

DEVON COUNTY COUNCIL

Local Access Forum under section 94(4) of the Countryside and Rights of Way Act 2000

TERMS OF REFERENCE

1 Title

- 1.1 The Forum shall be known as the Devon Countryside Access Forum (Devon CAF)

2 Role and Responsibilities

- 2.1 The purpose of the Devon Countryside Access Forum shall be to provide advice to Devon County Council and other specified bodies on how to improve “public access to land in the area for the purposes of open-air recreation and the enjoyment of the area”, (section 94 of the Countryside and Rights of Way Act), in ways which address social, economic and environmental interests. A note on the statutory function of the forum is appended as Annex A.

- 2.2 The Devon Countryside Access Forum shall provide strategic advice. It shall:-

- contribute to the development of the Rights of Way Improvement Plan for Devon, published in June 2005.
- promote a constructive and inclusive approach to the improvement of recreational access to land and water which can be implemented through Community Strategies, the Local Transport Plan, AONB Management Plans, Local Development Frameworks and other policy documents.
- advise upon the management and maintenance of access, balancing the provision of access against the needs of conservation and the needs of residents, landowners and land managers.
- identify and respect local circumstances and different interests while operating within national guidance.
- advise on developing additional opportunities for everyone to enjoy the rights of way and access network.

- 2.3 Arrangements shall be made for effective liaison between the Devon Countryside Access Forum and forums for the neighbouring counties, unitary authorities and National Parks. Representatives of these forums may attend the Devon CAF with observer status.

3 Membership

3.1 Forum members shall represent one or more fields of interest rather than any particular organisation of which they might also be a member.

3.2 Members of the Forum shall be appointed to achieve a reasonable representative balance of the following interests:

a) Users of local rights of way (for example walkers, horse riders, cyclists, people with limited mobility), and

b) owners and occupiers of access land or land crossed by local rights of way.

Additionally, the membership of the forum shall seek to represent any other interests especially relevant to Devon, and these are considered to be:

c) tourism, sport and recreation, wildlife conservation, cultural heritage, health, outdoor education, public transport, community safety and local business.

3.3 Members shall be appointed by Devon County Council following open advertising and a fair and transparent appointment process.

3.4 Members shall be appointed for three years. Members may re-apply for appointment at the end of their term but a third term of appointment will be considered exceptional.

3.5 Before appointment, members shall confirm:

- their commitment to working within the Guidance on Local Access Forums in England, issued by the Secretary of State, (Defra, February 2007) and achieving the purpose of the forum through constructive working with other members;
- their ability to devote the necessary time to attend forum meetings;
- their willingness to attend training sessions and to network with a wide range of interests outside meetings.

Membership may be terminated where a member is absent from meetings for a year.

3.6 The lower and upper limits to the size of the forum (10 and 22) are set out in the Regulations. Devon County Council has set a limit of 15 members of the Devon Countryside Access Forum. It regards this number as an effective working size whilst allowing a wide representation of interests.

The Devon CAF shall comprise 15 members, of which 13 shall represent a reasonable balance between access users, land owners and occupiers and other interests. The other two places on the forum shall be taken either by the Chair and Vice Chair of the Public Rights of Way Committee or the Chair of the Public Rights of Way Committee and a district or borough councillor.

- 3.7 The chair and vice chair shall be appointed by the Devon CAF at its meeting in April and shall hold office for one year. Subject to their continuing membership of the forum, they shall be eligible for re-election annually thereafter. Whilst there is no restriction upon the number of years these offices are held, providing the members remain appointed to the forum, the recommendation is that the position of chair is held for no longer than three years.

The chair and vice chair should come from different interest groups but may both be from the 'other interest' category if interests are different.

- 3.8 Members shall disclose the nature of any direct or indirect interest in any matter brought up for consideration at a meeting of the forum 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." However, members may still participate in the discussion.

4 Administration

- 4.1 The County Council shall provide a secretary responsible for the administration of the forum who shall be neither a member of the County Council nor a member of the forum.
- 4.2 The Guidance requires the forum to meet at least twice yearly. The Devon CAF shall hold public meetings on three or four occasions and additional meetings or working groups shall be arranged when necessary.
- 4.3 Meeting agendas shall be agreed between the chair, vice chair and the secretary.
- 4.4 Meetings shall be advertised in advance and held in public.
- 4.5 Agendas, papers and minutes shall be available to the public at least three days before the meeting.
- 4.6 The chair shall, when appropriate, invite members of the public and observers at the meeting to contribute a point of information to discussion.
- 4.7 Public questions may be submitted in writing three days before a meeting or taken at the meeting at the discretion of the chair.
- 4.8 An Annual Report on the forum's activities must be prepared and sent to Natural England within twenty-one days of publication.

5 Allowances

- 5.1 Members may claim travelling allowances for attendance at forum meetings and authorised training events, and where appropriate, a carer's allowance, at rates in line with the County Council Members' Allowance Scheme. The rate for motor mileage allowance is based on the Inland Revenue recommendation, currently set at 40p / mile. The carer's allowance will be fixed in line with the statutory minimum wage for workers aged 22 years and over.

ANNEX A

LOCAL ACCESS FORUMS

Summary of relevant legislation

Background

Sections 94 and 95 of the *Countryside and Rights of Way Act 2000* placed a duty on highway authorities and National Park authorities to establish an advisory body to be known as a local access forum. These notes provide a summary giving information about the responsibilities and role of the Devon Countryside Access Forum, taken directly from the revised *Local Access Forums (England) Regulations 2007* and the *Guidance on Local Access Forums in England 2007 (Defra)*.

<http://www.statutelaw.gov.uk/>

<http://www.defra.gov.uk/wildlife-countryside/cl/laf-guidance.pdf>

1 The Devon Local Access Forum

The forum is called the Devon Countryside Access Forum and covers the administrative area of Devon, excluding Plymouth City Council, Torbay Council, Dartmoor National Park and Exmoor National Park which each have a forum.

2 Role and Responsibilities

The forum is a statutory advisory body established by Devon County Council under the Countryside and Rights of Way Act 2000.

The forum has the primary purpose of giving strategic advice on how to make land (and water) more accessible and enjoyable for open air recreation, in ways which take into account land management, environmental needs and relevant guidance issued by the Secretary of State.

Recreational access includes not just the needs of walkers, cyclists and equestrians but also motorised vehicle users, canoeists, anglers, cavers, climbers, surfers, paragliding enthusiasts and other groups.

Public access can include advising on both existing and desired types of access:-

- linear access
- area-wide access, including access land
- permissive access - provided and funded under Countryside or Environmental Stewardship schemes, Environmentally Sensitive Areas or voluntary dedication
- tolerated ('de facto') access

- access to water and the water's edge
- functional access – getting to work, school, the shops and amenities

The forum has a remit to advise section 94(4) bodies under the Act, both reactively and proactively. In Devon, these bodies are:

- Devon County Council
- district and borough councils in Devon
- the Secretary of State
- Natural England
- the Forestry Commission
- English Heritage
- Sport England (the English Sports Council)
- Area of Outstanding Natural Beauty (AONB) Conservation Boards
- parish and town councils

The forum should provide independent, constructive, relevant, inclusive, incisive and informed advice which informs the decision-making processes of section 94(4) bodies. These bodies are expected to 'have regard, in carrying out their functions, to any relevant advice given to them' and provide feedback to the forum.

The forum should prioritise its work to make the best use of its time, taking into account where its advice will be most useful and relevant. It may prepare a forward work programme to assist in this process. It is likely to focus on strategic issues which:-

- have relevance across the area or are central to access and recreation policy and management;
- have a potential impact on more people or assist disadvantaged sections of the community;
- have been neglected; or
- are of major public interest

The forum should:-

- develop a constructive and inclusive approach to the improvement of recreational access to the countryside;
- respect local circumstances and different interests while operating within national guidance;
- provide advice on issues of principle and good practice, consistent with national guidance;
- engage in constructive debate and seek consensus wherever possible;
- where consensus is not possible, make clear the nature of differing views and suggest how they might be resolved.

3 Specific areas of work

Access land

The access to open country and registered common land, introduced by the *Countryside and Rights of Way Act 2000*, provides the forum with opportunities to ensure access to such land is made available to as wide a range of people as possible.

The forum has a continuing role in advising on the management of access land. It will be consulted on:-

- byelaws in respect of access land (section 17(3) of the CROW Act)
- appointment of wardens for access land
- any long-term directions to exclude or restrict access to access land for periods greater than six months
- making, amending or revoking a dog control order (Dog Control Orders (Procedures) Regulations 2006)
- encouraging responsible and wider enjoyment of access land
- publicity material and policies on maintenance, safety, signage, information and furniture (stiles, gates etc.)
- opportunities to increase access land provision through voluntary dedication (section 16 of the CROW Act) including access for equestrians, cyclists and canoeists.

The Rights of Way Improvement Plan

Section 60 of the *Countryside and Rights of Way Act 2000* requires highway authorities to prepare Rights of Way Improvement Plans which review the adequacy of their rights of way network and propose aspirational policies and proposals to secure an improved network.

Having commented initially on the draft Rights of Way Improvement Plan, the forum is likely to be involved in the following areas of work:-

- priorities for the action plans which follow from the reviews
- progress in implementing the action plans.
- influencing Devon County Council and others to assist in achieving RoWIP aspirations
- informing the Discovering Lost Ways project

Public Rights of Way

The forum has a role to play in advising on the management of the public rights of way network. Such advice may cover:-

- maintenance and infrastructure
- signage
- promotion and publicity
- resources
- public safety
- identification of gaps in the network

- the needs of land managers
- accessibility by different types of users and by people with impaired mobility
- identification of opportunities for improvements to the network
- integration with other types of access and public transport
- requirements for alley gating (Highways Act 1980 (Gating Orders)(England) Regulations 2006)

Public Access

The forum may advise on a wide range of local and national plans, strategies and initiatives including those for recreation, tourism, health and public transport. In this context, it 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.

Land use planning policies and planning applications

Forums may advise on access issues related to land use planning matters, particularly through the Local Development Framework, a new set of documents outlining how development will be undertaken and managed in a sustainable manner. The forum may advise on ways of reducing the adverse effects of planning policies and development proposals and identify policies to improve access or associated infrastructure.

4 Membership

The local access forum is made up of members with a wide range of relevant interests and expertise. Regulations require that a reasonable balance is achieved between the number of members representing:-

- users of rights of way and access land;
- owners or occupiers of access land or land crossed by rights of way;
- other interests, such as conservation, tourism, sport, transport, health, outdoor education and local business.

Members who can represent the access needs of those with disabilities, minority ethnic groups and young people are also included.

The appointment of members is for three years with the possibility of re-appointment.

The lower and upper limits to the size of a local access forum (10 and 22) are set out in the Regulations.

The Regulations restrict the number of members of a district council, a county council or a national park authority who may be appointed to a forum in any part of that authority's area. The maximum is two for a forum up to 16 members. The appointed members for the Devon Countryside Access Forum are the Chair of the Public Rights of Way Committee and either the Vice Chair of the Public Rights of Way Committee or a district / borough councillor.

The chair and vice chair of the forum are elected annually by forum members.

5 Meetings and administration

Administration of the forum is conducted in accordance with the *Local Access Forums (England) Regulations 2007*.

The forum is required to meet at least twice annually.

Sub-groups on particular topics may be held. The purpose of such groups is agreed beforehand. Deliberations are either held in public with an advertised agenda or report back to a full meeting before submitting advice to a section 94(4) body.

There is inevitably business between meetings. A forward work programme may anticipate known consultations. The forum may develop 'position statements' to assist in responding to requests for advice between forum meetings.

The appointing authority provides the secretary for the forum and provides an additional budget to cover meeting and travel costs.

The secretary arranges and publicises meetings, agrees meeting agendas with the chair and vice chair and circulates agendas and papers for the meetings. The secretary helps the chair to run the forum according to the *Local Access Forums (England) Regulations 2007*, produces minutes of meetings, arranges site visits, facilitates the provision of information to the public and produces an annual report.

The forum should establish close links with neighbouring forums and opportunities for the exchange of information at meetings or regional events.

6 Allowances

The chair, vice chair and members will all be appointed on a voluntary basis, but will be able to claim reasonable travel expenses for attendance at meetings, training events and other approved visits. Where appropriate a carer's allowance may be claimed.