

LAFs
HUDDLE HOT TOPICS
July/August 2014

Traffic Regulation Orders

There's been a brief discussion around whether permanent TROs should be reviewed by the highway authority, even though valid indefinitely. Mention is made in the posts about possible exemptions for cycles or mobility scooters in certain instances.

Cycling on footpaths is fine says the Cyclists Touring Club

This discussion continues with various posts during July and August. What is evident is that there are differences in legal interpretation between different Huddle users. One of the more recent posts suggests a discussion along the following lines:

“So, why don't we discuss how the law could usefully be changed? Can I suggest the following package of proposals as a basis for discussion?”

Proposal 1

Ways shown on the definitive map as bridleways should be deemed to be shown as restricted byways.

Proposal 2

Surveying authorities should be required to show on the definitive map all non-motorised highways as either footpaths or restricted byways applying the following criteria: Where a highway by nature of its width or the right of the owner to have lawful barriers could not reasonably be used by ridden horses it should be shown as a footpath but otherwise as a restricted byway.

Proposal 3

Restricted byways should be treated as bridleways in respect of the power to plough, minimum widths and the power of the highway authority to require gates to be widened.

Anti-Social Behaviour, Crime and Policing Act 2014

[Reform of anti-social behaviour powers: statutory guidance for frontline professionals](#)

Public Spaces Protection Orders are included in the above guidance – page 46. The PSPO is designed to prevent anti-social behaviour in public spaces. The aim is to make public spaces more welcoming and restrictions or requirements can include closure or be targeted at specific people, at certain times or in certain circumstances. Dogs, noise and alcohol are specifically mentioned. It is suggested in the guidance that the relevant authority, the district or unitary council, should particularly discuss proposals affecting certain types of land e.g. common land, open access land, town and village greens and public rights of way with the LAF.

It is suggested that Public Spaces Protection Orders may be used to restrict anti-social behaviour, thus offering more flexibility than gating orders. Importantly, there is a consultation requirement when a public right of way is affected such that users must be notified, included those who regularly use the right of way to travel to work as well as those who live nearby. Interested persons must be told how they can make representations. It will be up to the Council how best to consult which may include digital communication or public meetings or meetings with a LAF.

“District councils will take the lead in England with county councils undertaking the role only where there is no district council.” The Council **must** consult the Police and **should** consult

the owner or occupier of land and the County Council where they are the highway authority. Parish/Town Councils will not be able to implement. However, given that the PSPO can be used to restrict access to a public right of way, common land, access land and town/village greens partnership working is essential. "The maximum duration of a PSPO is three years but they can last for shorter periods of time where appropriate. Short-term PSPOs could be used where it is not certain that restrictions will have the desired effect, for instance, when closing a public right of way, councils may wish to make an initial PSPO for 12 months and then review the decision at that point."

Guidance to local authorities on reviewing RoWIPs from Dan Rogerson, MP, Parliamentary Under Secretary of State for Water, Forestry, Rural Affairs and Resource Management.

This is an important letter to Chief Executives and should have reached PROW Managers. This is attached separately. It encourages local authorities to work with LAFs in reviewing RoWIPs. The emphasis is on access to woodland and also encouraging provision for cyclists, horse-riders and disabled users. The letter flags up a forthcoming cycling and walking delivery plan from the Department for Transport which calls for local authorities to have a "commitment to creating a sense of place through cycling and walking, with coherent, connected and attractive networks." Local authorities are encouraged to look to this Plan while considering cyclist needs in the RoWIP.

LAF Annual Review Forms

LAF Annual Review Forms have been put on the Huddle website. The regional report has been sent to Natural England and the national report to Defra will follow shortly.

Dog walking advice consultation

Details of the Natural England consultation with LAFs on dog walking advice have already been circulated. One LAF member has referred to a BHS leaflet on dogs and horses which might be helpful to look at.

<http://www.bhs.org.uk/~media/BHS/Files/PDF%20Documents/Safety%20leaflets/Dogs%20and%20Horses%20leaflet.ashx>

LAF survey results

The results from the LAF survey of Chairs and Secretaries earlier in the year are on Huddle and have been circulated direct to LAFs.

Monitoring of Engagement with the Natural Environment (MENE)

Results from Year 5, 1st quarter are on Huddle and can be accessed too on http://www.naturalengland.org.uk/Images/mene-report-march-may-2014_tcm6-38132.pdf

Local Action Groups

A member of Norfolk LAF has put the draft Wensum & Coast Local Development Strategy on Huddle. This is being driven by the Wensum & Coast Local Action Group and a LAF member is on this group. The LAG is looking to draw down funding from the RDPE and other sources to develop a programme of activity including recreational access and tourism. Are any SW LAFs involved in Local Action Groups?

Please speak to your Huddle representatives or me if you require additional information on any items.

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