are often prized for their recreational value, functional access can still be important on many routes, especially in built up areas. Making effective provision for functional use, now and in the future, will help people to make more sustainable transport choices, which are better for their health and which help to reduce congestion, pollution and road accidents.

18. Forums will also be consulted on dog control orders (affecting access land) and invited to make representations regarding proposed gating orders (affecting a right of way). Such orders are likely to be site specific but a forum can give advice if appropriate, taking account of the possible impact which the order will have on public access and/or enjoyment of the area.

Forms of access

19. Forums should take account of the fact that public access to land can take place in different ways and for different purposes. Recreational access is important not just for walkers (ranging from 'ramblers' to 'amblers') but also for cavers, climbers, cyclists, equestrians, motorised vehicle users, paragliding enthusiasts and many other groups.

20. Public access to land can take the form of:-

- linear access along a public right of way;
- area-wide access to open country, registered common land and dedicated land under Part I of the CROW Act;
- area-wide access under other legal rights;[7]
- permissive access provided and funded under the Countryside Stewardship, Environmentally Sensitive Areas and Environmental Stewardship Schemes (see http://cwr.naturalengland.org.uk/ for information on walks and rides provided under these schemes);
- other forms of permissive access where the landowner voluntarily permits public access onto his land; and
- tolerated ('de facto') access. Examples of de facto access are widespread, but because it relies on implied consent or implicit toleration, it can often be difficult to identify. Guidance on 'de facto' access and how it relates to other forms of access, is published by Defra and at www.defra.gov.uk/wildlife-countryside/pdf/access/crow/de-facto-guide.pdf.

21. Forums might also give advice in respect of land where there is currently no public access but where a need or demand for public access might exist.

[7] This includes, for example, public access provided under s193 of the Law of Property Act 1925 (rights of the public over commons and waste lands); by virtue of a local or private Act of Parliament, a scheme under Part I of the Commons Act 1899; by access agreement or access order under Part V of the National Parks and Access to the Countryside Act 1949; or by virtue of section 19 of the Ancient Monuments and Archaeological Areas Act 1979.

Common Land

22. Forums should consider advising local authorities (or parish councils) in their area on the best way to prioritise their use of the powers under:

(a) section 45 of the Commons Act 2006 (formerly section 9 of the Commons Registration Act 1965), to protect unclaimed common land and town or village greens from unlawful interference;

(b) Part 3 of the Commons Act 2006, to seek the removal of unlawful works from common land (Part 3 is expected to be brought into force from October 2007; until then, local authorities' powers to act are contained in section 194 of the Law of Property Act 1925), and;

(c) Section 12 of the Inclosure Act 1857 and section 29 of the Commons Act 1876, to enforce against encroachments on or damage to town or village greens.
(Note: The powers in (c) are vested in parish councils or meetings, except where there is no parish, where they are vested in district councils).

23. In all cases, the forum's objective should be to help safeguard and promote freedom of access over common land or greens - whether under Part I of the CROW Act, or under other legal rights - that may otherwise be significantly impeded by actions taken unlawfully on the land.

Access to water

24. While access to "land" includes access to "**land** covered with water", this is not the same as a right to access the water for a purpose other than to access the land which the water covers. Further, access under Part I of the CROW Act does not extend to access using "a vessel or sailboard on any non-tidal water" (see paragraph 1(b) of Schedule 2); and a public right of way is not the same as a public right of navigation. LAFs should not, therefore, advise on access over or in water or on recreational activities involving access over or in water, [unless the primary purpose of such access is to access the land beneath, and, in respect of access land under Part I of the CROW Act, unless such access does not involve the use of a vessel or sailboard on any non-tidal water. LAFs can of course advise on other access issues which may be of interest to those who pursue recreational activities in or on the water e.g. advice on access to land at the water's edge.]

Access by different types of user and by all sections of society

25. In giving advice forums should take account of the access needs of all types of user and all sections of society - including in particular those who face challenges or difficulties in using rights of way or in gaining access to the countryside or other green spaces. For example, people with disabilities, from ethnic minority groups, without their own transport or from other disadvantaged groups, on low incomes and visitors from outside the local area, are each likely to have their own particular access needs and concerns. Forums are well placed to provide local authorities with advice based on practical knowledge and experience.

Land use planning policies and planning applications

26. Forums may advise local authorities, National Park authorities and the Planning Inspectorate, on access issues in respect of land use planning matters. Forums can give advice on the recreation and access implications of individual planning applications. However, they will probably make the most effective use of their time by focusing on the relevant policies in the Local Development Framework (LDF).

27. An LDF is a folder of documents prepared by the local planning authority which outlines how development will be managed in the area. The LDF plays a key part in the delivery of the authority's community strategy by setting out its spatial aspects and providing a long-term spatial vision. The LDF should outline those parts of the community strategy that relate to the development and use of land and outline the council's strategy for delivering strategic development needs, including housing, leisure and retail.

28. Local authorities are required to involve the community from an early stage in the preparation of local development documents. Community involvement is essential to achieve local ownership and legitimacy for the LDF policies that will shape the future distribution of land use and development in the area. Every LDF must contain a 'Statement of Community Involvement', which outlines how and when the local authority will consult the public during plan-making process, and which can make reference to the forum. It is recommended that forums discuss with their local planning authorities how best they might assist in developing and revising the LDF.

29. Issues which forums may consider and advise on include:-

- the likely impact, and options for minimising possible adverse effects, of planning policies and development proposals in respect of future public access to land; and
- identifying and expressing support for opportunities to improve public access, or associated infrastructure, which might be delivered through planning policies or new development.

National policy development

30. Defra and Natural England (as well as other Government departments and agencies) regard public consultation as an important component in developing new policies. In order not to over-burden forums, a selective approach will be followed in deciding whether to include forums in the consultee list for a particular matter. However, forums can ask to be included in a forthcoming consultation by a section 94(4) body, and relevant advice will always be considered by such a body, whether or not forums are included in the original consultee list.

31. Public consultations normally run for three months, and an up-to-date list of all Defra's current consultations is published at www.defra.gov.uk/corporate/consult/default.asp.
Forums may wish to ask their secretary to periodically check this web page, in case there are any new consultations of specific interest.

32. Defra publishes a regular newsletter on access policy (the 'Access newsletter'). Electronic copies are sent to all forum secretaries for information, but anyone can ask to be added to the circulation list (E-mail: access@defra.gsi.gov.uk). Copies of the newsletter are available at.www.defra.gov.uk/wildlife-countryside/access/crow/index.htm.

ANNEX B

LEGISLATION RELATING TO LOCAL ACCESS FORUMS IN ENGLAND

The text of recent UK legislation (i.e. Acts of Parliament and Statutory Instruments) can be viewed online at www.statutelaw.gov.uk (but note the limitations which apply to the information presented on the website. For example, at the time of writing the text of legislation has been updated with any effects contained in subsequent legislation made or enacted before the end of 2001).

The Countryside and Rights of Way Act 2000

The most relevant sections for local access forums and appointing authorities are:-

Section 17 - requires access authorities to consult the relevant forum before making byelaws in respects of access land.

Section 18 - requires access authorities to consult the relevant forum before first appointing wardens for access land, and thereafter from time to time consult on the exercise of that power.

Section 27 - requires the relevant authority (i.e. Natural England, National Park authority or the Forestry Commission) to consult the relevant forum before making, varying or revoking a long-term direction to exclude or restrict access to access land on grounds of land management, avoidance of fire risk or danger to the public, nature conservation or heritage preservation (for a period which exceeds or may exceed six months).

Section 61 - requires a highway authority to consult the relevant forum before preparing or reviewing a rights of way improvement plan.

Section 94 - places a duty on local highway authorities and National Park authorities to establish local access forums; sets out the scope of the advisory function to be carried out by forums; sets out matters which forums shall have regard to in carrying out their functions; requires section 94(4) bodies to have regard to any relevant advice given to them by a forum in carrying out their functions. This section also requires forums to have regard to guidance given from time to time by the Secretary of State.

Section 95 - enables supplementary and incidental matters to be addressed in regulations, including for example, the detailed arrangements for membership of forums, and the application of local government legislation (such as provisions relating to access to information, the admission of the public to meetings, etc). Subsection 95(2) requires that forums should include members appearing to the appointing authority to be representative of users of access land and rights of way generally, of landowners and occupiers of such land, and other interests especially relevant to the area. Section 95(5) requires the Secretary of State in making regulations relating to local access forums to have regard to the desirability of maintaining a reasonable balance between the number of members representing users on the one hand and owners/occupiers on the other, and regulation 3(6) of the Regulations requires appointing authorities to ensure such a reasonable balance is maintained.

Secondary legislation (Regulations / Statutory Instruments)

The Local Access Forums (England) Regulations 2007 (SI 2007 No 268)

These Regulations relate to the administration and operation of local access forums in England, prescribe additional bodies to which it is the function of forums to give advice and prescribe an additional matter on which forums can give advice. These Regulations revoke the principal earlier regulations relating to local access forums (the Local Access Forums (England) Regulations 2002 (SI 2002 No 1836)).

Regulation 3 - deals with the appointment of forum members and requires appointing authorities to ensure a reasonable balance is maintained between users and owners/occupiers.

Regulation 4 - covers the terms of membership for forum members.

Regulation 5 - deals with re-appointment of forum members.

Regulation 6 - deals with the proceedings of local access forums, including appointment of a Chairman and Vice-chairman.

Regulations 7 to 10 - provide for public access to meetings and documents, including restrictions which apply in certain circumstances.

Regulation 11 - requires the employment of a secretary who shall be responsible for the administration of the forum.

Regulation 12 - deals with financial provisions, including members' expenses.

Regulation 13 - requires each forum to prepare an annual report, to be published by the appointing authority.

Regulations 14 to 18 - enable appointing authorities to make changes to forum arrangements, including the establishment of new forums, merging of forums, changing the area covered by a forum and the entering into - or withdrawing from - joint forum arrangements.

Regulation 19 - requires appointing authorities to notify Natural England of any changes in forum arrangements or secretary contact details, as well as to send Natural England a copy of the forum's annual report.

Regulation 20 - where a council of a London borough has resolved that section 94(1) of the CROW Act applies to the council or to part of their area, regulation 20 applies the Regulations to London Boroughs.

Regulation 21 - prescribes additional bodies to which it is the function of forums to give advice.

Regulation 22 - prescribes an additional matter on which it is the function of forums to give advice.

Regulation 23 - revokes the previous principal regulations relating to local access forums (SI 2002/1836).

The Access to the Countryside (Provisional and Conclusive Maps) (England) Regulations 2002 (SI 2002 No 1710)

Regulation 8 - requires the Countryside Agency to send reduced scale provisional and conclusive maps to the relevant forums.

The Access to the Countryside (Means of Access, Appeals) (England) Regulations 2004 (SI 2004 No 3305)

Regulations 4, 7, 15, 23, 25, 35, 36 and 40 - require notifications to be sent to the relevant local access forum in connection with appeals under section 38(1) of the CROW Act, relating to means of access to access land.

The Highways Act 1980 (Gating Orders) (England) Regulations 2006 (SI 2006 No 537)

Regulations 4 and 10 - require a local authority to give notice to any forum(s) through whose area the relevant highway passes before making, varying or revoking a gating order.

The Dog Control Orders (Procedures) Regulations 2006 (SI 2006 No 798)

Regulation 3 - requires a primary or secondary authority before making a dog control order, where all or part of the land in respect of which is access land, to consult the local access forum for that land, and after making such an order to send a notice to the forum not less than seven days before the day on which the order is to come into force. Regulation 3 also applies to the amendment of an order.

Regulation 4 - requires a primary or secondary authority before revoking a dog control order, where all or part of the land in respect of which is access land, to consult the local access forum for that land, and after revoking such an order to send a notice to the forum.

ANNEX C

INFORMATION ON SELECTED SECTION 94(4) BODIES

Department for Environment, Food and Rural Affairs (Defra)

Function and high level objectives

Defra is the Government department with responsibility for policy on access and recreation in England, including access to open country under the CROW Act and management of public rights of way. Defra is also responsible for policy on local access forums.

Defra's core purpose is to improve the current and future quality of life. It brings together the interests of farmers and the countryside; the environment and the rural economy; the food we eat, the air we breathe and the water we drink. This is achieved by integrating environmental, social and economic objectives - putting sustainable development into practice every day, and by championing sustainable development as the way forward for Government.

Contacting Defra

Defra welcomes advice from local access forums, particularly on the development of legislation and national (England) policy affecting public access, right of ways and open air recreation, for example through responses to consultation papers on these issues. Except where indicated otherwise, advice should be submitted in writing to:

> The Secretary of State for Environment, Food and Rural Affairs
> Department for Environment, Food & Rural Affairs
> Nobel House
> 17 Smith Square
> London SW1P 3JR

.

> For **general enquiries** contact the Defra Helpline on 08459 33 55 77 (E-mail helpline@defra.gsi.gov.uk)
>
> For specific enquires about **national policy of local access forums, the right of access to open country and public rights of way** contact the Recreation and Access Team (E-mail recreation.access@defra.gsi.gov.uk).
>
> For specific enquires about **national policy on the right of access to the coast** contact the Coastal Access Team (E-mail coastal.access@defra.gsi.gov.uk).

The Defra web site is at www.defra.gov.uk. The web page covering policy on access and recreation is at www.defra.gov.uk/wildlife-countryside/access/index.htm. The page on local access forums is at www.defra.gov.uk/wildlife-countryside/access/crow/local-access-forums.htm. Information on all current and previous Defra public consultations is at www.defra.gov.uk/corporate/consult/default.asp.

Natural England (NE)

Natural England was established on 1 October 2006, following the commencement of the Natural Environment and Rural Communities Act 2006. It comprises the former English Nature (EN), the Landscape, Access & Recreation

division of the Countryside Agency and parts of the Rural Development Service (RDS).

Function and high level objectives

Natural England has the statutory function of conserving and enhancing the value and beauty of England's natural environment and promoting access, recreation and public well-being for the benefit of today's and future generations. Its high level objectives include:-

- increasing the number, diversity, and frequency of people enjoying the natural environment;
- increasing everyone's understanding of, and ability to take action for, the natural environment; and
- improving places for people to enjoy the natural environment.

As a result of the Regulations, Natural England is to receive copies of all local access forum annual reports and must be notified of changes made to forum arrangements and changes in the Secretary.

Types of advice useful to receive

Natural England welcomes advice on how to improve:-

- the formulation and implementation of rights of way improvement plans;
- the condition of national trails and bridleways;
- access to the coast; and
- facilities and services for visitors at national nature reserves.

Policy approach to access and recreation

Amongst others, Natural England works with:-

- farmers, land managers, and public authorities, to maintain and develop access, and to assist them to successfully manage and benefit from increased public access to the natural environment;
- local authorities, to develop local area agreements for improved community infrastructure to enhance access to high quality natural environments;
- the Department of Health, health authorities, and health providers to ensure that recreation and access to the natural environment is recognised and funded as a central and cost effective part of public health;
- the Department for Education and Skills, and education authorities to ensure that every school child has the opportunity to experience nature and the outdoors, by mainstreaming learning in schools about the natural environment; and
- the Government, land managers, and users, to make a reality the commitment to enhance coastal access.

Contacting Natural England

The Natural England's national LAF co-ordinator can be contacted at:

Natural England
John Dower House
Crescent Place
Cheltenham
GL50 3RA
E-mail: enquiries@naturalengland.org.uk

The Natural England website is at www.naturalengland.org.uk. Maps showing the geographical coverage of each forum, together with contact details, web site address, etc, are published at. www.naturalengland.org.uk/ourwork/enjoying/accessforums/laf/default.aspx.

Forestry Commission

The Forestry Commission's mission is to protect and expand Britain's forests and woodlands and increase their value to society and the environment through **sustainable forest management**. This means looking after our forests and woodlands to ensure they continue to provide social, environmental and economic benefits to current, and future, generations.

The Forestry Commission's executive agency, Forest Enterprise, manages over 240,000 hectares of public woodland, forest and open space across England. Almost all of the freehold estate has been dedicated under section 16 of the CROW Act, and is now classed as open access land. On many sites also offer wider recreational opportunities, including cycling and horse riding.

The Commission uses the England Woodland Grant Scheme to support the private sector in providing recreation and access opportunities. Current practice ensures that this grant is focussed on opportunities close to where people live and where demand can be demonstrated.

The Commission is organised at a Regional and District level, and so may not be in a position to deal readily with all local issues. However advice is welcomed from forums on the following issues:

- Situations where new or existing woodland could increase or improve strategic access linkages, including linkages using other grant aided mechanisms (e.g. HLS, open access land particularly in, and near, urban areas);

- The promotion of woodland access opportunities to local communities;

- The development of regional policies/strategies in relation to access to woodland;

- Information on the quality of woodland access, including the ratification of

woodland access datasets (e.g. Woods for People: www.woodsforpeople.info);

- Access issues on the public forest estate; and
- Development opportunities on the public forest estate.

Our policy approach to access and recreation

The Government's current policy towards woodland access and recreation is contained within the England Forestry Strategy 1998. However this is currently being reviewed. The priorities include the improvement of high quality access opportunities in woodland close to where people live and also the better provision of information regarding these opportunities.

Each Region has produced a Regional Forestry Framework which identifies the priorities for delivery, including recreation and access, within the Region.

Our operational approach to access and recreation

Each Forest District produces Forest Design Plans for area of forests under its management. These also include the active management of recreation and access in conjunction with other land management practices.

As much of the freehold estate is dedicated as open access land, forums are consulted on closures of more than six months in duration.

Regional structure or contact points

In the first instance the Commission would prefer advice to be submitted to the appropriate Conservancy (regional office) for the attention of the Conservator (n.b. the Regions are aligned to the Government office regional boundaries):-

East England
Santon Downham
Brandon
Suffolk IP27 0TJ

London
GO For London
6th Floor
Riverwalk House
157-161 Millbank

North West England
Peil Wyke
Bassenthwaite Lake
Cockermouth
Cumbria

London SW1P 4RR

East Midlands
Willingham Road
Market Rasen
Lincs
LN8 3RQ

North East England
1 Walby Hill
Rothbury
Morpeth
Northumberland
NE65 7NT

South East England
Alice Holt
Wrecclesham
Farnham
Surrey GU10 4LF

South West England
Mamhead Castle
Mamhead
Exeter
Devon EX6 8HD

West Midlands
Government
Buildings
Block B
Whittington Road
Worcester WR5 2FR

Yorkshire & Humber
Wheldrake Land
Crockey Hill
York YO19 4FF

Internet address

The Forestry Commission website is at www.forestry.gov.uk.

Ministry of Defence (MOD)

Function and high level objectives

The purpose of Ministry of Defence is set out in the Defence Vision – to defend the UK and its interests, strengthen international peace and stability, and act as a force for good in the world.

The defence estate is essential for the delivery of this vision. It provides facilities for accommodating and training service personnel and for testing, maintaining and storing the equipment and materiel they need to carry out their tasks wherever they are in the world.

The defence rural estate is heavily utilised and some activities are hazardous. However, many public rights of way, permissive paths and some significant open spaces are available for access when public safety, security and the primary defence use permits. Forums should be aware that access arrangements are usually managed through byelaws made under the Military Lands Acts, and that bye-lawed land is excluded from the provisions of the CROW Act. Where MOD occupies land subject to the CROW Act the Secretary of State for Defence may make defence directions under section 28 of the Act. MOD is required to consult Forums on long-term directions.

Contacting MOD

The MOD takes a positive view of responsible public access and recreation and looks to effective local partnerships to help deliver enhancements. Larger MOD establishments have volunteer Conservation Groups and some major training areas

have dedicated Access Officers.

For forums that do not already have contact with their local establishments or for general queries please contact:-

The Access & Recreation Officer
Defence Estates Environmental Support Team
Land Warfare Centre
Warminster
Wiltshire BA12 0DJ

Tel: 01980 222 913 or email richard.brooks@de.mod.uk

The MOD access web site is at www.access.mod.uk and more information on MOD byelaws can be found at www.defence-estates.mod.uk/byelaws/Internet/Intro.html.

English Heritage

Function and high level objectives

English Heritage is the Government's statutory advisor on the historic environment in England - including historic buildings and areas, archaeology and the historic landscape. Alongside its duty to conserve the heritage, English Heritage is also required to advance understanding and accessibility to the public.

Enquires and advice in respect of the historic environment

In the first instance enquiries or advise concerning the access issues and the historic environment should be directed to local authority staff dealing with the historic environment. In many cases the local authority staff will already be experienced in offering management advice on avoiding potential access impacts, such as the physical erosion to earthworks, or ensuring that infrastructure is correctly sited in order to minimise any potential adverse effects.

Contact details for local authority historic environment staff are available on either the English Heritage website (under Historic Environment Records or `HERs') at www.english-heritage.org.uk/server/show/ConWebDoc.10111 or on the Association of Local Government Archaeological Officers (ALGAO) website at www.algao.org.uk/Association/England/EngMembers.htm.

In cases where the local authority believe that a designated site such as a Scheduled Monument may be affected, then they will direct you to talk to English Heritage.

Contacting English Heritage

Contact details for English Heritage's regional teams are available on the English Heritage website at www.english-heritage.org.uk (under 'About us').

Sport England

Function and high level objectives

Sport England (the English Sports Council) is committed to creating an active nation through sport. It works to increase the opportunities for people to get involved - and stay involved - in sport and active recreation, as well as helping them on the road to success.

A non-departmental public body, Sport England is responsible for delivering the Government's objectives for community sport. As such it aims to increase the number of people who are actively involved in sport, with a focus on hard to reach groups. To achieve this, Sport England provides advice to partners, invests Government and Lottery funding into community sport, and also promotes sport and its benefits.

Sport England has a regional structure, with decisions about community investment in the regions made by nine regional sports boards (RSBs), which comprise experts from sport, education, health and business. They are supported by Sport England's regional offices and work closely with a network of regional and sub-regional partners.

Advice and contact

The RSBs prepare Regional Plans for Sport through wide consultation. Forums may wish to contribute to that consultation. Each Sport England Regional Office has been given the details of forums in its area, to add to the consultation database.

At the sub regional level within each region there will be County Sport Partnerships (CSPs) which are partnerships of agencies committed to delivering both locally identified priorities for sport and those which are nationally determined. There are 49 CSPs based on, and co-terminous with, either traditional shire county areas, or based upon established networks of unitary or metropolitan authorities. CSPs provide co-ordination and strategic planning for sport in their geographical area.

Forums may wish to liaise and collaborate with the CSPs on issues of mutual interest including the development of opportunities which would increase participation in sport through open air recreation and use of the countryside for sport. This would have the additional benefits in maximising the contribution sport and recreation make to quality of life, improving health, safer and stronger communities, personal development, regeneration and social inclusion.

Contact

The Sport England Website is www.sportengland.org. Through this website access can be gained to the Sport England Regional Offices where details of the County Sports Partnerships can be found.

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