

## **Annex 3.9 : TRAINING OVER PRIVATE LAND (TOPL)**

3.9.1 TOPL takes place across the whole of the UK through a variety of different agreements:

- i) Licences and leases, which normally extend from 3 years upwards.
- ii) Annual agreements.
- iii) Ad-hoc agreements – generally at no or very low cost.

3.9.2 Currently TOPL is used for everything from sniper ranges to Adventurous Training (AT), and on occasions the use of tracked vehicles, parachute landings and river crossings have been cleared. During the foot and mouth outbreak, 2 Div were able, for the short-term, to arrange a company and two platoon field firing ranges. The use of TOPL for live firing and tracked vehicles is however considered exceptional and by far the greatest use of TOPL is for AT and ‘walkover’ rights.

3.9.3 Constraints to training vary between areas and agreements. They include:

- i) Seasonal restrictions due to landowners usage – farming, lambing or game shooting.
- ii) Landowner’s imposed limits that restrict the number of day’s usage and/or MTD capacity. Sole use is not guaranteed, in many cases we share with the public.
- iii) Conservation restrictions or refusal by other bodies. Pressures maybe exerted at the local level from NGOs such as RSPB. These may include greater restrictions being in place during the nesting and tourist seasons.
- iv) Very few areas in Wales permit the use of blanks, similarly, live firing is rarely permitted, except on sniper ranges in Scotland. Specialist singleton activities can be cleared, but repeats are not as easy to clear, on the same area within a short time frame, for example, parachute drops.

3.9.4 The clearance period varies considerably being in part dependent on the scale of the exercise. Large-scale exercises in general take 6 months to process and clear. The normal timeframe is 6-8 weeks, though in some areas, for already licenced land, very small-scale exercises can be cleared within days. It is up to the formation/unit training to decide what areas they wish to use.

3.9.5 Experience has shown that the most intrusive, noisy and disruptive of TOPL activities is helicopter flying below 500ft. Under Scottish law, the passage of an aircraft over

land is a trespass. Owner's rights are however restricted such that no action will be taken in respect of trespass or a nuisance by reason only of the flight of an aircraft at a reasonable height above the ground (500ft). In England and Wales environmental rather than trespass law is the authority.

- 3.9.6 Within England and Wales, the Town and Country Planning Act requires any temporary change of use of land for more than 28 days to be subject to a planning application. Arrangements prior to the Act are exempt, though new areas would be subject to the Act. Similar restrictions apply in Scotland. At the local level however, planners are content providing use is not continuous and does not extend over 56 days. Should a legal challenge be mounted on this, 28 days would be enforced. These restrictions also apply to the use of land by helicopters landing and taking-off. For landowners to consider letting any new areas for any period greater than 28 days, they must get planning permission.
- 3.9.7 A number of local issues can and do affect landowners' willingness to permit training. Goodwill and local relationships are essential to the continued use of TOPL, particularly as in many areas, no charge is raised for ad-hoc TOPL. This is the case in Dorset and Wiltshire where a large number of TEWTs are conducted. Similarly if areas are used too frequently, this goodwill will be lost, or strained. It is therefore recommended that the management of TOPL remain at the local level, where these factors can be considered, whenever applications are made.
- 3.9.8 The MoD meat and local food purchase policy, has had an impact in the past and is likely to become an issue in the future if prices fall. LTARs anticipate that this could result in a reduction in the number of landowners agreeing to the use of their land for training, particularly ad-hoc areas in Wales, for which there is no charge.
- 3.9.9 Significant proportions of TOPL exercises take place within National Parks. In Wales, over 80% of TOPL is conducted in NPs, some 200,000 MTDs in 2003. The majority of this training is AT and low level. The current draft of the revised Association of National Park Authorities (ANPA)/MoD Declaration of Intent recognises the MoD's use and continued requirement for training within National Parks.
- 3.9.10 Should it be determined to move TOPL from National Parks, there would be a requirement to find an additional 200,000 MTDs of space and appropriate facilities, most likely in Scotland. This would be over and above that which would be required if any training were moved from ATEs in National Parks. In addition, there is likely to be additional travel time and associated costs.

- 3.9.11 The creation of new National Parks (New Forest, South Downs and the Cairngorms) will result in an even higher percentage of training being conducted in National Parks. In Scotland a significant amount of AT is currently conducted within the Cairngorms. During discussions, it has become apparent to the MoD that in a number of cases the National Park Authorities would actually resist a move away from their park, primarily because of the impact it would have on the local economy. This is particularly true in the Brecon Beacons and Otterburn.
- 3.9.12 The main pressure for the removal of training from National parks is focused on live firing and danger areas, as our use of them for these purposes precludes access for the public. It is not anticipated that we would be able to re-provide these by the use of TOPL, except in some remote areas of Scotland.
- 3.9.13 Smith Gore and Dreweatt Neate, the Land Agents for Landmarc Support Services, have conducted a scoping exercise to determine whether additional land would be available commercially. Their findings are that with the exception of Scotland there are very few estates that would be prepared to permit the use of their land for military dry training. Even within Scotland they were only able to identify one or two areas that were vaguely interested.
- 3.9.14 It is considered that the greater the reliance that is placed upon TOPL then the higher the price that will have to be paid. In the longer term however there would be no guarantee that there would be security of tenure.
- 3.9.15 TOPL does facilitate some large-scale exercises. Undoubtedly more could be run, but there are limitations on the use of vehicles and blanks in many areas. By far the greatest use of TOPL is for low-level training, by small numbers of personnel and AT. In these cases, it frees up space on the ATE for tactical and live training.