

### Report on Appeals by landowners' and others against land being shown as Open Country on the CRoW Provisional Maps.

1. I have prepared this report for the information of Devon LAF members in my capacity as Ramblers' Association Access Officer.
2. On 29 April 2004 the Government announced the likely regional timetable for the new right of access to come into effect in England. In Devon the date is August 2005, now less than one year ahead. But before that, landowners' appeals against land being mapped have to be resolved.
3. Following issue of the CRoW Provisional maps in March 2004 landowners had until 4 June to object to land being shown on the Provisional maps. Although there is no machinery for potential users and others to say to the Countryside Agency, "you still have not mapped my favourite bit as Open Country" it was possible to comment on the Landowners' objections.
4. The landowner can only appeal if either a) land is mapped as Registered Common but it is not Registered Common or b) land is mapped as "mountain, moor, heath and down" (Open Country) and it is not "mountain, moor, heath and down". Where an appeal says "I don't want my land mapped as '*right to roam*' because there are thousands of other places down the road where you can go instead" this is insufficient grounds for an Appeal.
5. All of the Appeals were published on the Planning Inspectorate website [www.planning-inspectorate.gov.uk/access/districts\\_list/south\\_west.htm](http://www.planning-inspectorate.gov.uk/access/districts_list/south_west.htm)
6. Areas in Devon (outside the Dartmoor and Exmoor National Parks) being appealed include the coastal stretch including Start Point, Burgh Island, Gittisham Hill (near Honiton), areas of possible 'moor' in mid Devon near to the Exmoor NP boundary and many areas, possibly including Culm grassland, in the mid to north Devon areas.
6. The appeals can be dealt with in one of 3 ways: by written correspondence, by public hearing (an informal process taking about 1 to 1.5 hours per appeal) or a public inquiry (a more formal process which can run to 3 or 4 days per appeal). Note that the 'method' of dealing with the appeal can change; for example, where the Appellant has initially requested a public hearing this can be altered to written correspondence where it is agreed between the parties that such may be a more suitable and economic way of dealing with the issue
7. At the time of writing there have been just under 200 appeals in Devon. Seven are in respect of land being mapped incorrectly as Registered Common. The vast majority being land "wrongly" mapped as "mountain, moor, heath and down". Currently, 7 are to be decided at public inquiry, 39 at public hearing and the remainder by written correspondence. The 7 public inquiries are all by the same owner and are in respect of Vixen Tor (Dartmoor National Park) and its immediately adjoining enclosures (6 appeals) and the nearby Merrivale Newtake (1 appeal). Probably of no great surprise is that the Vixen Tor and Merrivale appeals are likely to be amongst the highest profile ones in Devon.
8. After the landowners appeals are lodged and put onto the Planning Inspectorate website the Countryside Agency then start its detailed investigation of each appeal.

There are some that the Countryside Agency will concede it has got wrong and that a particular piece of land should not, in its opinion, be mapped. Even where the Countryside Agency has conceded the appeal it does not end the appeal process; it remains open to others to present evidence supporting the mapping. There have been instances elsewhere where, despite the Countryside Agency saying that it has mapped an area wrongly, the Planning Inspectorate's Inspector decides in favour of the land being mapped.

9. The inquiries and hearings are held in public and anyone can attend. They should commence in the autumn of 2004. I hope that members of the Devon Local Access Forum will be interested and able to attend. As soon as I know dates and venues I will let you know.

John Skinner

22 September 2004