



# LOCAL ACCESS AGREEMENTS

Permissive walking and riding routes in the countryside for your community.

## WHAT IS THE PROBLEM?

Over the past 10 years, many communities in Norfolk have benefited from permissive access routes where paths have been made available for walking and riding around the edges of arable fields. These paths were provided by the farmer, with support from a scheme called Environmental Stewardship.

This scheme has now come to an end, and its replacement does not have an element which encourages farmers to provide permissive access. This means that many of these routes will now be closed, and the land ploughed up. This can come as a shock to local communities who have grown accustomed to walking dogs and quiet enjoyment of the countryside using this path network.

### **Don't we have a right to walk here?**

These routes were never shown on the definitive map as rights of way. Access to the land was formally permitted for a specific period under the Environmental Stewardship scheme with the agreement of the farmer and landowner. There was never any right of way established by the agreement. The farmer received some financial support to help offset the cost of not growing a crop on the land under the route. It may only seem like a small amount of land, but with some of these routes totalling many miles, the cumulative land lost to agricultural, and the cost to the farm business, can be considerable.

### **Why can't the farmer just keep the route open?**

Farmers have three main concerns over permissive access.

**1.** The "profit foregone" cost of the land taken out of production.

**2.** That unmanaged access could lead to a claim being made to establish a statutory right of way.

**3.** Concerns about safety, litter and dogs if public access is not properly managed.

By entering into an agreement under the Environmental Stewardship Scheme, the farmer was protected to a certain extent from these issues.

### **Is there anything that can be done to keep these routes open?**

Norfolk FWAG and Norfolk Local Access Forum working with the solicitors firm Birketts, have created a package which may help retain existing routes or provide new ones. To start the process contact your local Parish Council and draw their attention to this leaflet. Alternatively contact Norfolk FWAG or the Norfolk Local Access Forum (NLAF). Contact details on reverse.

In association with



# LOCAL ACCESS IN NORFOLK AGREEMENT (LAN AGREEMENT)

## What is a LAN Agreement?

A LAN agreement uses money from local development to help support the farmer in keeping access open (or to create new access if none currently exists). The agreement will be between a Parish Council or the Local Access Forum and a landowner. Norfolk FWAG will map the route, and advise the farmer on how the access will fit with his existing agri-environment obligations. Birketts will draw up the agreement itself.



## ANSWERS FOR MEMBERS OF THE PUBLIC

### Our footpaths or bridleways have been taken away, what do we do?

The first thing is to establish which Parish Council is responsible for the area. Write a polite and measured letter to the Council, explaining how much you value the local access provision and include a copy of this leaflet. Ask the Council if they have any funds available under CIL or similar, which could help reinstate the access.

This is an emotive issue but being rude will be counter-productive. Parish Councillors are mostly volunteers who give up their time to help the local community, and the farmer is just trying to run a business.



## ANSWERS FOR PARISH COUNCILS

### Where does the money come from?

Some Parish Councils may be in receipt of funds from development in their local area called Community Infrastructure Levy (CIL). As the name suggests this money is supposed to be spent on creating infrastructure such as schools and roads, but it can be used on green infrastructure such as footpaths. There is also a funding source called a Section 106 agreement, which is tied directly to housing and other developments taking place in your parish. Norfolk FWAG and the NLA Forum are trying to explore ways of using these funds to help solve the problem of loss of permissive access in Norfolk.

### How much is this likely to cost?

The precise amount will vary from case to case. Through this new initiative it may be possible to make a payment to the farmer to acknowledge the costs he incurs in maintaining the permissive access route.

### Why should we spend money on this?

Local permissive access on arable land has been hugely successful over the past 10 years. It is likely that Parish Councils are unaware of how many people are using local routes, since no formal monitoring has taken place. Where landowners have recorded this information it is surprising how many people use these routes, some on a daily basis.

Parish Councils have powers to act for the benefit of the community by tackling and promoting awareness of environmental issues. As local authorities, since 2013, they have also been encouraged to contribute to the public health agenda and take action to reduce health inequalities. One of the key public health outcomes the government would like to see is for people to be more active. Permissive access in rural areas has a major role to play in achieving this outcome.

## ANSWERS FOR LANDOWNERS

### How does this work with existing agri-environment schemes such as Countryside Stewardship?

The new Countryside Stewardship scheme does not include payment for access. Provision of access under a LAN Agreement needs to be completely separate and additional to your obligations under existing agri-environment agreements. For example, if you have a 6m margin which you are currently being paid for under HLS, ELS or Countryside Stewardship, you will need to provide an additional 2m or 3m strip for people to walk and ride on. Driving over existing agri-environment margins will expose you to the risk of a fine for breach of the conditions of your agreement.

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