

Peak District Local Access Forum

Date: 24 September 2020

Item: 4a

Title: Access Update

Author: Sue Smith

Purpose of the Report

The purpose of this report is to provide an update on issues related to access in the Peak District.

Review of Directions

The National Park Authority has completed its 5-yearly review of the long-term directions restricting public access on CRoW land. The outcomes for the reviews determined at Silence Mine and Crowden are attached in Appendix 1 and summarised below.

Silence Mine – A direction has been made excluding the public on safety grounds until on or before 30 April 2021 pending the conclusion and submission of the geotechnical investigations and the reinstatement required as a result of that.

Crowden – A direction has been made on land management/public safety grounds excluding public access to the clay pigeon shoot until 2025 when the direction will be further reviewed.

PDNPA Land Disposals

The outcome of the [Member's Micro-scrutiny](#) into the disposal procedure for minor properties was reported to the May meeting of the Programmes and Resources committee. Amendments to the tool kit for the Disposal of Assets were incorporated.

Environmental Land Management

The Forum's response to the [policy discussion](#) published in February 2020 on the design of the Environmental Land Management scheme is provided in Appendix 2.

Miles without Stiles Funding

Peak District Foundation has allocated £10k towards Miles without Stiles. A contribution of £8k has been received towards access works to the broken road at Mam Tor. Over £4k has been raised from sales of the Miles without Stiles handbook.

Anniversary Gates

Proposals are underway to upgrade and map access points and identify link paths and destinations. The project will focus initially on a few key areas of Access Land.

Recommendation

- 1. That the report is noted.**

Appendix 1

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CONSULTATION OUTCOME REPORT

COUNTRYSIDE AND RIGHTS OF WAY (CROW) Act 2000

PROPOSAL FOR A LONG-TERM DIRECTION RESTRICTING ACCESS

APRIL 2020

Land Parcel Name:	Direction Ref.
Silence & Old Grove Mines, Great Hucklow	2018088745

1) Introduction

The Peak District National Park Authority (PDNPA) has completed its consultation on the proposal for a long-term direction to restrict CROW access on this land. The consultation was held between 7 April and 27 April 2020.

The following consultation comments were received:

The **Peak District Local Access Forum** has discussed this case and supports the proposed direction as described, for a period of up to one year.

The **Trustees of Silence Heritage Site** consider that it's disappointing that the geotechnical investigations have not come to a conclusion a year after the original commission, yet understandable that any necessary remediation takes place before the site is reopened. This report is long overdue and should tell whether or not these falls are directly, indirectly or not related to the mining activity underneath the site and will then lead on to a review of future site safety. The trustees look forward to the time when the land is once more deemed safe enough to continue our work on its improvement. The longer this goes on the more work will be required to restore the habitat and its associated flora and fauna, which causes us concern.

It would be helpful to understand when the results of the geotechnical investigation will become available. It would be beneficial to all parties for the report to be published as soon as possible in order that plans can be made for the future development of the site and the highway for the benefit of the community. At this stage as no report is available, regrettably, it seems the only reasonable option is to continue the access restriction.

Foolow Parish Meeting is frustrated by the lack of the promised report. This report had it been delivered on time might have allowed a decision to be made to reopen access. But as the report has not been forthcoming, nor is it likely to be for quite some time, then access cannot be permitted. In the light of the recent collapse, then the closure is both understood and justifiable.

Great Hucklow Parish Council consider that the response provided by SHS represents the views of the community.

2) Outcome

The PDNPA is satisfied that the restriction of CRoW access to the extent identified is necessary on public safety grounds having regard to the occurrences of instability, the presence of a potential contributory factor and the nature and character of the land.

The PDNPA considers that thorough and comprehensive evaluation is required to address the instability at Silence Mine and have commissioned independent investigations and a geotechnical assessment. This report is due to be finalised imminently.

Having regard to the timescales for finalising and discussing the report, and in the light of delays resulting from Covid-19, an extension of up to one year is considered to be an appropriate period of time for identifying and rectifying the instability.

This direction shall cease to have effect on or before 30 April 2021 if the remediation has been undertaken to address the instability to the satisfaction of the PDNPA as Mineral Planning Authority. In the event of the instability being more extensive or requiring more extensive remediation, the direction shall be further reviewed.

3) Summary of Restriction

Land Parcel Name:	Dates of Restriction	Reason for Exclusion
Silence & Old Grove Mines, Great Hucklow	30 April 2021	Public Safety

Details of the restriction will appear at www.openaccess.naturalengland.org.uk.

CONSULTATION OUTCOME REPORT
COUNTRYSIDE AND RIGHTS OF WAY (CROW) Act 2000
STATUTORY REVIEW OF EXISTING DIRECTION
JUNE 2020

Land Parcel Name:	Direction Ref.
Top Field, Crowden	2014117473

1) Introduction

The Peak District National Park Authority (PDNPA) has completed its consultation on the review of the long-term direction to restrict CROW access on this land. The consultation was held between 15 May and 12 June 2020.

The following consultation comments were received:

The **Peak District Local Access Forum** has reviewed the history of this case. They consider that there doesn't appear to be any change in circumstances with continuing usage of the site for clay pigeon shooting. Therefore the LAF supports the continuation of the Direction to restrict public access as detailed to maintain public safety.

Charlesworth Parish Council reports that the restrictions are there for everyone's benefit. They have worked well and protected livelihoods. They have also kept people and dogs from the nature-sensitive part. Part of this was considered an SSSI twenty odd years ago. The restrictions should be left in place. Clay shooting is a normal countryside pass-time and harms no one. A study was conducted the last time this came up and the conclusion was that a restriction would be beneficial. To remove the restriction would mean that the farming family would lose part of their livelihood as the clay shoot would need to close. The nature would also be more vulnerable from visitors plus their dogs, etc. As it stands, any walkers simply avoid the sensitive part to everyone's gain and the public's access to the public footpath is unaffected.

2) Outcome

Background

As directed following appeal, the PDNPA made a direction to restrict CROW access under section 24 and 25(1)(b) of the Countryside and Rights of Way Act in 2004, in order to prevent danger to the public from clay pigeon shooting and to allow the land to continue to be managed without undue cost or burden upon the landowner.

The Authority has met with the owner who has confirmed that the direction is required for the purposes for which it was originally applied for and that public access on a permissive basis is not acceptable because of the nature of use of the site.

Is a statutory restriction necessary?

Criteria Set 19 from the Relevant Authority Guidance covers shooting at man-made targets. The most relevant extracts are as follows:

- **Danger to the public:**
Where the target is static (e.g. archery or pistol shooting), the main risk is from entering the corridor behind and in front of the target as shot is taken.
The area of risk in clay pigeon shooting is wider because the target is moving. People are at risk from both shot and from falling clays. Participants should be able to see the whole area where there is a risk of injury from their shot and must not shoot if anyone enters that zone of risk.

Further precautions may be necessary where the topography, vegetation cover, or other obstacles may obstruct the views of shooters over the zone of risk.

Signs flags or lookouts ('stops') may be used to let visitors know when shooting is taking place and recommend safe routes through or around the affected area.

- Disruption to the sport

Participants can be distracted from shooting (whether or not the target is moving) by the need for extra vigilance in order to prevent any risk of accidental injury to visitors. Where visitor levels are high, the frequent need to stop shooting in order to allow visitors to pass may detract significantly from their enjoyment of the sport.

Signs, flags or lookouts ('stops') may be used to let visitors know when shooting is taking place and encourage considerate behaviour. These techniques are most likely to be effective where there are safe and clearly marked rights of way or other routes that people can use through or around the area affected without causing significant disruption.

- Is a statutory restriction necessary?

Restrictions may be necessary while a shoot or activity is in progress if other available techniques are inadequate to allow it to take place safely and without undue interruption. This is most likely:

To prevent danger to the public, where topography, vegetation or other obstacles obstruct the views of shooters over the area of risk;

To prevent danger to the public during paintballing and other games that depend on simulating combat conditions

To prevent disruption to any shooting sport, where visitor levels are significant.

The appeal decision in 2005 concluded that:

'A restriction of CROW access is necessary for the protection of the public whilst shooting operations are being carried out. Given the nature of the appellant's business, I consider that the restriction is justified on land management grounds also and should take the form of an exclusion'.

After considering the above information, the PDNPA is satisfied that a restriction is still necessary on grounds of land management and public safety.

What is lowest level of restriction required?

The appeal decision in 2005 concluded that:

'Limiting a direction to a particular number of days per week or per year would affect the flexible character of the appellants' business and the ability to accommodate shooters without prior notice. This would result in an unreasonable burden on the management of the land.'

The use of discretionary days or an outline restriction which requires prior notification is not therefore appropriate.

The Relevant Authority Guidance suggests exclusion of people from the area of danger or potential disturbance taking account of the expected trajectory of the ammunition.

The appeal decision in 2005 concluded that:

'Whilst shooting activities are largely confined to the eastern part of the site, it is nonetheless evident that at least part of the western area is essential to accommodate the safe fall of shot and unbroken clays. Further, in terms of effective land management, it is essential that the area of exclusion has secure and readily identifiable boundaries, such as are afforded by the fence around the appeal site. Accordingly, the direction should extend over the whole appeal site.'

No formal or informal public access takes place within the site but from land adjoining the site.

The appeal decision in 2005 concluded that:


'Moreover, as there are access points to open country both to the west and east of the site, I am satisfied that any loss of CROW access on the appeal site itself will not significantly affect opportunities for access to the wider areas of moorland lying to the south.'

The least restrictive option is therefore considered to be a public exclusion and the extent and nature of the restriction is still considered to be appropriate for its original purpose having regard to the fact that access to the land to the south and the points at which access is obtained remains available.

3) Summary of Restriction

Land Parcel Name:	Details of Restriction	Reason for Direction
Top Field, Crowden	Excluded at all times until 31/12/2025	Land Management/Public Safety

Appendix 2

 <p>The logo features a stylized landscape with a blue river winding through green hills, all enclosed within a circular frame. Below the frame, the text 'PEAK DISTRICT LOCAL ACCESS FORUM' is written in a green, sans-serif font.</p>	<p>Peak District Local Access Forum c/o Peak District National Park Authority Aldern House Bakewell Baslow Road Derbyshire DE45 1AE</p>
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FAO ELM Policy Discussion
c/o Rural Payments Agency
A Block
Curwen Road
Workington
CA14 2DD

Dear Sir or Madam

31st July 2020
Sent by email to

elmfeedback@defra.gov.uk

Environmental Land Management: Policy discussion

This response is on behalf of the Peak District Local Access Forum (PDLAF) a statutory body, appointed jointly by the Peak District National Park Authority (PDNPA) and Derbyshire County Council (DCC). It covers the National Park area and the countryside of north-west Derbyshire around Buxton, New Mills and Glossop. Our role is to act as a statutory advisor to both the authorities on the improvement of public access and opportunities for the purpose of open-air recreation and enjoyment of the area. In doing this, we have due regard to the needs of land management and conservation of the natural beauty of the area. The Forum represents a wide range of different interests (recreation, conservation and land management) and user groups and takes a balanced view of issues.

As the statutory body advising on recreation and access matters within the Peak District, we are pleased to see that DEFRA sees the positive benefits of thinking about policy from first principles in the aftermath of the referendum and that the cornerstone of the new agricultural policy will be a framework of incentives to support farmers for what they deliver for the environment and other public goods.

As a Local Access Forum we are already actively engaged with promoting and creating new opportunities for access within and adjoining the Peak District National Park and we recognize the benefits to health and social wellbeing of an active engagement with the wider countryside.

The PDLAF welcomes the opportunity to respond to this consultation.

1 We do not want our response to be confidential.

2 Charlotte Gilbert, Vice-Chair

3 brightfive@btinternet.com

4 East Midlands

5 Peak District Local Access Forum (PDLAF) a statutory body, appointed jointly by the Peak District National Park Authority (PDNPA) and Derbyshire County Council (DCC).

6 PDLAF supports the proposal for a new agricultural policy to be underpinned by payment of public money for the provision of public goods. We support the policy set out in the Government's 25 year Environmental

Plan. We welcome the potential opportunities a new agricultural policy could bring; particularly the opportunity to improve public access to the countryside.

The design principles are robust and should enable the efficient delivery of the schemes. It is important that all the design principles are reflected at the point of delivery and not compromised later.

7 PDLAF supports the strategic objective of ELMS. The ELM scheme as currently proposed does offer a means of delivering the strategic objectives, however, it is essential the objectives are the driving force and the principles are not lost when the scheme is delivered on the ground.

With increasing urbanization many people have lost their connection with the natural environment. There is much scientific evidence to support the physical and mental health benefits of a connection with the natural world. The Peak District is surrounded by many large conurbations and provides some good quality access for all. The Peak District has great natural beauty, heritage landscapes dating back to pre-history and offers support for land managers and visitors alike to engage with the environment. The PDLAF would like to see greater support for this work to fund landscape wide environmental projects, improve access provision and visitor education to reduce conflict and increase appreciation of the wider environment we all have to cherish. We all need beautiful places to recharge our minds and bodies.

8 This is beyond the scope of our members. We feel any scheme which is not bureaucratic, has clear outcomes, is well supported by advisors, is subject to review and encourages those who deliver rather than harshly penalizing those who fail will be attractive to participants.

9 We support the 3-tier system and the activities focused on in each tier are distinct but work together should participants be delivering across multiple tiers. We would not like to see participation in the higher tiers to be dependent on participation in the lower tiers as we believe the purposes of tiers 2 and 3 could be delivered, in some instances where the purpose of tier 1 is not applicable – for example a locally targeted environmental outcome could be delivered across farmland and the urban landscape.

10 PDLAF have been supportive of many landscape initiatives within the Peak District National Park and these arrangements have been well received. Such initiatives led by a public body, National Park or Council and supported by an environmental charity, Wildlife Trust, RSPB have worked well. We are also aware of Farming clusters and Forums and these groups could also provide the framework for delivering environmental outcomes across multiple land holdings.

11 New public access should be demand-driven and targeted to ensure value-for-money, fair provision and long-lasting public and economic benefit. Route or area access should be developed to deliver maximum public benefit where it is most needed. These could be identified through Rights of Way Improvement Plans, local consultation with user groups and Parish Councils. Other local priorities could be determined by working with locally elected bodies, water companies, environmental charities and landscape partnerships.

12 Farming, land management and rural communities should continue to be supported to deliver environmental, social and cultural benefits in the uplands by targeted financial support. Many upland farms are considered non-economic without existing farm subsidies. However, the PDLAF believes these communities deliver much more than farm produce. They maintain cherished landscapes and it is, therefore, important that these land managers are retained even if their holdings are small and their activities and approach change somewhat i.e. farm produce and a full range of public goods. Future environmental schemes have the potential to make an important contribution to businesses but there may be a need to give more explicit consideration to the incomes of upland land managers, recognising the risks of land abandonment and rural depopulation if these farm units are unprofitable. A system where high management conditions are required in return for a level of support that ensures these land managers can continue to serve the communities and environment whilst also producing high quality food. This requires more than income forgone. If your income is negligible, income forgone is not much of an incentive. The transition period will need to be well managed or further rural poverty will result. For farming and land management businesses to be sustainable they need: -

- to be efficient, resilient (diversified) and profitable
- grants such as Leader and Countryside Productivity should continue without a break in the offer
- these grants need further improvements e.g. integration with the proposed Environmental Land Management Scheme, simplification of the application process/requirements/evidence,

making sure that small scale grants are available as evidenced by the recent small scale productivity grant success

- more of the grants offered via a standard cost approach for regularly used items
- the grants offered to have a local level of influence in terms of which work items are appropriate for the area and therefore eligible.

Upland farmers and land managers in particular, should be encouraged and rewarded for providing and maintaining our path network. The uplands possess a quality from which many people derive psychological, physical and spiritual benefits. It is increasingly recognised that our upland landscapes have a positive effect on public health and well-being.

13 We do not have expertise in this area but we are aware of much good work done within our National Park by the water companies to improve water quality and habitat restoration through “Moors for the Future”. The water companies have improved access opportunities within their own estates. Many projects to improve access and environmental outcomes within the National Park are supported by outside bodies.

14 Advice and support are always welcome. After an initial consultation ongoing advice could be delivered by CPD, a mentoring system and peer review.

15 We do not have any expertise in this area.

16 The details of the National Pilot should test the method and delivery of the scheme. The test and trial process should cover a wide range of delivery outcomes.

17 Public access is an important public good delivering a range of benefits for health and wellbeing and for supporting the rural economy through tourism. What is meant by public access should be clearly defined and could include new and enhanced rights of way, the creation of multi-use routes, new area access, and educational access. There should be an emphasis on key linkages for a joined up and integrated access network including links to areas of open access and from urban areas to the countryside. Support for the infrastructure for these access provisions could be provided including access gates rather than stiles, restoration of historic features such as stone pitching, and surface improvements or maintenance where user pressure is great or to increase accessibility for those who are less-able. It must enable a wide variety of measures to suit local circumstances and to reflect the quality and character of access and the landscape in that area, including existing access provision, and consider both traditional and non-traditional forms of access, such as infrastructure (subject to planning requirements). The payments should reflect the risks, costs and the impact on adjacent land and business activities. Access (and of course looking after the land) is a major driver of rural economies especially where tourism and/or other types of visitor use are important. The problem is that the providers of the access and the land that people are coming for very often cannot benefit from the visitor spend because access is often, rightly, free at the point of use. However, many other businesses trade off the visitors coming, which both sustains their businesses; the wider network of businesses; and indirectly the wider local community who have more facilities and options because the economy is working. In the Peak District our uplands are extremely important visitor destinations, part of a nationally designated landscape, a National Park where the asset is the landscape, its wildlife and cultural heritage but where the providers and carers of these assets cannot generally secure income from the millions of visitors. There is a clear option here to use general taxation to support the infrastructure (environmental and access) on which a huge part of the economy (tourism, visitor, rural local services) depend. If we want thriving rural areas we need to, as a society, support these core services (healthy environment/access) where the market can't or won't be able to. When we've fully explored Payment for Ecosystem Services (PES) this will still be true. Many of the access benefits are too diffuse and difficult to provide a direct cost-benefiter link to make PES anywhere near a panacea. Rights of Way (RoW) were never designed to take the volumes of traffic they do today nor were they designed to meet the needs of present day leisure activity. There is demand for an increase in the provision of RoW both in terms of creation of new rights and by giving higher rights to existing rights ie the upgrading of footpaths to bridleways (where practicable and sustainable) to support a wider range of leisure activity. This could be effected by targeting payments to landowners for management of existing RoW and for the creation of new RoW; this could provide opportunities for smaller land parcels to meet the requirements of environmental stewardship agreements. New public access should be demand-driven and targeted to ensure value-for-money, fair provision and long-lasting public and economic benefit. Route or area access should be developed to deliver maximum public benefit where it is most needed. The PDLAF believes that permanent access provides the best value for public money. Permanent access gives the public clarity and certainty about where they can go and spending on

infrastructure such as gates is not wasted when the access agreement ends. Permanent access can be shown on OS maps and also benefits rural businesses and tourism. Good promotion must be an important element of any future policy and improvements to public access. Farmers need to appreciate the value to the wider economy of increased access provision and visitors need to be educated to appreciate the privilege afforded by free access to RoW and educated to care for the environment. The Peak District National Park has a proud record of facilitating access, which has been repaid by enhancing the wellbeing of the local community. Indeed the long term legacy of the celebrated events upon Kinder Scout in 1932 has been the burgeoning of a massive industry of accommodation, outdoor equipment, information, hospitality and rural enterprise, none of which existed before open access under the Countryside and Rights of Way (CRoW) Act, 2000 provided the extra driver to bring visitors to the area with the significant increase in opportunities it made possible.

Our upland landscapes are cherished for their 'wildness' and are unique to the character of England. They encompass familiar or inherited landscapes which enhance a sense of isolation, inspiration and challenge and which are conducive to the enjoyment of healthy and sustainable outdoor activities. Our uplands represent England and Wales' finest and most unique landscapes, and very best wildlife and geological sites. By the nature of their isolation opportunities for diversification are limited therefore support must be given for their role in maintaining the landscape, the historic and geological features, preserving and enhancing fragile environments and climate change mitigation.

Local partnerships working with a number of farms in an area will also encourage a more integrated access and rights of way network with the option for routes providing alternative transport opportunities, such as cycling, and for linking and supporting communities and the wider tourism economy. Access elements should be available in a targeted approach for added value with alignment to Rights of Way Improvement Plans, Cycling and Walking Investment Strategies, and other local priority programmes with which the PDLAF would be able to assist. There is only one landscape and the common challenge must surely be to affect the best returns from it for all users and interests. Landscape scale action is needed to achieve the vision set out in the 'Lawton Review' in 2010 of 'more, bigger, better, joined' up habitats. A landscape scale approach with a holistic view of public benefits will help ensure healthy populations of priority species and enable people to connect with nature. Meaningful outcomes to habitat restoration, flood mitigation and water quality for instance, will only occur if a number of farmers / landowners participate at the same time across the entire local landscape. If government wish to make valuable environmental improvements, a joined-up approach will be needed and farmers incentivised to opt into these outcomes. It is often the case that 'joined-up thinking' is also needed when considering the benefits of public access, which can often be achieved at a scale larger than the individual landholding. The bridging of a missing link may influence route choices several miles away. Many paths and tracks, whether concessionary or of right, cross landholding boundaries which are never apparent on the ground, and which the visitor will be completely unaware. For example, along the Eastern Edges in the Peak District, new concessionary ways that are hugely popular have been created through the Sheffield Moors Partnership making a variety (in length and challenge) of paths that cross adjacent estate boundaries. However, there will be instances where single land holdings can deliver equally beneficial improvements to public access and opportunities for recreation should not be explored simply when multiple farms wish to participate. It is vital that a new environmental land management system is supported by advice, best practice and be evidenced based as much as possible. Some of this could be provided by NGOs and representative bodies but Government will need to facilitate these discussions and ensure it also provides advice directly and funds more technical advice. PDLAF believes, through past experience, solutions nurtured through partnership with key stakeholders such as representative recreation user groups, enhance concepts of shared responsibility and custodianship and assist with implementation of communication and good practice through peer group pressure, and at no cost to landowners. The perception that a landscape is 'ours to care for' helps in restricting inappropriate use and antisocial behaviour.

This forms the submission on behalf of Peak District Local Access Forum.

Yours faithfully

Charlotte Gilbert
Vice Chair
Peak District Local Access Forum