

PUBLIC ACCESS CONSULTANCY
FOR THE ARMY TRAINING ESTATE
Final Report

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Appendix 1 Key strategic issues identified by the Public Access Study

1 Introduction

Overall Aims of the Study

- 1.1 RPS was commissioned by Headquarters Land Command (HQ Land) and Defence Estates (DE), to undertake an independent study of public access by land and sea across the Army Training Estate (ATE). MOD sites outside the ATE do not form part of this study.
- 1.2 The Study was taken forward within the context of the Strategy for the Defence Estate, *“In Trust and On Trust”* (referred to as the Estate Strategy) and the emerging access legislation in England, Wales and Scotland.
- 1.3 Within the Estate Strategy, the Charter for the Defence Estate states the following:-

“There is a presumption in favour of public access to the rural estate although operational, safety and conservation interests necessarily restrict unlimited access”.
- 1.4 With this in mind, the Strategy explains that *“Although subject to intensive military use, there will continue to be a presumption of public access wherever this is compatible with its primary military purpose. Where our duty of care to the general public, safety and security considerations permit, we will seek to increase the overall amount, quality and certainty of access to the estate. Against this, we will have to balance the interests of our tenants and protect fragile aspects of the environment”.*
- 1.5 Taking these commitments into account, the Public Access Study (PAS) was carried out with the following aim:

“To review the existing opportunities available for public access across the Training Estate and to make recommendations that could be implemented to enhance public access opportunities commensurate with military training requirements and public safety, in line with Government policy. Any recommendations must therefore take into account nature conservation, cultural heritage and other issues/constraints.”

Approach and Methodology

- 1.6 Whilst it was originally envisaged that the PAS would be presented as one report, it was subsequently agreed to focus the study on each of the 12 individual ATEs that make up the Army Training Estate separately. This allowed consideration of the regional context of each ATE and the unique nature of public access resources and demand in different regions throughout the UK.

- 1.7 The method employed for the study involved visits to most sites within each ATE region and interviews with selected staff. A proforma was devised to ensure all relevant information was collected for each site. Information was also collected from various sources on each region in general, including the demographics and current access resources, to give a regional context to each of the 12 reports.
- 1.8 Each regional report followed a similar structure and included the following:
- An overview of the ATE region, summarising the training facilities and use.
 - An overview of the key characteristics of the geographical region in which the ATE was located, including its demographics and the general public access resources.
 - A summary of the current situation regarding public access on the regional ATE and the key opportunities arising from the research.
 - Individual reports for each site within the ATE region.
- 1.9 Recommendations made in the regional reports were not costed, nor was funding identified to meet any such cost. It is to be expected that any recommendations which are implemented, will be part of a rolling programme of improvements for that region, actioned through the appropriate mechanisms e.g. ILMP/IRMP over a number of years.
- 1.10 In addition, the PAS has included an assessment of the implications the general provisions of the Countryside and Rights of Way Act 2000 (CROW Act) in England and Wales and the Land Reform (Scotland) Act 2003 (LR(S)A) in Scotland will have on the ATE. Reference to these are provided in Chapter 2 of this report. Each regional report reflected the current situation in relation to that ATE at the time of production of the report.

Consultation Process

- 1.11 The consultation process adopted for all 12 regional reports involved the preparation of draft reports for internal consultation within ATE and DE, followed by the issue of a confidential draft to the Countryside Agency (or the Countryside Council for Wales (CCW) or Scottish Natural Heritage (SNH) where appropriate), the relevant local access/highway authorities and other relevant statutory bodies (SBs). Following their comments, a consultation report was prepared and more widely distributed at the regional level to non-governmental organisations (NGOs) on the MOD external Access and Recreation Focus Group and other interested local/regional parties.
- 1.12 These consultations provided very useful feedback on the issues pertaining to access generally and with regard to specific issues encountered on individual training areas. The site specific issues raised during these consultations are being recorded for each training area at

ATE HQ for consideration as part of ongoing management programmes for those sites. Appendix A provides a summary of the issues raised on a regional basis.

- 1.13 It is expected that the individual site reports will be incorporated in the MOD's Environmental Management System (EMS) for each ATE, and that the proposals will be considered within the access components of ILMPs and other appropriate management plans.

Final Report

- 1.14 The purpose of this final report is to highlight the strategic issues and summarise the key messages that have been identified by the PAS, based on the current position of public access to the ATE. It draws upon issues identified in all 12 ATEs that make up the Army Training Estate (Figure 1).
- 1.15 This assessment will concentrate on those strategic issues that can only be resolved at ATE regional level, rather than site level, or which require an ATE wide approach. It is the result of an analysis of the key issues that have been highlighted in a number of the ATE regions, together with those relating to individual training areas.
- 1.16 The appraisal will include a consideration and discussion of the following:
- MOD byelaws
 - Duty of Care
 - Implications of unexploded ordnance and its disposal
 - Area-wide access (including the CROW & LR(S)A).
 - Consultations with stakeholders
 - Information Provision and Signage
- 1.17 This report is intended for internal MOD use only. An executive summary is provided for circulation to a wider audience, including members of the external Access & Recreation Focus Group.

Figure 1: The Army Training Estate



2 Key Strategic Issues

2.1 MOD Byelaws

2.1.1 The consistent use and interpretation of military byelaws, against the background of a dynamic modern training need, has been an issue of longstanding internal debate within the MOD. Consultation with SBs and NGOs during the PAS and the arrival of CROW and the LRA on the statute books has provided additional impetus to progress this particular issue. This is particularly important since land subject to byelaws under the Military Lands Acts of 1892 and 1900 is “excepted” under Schedule 1 of CROW and the provisions of section 6(1)(d) of the LR(S)A.

2.1.2 Byelaws regulating the use of land for military purposes are given statutory force under Part II (Section 14) of the Military Lands Act 1892, as amended by the Military Lands Act 1900. The pertinent section states:

“14(1) Where any land belonging to a Secretary of State or to a volunteer corps is for the time being appropriated by or with the consent of the secretary of State for any military purpose, a Secretary of State may make byelaws for regulating the use of the land for the purposes to which it was appropriated, and for securing the public against danger arising from that use, with power to prohibit all intrusion on the land and all obstruction of the use thereof.....”

*(12) Where any such byelaws permit the public to use the land for any purpose when not used for the **military purpose to which it is appropriated**, those byelaws may also provide for the government of the land when so used by the public, and the preservation of order and good conduct thereon.....”*

2.1.3 The various byelaw use scenarios can be summarised as follows:

- a) Byelaws which close the danger area permanently to the public. At some sites this means the whole training area during operational training e.g. STANTA.
- b) Byelaws, which allow for the area to be closed during live firing and prohibit access through the danger area at such times e.g. Barton Road.
- c) Byelaws, which prohibit public access when live firing, is taking place and/or all activities ancillary to such uses e.g. Feldom and Wathgill.
- d) Byelaws which allow for the area to be closed during training activities e.g. Colchester.

- e) Byelaws which prohibit public access when the area is in use for the military purposes for which it is appropriated e.g. Catterick.

2.1.4 Whilst public access restrictions or exclusions are required for a variety of operational reasons, the strategic means under which such restrictions or exclusions are executed needs to be consistent. This means that there needs to be consistency in the wording of individual military lands or range byelaws, and at present this is not the case. Even where it is, the byelaws are interpreted in different ways from one ATE region to another. This particular issue was raised time and again by DEFRA during the PAS, who pointed out the absence of a clear picture on the position with regard to byelaws and the extent to which they allow public access. For example, the Aldershot & District Military Lands Byelaws 1976 allow access by the public on *“all parts of the Military Land not specially enclosed or the entry to which is not shown by notice as being prohibited or restricted.....for the purposes of open-air recreation at all times when the Military Lands are not being used for military purposes for which they were appropriated”* . The practical interpretation of these provisions translates into a significant quantity of public area access onto the Aldershot training areas, particularly in the evenings and at weekends. The Colchester & District Military Lands Byelaws 1973 also allow public access to *“any part of the Military Lands not being a road or unfenced arable land for the purposes of passage and open-air recreation... when any such part is not being used for any of the military purposes to which it is appropriated...”*. The phrasing is slightly different but the meaning is very similar i.e. there is a right of access when the land is not being used for military training. However, the practical implementation is very different, with public access restricted to public rights of way largely due to safety concerns associated with unexploded ordnance. Notwithstanding this risk, the public walk where they like and the MOD do not have adequate resources to deal with the situation. Technically, it might be argued that the public is in contravention of the byelaws as practised, but a legal challenge would surely find in favour of the walker given the current wording. This particular example raises the possibility of potential liability; what happens if a member of the public is seriously injured by UXO whilst walking off a public right of way. Such examples bring into sharp focus the problems associated with the existing byelaws, that meet neither the requirements of military training or public access.

2.1.5 It is therefore not surprising that confusion arises from this inconsistency in wording, interpretation and implementation. Consultation on the regional PAS reports indicates that stakeholders are keen that the matter is resolved, not least so that the access situation under CROW is made clear to the public. Whilst DE recognise that the issue of byelaws needs careful consideration, not least because there is a requirement to keep the military byelaws under regular review under the terms of the Estate Strategy, little in the way of positive action has come forward.

- 2.1.6 It is DE's objective to provide an accurate, clear and consistent message through the byelaws for which new legislation may be the appropriate tool. A review of the primary legislation has been undertaken as a first step and a byelaw review report been published.
- 2.1.7 Any new legislation would need to address a number of key issues, including the definition and interpretation of "military purpose", and have an acute awareness and understanding of military use (live firing, dry training, adventure training), modern day training needs and the requirements for civilian access. Ideally it will contain a revised and up-to-date template from which new or revised byelaws can be produced. This can then be applied to individual training areas to meet their specific needs and provide clarity and consistency in their enforcement on the ground.
- 2.1.8 The concern over byelaws raised through the PAS and elsewhere has led to the instigation of an MOD Byelaw Renewal Project and the setting up of a Byelaw Working Group. It is clear that the resolution of byelaw issues is central to the implementation of both access generally and Part I of CROW in particular, but there are other pressing requirements in this regard. For example, following the Otterburn Public Inquiry the MOD are required to undertake a byelaw review relating to that site by 2005. Similar requirements pertain to Warcop and under the LR(S)A, MOD is required to review any military byelaws relating to public access on lands where access rights are exercisable within two years of the relevant sections of the Act coming into force, to ensure that these byelaws are consistent with the provisions of the legislation.
- 2.1.9 CROW has a direct impact on the byelaw issue where land is mapped as open country or registered common land in the Section 4 maps being produced by the Countryside Agency (CA) in England and the Countryside Council for Wales (CCW) in Wales. Where defence land is covered by military byelaws, it will be treated as "Excepted" under Schedule 1 of the Act and here the formal access arrangements may not change. However, it poses particular problems on training areas where there are no byelaws. In such cases where it will be necessary to place long term restrictions on public access, the most appropriate form of action may be to seek new byelaws. There will be an inevitable delay until new legislation is in place and this may cause considerable practical problems in the interim, which need to be addressed.
- 2.1.10 As a stop gap measure it may be possible to amend existing byelaws or introduce new ones under the existing legislation, or use the template for the secure site byelaws. However, such an approach is not ideal and may not be cost effective in the long term. In any event specialist legal advice must be sought on the issue as soon as possible.

2.2 Duty of Care

- 2.2.1 The provision of public access opportunities on the defence estate is subject to a number of constraints. These include the imposition of restrictions and exclusions to ensure that the MOD does not jeopardise the duty of care they owe to the public accessing military training areas. Much military training is inherently dangerous by nature and the land used for that training can be equally as dangerous where there is UXO or other contaminants, wires, trenches etc. Furthermore uncontrolled access can interfere with the proper achievement of training objectives. Nevertheless, the MOD, as with any other landlord, has a 'Duty of Care' towards those who use the training areas. This responsibility is exercised ATE Commanders who are required to conduct an annual risk assessment. Risk assessments are also undertaken for specific training activities.
- 2.2.2 For the public's safety, access has to be restricted when live firing is programmed or dangerous activities are taking place. However, it may also be restricted where there is no live firing as a result of other dangers, such as UXO. In any event, it is essential that the public is made aware of the nature, extent and timing of these training activities and the means by which these are communicated (firing notices, red flags, lamps etc.), together with other inherent land based risks.
- 2.2.3 The MOD must also ensure that the training areas including camps are, as far as possible, secure from theft, vandalism and terrorist attack.
- 2.2.4 The commencement of the statutory right of access to certain categories of land under CROW may result in not only a real increase in public access to some parts of the ATE but also a raised public perception of greater access. This has implications in terms of the liability of landowners, including the MOD. Whilst the Government refused to accept that the public should exercise the right of access at their own risk, it was also at pains to ensure that the legislation did not result in any increase in the liability of the owner of access land. Section 13 therefore represents a series of compromises and amends the Occupiers Liability Acts of 1957 (S. 1(6)) and 1984 (S. 1(6)), with the result that any person exercising the right of access under Part I of CROW is part of a new category of non-trespassing non-visitor under the 1984 Act. S. 13(2) applies these amendments by inserting a new S. 1(6A) into the 1984 Act, which states:
- ".....an occupier of the land owes no..... duty by virtue of this section to any person in respect of:*
- (a) a risk resulting from the existence of any natural feature of the landscape, or any river, stream, ditch, pond whether or not a natural feature, or*
- (b) a risk of that person suffering injury when passing over, under or through any wall, fence or gate, except by proper use of the gate or of the stile."*

- 2.2.5 Whilst S. 13(2) extends this by providing that *“any plant, shrub or tree, of whatever origin, is to be regarded as a natural feature in the landscape”*, a new S.1 (6C) is inserted into the 1984 Act providing that there may still be liability *“where the danger concerned is due to anything done by the occupier a) with the intention of creating that risk, or b) being reckless as to whether the risk is created”*. In addition, S.13 (3) provides that courts should have regard to the fact that the right of access should not place an undue burden on the occupier and of the importance of maintaining the character of the countryside when determining whether any duty of care is owed by virtue of S.1.
- 2.2.6 The law relating to occupiers’ liability is therefore made even more complex by Part I of CROW. Given the inherent dangers associated with military training land it is therefore recommended that the MOD take specialist legal advice not only with regard to training areas mapped as access land under CROW, but for all military sites byelawed or not. This should address issues such as the status and liability associated with military features (e.g. stop butts), which cannot be regarded as natural features in the landscape, even if they are perceived to be “natural” to a military training area.
- 2.2.7 It may also be pertinent to consider the MOD’s potential liability for disused mines and quarries, and dangerous animals. S. 42 of CROW provides for regulations to be made which will state, for prescribed cases, whether access land should be treated as a public place for the purposes of other enactments, including the Mines and Quarries Act 1954. Such issues may be relevant to ATE SW and require specialist legal investigation. A DEFRA consultation paper has been published on this issue, the results of which will hopefully clarify the situation.
- 2.2.8 Potential liability problems may also arise where tenant farmers keep dangerous animals or animals which are dangerous at particular times, for example cows with calves. Whilst S.5 (3) of the Animals Act 1971 provides that there is no liability on a keeper of dangerous animals for an injury caused to a trespasser, there is no comparable protection under CROW for the keeper of livestock. For example, a walker exercising the right under Part I, may be better placed to receive compensation if they are trampled on by livestock than if they receive an injury climbing over barbed wire fencing to escape.
- 2.2.9 The CA has recently issued a short guide on “Open access and public liability” which outlines the law on occupiers’ liability and how it applies on “access land”. It was expected that this would include a sample model risk assessment process for use by land managers but this has not materialised to date. CCW have yet to publish similar guidance for Wales and nothing has yet been published by SNH on liability issues under the LR(S)A.

2.3 Unexploded Ordnance (UXO)

- 2.3.1 Many of the training areas have a historic legacy of unexploded ordnance (UXO). Whilst the MOD makes substantial efforts to clear this, resources are finite. Furthermore, in some areas clearance operations could result in significant environmental damage, particularly in areas of peat. In addition, there can never be a guarantee that everything has been cleared. It has been suggested that the presence of UXO is a convenient reason to exclude public access to training areas and this is not helped by the contrasting management of the issue between ATE regions.
- 2.3.2 For example, UXO is an issue on Dartmoor and yet public access is still allowed and contaminated land that is most frequently used by the public is actively being cleared. By contrast ATE SP (West) is also considered an area of high UXO risk and this is one of the reasons which prevents the opening up of the area for greater use by the public.
- 2.3.3 A resolution to this problem needs to be urgently addressed both on training areas where there is existing linear and area access and more particularly where there is a UXO presence in areas mapped as access land under CROW or where access rights apply under the LR(S)A. The case of the Dukeries Training Area in ATE East exemplifies this point well. The Budby SSSI area on this site has been mapped as open country under CROW and there is pressure to provide increased public access since the land lies adjacent to an area popular for outdoor recreation (Sherwood Forest Country Park and the Robin Hood Way). However, there is also a significant risk from UXO. Whilst such problems may not be a major issue, where they arise on other training areas appropriate management measures need to be in place.
- 2.3.4 In such cases, the MOD has the following possible options under CROW:
- 1) Use a direction under S.28 to exclude public access for the purposes of defence;
 - 2) Make an application under S.25 to exclude public access for the purposes of avoiding danger to the public;
 - 3) Seek a direction under S.26 to restrict public access on nature conservation (or heritage preservation grounds), where all/part of the training area is of nature conservation value.
- 2.3.5 There is also the possibility of seeking new byelaws, although the resource implications for a site such as Budby may make this course of action impractical. New or revised MOD Good Practice Guidance Notes will be key tools in disseminating guidance and experience in this regard.
- 2.3.6 In Scotland, UXO does not appear to be a major issue, except at Kircudbright where almost the entire area is believed to contain UXO and where there are no military byelaws. In such situations the MOD do have the option of seeking new byelaws under the LR(S)A.

- 2.3.7 Notwithstanding the above legal remedies, a training area (mapped under CROW or not) may still attract a worrying level of unauthorised access. Management measures will need to reflect this and lessons learned in one ATE region passed on in terms of guidance and training. Potential liability issues also need to be addressed in this respect.

2.4 Area-wide access

- 2.4.1 Area-wide access (i.e. access not reliant on public rights of way or permissive paths) is already a reality on some training areas, for example at Aldershot, Longmoor, Leek, on Dartmoor and over many training areas in Scotland. However, it is the arrival of CROW and the LR(S)A on the statute books that has brought area or open access into sharp focus, although the formal area access arrangements already in place will change very little as a result.
- 2.4.2 Inevitably both CROW and the LR(S)A will lead to a real increase in the amount of area access to the ATE and the impacts of this are discussed in more detail below. However, there is also likely to be an shift in the public's perception towards the amount of access available on MOD sites as a result of this new legislation and this may cause other difficulties.

The Countryside & Rights of Way Act 2000

- 2.4.3 The stated purpose of CROW is to extend the public's ability to enjoy the countryside whilst providing safeguards to landowners and occupiers by putting forward a balanced package of measures to update existing legislation in the following ways :
- To create a new statutory right of access on foot to land categorised as "open country" or registered common land (Part I);
 - To modernise the existing public rights of way (PROW) system (Part II);
 - To strengthen existing nature conservation legislation (Part III);
 - To improve management procedures with regard to Areas of Outstanding Natural Beauty (AONBs) (Part IV).
- 2.4.4 Part I of CROW deals with area-wide access and fulfils the Government's manifesto commitment to give people greater freedom to explore the open countryside by providing a new right of access on foot for the purpose of informal recreation, without the need for agreement. The land to which this access will be afforded ("access land") falls into five categories:

1. Land which is shown as open country on the conclusive maps (S. 1(1)(a)).
 2. Registered common land i.e. all land, which is finally registered under the Commons Registration Act 1965 (S. 1(1)(b)).
 3. Common land where there is no register or map of common land for the area (S. 1(1)(c)).
 4. All land that is more than 600 metres above sea level and which does not appear on a map issued under CROW (S. 1(1)(d)).
 5. Land subject to a S.16 dedication (S. 1(1)(e)).
- 2.4.5 Under S.1 (1) and (2) the right of access does not apply to "Excepted Land" as defined in Schedule 1, even though it might be depicted on maps as registered common land or mapped as open country. Land subject to military byelaws are treated as "Excepted" for this purpose.
- 2.4.6 Under Part I, maps have been prepared by the CA and CCW for all open country and registered common land in England and Wales, on a regional basis. These are being produced in draft, provisional and conclusive form. The mapping of such land on some military sites has been a cause for concern, primarily on those training areas where, in the absence of military byelaws, long term restrictions under S.28 will be required as a result of the needs of operational military training, live firing, the use or testing of classified equipment, the presence of UXO or other contaminants and for reasons of national security. It has transpired that relatively few long term S.28 directions will actually be required and where they are the utility of seeking new military byelaws will be investigated.
- 2.4.7 It is understood that the MOD had expected byelawed land and that subject to long term S.28 closures (see below) would be omitted from S. 4 maps, to avoid the situation where there may be a perceived right of access which will not be matched by the reality of the situation. Such confusion has obvious implications in terms of jeopardising public safety and operational efficiency. This situation has partly been remedied on the new CA open access website where maps of likely access land now exclude land covered by military byelaws.
- 2.4.8 As a result of the mapping, DE has reviewed and commented on all draft maps as they affect ATE training areas throughout England and Wales and are taking forward appeals under S. 6 as a result of land shown on provisional maps as necessary. This data will inform decisions to be made on applications for access exclusions and restrictions, to either the Secretary of State for Defence or the relevant authority. It is likely that the whole array of restrictions available under the Act will be utilised.
- 2.4.9 DEFRA's Public Service Agreement target for introducing the new Part I rights to the whole country is December 2005. However, the regional roll out programme will mean that the right will come on line in the first areas sooner, with delivery of access land in the South East and

Lower North West expected in September 2004. DE are now developing policy and strategy in this respect and an implementation programme is also being taken forward.

2.4.10 Depiction of MOD byelawed land and that subject to long term restrictions on Ordnance Survey (OS) maps has also resulted in protracted discussion. This has now been agreed at Ministerial level.

S.28 restrictions

2.4.11 Under Chapter II of CROW, landowners will be able to close access land or restrict access at their own discretion for up to 28 days each year under S.22 and access may also be restricted under Ss.24-28 for land management, the avoidance of fire, or other danger to the public, nature conservation or heritage preservation and defence purposes. The CA has published a Land Managers Guidance Pack for England which provides information on statutory restrictions, as well as positive access management measures and public liability issues.

2.4.12 Restrictions for the purposes of defence fall under S. 28. An initial analysis has been undertaken within ATE as to the extent to which S. 28 restrictions will be required. Whilst these remain provisional until conclusive CROW maps are published, restrictions are likely to be needed to address the following situations where there are no byelaws:

- On firing ranges, during periods of live firing;
- On training areas where there is an inherent risk from UXO;
- On training areas during periods of pre-operational training.

2.4.13 Where required S. 28 restrictions will be implemented by form of a direction for the purposes of either “defence” or “national security”. For the purposes of the Act and accompanying regulations these are treated as different concepts as follows:

- “Defence” directions will be made by the Secretary of State for Defence and will be subject to review under S.28 (6).
- “National Security” directions will be made by the Home Secretary and there is no requirement to publish a review of these.

2.4.14 In either case, S. 28 restrictions will need to be kept under regular internal review and considered in conjunction with the other restrictions provisions and informal management measures outlined below.

Appropriate assessments and restrictions under S26

2.4.15 Since the ATE comprises a substantial quantity of land covered by SSSI’s, English Nature may want to make directions to restrict access to certain sites under S. 26. However, during

the course of the PAS they indicated that access management should be used where possible to overcome the potentially adverse impacts on designated wildlife sites.

2.4.16 Nevertheless, they have confirmed that, where they deem it to be necessary, they will require an appropriate assessment of a site to be undertaken to consider the implications of CROW on the nature conservation designation. It is not clear what progress has been made on this with regard to the ATE. Should such assessments show that an increase in public access would have a detrimental effect on the site, then EN will make a direction under S.26 to restrict access at specified periods or indefinitely. Even where no appropriate assessment is undertaken, EN may still wish to restrict access. For example, they have already indicated that on some sites, which are home to rare ground nesting birds, they will consider using S.26 restrictions during the breeding season (e.g. on the heathland regeneration sites in the northern extension to STANTA). Similarly, in areas where positive management has been undertaken to increase the percentage of rare habitat types they may require access to be limited at certain periods or access denied at all times (e.g. Colchester). DE have supplied information to the CA regarding access to designated sites in Area 1 and will be working with the CA for the other areas.

Other access restrictions

2.4.17 Where S. 28 and S.26 restrictions are not appropriate, there are several other options that will need to be considered:

- New byelaws;
- Use of discretionary restrictions under S.22;
- Applications under S.24 of CROW to restrict public access on grounds on land management;
- Preparation of detailed access management plans to feed into the existing ILMPs and EMS for each training area.

2.4.18 On training areas where land is let to agricultural tenants it is obviously important for the MOD to be fully aware of how those tenants use or apply for access restrictions under CROW. If nothing else, it has the potential to impact on the public's perception of MOD use of access restrictions under the legislation. Where current tenancy agreements do not include clauses for such information to be automatically supplied, tenants should be encouraged to provide the relevant details. New tenancy agreements should be drafted to include appropriate clauses.

Management and communication of access restrictions

2.4.19 Strategic guidance on applications for access restrictions will be provided by DE and communicated internally to all Estate Advisors and ATE Commandants. A record of all such

applications, directions and where appropriate appeal documentation should be held regionally, but be available on a national database for use centrally or inter-regionally, as required. It is understood that this will be implemented through the DEED project linked to DESIRE+.

2.4.20 The ATE are already aware of the need to provide a clear message to access users and stakeholder responses during the PAS have stressed that information on closures, both on the ground and in advertising and promotional material must be as comprehensive and informative as possible. In this regard, DE will be providing their own interpretation of the regulations as they affect the defence estate, as well as producing a policy statement for use internally and guidance for the benefit of the public. The use of a range of practical and promotional tools needs to be considered in this regard, including existing military measures (red flags/lamps), leaflets and signs, audio presentation and electronic communications.

Military signage under S.14

2.4.21 Issues pertaining to the use, quantity and wording of military signage has been raised by both the ATE and DE, and stakeholders during the PAS. Problems from the defence side include vandalism and theft, whilst stakeholders are concerned with a plethora of “unfriendly” signage. CROW has added to this predicament.

2.4.22 Section 14 of CROW deals with the presence of notices on land deterring public use and ATE are keen not to fall foul of these provisions. Under S.14 it is an offence for any person to display a notice on access land containing false or misleading information that is likely to deter public use, with an offender liable on summary conviction to a fine at Level 1 on the standard scale. This particular provision is a cause for concern with relation to signage on the ATE and accordingly progress towards new standards and a revised policy for signage across the whole defence estate is on DE’s agenda. This will need to be taken forward within a timeframe commensurate with the programmed right of access under Part I, which is expected to commence in Areas 1 and 2 in September 2004.

2.4.23 New signage will be required in the following situations:

- On Schedule 1 “excepted” land where all access is prohibited on a permanent basis, using existing “MOD Land” signs, or preferably a more user-friendly alternative. For example, at the Stanford Training Area in ATE East and parts of ATE Salisbury Plain.
- On Schedule 1 “excepted” land where access is only prohibited at specified times. For example, at ATE Home Counties around Aldershot, where open public access is permitted when there is no live firing.
- On land where S.28 restrictions are in force, either for a specified period or indefinitely.

- On land where other restrictions are in force (under S. 22, S.24 or S.26) either for a prescribed period or indefinitely.
- On land where access is available under CROW but where members of the public need to be informed that they may encounter dry training exercises.

2.4.24 The CA will be issuing signage guidance for England and CCW for Wales, although on the defence estate this will have to be consistent with MOD strategic signage policy.

CROW implementation

2.4.25 ATE Commanders will be responsible for the implementation of all CROW access matters on individual training areas and access management plans will need to be produced or amended in association with DE and other stakeholders as part of the ongoing ILMP and EMS process. An MOD policy instruction has now been issued covering attendance at Local Access Forums (LAFs) in England and Wales, which have been set up under Part V of CROW to advise on improvements to public access to land within their area. ATE with DE will provide the strategic guidance and will need to keep estate advisors fully informed as the implementation progresses through the mapping process, appeals and restrictions regime.

The Land Reform (Scotland) Act 2003

2.4.26 The LR(S)A provides for the establishment of rights for everyone to be on, over, or under land and inland waters for recreation, furthering understanding of the natural or cultural heritage, or carrying on, commercially or for profit, any activity for which the right of access applies. Also, it provides a right to cross land to get from one place to another. The right also applies to the foreshore (i.e. land between high and low water mark), although such land is currently subject to public access rights, and other public rights, held by the Crown and administered through the Crown Estates Commissioners.

2.4.27 The right of access excludes unlawful activity and, for example, angling, using a motor vehicle, leaving litter and interfering with gates and other land management measures.

2.4.28 Specific types of land are excluded from the access rights, including, for example, the curtilage of buildings to safeguard the occupier's privacy and enjoyment, land with growing crops and young trees, schools, sports grounds and lands where access is currently denied for reasons of health, safety or the national or public interests. More specifically, section 6(1)(d) of the Act exempts the exercise of access rights over land This will include land to which access is restricted under military byelaws.

2.4.29 The LR(S)A will impose a duty on all landowners to use and manage lands in ways that respect the rights of access and they cannot interfere unreasonably with the access rights of those exercising, or seeking to exercise, access rights. This is reiterated in the Scottish Outdoor Access Code (SOAC), which sets out the rules of responsible conduct for those

exercising the right of access and for landowners and occupiers. Given the special circumstances that apply to its land, MOD will seek to ensure that where access is restricted relevant information is provided about the nature of restrictions and on alternative routes etc. to safeguard the safety of visitors.

- 2.4.30 Local authorities have a pivotal role in relation to limitations on the exercise of public access rights under the LR(S)A but it is not yet clear how they intend to fulfil this role in relation to MOD land. The Act itself makes no specific mention of access rights not applying to MOD, although the SOAC states that access rights do not apply *“to which public access is, by or under any enactment other than this Act, prohibited, excluded or restricted”* giving *“military bases”* as an example. The way in which local authorities choose to employ their powers will therefore be particularly relevant on MOD land used for live firing that are not currently covered by military byelaws.
- 2.4.31 LAFs are also covered under the LR(S)A and a MOD policy instruction regarding attendance at these forums will be developed shortly.
- 2.4.32 The impacts on ATE Scotland of the LR(S)A are still not entirely certain. However, unless access usage increases substantially, which is not expected, the overall impact is expected to be small. It is clear that the LRSA will help MOD manage public access onto its estate, in that the SOAC requires the general public to act responsibly and not to interfere with land use activities, which includes the running of ranges etc.

2.5 Consultation with stakeholders

- 2.5.1 The ATE and DE are already in regular contact with a wide range of stakeholders at national level through the external Access and Recreation Focus Group and annually at the SB/NGO conference. Locally, ATE commanders and their DE advisors meet with a range of conservation and access groups frequently with regard to the day to day management of training areas.
- 2.5.2 The enactment of CROW and the LR(S)A places even greater emphasis on the need for liaison and co-operation with both national and local bodies. Nationally, the Forestry Commission (FC) has suggested that lessons may be learnt by the MOD from neighbouring landowners who already provide for public access onto their land and have suggested that it may be appropriate to set up some formal liaison process. It is pertinent to note that the FC has announced that they will be dedicating the whole of the national freehold woodland estate under S. 16 of CROW. This may have considerable impact where such woodland areas are adjacent to ATE training areas. It is therefore essential that the relevant ATE regions commence dialogue with the FC to review access plans and consider programmes for managing and, where appropriate, apply for restrictions or exclusions. A similar approach

needs to be taken with other government departments, councils or national organisations who intend to dedicate land in this way.

- 2.5.3 Information on the existence and location of all access land under CROW will be available on the CA open access website and the CCW website. These will also provide accurate and up-to-date information on “excepted land” under the Act and give details of all temporary access restrictions. However, restrictions resulting from defence or national security directions will not be published on these websites and it is therefore important for the MOD to provide this information for both health and safety reasons and to deliver upon the aims and objectives set out in the Estate Strategy.
- 2.5.4 As stated in 2.4.24 above, there is now a policy instruction on attendance at LAFs. This should be used as an opportunity to further the MOD’s public relations message regarding access to the defence estate, by providing details of access initiatives to counter any negative publicity that may result from necessary access closures. Additional means to get this message across needs to be considered and may require further interaction between ATE Commanders and local access groups in areas where significant areas of land have been mapped under CROW or where increased access is an issue under the LR(S)A.
- 2.5.5 Even where CROW or the LR(S)A are not an issue a positive relationship should be fostered with local landowners and associations e.g. the National Trust, Scottish Natural Heritage, Wildlife Trust and the local bodies, who are working to promote access and/ or conservation in the area. Organisations such as the National Trust have already provided very positive feedback on the regional PAS reports. This relationship should therefore investigate ways in which the ATE can work further with these organisations to enhance and promote the access opportunities in the local area.
- 2.5.6 The issue of “access for all” was highlighted by some PAS consultees, particularly with reference to improvements to future access provision to develop easy going routes where possible, complete with appropriate gates, styles etc. It is clear that where new routes are developed the requirements of the Disability Discrimination Act 1995 must be considered and, where appropriate, accompanied by access information highlighting the existence of these facilities.

2.6 Information Provision and Signage

- 2.6.1 Whilst the prime purpose of the ATE is to provide military training, the Estate Strategy makes it clear that the MOD do have a role in providing public access and informing the public of such opportunities. In this respect it is essential to provide clarity of message to the public about access rights and restrictions, linked to strategic initiatives. With regard to CROW, the LR(S)A and other access issues DE is in discussion with DEFRA on signage proposals and is also spearheading the preparation of policy guidance and statements on access restrictions

and promotion. Whilst the use of both MOD/ATE and DE websites will be crucial in getting this message across, other types of information will also be required.

2.6.2 Signage issues have already been highlighted, particularly with regard to the requirements of new access legislation. However there are a number of existing signage problems that also need to be addressed. In particular, a plethora of confusing signage and unwelcoming messages is a reality on some sites (see Figure 1) and there are also serious problems associated with vandalism and theft. All these matters require initiatives to be taken forward under not only a strategic signage policy for all MOD sites but also under a clearly identified MOD “corporate image”, which also relates to all MOD access related literature. The ATE has already published revised public information leaflets and user guides for all ATE regions and has implemented other signage initiatives on promoted routes at Otterburn and Sennybridge. These provide an important starting point for the development of a corporate umbrella under which new developments in signage and literature should sit.

2.6.3 Whilst the existing MOD booklet “Walks on MOD Lands” (WOML) giving details of countrywide opportunities for access on foot and has been well received, stakeholder consultation during the PAS has identified a number of other initiatives that should be actively considered, as follows:

- Individual access leaflets (initially featuring the walks in the MOD booklet) would be a cost effective way of promoting access opportunities, which could be held locally for distribution. Individual leaflets already exist for the Otterburn Training Area and the Epynt Way at Sennybridge. Nevertheless, a consistent approach to their production is required to provide information on the current access opportunities, with details on specific points of interest and could be placed in local tourist information centres or local hotels for easy distribution to the local population and visitors to the area. Opportunities for producing leaflets in partnership with other bodies (as at Otterburn with the Northumberland National Park Authority) should also be investigated.
- An updated WOML publication featuring all access opportunities could cover routes for horse riders and cyclists as well as walkers and address access for the less able by incorporating “easy access” routes. This might take the form of a loose-leaf publication using a similar format to the recently published ATE public information leaflets, for maximum flexibility and cost effectiveness. The MOD would first need to address liability issues arising from such provision and the booklet would need to incorporate appropriate safety guidance for visitors.
- Interpretation boards located at selected points within some training areas should be established to provide visitors with interpretative information on individual sites and military requirements, where it is deemed necessary. Some sites already provide such information (e.g. Dartmoor, with the agreement of the DNPA) and the use of partnership

arrangements should be explored on a site by site basis. The provision of such information will give visitors a much better understanding of the ATE and may include:-

- General information on the area, including the geography/geology of the area and any landscape, ecological and archaeological points of interest.
 - A map illustrating the area and showing where and when public access is available.
 - Information on the military history of the area and current military training activities.
 - 'Easy to Understand' version of the byelaws, where required.
 - Details of where to obtain further information on for example, non-firing times and other access opportunities in the area.
- ATE regional websites developed to provide information on local access opportunities, as well as a raft of other matters (e.g. firing times), using the corporate image and providing links to the main MOD, ATE and DE sites.
 - Logoed waymarks on linear routes across MOD land. It is MOD policy to waymark all routes (PROW and permissive routes) across the freehold defence estate. Progress has already been made with specific routes (e.g the Epynt Way) and this should be translated to other training areas, using a consistent MOD specific image.
 - Publication of regular newsletters to Parish Councils, notices in villages, roadshows (for large training areas) etc.

3 Recommendations

3.1 Future Opportunities

- 3.1.1 The primary purpose of the ATE is to provide a military training capability and this operates within certain constraints relating to safety, conservation and other land issues. Notwithstanding these constraints the ATE already allows a considerable amount of public access to its Training Areas in line with the requirements of the Estate Strategy, where the MOD duty of care to the public is not compromised. Nevertheless, the ATE accepts that there is further work to be done to improve the quality and certainty of that access and in addition the consultation exercise undertaken during the study has highlighted a number of areas where proposals for access can be initiated or improved.
- 3.1.2 However, prior to any implementation a thorough consideration needs to be taken of site constraints and the current access management issues. Action can then be incorporated into the EMS for each site, where full opportunity should be taken to review the interrelationship between military training and public access, ensure that effective mitigation is in place and measure performance and conduct audits, in order that public access opportunities are developed in line with the MOD Strategy for the Defence Estate. This should be further aided by MOD good practice guidance notes.
- 3.1.3 The recommendations outlined below are directly related to the key issues identified in Chapter 2.

MOD byelaws

- Continue work within the Byelaw Review Project and its associated Working Group to identify and consult on the main aims, objectives and structure of new primary legislation, and prepare and consult on a working template from which new byelaws can be produced.
- Identify those training areas where new or amended byelaws are required most urgently and pursue new secondary legislation as a matter of urgency.
- Prepare amended byelaws for all remaining military establishments using the strategic template.
- Meet the byelaw review requirements for Otterburn and Warcop following the respective public inquiries and also undertake a review of byelaws relating to ATE sites in Scotland under the requirements of the LR(S)A.

Duty of Care

- Seek specialist legal advice on potential occupiers' liability issues across the whole defence estate, particularly those pertaining to increased public access to the ATE as a result of CROW and the LR(S)A.
- Incorporate guidance on risk assessment procedures (from CA or others) into the normal process already undertaken by ATE commandants.
- Provide further information and guidance to the public, to ensure they are fully aware of the risks and dangers associated with access to military training land.

Unexploded ordnance

- Develop a consistent strategic approach to the resolution of this issue, using best practice already undertaken throughout ATE.
- Where non-byelawed land with a UXO problem is identified as access land under CROW or the LR(S)A, develop a proactive approach to access management and use all restriction mechanisms available under the legislation.
- In extreme cases consider seeking new byelaws.

Area-wide access

- Continue to review provisional maps where training area land is mapped as "access land" under CROW and pursue appeals where land has been mapped incorrectly.
- Continue to review the potential/actual impact of the provisions of the LR(S)A on training areas in Scotland.
- Liaise closely with English Nature with regard to the need for appropriate assessments to be undertaken and S.26 directions.
- With the use of baseline data, including risk assessment statistics, make applications for exclusions and restrictions to the right of access in England, Wales and Scotland.
- Ensure that all stakeholders are provided with clear, up-to-date information regarding the access status of all land, not just that mapped under CROW. This should incorporate information on the LR(S)A as it affects the ATE.
- Develop a revised policy and new standards for signage across the defence estate, including the ATE. Care should be taken to ensure that access land under CROW is correctly signed and that notices clearly explain permanent or temporary restrictions.

- Ensure that strategic guidance is effectively communicated to estate advisors and that they are kept well informed about the progress of CROW and LR(S)A implementation across their region.
- Ensure that all agricultural tenants are informed of the need for liaison with MOD over temporary access restrictions under CROW and ensure that all new tenancy agreements are drafted to include appropriate clauses making this an ongoing requirement.

Consultations with stakeholders

- Continue well established system of liaison with local and national stakeholders, particularly those considering the dedication of land under CROW.
- Facilitate a positive relationship with local access groups, so that they fully appreciate and understand the need for access restrictions on some training areas.
- Use the opportunity of attendance at Local Access Forums to actively promote the considerable access and environmental initiatives that are being pursued on the ATE. MOD policy has been issued for attendance in England and Wales and will follow for Scotland. Involvement in the Rights of Way Improvement Plans process under Part II of CROW may also afford the opportunity to rationalise public rights of way on the ATE to the benefit of military training and public access.
- Where new routes are developed the requirements of the Disability Discrimination Act 1995 must be considered and, where appropriate, accompanied by access information highlighting the existence of these facilities. Where improvements are being made to existing access opportunities, the adoption of BS5709 regarding gaps, gates and stiles and providing easy-going routes should also be considered.

Information Provision and Signage

- A corporate MOD access strategy for information and signage across the whole defence estate should be developed to ensure that access possibilities are presented in a clear and positive way. The image and formatting of the recently published public information leaflets and user guides for all ATE regions and the signage initiatives on promoted routes at Otterburn and Sennybridge provide an appropriate starting point for this.
- Consideration should be given to developing a wide range of information covering area access (*de facto* and *de jure*), linear access, specialist access (for riders/disabled etc.), together with guidance on access restrictions and military training needs across the ATE. This may include:
 - Individual access leaflets;
 - An “Access on MOD Lands” booklet or loose leaf publication;

- Interpretation boards;
- ATE regional websites;
- Waymarked routes;
- Audio or live presentations;
- Other publications.

3.2 Conclusions

- 3.2.1 The arrival of CROW and the LR(S)A on the statute books has been the catalyst for reviewing public access onto the ATE. The recommendations listed above seek to highlight strategic initiatives that can be promoted across the whole ATE to meet the requirement of the Estate Strategy for a presumption in favour of public access where military utility allows. These can be adapted to suit individual regional or site specific objectives or requirements and be taken forward within an agreed implementation timetable, taking account of inherent environmental and duty of care constraints. They can also assist in the positive management of access onto individual sites and even where there is area access can be used to direct that access to the benefit of all.
- 3.2.2 Whilst no assessment of costs or budgetary constraints has been undertaken during the study, it is evident that the recommendations outlined will have a significant impact on both manpower and financial resources. This will necessarily mean that items will need to be prioritised for action. Action to address the issue of military byelaws is now in hand and some progress has been made on CROW related issues. Falling out of these comes the need for an effective communication strategy to be put in place and the requirements for signage and information are obviously of paramount importance in this regard. The need for specialist advice on occupiers' liability issues is also a priority given the impending commencement of access under CROW and the LR(S)A.
- 3.2.3 Even with these measures in place, it is inevitable that the MOD and access groups will sometimes have different views on the level of public access that can be accommodated on the defence estate before public safety is compromised. Stakeholder involvement will therefore be critical in seeking to provide a clear and consistent message to all access users including the reasons for access restrictions and exclusions. The consultation process undertaken during the PAS proved to be extremely useful in this regard and will hopefully provide the platform for further positive feedback in the future.

Appendices

APPENDIX A

Key strategic issues identified by the Public Access Study

ATE REGION/ STAKEHOLDER	KEY ISSUE
ATE EAST	
British Horse Society (BHS)	<p>Endorses the need for certainty of both provision of and information on access opportunities, which must be up to date and accurate.</p> <p>Equestrian access should be provided where military constraints allow.</p> <p>Consideration should be given to linking information included in a 'Guide for Riders' to the Ride UK website.</p> <p>Visitor surveys should include equestrian use.</p> <p>Presentations on access to the defence estate should be given to local bridleway groups.</p> <p>Factual and site specific issues.</p>
Cambridgeshire County Council	Factual and site specific issues.
Countryside Agency (CA)	<p>Byelaws should be based on real and not perceived risk.</p> <p>Strategic promotional recommendations are welcomed.</p> <p>Factual and site specific issues.</p>
DEFRA	<p>Consistent strategic approach to byelaws and their interpretation is required.</p> <p>Suggest that permissive paths and routes on the ATE should be notified to the Ordnance Survey, so that they can be shown on their maps.</p> <p>Factual and site specific issues.</p>
English Nature (EN)	<p>Increased access as a result of CROW will be assessed on a site by site basis. From a nature conservation perspective only, some SSSIs will be able to absorb an increase, whilst it will be detrimental to others.</p> <p>Management measures taken to improve the condition of SSSIs often result in negative public perception. A clear message on conservation management must therefore be delivered to avoid harmful publicity.</p> <p>Where information boards on the ATE highlighting nature conservation issues are planned, English Nature would wish to be consulted to enable full integration with other initiatives.</p> <p>Factual and site specific issues.</p>
Essex County Council	Factual and site specific issues.
Lincolnshire County Council	Factual and site specific issues.
Norfolk County Council	Factual and site specific issues.

Nottinghamshire County Council	There should be proactive promotion of access opportunities for disabled users. Liaison required with bodies promoting landscape, conservation and access on land adjacent to training areas to develop joint initiatives, share best practice etc.
Ramblers' Association (RA)	Factual and site specific issues.
RSPB	Factual and site specific issues.
HOME COUNTIES	
CA	Every effort should be made to ensure that access (area and linear) to the defence estate is available when and wherever possible. Signs should be developed so that they only inhibit access when restriction is necessary.
DEFRA	Factual and site specific issues.
EN	Factual and site specific issues.
Hampshire County Council	Factual and site specific issues.
Oxfordshire County Council	Factual and site specific issues.
RA	Would welcome anything that either increases the amount of access to the ATE or makes a substantive difference to the quality of existing access arrangements, particularly by way of improved information either on the ground or in advertising or promotional material. Factual and site specific issues.
RSPB	Site specific issues.
Surrey County Council	An easy to understand version of access rights, byelaws etc. should ideally be web-based with links to other sites where access information is usually sought.
NORTH EAST	
Durham County Council	Factual and site specific issues.
East Riding of Yorkshire Council	Factual and site specific issues.
EN	Factual and site specific issues.
Forestry Commission (FC)	Lessons can be learned from activities of neighbouring landowners who invite public onto their land. Formal liaison between landowners would aid in provision of joint projects and best practice.
North Yorkshire County Council	Factual and site specific issues.
Ramblers Association	Factual and site specific issues.
Yorkshire Dales National Park Authority	Factual and site specific issues.
NORTH WEST	
BHS	Factual and site specific issues.
Bury Metropolitan Borough	Factual and site specific issues.
CA	Hoped that access would be granted to byelawed areas affected by CROW wherever possible.

DEFRA	Factual and site specific issues.
EN	Factual and site specific issues.
Friends of the Lake District	Factual and site specific issues.
Hilton & Murton Heritage & Rights Group	Factual and site specific issues.
Lancashire County Council	Factual and site specific issues.
National Trust	Factual and site specific issues.
RA	Factual and site specific issues.
OTTERBURN	
British Mountaineering Council (BMC)	Need to be clear how strategic MOD access policy will be applied at regional level and how current and future provision reflects and seeks to meet policy objectives and priorities.
Council for National Parks (CNP)	Consistency required between when live firing is booked and when ranges are actually used to ensure that public access is maximised in pursuit of second National Park purpose. To maximise public access, UXO clearance should be a priority and form part of MOD's management regime.
CA	Hoped that access would be granted to byelawed areas affected by CROW wherever possible. CA will seek to ensure that least restrictive option is applied with regard to access restrictions under CROW.
DEFRA	Factual and site specific issues.
Newcastle City Council	Factual and site specific issues.
Northumberland County Council	Factual and site specific issues.
Northumberland National Park Authority	When balancing access and nature conservation requirements under CROW, environmental appraisals using the 'Sandford Principle' should be undertaken, with emphasis on seeking the least restrictive option. Tenancy agreements should be let on the understanding that access provision will be embraced. The issue of visitor welcome and provision of information should be addressed. Messages should be respectful and put across to inform understanding.
RA	Factual and site specific issues.
South Tyneside Council	Factual and site specific issues.
PEMBROKESHIRE	
BHS	Factual and site specific issues.
BMC	Factual and site specific issues.
CNP	Need for a clear and co-ordinated action plan, which can take forward strategic objectives in an integrated way. The MOD should show leadership in generating a vision of improved public access to such exceptional landscapes.

Pembrokeshire Coast National Park	PAS should consider the potential to optimise access opportunities with regard to a Training Needs analysis.
Friends of Pembrokeshire National Park	Factual and site specific issues.
RSPB	Factual and site specific issues.
SALISBURY PLAIN	
Avon Vale Flag Free Route	Factual and site specific issues.
BHS	Factual and site specific issues.
DEFRA	Need to be clear where area access is available under the byelaws when not used for military activities.
EN	Factual and site specific issues.
RA	Factual and site specific issues.
RSPB	Factual and site specific issues.
Trail Riders Fellowship	Factual and site specific issues.
Wiltshire County Council	Factual and site specific issues.
SCOTLAND	
Aberdeenshire Council	Factual and site specific issues.
Angus Council	Factual and site specific issues.
Argyll & Bute Council	Factual and site specific issues.
Dumfries & Galloway Council	Factual and site specific issues.
Midlothian Council	Factual and site specific issues.
Moray Council	Factual and site specific issues.
Perth & Kinross Council	Factual and site specific issues.
Scottish Executive	Factual and site specific issues.
Scottish Natural Heritage	Factual and site specific issues.
The Highland Council	Factual and site specific issues.
SOUTH EAST	
CA	<p>MOD should make clear to stakeholders the difference between Section 28 restrictions under CROW for a) defence and b) national security.</p> <p>MOD should also be prepared to play an active role in commenting on proposals being brought forward by local authorities in their ROWIPs.</p>
DEFRA	<p>Highlighted the need to clarify what the access provision is under the relevant byelaws, especially considering that some Military Lands byelaws provide for '<i>a right of area access to land when live firing is not taking place</i>'. This issue led to further discussions with ATE and the recognition of inconsistencies in the interpretation of military byelaws on different sites.</p> <p>Factual and site specific issues.</p>
East Sussex County Council	Factual and site specific issues.

EN	Factual and site specific issues.
RA	Factual and site specific issues.
SOUTH WEST	
Cornwall County Council	Factual and site specific issues.
CA	Factual and site specific issues.
Dartmoor National Park Authority	Factual and site specific issues.
Devon County Council	Factual and site specific issues.
EN	Factual and site specific issues.
Exmoor National Park Authority	Factual and site specific issues.
RA	Factual and site specific issues.
Somerset County Council	Factual and site specific issues.
South West Coast Path	Factual and site specific issues.
WALES	
Brecon Beacons National Park Authority	Factual and site specific issues.
Countryside Council for Wales (CCW)	Factual and site specific issues.
CNP	Factual and site specific issues.
Flintshire County Council	Factual and site specific issues.
FC	Lessons can be learned from the activities of neighbouring landowners who invite public onto their land. Formal liaison between landowners would aid in provision of joint projects and best practice.
Monmouthshire County Council	Factual and site specific issues.
RA	Urges that the Byelaw Review does not impose any further constraints on access provision. Factual and site specific issues.
RSPB	Factual and site specific issues.
Youth Hostel Association	Factual and site specific issues.
WEST MIDLANDS	
EN	Stressed the importance of liaison with MOD where the new right of access under CROW compromises nature conservation objectives. Would welcome discussions on any proposals by the MOD to voluntarily dedicate any part of an SSSI under Section 16 of CROW.
Peak District National Park Authority	Factual and site specific issues.
RSPB	Factual and site specific issues.
Shropshire County Council	Factual and site specific issues.
Warwickshire County Council	Factual and site specific issues.

