

WAKEFIELD DISTRICT LOCAL ACCESS FORUM BACKGROUND INFORMATION (SEPT 2010)

1. Introduction

The Countryside and Rights of Way Act 2000 (“the CROW Act”) placed a duty on local highway authorities to establish advisory bodies known as local access forums by 7th August 2003. The Wakefield District Local Access Forum was established in July 2003.

Before establishing the forum the Council consulted widely on the area the forum should cover and forum size. The consultation resulted in the decision for a single forum covering the whole of the Wakefield District. It was also agreed that the forum should have a minimum of 12 members, including two elected members appointed by Wakefield M D C. The role and administration of the forum is set out within guidance prepared by Department of Environment, Food and Rural Affairs (DEFRA).

The Wakefield District has over 500km/320 miles of recorded rights of way and many areas of recreational land, including country parks, nature reserves, woodlands etc. The Countryside Agency, under Part I of the CROW Act, has mapped access land and registered common land in England. Final maps for the area were finalised in November 2005.

2. The roles and responsibilities of local access forums

a. General role

The local access forum has a wide role in advising the Council upon strategic access and recreation issues generally. The forum is a statutory adviser to the Council and to other bodies having duties under Part I of the CROW Act on the improvement of public access to land in their area for the purpose of open-air recreation and the enjoyment of the area. Such bodies must have regard to any relevant advice given to them by the forum. The CROW Act (and where appropriate, regulations made under the CROW Act) requires forums to be consulted on:-

- draft maps, prepared by the Countryside Agency, showing open country and registered common land;
- any byelaws to be made by the access authority affecting access land;
- the appointment of access wardens on land where the new right of access applies;
- directions proposed to be given by the Countryside Agency, National Park authorities or the Forestry Commission on dedicated woodland (“relevant authorities”) which would restrict or exclude long-term access from access land, and the review of such directions;
- rights of way improvement plans prepared by the local highway authority under Part II of the CROW Act.
- functional or utility access as part of lawful public access.

b. Responsibilities

Under section 94(6) of the CROW Act the local access forum is required, in providing advice, to have regard to:-

- the needs of land management;
- the 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
- guidance given from time to time by the Secretary of State.

The regulations require that the Council selects as members people who are representative of:

- users of the new right of access and users of local rights of way (e.g. walkers, horse riders, cyclists etc);
- owners and occupiers of access land or land crossed by local rights of way; or
- any other interests relevant to the area (e.g. tourism, education, heritage, transport, health and local business etc).

The regulations also require appointing authorities to ensure a reasonable balance on each local access forum between the number of members representing differing interests. As part of the consultation a list of interests felt to be representative of the district from which forum members will be drawn was agreed. (see Appendix A)

Forum members are drawn from a wide range of backgrounds to take account of the needs of for example, young people, women, people on low incomes, people with disabilities and ethnic minorities.

Forum members should respect local circumstances and the needs of integrated land management, environmental, social, economic and educational interests, whilst operating within the CROW Act and regulations made under the CROW Act, and having regard to the statutory guidance. Local access forum members are expected to demonstrate a commitment and an inclusive approach to the improvement of recreational access to the countryside, engaging in constructive debate and seeking consensus wherever possible.

3. Key Areas of Work

The key areas of work for the Wakefield District local access forum are:-

a. Commenting on maps of open country and registered common land and management of access land

The Countryside Agency has produced maps of all open country (land which appears to them to consist wholly or predominantly of mountain, moor, heath and downland and which is not registered common land) and all registered common land. The final map for the east of England, including Wakefield district was published in November 2005.

In managing access land the forum will have a role in advising on proposals for

byelaws, appointing wardens and long-term exclusions and restrictions.

b. Commenting on rights of way improvement plans

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 prepare and publish plans which contain the authority's 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 areas; and access to local rights of way by blind, partially sighted persons and others with mobility problems.

The forum should adopt a strategic approach to its work on rights of way, for example:

- comment on any opportunities for access to open countryside especially where new linear routes may be desirable;
- assist in setting the Council's priorities for implementing their plans; and
- comment on published draft plans.

c. Advice on other recreation and access issues

The new access arrangements provide authorities with the opportunity to evaluate recreation and access provision across the District. It will be important that the new access to open countryside and registered common land is integrated with existing provision to give opportunities to as wide a range of people as possible. The forum may be requested to provide advice on:

- strategies or plans incorporating recreation and access which set rights of way and open access in a broad context, integrating provision for access, all forms of open air recreation to land and water, and transport, tourism, health and public information;
- the extent to which fair provision is made for all current and potential users, and reflects the needs of local people and businesses; and
- the co-ordinated use of resources to provide and manage integrated recreation and access, and the dissemination of information to interested groups and the wider public.

The forum has been consulted on the Councils Greenspace Strategy, Woodland Strategy and Rights of Way Improvement Plan.

4. Working arrangements of the forums

a. Election of chair and vice-chair

The forum elects the chair and vice-chair. In the interests of balance, the chair and the vice-chair should be drawn from members representing different categories of interest.

The forum decides how long the chair and vice-chair may hold their offices at the time of the election, but this will be constrained by the period for which the person concerned has been appointed to the forum.

b. Forum Members

Potential members of the forum are expected to confirm their support for the positive purpose of the forum and to give a commitment to attending meetings and a training programme. Meetings are held at least twice a year, although they are currently every two months.

c. Period of Membership

Membership of the forum is for a period up to three years – membership has been staggered with some forum members appointed for one, two or three years in the first instance to allow continuity of the forum. Members appointed to vacancies are appointed for the period of membership left for the person replaced.

d. Expenses

Membership of the forum is on a voluntary basis, but travelling and subsistence expenses are payable for attendance at meetings and training sessions. Car sharing is encouraged. Forum members are also able to claim an allowance for the care of their children or dependants directly incurred in respect of their duties.

e. Secretary

Wakefield MDC employs the secretary of the local access forum. The Regulations do not prescribe the secretary's duties but the secretary takes a leading and proactive role in their overall responsibility for the administration of the forum including:

- organising and advertising meetings;
- preparing and circulating the agenda, and commissioning and distributing papers in advance of meetings;
- preparing an outline work programme for the forum;
- assisting the chairman in conducting the meetings so as to comply with statutory requirements and guidance;
- writing the draft minutes of meetings;
- publicising the proceedings of meetings and related papers;
- producing draft annual reports on the work of the forum;
- liaising between the forum and the appointing authority, including any responsibilities agreed with the appointing authority for the management of the financial expenditure of the forum;
- liaising between the forum and neighbouring forums; and
- communicating the forum's advice to the appointing authority and other bodies to which the forum may give advice, and reporting back to the forum any response form, or action taken by, the recipient.

f. Meeting arrangements

The regulations require that local access forums should meet at least twice a year but a forum may meet more frequently if it considers this necessary.

At each meeting local access forum members agree the draft agenda for the next meeting and the publicity required. Urgent items can be added to the agenda between meetings of the forum with the agreement of the chair and vice-chair.

Meetings are advertised and open to the public, and the minutes, agenda and reports are available for public inspection.

g. Annual work programme

The forum agrees an annual work programme taking account of its work priorities. The work programme should be available for inspection to the public.

h. Training

Training is organized to assist forum members to fulfil their advisory role more effectively.

i. Annual report

The regulations require every local access forum to produce an annual report on its work, which will be published by the Council. The published report will cover, as a minimum, the questions and issues on which the forum provided advice during the year and an indication of the bodies the advice was given to.

j. Observers

The chair, with the agreement of the vice-chair, may invite observers to participate in meetings of a local access forum. Observers might be drawn from, for example, officers of WMDC and officials from the Countryside Agency and other statutory bodies, for example, English Heritage, English Nature, the Environment Agency, etc.

k. Networking and providing information

Local access forum members are expected to improve liaison between interest groups and others who are not normally consulted on countryside recreation activities, but who may wish to have an input into decision-making processes. Forum members should bear in mind that they are appointed to act as representatives of particular interest rather than particular organisations.

l. Cross boundary liaison

The local access forums should establish close cross boundary links with neighbouring forums to ensure that issues of common concern are considered.

APPENDIX A

WAKEFIELD DISTRICT LOCAL ACCESS FORUM

LIST OF INTERESTS REPRESENTATIVE OF THE DISTRICT

CROW 2000 requires that there is a balance between those representing users of rights of way and access land and those representing owners and occupiers of land affected by public access on the forum. Those representing other interests relevant to the area will also be appointed.

Following consultation, interests identified as representative of the Wakefield District are:-

- Parish/Town councils
- Tourism
- Walking
- Horse riding
- Cycling/mountain-biking
- 4x4 off-road users
- Access for people with disabilities
- Common land interest/owners
- Landowners
- Farming
- Game keeping
- Field sports
- Local archaeology/history
- Outdoor education
- Wildlife/nature conservation
- Biodiversity Group
- Volunteering
- Health and safety
- Health
- Public transport
- Woodland management
- Angling
- Canoeing/water sports
- Local business
- Sport
- Canal groups/British Waterways
- Orienteering
- Camping/caravanning