

Subject:	Voluntary Dedication of Land under the Countryside and Rights of Way Act 2000 (CRoW Act)		
Date of Meeting:	12 February 2015		
Report of:	Interim Executive for Director Finance & Resources		
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Ward(s) affected:	Hollingdean & Stanmer		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The Corporate Plan aims to achieve natural and built environments that together protect the health of people, biodiversity and planet. One of the ways we will do this is by maximising the environmental, social and economic benefit of the City's proximity to the South Downs National Park. In addition the City Downland Estate Policy promotes expansion of the amount of access land adjacent to the urban areas of Brighton & Hove.
- 1.2 In 2005 the councils' managing agents for the City Downland Estate, Smiths Gore, negotiated a surrender of the farm tenancy for Home Farm Stanmer. The land was re-let for grazing use and opened up to provide 489 acres of permissive open access land. Changes to the adjacent farm tenancy for High Park Farm allowed open access from Stanmer Village up to the Ditchling Beacon.
- 1.3 In order to ensure the access rights are protected, it is proposed the land be dedicated as public access land under procedures set out in the Countryside and Rights of Way Act 2000 (The CRoW Act), which will ensure the land is retained as public access into perpetuity.
- 1.4 Officers have delegated powers to undertake the management of land and the report is being brought for Committee approval due to the rights under the CRoW Act being dedicated in perpetuity.

2. RECOMMENDATIONS

- 2.1 That Committee authorises the dedication of land at Home Farm Stanmer and land at St Mary's Farm (identified on the plan at Appendix 1) as public access land in perpetuity under procedures set out in the CRoW Act.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Downland Initiative originally commissioned in 2005 by the Council, Property & Design in conjunction with the Countryside Agency (now Natural England) and the South Downs Joint Committee (now South Downs National Park Authority)

examined the feasibility of securing more sustainable management of the Downland surrounding the city so that it delivers greater social and environmental benefits. The City Downland Estate Policy (formerly the Downland Initiative) fits with the councils' priorities and Biosphere project, and its overarching aim is to: -

Sustain natural resources provided by the councils' City Downland Estate by working in partnership with relevant stakeholders and potential beneficiaries, and pursuing an economically sustainable approach for the council and its tenant farmers.

Detailed aims and the recommendations of the study include public access, recreation and understanding and one of its aims is to increase and improve public access on the council's City Downland Estate.

- 3.2 In 2012, 275 acres of additional permissive open access was negotiated at Patcham Court Farm and a report to Committee sought approval for the Patcham Court Farm land to be dedicated as public access land under The CRow Act. These dedications are now complete. The report also sought approval for the voluntary dedication of land at Ditchling Road (37 acres) and land at Plumpton (27 acres). These dedications are ongoing.
- 3.6 The CRow Act was introduced to, amongst other things, provide a new right of public access on foot to areas of open land comprising mountain, moor, heath, down, and registered common land, and contains provisions for extending the right to coastal land. Under the Act landowners may dedicate land voluntarily under the CRow Act, the result of which is the protection of the dedication into perpetuity and is irrevocable.
- 3.7 Under the CRow Act, the public can walk freely without having to stick to paths and can enjoy activities carried out on foot, including walking, sightseeing, bird watching, climbing and running, but there are some common sense restrictions in place which limit where people can walk or take a dog. The rights granted do not include camping, cycling, horse riding or driving a vehicle (except mobility scooters and buggies), hang-gliding or paragliding, use of a metal detector, taking part in organised games or commercial activities, swimming; or removing anything from the area – including stones or fallen wood. However, existing rights such as riding a horse on a public bridleway are not affected.
- 3.8 Since the surrender of the Home Farm farm tenancy and re-letting of the land for grazing in 2005, the land has been used as permissive open access. It is intended to now dedicate this land and land at St Marys Farm under the CRow Act to ensure it is retained as public access land into perpetuity.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 It is possible for the land identified to remain as permissive open access land without the CRow Act dedication. This would allow the public access to be restricted in the future should new policies support a different approach.

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 The tenant farmer has been advised of the proposals.

6. CONCLUSION

6.1 Under the council's City Downland Estate Policy it is the aim to significantly expand the amount of access land adjacent to the urban areas of Brighton & Hove.

6.2 In order to protect the public rights of access in perpetuity it is recommended that the land identified in part 2.1 of this report be dedicated voluntarily under the provisions of the CRow Act.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

7.1 The process for negotiating the open access to the area of land was undertaken by the Council's managing agents as part of their contract with the council. Any ongoing costs such as maintenance and installation of equipment such as gates etc. will be met from existing revenue budgets. The effect of permissive access on the site has already resulted in a lower rental value. This lower rental will continue in perpetuity when the land is dedicated. Consequently this would result in a lower capital values being achieved should the land ever be sold in the future.

Finance Officer Consulted: Rob Allen

Date: 09/01/15

Legal Implications:

7.2 Section 16 of the CRow Act 2000 enables the council as landowner to dedicate their land for the purposes of Part 1 of that Act which establishes a new regime for access to the countryside and creates a statutory right of access on foot.

7.3 Any such dedication is irrevocable and binds successive owners and occupiers of the land. The land however can become "excepted land" under the CRow Act which would mean that it was still dedicated but no longer able to be considered as access land. For example excepted land includes land being developed for buildings.

7.4 The Dedication will take the form of an instrument of Dedication for each of the said parcels of land and the right of access will come into effect six months later.

7.5 There are no human rights implications to bring to Members attention.

Lawyer Consulted: Katie Matthews

Date: 09.01.2015

Equalities Implications:

7.3 An Equalities Impact Assessment has not been undertaken as the introduction of the recommendation set out in 2.1 is not considered to have a negative impact.

Sustainability Implications:

- 7.4 There are none.

Crime & Disorder Implications:

- 7.5 Whilst the CRoW Act requires dogs to be kept on a lead of no more than 2m long between 1 March and 31 July (the main breeding period for ground-nesting birds) or at any time of year when you are near livestock, however this is difficult to police.

Risk and Opportunity Management Implications:

- 7.6 The main risk identified is of people not following basic countryside rules to respect the environment and the farmers' crops and livestock. Recently the tenant farmer lost one of his beef animals to neospora because it has eaten a bag of dog faeces left by dog walkers who hang their dog waste bags on fences near to access gates.

Public Health Implications:

- 7.7 Increasing land available for public access and protecting that designation into perpetuity directly supports and promotes an active lifestyle for the inhabitants and visitors to the city thus encouraging a healthy standard of living.

SUPPORTING DOCUMENTATION

Appendices:

1. Plan identifying land to be dedicated under the CRoW Act

Documents in Members' Rooms

None

Background Documents

None

