



**Devon Local Access Forum
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Countryside (Recreation & Landscape) Division 2
Department for Environment, Food and Rural Affairs
Zone 1/2
2 The Square
Temple Quay
BRISTOL
BS1 6EB

Dear Sir/Madam

**Consultation relating to regulations about public places under section 42 of the
Countryside and Rights of Way Act 2000**

The Devon Local Access Forum met last week and discussed the above consultation paper. Members concurred that there may be an argument for making regulations to disregard some legislation currently covering public places. The Devon LAF suggests that the guiding principle for looking at each case should be to enhance access and to minimise any burden on the landowner whilst protecting the safety and enjoyment of the public. However, there was not unanimity about which regulations would be appropriate.

Proposal 1

Members considered the criteria set out under point 1 and felt that these adequately covered the issues under which regulations might be warranted.

Proposal 2

Devon LAF members felt inadequately qualified to discuss the legal and safety implications of the Mines and Quarries Act. The Devon LAF had sought prior advice from Devon County Council but no opinions had been brought to the attention of the LAF. The Devon LAF would recommend that a decision is deferred until it can be assessed how both landowners and local authorities react to the circumstances following implementation of open access land. The recent "Land managers' guidance pack", published by the Countryside Agency, does not specifically address the question of mines and quarries and it would be helpful if guidelines for practical and positive management

of such sites could be made available for any land managers before open access is implemented. This would help land managers and access users whilst the optimum way of dealing with mines and quarries is considered.

LAF members were concerned about the financial implications for landowners in situations where they might be responsible for ensuring the safety of quarries or mines on open access land. Such costs could be onerous.

Proposal 3, Proposal 4, Proposal 5 and Proposal 6

The Devon LAF spent some time debating these proposals but was unable to come to a consensus. The LAF would like to emphasise that opinions were not divided between landowners and users but were spread across LAF members. The Devon LAF recognised the need to maximise public access and enjoyment of the countryside whilst safeguarding landowners' rights to use and enjoy their own land. There was general agreement that while it was unfair to unreasonably restrict landowners' freedoms, members felt there was a need for a mechanism which could provide for restrictions on inappropriate and excessive behaviour, on dogs or other matters which could foreseeably pose a risk to access land users or others.

Proposal 7, Proposal 8, Proposal 9 and Proposal 10

The Devon LAF would agree with these proposals.

General Comments

The Devon LAF found it difficult to see how the proposals to introduce regulations could be achieved in a fair manner and was particularly concerned about the erosion of rights previously enjoyed by landowners.

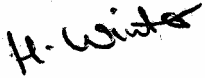
The Devon LAF foresaw immense difficulties in trying to enforce any regulations. Landowners or managers might well resent any measures that would curb their existing rights to exercise dogs or use their land. At the same time, the existence of Regulations might lead to access users using land for anti-social behaviour or for letting dangerous dogs run loose and this could create tensions with landowners or other access users. The Devon LAF does not believe that DEFRA has considered adequately how these regulations could be implemented and, more importantly, enforced. There are potential resource implications for both highway authorities and police authorities.

The Devon LAF would urge DEFRA to consult at length with the Police Authorities and Community Safety Partnerships to ascertain whether making regulations is workable and achievable. If regulations are introduced, situations may arise where the police are required to arrest a landowner for drinking on his own land or to help a landowner wishing to remove gatherings of under-age drinkers with dangerous dogs. There is also the conundrum of trying to enforce the law where there are regulations on open access land but the same activity may not be permitted on adjacent bridleways or other existing rights of way. The police would be required to be extremely knowledgeable about boundaries and rights on different areas of land and may be reluctant to use their powers in the event of any uncertainty.

The Devon LAF wondered whether provisions could be made within a strengthened Country Code to incorporate some of these issues. This would create a moral onus rather than a legal one but might encourage a responsible use of the countryside.

The Devon LAF would be grateful if your could take these views into consideration.

Yours faithfully

A handwritten signature in black ink that reads "H. Winter". The signature is written in a cursive style and is positioned above the printed name.

Hilary Winter
Secretary
Devon Local Access Forum