

MID AND WEST BERKSHIRE LOCAL ACCESS FORUM

Comment on the Ofcom Consultation

Electronic Communications Code: Proposed Code of Practice, Standard Terms of Agreement and Standard Notices

INTRODUCTION

The Mid and West Berkshire Local Access Forum (MWBLAF) is grateful for the opportunity to comment on the Ofcom consultation on the Proposed Code of Practice, Standard terms of Agreement and Standard Notices that Ofcom expects to be required to publish under the Digital Economy Act 2017 (as it now is).

MWBLAF wishes to comment on one specific point in the draft Code of Practice that relates to public access to land, in paragraph 4.23. MWBLAF welcomes the recognition by Ofcom that public rights of way should be an element of relevant information for the site survey. However, there are other forms of public access to land that MWBLAF believes are also relevant.

DISCUSSION

Paragraph 4.23 of the consultation document forms part of the draft Code of Practice. It describes relevant information that a landowner should seek to provide as part of the site survey. The final bullet of this paragraph reads:

- Whether there is/are any harmful materials, liquids, vegetation, sites of special scientific interest, protected flora, fauna, listed buildings, archaeological considerations or public rights of way on or adjacent to the site (*our emphasis*)

However, public rights of way are not the only types of public access to land - the other main types are:

- Access land (created under the Countryside and Rights of Way Act 2000)
- Permissive footpaths and bridleways (for example, under Section 31(6) of the Highways Act 1980)
- Other routes with public access

MWBLAF believes that all types of public access to land should be mentioned in the Code of Practice.

NOTE: The discussion and proposal in this response are applicable only to England and Wales; the legal framework in Scotland for public access to land is substantially different,

A local access forum under Section 94 of the Countryside & Rights of Way Act 2000, appointed by and advising:



MID AND WEST BERKSHIRE LOCAL ACCESS FORUM

and the wording of this paragraph in the Code of practice may therefore also need to differ for Scotland.

PROPOSAL

MWBLAF proposes that the final bullet of paragraph 4.23 should be amended as follows, and two footnotes added:

- Whether there is/are any harmful materials, liquids, vegetation, sites of special scientific interest, protected flora, fauna, listed buildings, archaeological considerations, or public rights of way, access land¹, permissive footpaths and bridleways², and other routes with public access, on or adjacent to the site

¹ created under the Countryside and Rights of Way Act 2000

² footpaths and bridleways along which landowners have permitted public use but which are not rights of way, for example, under Section 31(6) of the Highways Act 1980

ABOUT THE MID AND WEST BERKSHIRE LOCAL ACCESS FORUM

A local access forum is a statutory advisory body, appointed under Section 94 of the Countryside and Rights of Way Act 2000. It has no executive functions, but is a statutory advisor to its appointing authority or authorities, and other relevant bodies, on the improvement of public access to land within the area, for open-air recreation and the enjoyment of the area.

Reading Borough Council, West Berkshire Council and Wokingham Borough Council have appointed a forum jointly - the Mid and West Berkshire Local Access Forum.