MAKING OUR NEEDS KNOWN AND INFLUENCING DECISION MAKERS

REPORT

31/08/15

1. INTRODUCTION

England is a different place since the creation Local Access Forums and the UK economy has changed significantly. Highway authority budgets have been reduced, which is having an effect on PRoW and countryside access. Natural England's resources have also been reduced which is affecting the support they provide to LAFs. However the LAFs workload continues to grow. LAFs continue to advise decision making bodies on local countryside access issues. Issues have arisen where a number of LAFs have raised their concerns relating to the same subject, often of national importance to countryside access, independently or at their Regional Chairs meeting. Unfortunately Natural England, in some cases has not recognised these issues should be considered as matters of major importance. An example of this is permissive access in stewardship schemes, where the announcement of the ending of funding was made in 2010. LAFs were not given the opportunity to advise on this or have an input on examining alternative options. This report examines how LAFs could ensure future matters raised as issues which effect national countryside access, do not go unnoticed and are treated as important matters by Natural England and DEFRA.

2. GUIDANCE FOR LAFs IN ENGLAND

The extracts below, from the "Guidance on the roles of Local Access Forums in England" issued by the Secretary of State in 2007, support the need to pull together the views of all LAFs on issues of national significance.

In 3.4 Advising and influencing decision makers it is stated in 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-makers needs, objectives, constraints and role."*

In Annex C it provides examples of national, Section 94 bodies which include DEFRA, Natural England, Forestry Commission, Ministry of Defence, English Heritage and Sport England. Clearly although 3.4.1 specifies "local interests" the Guidance recognises that LAFs will be involved in and expected to advise on national access issues.

In 3.5.3 The guidance recognises *"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."

In order to alleviate this issue one voice from all interested Access Forums would benefit recipients as well as promote the view of the Forums on national issues

In 3.6.1 Proactively advising, it is stated *"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."*

Thus, to enable the forums to proactively advise Section 94 bodies on national issues, the Guidance to LAFs supports the need to pull together the views of all forums in order to present as a single piece of advice to the relevant body. This should see the forums influence national policy development in relation to countryside access at the start and ensure that more workable and practical solutions are developed for a broad range of issues.

3. THE PROPOSAL

3.1. It is apparent that, when a matter is the concern of the majority of the LAFs, there is a need for a louder voice rather than a number of different LAFs saying the same thing to different people. With the loss of the LAF co-ordinators, Natural England's reduced staffing levels and redefined role in the support of LAFs, it is necessary to look at how the LAFs can get their message over when it affects national policy. Examples of what could be considered national issues past, existing and future can be seen in appendix A. With 86 LAFs split into 8 regions it is difficult to have one voice (see appendix B).

3.2. The way forward may be to reinstate a modified form of the England Access Forum (EAF) to work on specific national and regional issues as the need arises. This may need a permanent administrative team to pull together a team to work on specific issues as they arise. A method of undertaking this task is displayed in appendix C. The method of funding the EAF is displayed in appendix D.

3.3. To ensure the LAFs have one voice on national and regional issues, it is important that a robust process is in place. This report describes one example of how this can be achieved. Other processes could be developed which are more effective. The South Lincolnshire and Rutland LAF together with its partner the Mid and West Berkshire LAF, are investigating whether other LAFs feel there is a need for "One Voice" and whether the process indicated is one which other LAFs support. It is felt that if this issue is left until another national or regional issue arises it will be too late to tackle it with a single voice. It is recognised that this report does not contain the detail required to adopt this process, as it is felt that if there is no interest in creating a "One Voice" approach for national and regional countryside issues there is no need for this process.

EXAMPLES OF NATIONAL & REGIONAL COUNTRYSIDE ACCESS ISSUES **Appendix A**

1. Previous Issues

This relates to previous Issues where it is felt if the LAFs were involved from conception the outcome would have been more beneficial to countryside access:

a) Paths for Communities - It is recognised that Natural England had a very short timescale to create the rules for this project.
b) Permissive Access - Announcing End of Funding.
c) HS2
d) De regulation bill
e) Lost Ways

2. Current Issues

a) Permissive Access – Maintaining funding on routes which impact on Health and wellbeing.
b) De regulation Bill – Ensuring guidelines are clear and are produced in a timely manner.
c) Lost Ways – Encourage Natural England to provide adequate training for all LAFs.
d) European Union – Nature Reserve Directives.
e) Green Bridges - Advise Government to create legislation on ensuring Green Bridges are included over new roads, major road improvements and railways.
f) Countryside For All – Create a "one Stop" web site for all Countryside For All routes throughout England, create a national approved method of measuring and displaying routes and standardise route symbols.

3. Future Known Issues

a) Permissive Access funding - Dependant on the outcome of the referendum, through CAP or UK Government policy.
b) Major transport schemes effecting a number of highway authorities

4. Possible Future Issues

a) Lost Ways – Probability of further action taking place by Government if by 2026 there is a large number of Lost Ways registered with highway authorities but due to their reduced resources they are unable to process the claims, even after the improvements due to the Deregulation Bill.
b) Forestry Commission – Further attempts to sell off Forestry Commission land.
c) UK Government or CAP policy changes affecting PROW, open access land, countryside access or coastal access.

BREAKDOWN OF LAFs BY REGION **Appendix B**

Region	**Number of LAFs**
East Mid's	9
East of England	10
North East	5
North West	10
South East	17
South West	12
West Mid's	10
York's and Humber	13

Information from Natural England national List of LAFs held on HUDDLE last updated 8th May 2015

SUGGESTED PROCESS FOR IDENTIFYING A NATIONAL ISSUE, **Appendix C**

CREATING A TEAM TO INVESTIGATE AND REPORT ON THE ISSUE

A permanent team of three people (LAF members) are responsible for the England Access Forum administrative duties. They will only be expected to undertake tasks, if the Regional LAFs identify an issue, which they believe is potentially a national issue.

The duties of the EAF administrative team, upon notification from a Regional chair of a potential national issue, are:

1. Email all LAFs of the issue ask whether they agree that the issue is of national importance. If it is an issue that only affects a number of LAFs such as coastal access it would be just the coastal LAFs who would be contacted.
2. Analyse the results of the responses
3. If the majority response was negative, meaning the subject was not of national importance, the result would be communicated to all LAFs and the subject would be closed.
4. If the majority response indicated the subject was of national importance the result would be communicated back to the LAFs and:
    a. The LAFs would be asked to put forward a candidate to lead the project team.
    b. The candidates would provide a document on why they should lead the project
    c. The LAFs would vote to select the project leader
    d. The LAFs would be asked to put forward a candidate to be included in the team
    e. The project leader would select the team
5. The project team would be responsible for producing the project proposal for the work to be undertaken. This would be sent to the LAFs Regional Chairs.
6. The Regional Chairs would seek the views of the LAF Chairs on the proposal and put forward any recommendations for alterations
7. On completion of the project the final report displaying the recommendations would be presented to the Regional chairs meeting to discuss and identify the way forward.

METHOD OF FUNDING ENGLAND ACCESS FORUM **Appendix D**

The England Access Forum will only be assembled once a national issue has been recognised and all LAFs have confirmed by voting that this issue should be investigated and reported on by the England Access Forum (EAF). The England Access Forum will comprise of a small team of between five to eight people who have an interest and a good knowledge of the specific project .

The majority of communication between the EAF members will be by email. It is recognised in some instance the group may need to meet and also meet with representatives of other organisations related to the specific national project. Therefore it is reasonable to expect travel and other relevant expenses to be subsidised. It is unreasonable to expect highway authorities to fund these costs when they are in relation to national issues. It is reasonable for Natural England to set aside an annual budget for these costs. The EAF members should provide a summary of the expense claims to LAFs on a three monthly basis together with a progress report on the project.

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CONSULATATION

04/09/15

1. Do you believe the LAFs require one body to provide advice on National issues?

If "yes" please answer the questions below:

2. Do you agree that a body similar to that suggested in the report is the way forward?

3. Do you believe there is a better process to create a single body to provide advice on National issues?

If "yes" please provide details of the process on an additional document.

4. If you feel there are other examples of national importance to countryside access, in addition to those listed in appendix A, please state below:

   Additional current issues

   Additional future known issues

5. Do you believe the suggested process for identifying a national issue (appendix C) is the best method?

If "No" please provide details of the process on an additional document.

6. Do you believe the suggested process for creating a team as suggested in appendix C, for investigating and reporting on the issue is the best process?

If “No” please provide details of the process on an additional document.

7. Do you agree with the method of funding the EAF identified in appendix D?

If “No” please provide details of the process on an additional document.

8. What other questions should be on this consultation form? Please state how you would answer the additional questions.

Please complete the following:

LAF:

Region:

Name:

Position:

Date completed:

Please email the completed document to: john.law_32@yahoo.co.uk

Should you have any queries please email them to the above email address

Thanks for completing the consultation document.