



Public Bridleway

Public Footpath

Photograph of Moor House Upper Teesdale National Nature Reserve fingerpost by Jim Milner

# LAF NEWS

2015/16

Issue 7

## Welcome

Welcome to Issue 7 of the LAF newsletter.

Since the last issue back in the Spring, Natural England has undergone restructuring at national and local team levels and our LAF work too has been adapting in response to these changes. We are continuing to support the operation of LAFs throughout the country and our area team staff are working hard to maintain communications with, and support the good work of, their local forums.

With communication in mind we are hoping to run national conferences again early next year and Rob Leek will soon be circulating to all LAFs a short questionnaire looking for your thoughts and feedback on these proposed events and how they might look.

The Deregulation Act received royal assent just before the last newsletter went out and Jonathan Tweney from Defra has kindly provided an update on its contents as we look forward to its implementation next year.

Also included in this issue are articles about the forthcoming, and much anticipated, British Horse Society/Natural England bridlegate trial, the Network Rail level crossings programme, pointers on liaising with Local Enterprise Partnerships and news of a LAF's successful campaign to improve walkers and riders' safety on a busy trunk road.

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Thanks to Rob for putting together what I hope you will find an interesting and useful newsletter and we look forward to hearing from you about the proposed conferences!

Andy Mackintosh

Natural England

## National Trial of Self Closing Bridlegates

By Pippa Langford, Natural England

In 2011 The British Horse Society conducted a trial of commercially available self-closing bridlegates. The trial recorded a number of issues which meant that there was an impact on safety and ease of use by horseriders. This confirmed anecdotes that horses and riders were suffering injury; and many were being put off accessing the countryside due to fear of injury. Since then Natural England has been working in partnership with the British Horse Society and a gate manufacturer, Centrewire, to develop modifications and improvements to gates. A new trial has now been organised to look at these modifications and compare them to existing designs. The aim of the trial is to identify features which contribute to safe and easy use. This will help to inform both future gate design and will feed into a review of British Standards.

We want opinions from all possible users and so we are inviting walkers, horseriders, cyclists and people with disabilities and impairments to sign up to help test ten gates. The trial is being hosted by Askham Bryan College near to York; it will run from 18th to 24th September including the weekend. We are still looking for volunteers to participate in the trial. We expect that participation in the trial will take about an hour. So if you would like to take part on foot, on a bicycle, trampoline or horse please contact Nicola Harper on 07900 608 190 or email [Nicola.harper@naturalengland.org.uk](mailto:Nicola.harper@naturalengland.org.uk) for more information.

Pippa Langford, principal specialist at Natural England said; "Our beautiful countryside should be accessible to all, but often gate design makes it difficult for people on horseback to access bridleways or for walkers with disabilities, for example, to open and close them safely. These national trials are testing ten designs and we'd like people to sign up to take part in the trial and give us some feedback. The results from the study will be used by British Standards in future gate design."

The trial is supported by a working group which includes Natural England, the British Horse Society, the NFU, CLA disabled ramblers, IPROW, Askham Bryan Equestrian Centre and members of the British Standard 5709:Gaps, Gates and Stiles working group.

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## Network Rail in the Tees Valley

By Beryl Bird, Development Officer, Tees Valley LAF

The Office of Rail and Road invited Local Authorities across the country to an event at Cannock Chase, *'To provide information and instruction to professionals and managers representing voluntary groups, local authorities and employers who interact with the railway at private rail crossings and footpath crossings, giving guidance on the risks and how these can be properly managed'*.

Nationally the presentation was part of a continuing campaign to inform the public as to the hazards associated with crossing railways in an effort to reduce injuries and decrease the opportunity for risk for Network Rail.

See link to the right:

Three representatives from the Tees Valley attended the meeting in early June and found it so informative they requested a presentation from Network Rail for the Tees Valley LAF. Subsequently, James Perkins Route Level Crossing Manager (and ex RoW Officer) and David Shorrocks, member of the Liabilities Team of Network Rail kindly attended at the last TVLAF meeting in June 2015.

James described his role of Route Level Crossing Manager for the North area (the Borders to Selby) and focussed on the TVLAF geographical area with 24 public crossings of railway lines, (10 on public highways and 14 on footpath/bridleways), with an additional 40 crossings on private property.

All level crossings carry risk scores (described on their website), and all are now managed by local Level Crossing Managers. The risk is assessed either annually or every 3 years depending on the route's risk severity.

The link to the right will show you the risk scores on Level Crossings near you:

James described a brief overview of the various types of level crossings found nationally on the rail network and these fall into four main categories of operation:

1. Manual controlled – these are the safest and some include radar crossings which scan the immediate area to make sure there is no vehicle/person stranded in the middle
2. Auto half-barrier, controlled by lights and audible warning to users
3. User-worked - these are a mixture of telephone, lights or simply looking right and left and
4. Pedestrian - The pedestrian type is for non-vehicle use, and includes cyclists and horse riders using telephones, lights, stop/look/listen and whistle boards as the train approaches. This type of crossing can include Network Rail personnel if requested, during periods of heavy, repeated use - for example fun runs, races or harvesting. Sadly, this type of crossing also has the highest number of near misses.
5. In total 42% of the total railway safety risk is at level crossings. Of this risk at level crossings 96% of this risk is caused by user misuse and abuse.

## Links

[Network Rail: Safety](#)

[Network Rail: Level Crossings](#)

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James went on to describe the responsibilities of the authorities involved with the operation of the rail service in the UK and to summarise they are:

1. Network Rail, who are responsible for operating the crossing and maintenance
2. Highway Authorities, who manage the upkeep of the road approach and signage,
3. Planning Authorities, who process applications that may affect traffic volume and type,
4. British Transport Police who prosecute offenders who abuse at or on the crossings,
5. Home Office Police Force police either side of the crossing. Offenders are offered either a Level Crossing Awareness course and/or 3 points on their licence.

The Level Crossing Managers role includes managing the risk portfolio in their area; working with Local Authorities and Utility Companies sharing their maintenance responsibilities, improving safety, and assessing possible upgrades. The prevailing message from Network Rail today is 'If we cannot close it, what can we do to improve it?'

The link on the right describes Network Rails approach to managing the risks associated with level crossings:

As you can imagine the financial implications of altering public access to the network is enormous and current costs are as follows:

1. Upgrade to full barriers £1.6M
2. Close and fence £0.3M
3. Close and provide footbridge £0.8-1.2M
4. Close and divert highway £1-5M
5. Road bridge replacement £5-12M
6. Underpass £12-20M

David Shorrocks, from Liabilities outlined the role of his department providing in-house legal advice on all Network Rail's assets, assessing status and responsibility, and includes negotiation level crossing closures with either private landowners or with Highway Authority Rights of Way Officers and other stakeholders in public level crossing. The Office of the Rail & Road has asked Network Rail to reduce risk at level crossings and latterly this has involved targeting the closure of mainly private crossings; from 2014 closures have concentrated around public crossings (particularly urban footpaths) via diversion schemes or 'enhancing'.

The TVLAF ask you to consider adding your local Network Rail Level Crossing Manager to your list of guest speakers; you will find a valuable contact. [LNLevelcrossing@networkrail.co.uk](mailto:LNLevelcrossing@networkrail.co.uk)

## Deregulation Act

By Jonathan Tweney, Policy Adviser, Defra

### Rights of way clauses in the Deregulation Act 2015

The rights of way clauses in the Deregulation Act are part of

## Links

[Network Rail: Reducing Risk at Level Crossings](#)

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a deregulatory package of public rights of way reforms being implemented through secondary legislation (regulations) and guidance.

The Stakeholder Working Group, that came up with the proposals in the reform package is now assisting us in producing the necessary secondary legislation to implement the provisions in the Act. We are currently working on the right to apply provisions, the exceptions to the 2026 cut-off date and the definitive map modification order transitional provisions.

### **Right to Apply**

We need to prescribe the procedures and forms of order needed to make the right to apply work. The right to apply legislation enables owners, lessees and occupiers of land used for agriculture, forestry or for the breeding or keeping of horses (types of land in England of a prescribed description as provided for by the Deregulation Act), and school proprietors, to apply to a local authority (or National Park authority) for a public path or special order to permanently extinguish or divert a footpath or bridleway.

The rights to appeal enable applicants to appeal to the Secretary of State at two stages in the decision-making process: firstly, if a local authority refuses to make the order applied for, and secondly where (after having made an order) the authority refuses to confirm it or to submit it to the Secretary of State.

It is proposed that the legislative framework will enable the recovery of any costs incurred by local authorities and/or the Secretary of State in dealing with applications and appeals, although it is yet to be decided exactly how this will be applied in practice.

### **Exceptions to 2026 cut-off date**

The exceptions legislation aims to set out the rights of way to be exempted from extinguishment at the 2026 cut-off date and any transitional arrangements.

Exceptions include those routes shown on the List of Streets and registered applications made before the cut-off date.

The Stakeholder Working Group also proposed “effective protection for useful or potentially useful rights” for a year following the cut-off date; these rights do not need an application to have been made to the local authority by 2026 for them to be recorded on the definitive map.

### **Transitional Arrangements for DMMOs**

The transitional arrangements need to prescribe how the new measures in Schedule 7 of the Deregulation Act will apply to definitive map modification order applications that have not resulted in an order at the time of implementation, ie pending applications.

Therefore we need to prescribe how the following provisions will apply to applications still in the system.

- The preliminary assessment.

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- The ability to apply to the magistrates courts (where a local authority has failed to act).
- The right for a landowner to apply for a modification consent order.
- The right of appeal to the Secretary of State, where a local authority refuses an application.

## Local Enterprise Partnerships

By Andy Mackintosh, Natural England

*This article first appeared in the Spring edition of Waymark (April 2015) as advice for local authorities when seeking LEP funding for public access projects.*

### What are LEPs?

LEPs, (Local Enterprise Partnerships), were set up in 2011 by the Department of Communities Local Government and the Department for Business, Innovation and Skills in the wake of the abolition of Rural Development Agencies.

They are voluntary, business-led partnerships between local authorities and businesses and aim to play a key strategic role in determining local economic priorities. There are currently 39 LEPs across England.

LEPs are focused on driving local economic growth and draw on a range of current funding sources including the £730 million 'Growing Places' fund. They also have a role in determining how European Union Structural and Investment Funds are spent in their area.

This key role makes LEPs a major player, if not THE major player, in an area's strategic economic planning and resource provision, and thus makes them a potential source of funding, either directly or indirectly, for development projects that might involve public access provision. With this in mind an understanding of how they operate, and subsequently how best to engage with them, will be vitally important for any organisation or group looking to work with LEPs.

Local Authorities will already be working with LEPs in a range of areas involving economic development and services (such as planning, transport, and skills) and there may well already be rights of way sections who have successfully engaged with them.

This summary aims to highlight the role of LEPs, briefly identify some issues around engaging effectively with them and to suggest some possible approaches for successful engagement.

### Why are LEPs potentially important for public access provision?

- LEPs are a potential source of direct funding for access works e.g. creating a route between a and b to provide a commute to an employment zone.

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- Public access can benefit indirectly as part of some other LEP project such as the creation of greenspace around a business district/ industrial site or via improvement of an area's sustainable transport links.
- Successful engagement with LEPs can potentially raise the profile of public access within the local economic context and make it a permanent element in the planning of future developments.
- LEPs are the contemporary approach to local development and as such need to be understood and engaged with on their own terms.

There may initially be some uncertainty involved in attempting to successfully engage with a LEP; perhaps due to their newness and/or unfamiliar terms of reference, which could act as a barrier to establishing a successful partnership. It may also be the case that public access in general is not high, or even yet on, some LEP's agendas.

SUSTRANS research in 2014 indicated that 46% of LEPs had put forward projects for walking, cycling and public transport projects. See link on the right:

## Engaging with LEPs

It can be initially challenging to engage on level terms and speak the same economic language as LEPs. We often see the PROW network in particular as very much a public service, or at least being firmly fixed within the public service model, and whilst this isn't the place to argue the pros and cons of that, it may be worth considering that this status could be a barrier to engaging with what are primarily economically-driven bodies.

However, that being said, the provision of public access can take many forms; from statutory duty to charged admittance (and many stops in between!) and there will be opportunities within this spectrum to engage with LEPs and talk their language.

We can speak in general terms of the benefits to the local economy of visitor-spend and the wider public benefits that recreation, via better health and well-being, can bring, but there will be a need, when attracting the interest of a body such as a LEP, to make these facts economically 'real' in order to attract their interest, and hopefully, their investment.

## Talking the same language

It seems crucial for those looking to proactively develop public access resources via a range of funding sources to learn and talk the language of LEPs and take the initiative by going to them rather than waiting for them to come to us.

It will be necessary too to frame access provision in terms of economic growth - for example: *this new route/improvement to an existing route will help people get to work and/or improve the wellbeing of a local workforce by providing recreation opportunities.* Or similarly; *investing in **this** promoted route **here** will generate **x** amount for **these** businesses.*

A useful way in here is to talk in terms of the provision of Green Infrastructure (GI). GI is becoming increasingly important in the

[£2bn local growth plans ignore smarter travel choices](#)

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planning and realisation of sustainable growth and development and the concept of 'natural capital' - the capacity of the natural environment that produce value to people - is gaining traction as a significant economic factor within planning for growth.

So, some suggested approaches:

- Look to embed GI in the LEP's growth strategy. It may be that the degree to which a public rights of way network is integrated with its wider GI resource is key to getting it noticed. Can further integration be made? E.g. upgrading and creating PROW for commuting, providing recreation near developments and businesses.
- Look for indirect opportunities to provide access/GI. E.g. if flood control measures around a business area can include greenspace and access provision.
- Make an assessment of your area's resources in terms of their economic potential - i.e. their natural capital - can public access and its rights of way infrastructure benefit local growth?
- Is there local evidence to support the contribution public access resources can give to local growth? For example: cost-benefit studies of promoted routes or visitor/tourist spend predictions associated with the provision of a route or greenspace. Can specific studies be done to support a bid for funding or can wider studies, such as Natural England's Monitor of Engagement with the Natural Environment, be used in support?
- LEPs tend to think big so look to think strategically and integrate your smaller access projects into a wider scheme; otherwise they may be too small to register.
- Are there linkages that need to be made between rights of way sections and those sections of the council already involved with LEPs?
- Does the Rights of Way Improvement Plan recognise the role of LEPs and the economic context of public access? Can it be adapted if not?
- Use the Local Nature Partnership (LNP). LNPs work strategically to help local areas manage and integrate their environmental resources with local planning and development interests. They bring together a variety of bodies, including businesses, and can potentially provide a platform for effective engagement with a LEP.
- Can your **Local Access Forum** add their support? Your LAF may also be looking to make contact with the LNP, or may already have done so.

## Some examples of LEP investment in public access

**West of England LEP:** New £2.4 million cycle/walking bridge linking green enterprise areas and Bristol Parkway Station and related improvements to local cycling facilities.

**Enterprise M2 LEP:** £4.35 million invested in sustainable transport schemes in Surrey and Hampshire including a 'Green Grid' and 'Green Loop' project for new cycling and walking routes between residential areas, schools and shopping and employment areas

**Lancashire LEP:** £5 million for cycling network on and off road routes – using existing and planned cycleways.

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## Further information and related links (on the right):

Natural England/Forestry Commission/Environment Agency LEED toolkit. NE, is working with LEPs in a number of areas and has developed, in partnership with the EA and FC, a model for engagement and ensuring that the economic benefits and risks of the natural environment are taken account of and embedded in LEP thinking and growth strategies. Whilst it does not directly address public access as a resource the approach it puts forward for engagement with LEPs could be adapted to suit.

Guidance for LEPs re: European Union Structural and Investment Funds

## LAFs and LEPs

Any weight a LAF can add, either independently or in partnership with a local authority, to making a case for including access infrastructure in a LEPs strategic plan could be valuable.

Many of the points above can be applied to LAFs but perhaps some more specific actions could include:

- Highlighting the public benefit / demonstrating public support for any proposals in tandem with making the economic case. The LAF can directly represent the interests of the public who will be the beneficiaries of better access infrastructure.
- Influencing LEPs via liaising with Local Nature Partnerships and making sure public access features in their thinking.
- Consider joining forces with other LAFs, depending on operational area, to liaise with LEPs and/or LNP's (who work on a 'landscape scale')
- Making a case to any elected members that might attend a LAF so that they might liaise with LEPs directly.

LAFs, LEPs and LNP's were the subject of a workshop at the LAF conferences in Bristol and Durham in 2014 ([LEPs and LNPs](#)) and it would be really interesting to hear of any successful influencing experiences/good practice in liaising with these bodies which could be shared with other LAFs – perhaps via HUDDLE or emailing the LAF inbox: [LAF@naturalengland.org.uk](mailto:LAF@naturalengland.org.uk)

## Campaign to Improve Safety on New Section of Trunk Road

By Andrew Woodin, Suffolk Rights of Way and Access Manager

Following a long running and hard fought campaign by Suffolk Local Access Forum and local equestrians, a new non-motorised underpass was officially opened to the public on 12th December 2014, as part of the opening of the A11 Fiveways to Thetford trunk road scheme. Patrick McLoughlin, Secretary of State for Transport, opened the new road, part of which bypasses the village of Elveden.

The new road cuts through Thetford Forest in the Brecks, an area of high landscape value. Previously, the A11 acted as a barrier to the exceptional access this part of the Brecks has to offer. With the

## Links

[LEP .GOV pages](#)

[The LEP Network](#)

[Local Nature Partnerships](#)

[LEED Toolkit](#)

[Guidance for LEPs re European Union Structural and Investment Funds](#)

[LEPs and LNPs](#)

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construction of the new underpass, the public can now walk and ride safely between the areas of heathland and woodland near the monument, and people using the A11 will be able to stop in the nearby laybys and use the underpass to see and learn more about this historic memorial.



Matthew Hancock, local MP, cutting the underpass ribbon

The county council will be promoting the underpass as part of a Brecks Breaking New Ground project to publicise the rides between Brandon and West Stow country parks and the village of Icklingham...

Originally, there would have been no safe access at all across the new road, but the local access forum was not prepared to accept this and, following meetings with the Highways Agency and Suffolk County Council, secured agreement to include an



Suffolk LAF members Jane Hatton (representing equestrians), Bryan Collen (Chair), David Barker (vice Chair) and Anthony Wight (representing cyclists)

underpass within the scheme, at an estimated cost of c. £1m, with a financial contribution of c.£300,000 from the county council. The total scheme cost was c. £102m.

Encouragingly, two recreational cyclists from Somerset who were in the area enjoying the access network, also became part of the event when they tried to cycle through the underpass and found it blocked by dignitaries and ribbon!

## Annual Reporting

By Rob Leek, Natural England

Natural England are currently in the process of writing the LAF 2014 - 2015 National Annual Report with the aim to submit it to Defra later this month. As well as being the main way of keeping Defra and the Minister informed of the progress and positive work of LAFs, it is also useful for promoting LAFs generally.

To help produce the report, we again asked all of the LAFs to produce their annual report if possible by completing an Annual Review Form (ARF) and to submit it to us by the end of June 2015. So far 79% of LAFs have submitted a completed ARF making a total of 80% having submitted an ARF or another style of annual report.

## Links

[LAF National Annual Reports on GOV.UK](#)

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We would like to thank all of the LAFs who have submitted an ARF or annual report for inclusion in this year's national report. If your LAF hasn't yet done so though, there's still just enough time for it to be included if submitted quickly – please contact [rob.leek@naturalengland.org.uk](mailto:rob.leek@naturalengland.org.uk)

## Ramblers Big Pathwatch

By Rob Leek, Natural England

The Big Pathwatch is the Ramblers' campaign to walk and survey every right of way in England and Wales. To take part in the Big Pathwatch visit: [www.ramblers.org.uk/BigPathwatch](http://www.ramblers.org.uk/BigPathwatch)

## Government is consulting about “A new strategy for Sport”

By Pippa Langford, Natural England

The Government is interested in your views about sport and how to increase participation. Local Access Forums will have a good idea of how much your public rights of way network is used by walkers, runners, riders and cyclists, either for simple enjoyment, as part of their training, or for fun runs and charity events.

LAFs probably also have a good idea of how local investment or better Government policy could help improve your network so that more people could access safe off-road routes more often, possibly increasing the amount people exercise as part of their daily routine as well as at the weekend, on holiday and for special events. You can help shape the Government's strategy by responding to the consultation which closes on 2nd October

## What's hot on Huddle

By Rob Leek, Natural England

### Notes instead of Discussions

Huddle recently decided to retire the 'Discussions' facility on their workspaces and instead encourage members to use 'Notes' (see 'Huddle Discussions being retired' whiteboard for more info). Some Huddle workspaces didn't really use 'Discussions' to any great degree but on the LAF Huddle workspace, it was often a lively area with many Huddle members contributing and discussing various aspects of LAFs and their work.

In order not to lose any of these conversations, we set about archiving all of the existing 'Discussion' threads before they were deleted from the Huddle servers. So for each thread a PDF (Portable Document Format) file has been created and uploaded to the 'Discussions Archive' folder in the 'Files' section of the workspace.

If any LAF Huddle member would like to continue any of these discussions, simply continue using the 'comments' section

## Links

[Big Pathwatch](#)

[A new strategy for sport: consultation](#)

### Huddle specific links

[Huddle Discussions being retired](#)

[Files section of LAF Huddle workspace](#)

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underneath the relevant PDF archive file – note though that when you do this, make sure to also notify any Huddle members involved in the original discussion so that they're aware that it's continuing and can reply. To notify a member to a comment simply type '@' and then their name (without a space) at the end of the comment text.

## Huddle or alternative?

Natural England are currently consulting all LAF Huddle members for their views and suggestions about whether an alternative social media platform (for example, Facebook/Google-Drive) might be more suitable for LAFs than Huddle. To join in the discussion, please add your comments (link to the right) or if you would prefer, email them to [LAF@naturalengland.org.uk](mailto:LAF@naturalengland.org.uk).

If you have any questions about or problems using Huddle please contact [rob.leek@naturalengland.org.uk](mailto:rob.leek@naturalengland.org.uk)

## Links

*Huddle specific links*

[Huddle or alternative?](#)

This content was withdrawn 12 October 2020

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