

Defence Infrastructure Organisation

TRAINING OVER PRIVATE LAND (TOPL)

Practitioner Guide 02/11

Document Aim:

The aim of this Practitioner's Guide is to describe the procedure to be followed for military use when planning and conducting Training Over Private Land (TOPL) in the United Kingdom.

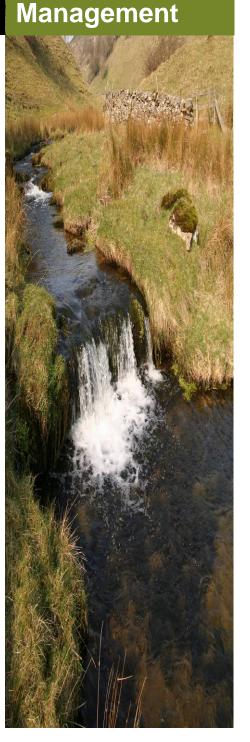
Document Synopsis:

It is MOD policy to prioritise training on property that is owned, leased or licensed by the MOD and managed by Defence Training Estate (DTE) or, where the MOD has direct responsibility for land including DE&S, the Garrisons or the Regional Forces Cadet Association. TOPL is the preferred solution when DTE is unable to allocate suitable training facilities on the MOD Estate and the proposed activities are compatible with private land uses.

The objectives of the Guide are to provide:

- a. A comprehensive and single reference document for TOPL in UK.
- b. Guidance on the procedures and processes to ensure consistency of approach in seeking to obtain approval and land clearance for TOPL in order to minimise risk and delay.
- c. Guidance on the conduct of training on TOPL in order to minimise the disruption to Landowners and the continued use of the area for Military Use.
- d. To provide specific Regional guidelines, where they differ from standard practice.





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This policy has been Equality and Diversity Impact Assessed in accordance with the Department's Equality and Diversity Impact Assessment Tool against:

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Mar 10	V1	Maj Kelly	Initial issue	
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Reference Documents

Α	JSP 362 - Volume 2 Leaflet 6 (Training Over Private Land in the United Kingdom).	
В	JSP 907 – Use of Training Estate	
С	JSP 550 Low Flying Aeronautical Information Document - Sect 1 Annex B LFA7 LFA7(T)	
D	LFSO 1407 Helicopter Tactical Manoeuvre Flying over Private Land in the UK	
Е	LFSO 1502 Challenge Pursuits - the Supervision and conduct of Mountain Biking)	
F	JSP 418 - MOD Environment Manual.	
G	Commander's Guide to Safety and Environmental Risk Management, Edition 4. 2005, Army Code	
	71815.	
Н	JSP 375 - Volume 2 Leaflet 11 (Risk Assessments).	
1	LFSO No 3202 (Reporting of Incidents and Matters of Public Interest).	
J	AGAI 1 Ch 1 for details of AT Instructions/Students	
K	JSP 440 The Defence Manual of Security	

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TRAINING OVER PRIVATE LAND IN THE UNITED KINGDOM

PRACTITIONER'S GUIDE

INTRODUCTION

1. **Policy**. Reference A gives the MOD policy on Training Over Private Land (TOPL).

TOPL.

- a. It is MOD policy to prioritise training on property that is owned, leased or licensed by the MOD and managed by Defence Training Estate (DTE) or, where the MOD has direct responsibility for land including DE&S, the Garrisons or the Regional Forces Cadet Association. TOPL is the preferred solution when DTE is unable to allocate suitable training facilities on the MOD Estate and the proposed activities are compatible with private land uses.
- b. TOPL is military training carried out on land by virtue of a written permission from a private landowner. The landowner can be a private person, a public body (such as the National Trust or the Forestry Commission) or public company (such as Water Authorities). Respecting that all land in the United Kingdom has an owner; it includes common land or land subject to "open access rights" in England or Wales and access across open country in Scotland, subject to the provisions of the Scottish Outdoor Access Code.
- c. The critical difference between licensed as opposed to owned or leased land is that the MOD does not have exclusive use of licensed land and the land may not always be available when required. The use of privately owned land by military personnel is not an entitlement and the continued use for training is dependent on maintaining good relations with both landowners and local communities.
- d. Those wishing to carry out any TOPL are not allowed to do so without the approval of DTE, and authorisation by the Regional Forces Brigade (RF Bde)/DIO Brecon and written agreement from owners and occupiers The clearance of land in advance of military exercises is a prerequisite and directly linked to the planning and identification of the exercise requirements. Disruptive activities involving helicopters or deployment of large groups of personnel and vehicles by day or night require a greater degree of planning and notification. A unit or individual will be held responsible for any damage to property or injury resulting from training that has not been authorised. It is most important to foster and retain good relations, avoid damage and inconsiderate behaviour. It is essential to comply with the Countryside Code at all times.
- 3. **Military Use**. Military use includes any activities by individuals, groups or Units conducting any kind of training² whilst under MOD authority.

AIM

4. The aim of the TOPL Practitioner's Guide is to describe the procedure to be followed for military use when planning and conducting Training on Private Land in the United Kingdom.

- 5. **Objectives**. The objectives of the Guide are to provide:
 - a. A comprehensive and single reference document for TOPL in UK.

Including the Isle of Man, the Isles of Scilly and the Channel Islands.

² <u>Training</u> - Any activity, tactical or adventurous training (AT); and including any sporting activity such as canoeing, cross country running or orienteering organised by a Service unit.

- b. Guidance on the procedures and processes to ensure consistency of approach in seeking to obtain approval and land clearance for TOPL in order to minimise risk and delay.
- c. Guidance on the conduct of training on TOPL in order to minimise the disruption to Landowners and the continued use of the area for Military Use.
- d. To provide specific Regional guidelines, where they differ from standard practice.

ROLES AND RESPONSIBILITIES

- 6. **Units**. Units are required to obtain authorisation from the local RF Bde, written consent from the landowner, carry out planning³, conduct the training⁴, report any incidents of loss or damage or media interest and complete the ENDEX procedure.
- 7. **DTE**. DTE, through Regional HQs, is responsible for granting (or not) approval for TOPL based on the ability for the training to be conducted on Defence Training Estate and providing any funding.
- 8. **LAND Forces**. RF Bdes have responsibility, on behalf of DTE, for granting authority to conduct the recces and training and managing land clearance procedures (less Wales). In addition, promoting good community relations and managing incidents, including any PInfo issues. The RF Bde TOPL representatives is normally the SO2 G7 LTAR.
- 9. **DIO Brecon**. DIO Brecon has sole responsibility, on behalf of DTE, for granting authority to conduct the recces and training and managing land clearance procedures in Wales and West Midlands (W&W).
- 10. **DIO LMS Estates Surveyor (DIO LMS ES)**. DIO LMS ES is responsible for negotiating any fees associated with TOPL, managing any liability issues including any damage alleged to have caused to non-military property⁵, less that caused by Military Aircraft.
- 11. **DIO Designated Officer (PROW/CROW/LRSA)**. The DIO Designated Officer (PROW/CROW/LRSA) is responsible for any issues relating public rights of way (PROW) and 'open access' land.
- 12. **MOD Air Staff Complaints and Enquiries Unit**. The Complaints and Enquires Unit is responsible for Low Flying complaints by Military Aircraft. **MOD Air DBR- CLCP- Senior Claims Officer**. DBR- CLCP is responsible for any loss or damage⁶ that is alleged to have been caused by Military Aircraft. Incidents are to be reported to Regional RAF CRO.

APPLICATIONS FOR TOPL

13. Approval and Authorisation of TOPL

- a. It is MOD policy to prioritise training on land that is owned, leased or licensed by the MOD and managed by Defence Training Estate (DTE). There are separate priorities for allocating on the other elements of the Defence training estate. TOPL is the alternative solution when DTE is unable to allocate suitable training facilities on the MOD training estate and the proposed activities are compatible with private land uses.
- b. **Conditions for Approving and Authorising TOPL**. TOPL will only be approved by the DTE Region when there is no DTE, other Defence training estate or leased land available for the activity to be carried out. The specific incidences when TOPL will be authorised by DTE through the RF Bde or DIO Brecon are when:

³ Including preparing a risk assessment.

Ensuring that the correctly qualified personnel attend, given the current regulations.

⁵ Including livestock.

⁶ Including livestock.

- (1) Additional manoeuvre space is required over and above that available on the DTE.
- (2) The area required provides a unique feature, not available anywhere else.
- (3) There is a requirement for littoral or riverine training requiring specific conditions or alternatives due to tidal/weather conditions.
- (4) There is a requirement to conduct AT or TEWTs.
- (5) The distance, time and cost of travel by the unit to a suitable MOD training estate negates the value of the training activity⁷. This includes the low level and local use by Cadets and Volunteer Reserves of "back-door" private land.

14. Application Process.

- a. The <u>Clearance of Land/ Authorised and Approval Process Summary of Procedures</u> at Annex A gives the sequence of key procedures.
- b. If approved under the conditions set by DTE⁸, applications for TOPL are to be submitted to the RF Bde, using the **Application to Train on Private Land** at **Annex B**. Sufficient time must be allowed to enable the process to be completed.
- c. The relevant RF Bde HQ (DIO Brecon in the case of W&W) will give authority to recce, advise on the choice of area, issue any specific land clearance forms and in most cases provide owners/factors names and addresses. They will also advise on any restrictions that may be placed on certain areas from time to time. The RF Bde TOPL representative may in some instances assist in obtaining the owners consent.
- d. There are some units, particularly training establishments, TA Detachments and cadet organisations, who frequently use the same areas for training on a number of occasions throughout the year. Once any funding has been authorised by DTE, annual agreements for the use of such land may be negotiated in the same way as for single events.
- 15. **Ministerial Brief**. Ministers must be briefed in advance about large scale military exercises involving extensive areas of the UK, including TOPL. The submission must include:
 - a. The period of the exercise including weekend activities.
 - b. The times of the exercise including any night activities or driving over bank holidays.
 - c. The number of troops, vehicles, helicopters and outsized vehicles, for example armoured vehicles and self propelled guns.
 - d. The area of the exercise in outline only.
 - e. The formation and/or unit taking part.
 - f. Any large scale road moves.
 - g. Any intensive or out of hours helicopters or fast jet activity.
 - h. Any foreign forces involved.

⁷ The condition does not mean that units can assume any application will be authorised. DTE and the RF Bdes have the right not to authorise or approve any application. It is expected that this condition will be the exception rather than the rule.

⁸ This will be a formality if the conditions for using TOPL are met and no funding is required.

- i. Details of open days or media briefing.
- j. How the exercise might affect the general public.
- k. A draft letter for the Minister to send to Members of Parliament and members of the Devolved Legislatures whose constituents are likely to be affected by the exercise activity. The exercising formation/unit is responsible for the draft letter in conjunction with the regional division, who will be aware of the local sensitivities.

BUDGET/FINANCE

- 16. The majority of access agreements are not subject to payment to landowners.
- 17. When necessary, DTE, as budget holder, is responsible for funding TOPL access and is the arbiter on affordability. DTE has the right to deny the training on funding grounds.
 - a. Any requests by landowners for payment for access to private land should be passed to Defence Infrastructure Organisation (DIO) Land Management Services (DIO LMS), through the RF Bde, for assessment and negotiation with the landowner.
 - b. DIO has negotiated national agreements for access to Forestry Commission land in Wales and Scotland. Regional arrangements are in place in England.
- 18. DTE is not responsible for the provision of non-land related facilities or services (e.g. recces, AT equipment, bottled gas, attendance at briefings rubbish collection, Grants in Aid for entertainment or for exercise damage). Units conducting the activity are responsible for these costs.

CLEARANCE OF LAND

- 19. **Authorisation to Recce**. Dependant on the type and scale of the exercise it may be necessary for units to receive from the RF Bde (DIO Brecon) a briefing prior to any recces and approach to landowners is conducted. This will be the norm if the unit has not exercised in the area recently and for major exercises, all others are to seek advice from the RF Bde.
- 20. **Initial Scoping Recce**. Authorisation to carry out an initial scoping recce is normally required; units are strongly advised to seek advice from the RF Bde (DIO Brecon). Unless specific authorisation is given private land is not to be accessed nor Landowners approached. Scoping recces should be as small as possible (one vehicle), conducted in civilian dress and not enter private land or engage with landowners, unless agreed by RFBde/DIO Brecon
- 21. **Detailed Recce and Written Consent**. Once authority has been given it is the unit's responsibility to carry out a detailed recce, decide upon the suitability of the area, obtain the owner's written consent on the **Land Clearance Agreement Form** at **Annex C** and forward it to the RF Bde HQ (DIO Brecon). The written consent must reach the RF Bde a minimum of 21 days before training is due to start. Regional variances, particularly for W&W, to this procedure are covered in the attached Regional Annexes. The RF Bde (DIO Brecon) can authorise training as soon as the owner's written consent is received.
- 22. **Confirmation of Authorisation and Land Clearance**. Authorisation to conduct training will be communicated to the unit by the RF Bde as soon as possible. The onus is on the unit to ensure that it is in possession of the required authorisation before undertaking any form of TOPL.
- 23. **Approaching Landowners**. When approaching owners in writing or meeting them in person, the following points should be borne in mind:

- a. There is absolutely no obligation on the owner to allow training on his land. In Wales and West, units are not to approach landowners directly; land clearance will be conducted by DIO Brecon.
- b. Requests for permission must be couched in suitable terms and such words, as "intend" will not assist the process. The owner should be "invited" to complete and sign the relevant parts of the **Land Clearance Agreement Form** and an attached map⁹.
- c. The request should be made as clear as possible e.g. for hill-walking routes, attach a marked map or photocopy of a map section. Strings of grid references, military terms, abbreviations and telephone numbers are not helpful and should be avoided¹⁰. Dates and numbers should be as precise as possible. The intention is to make it as easy as possible for the owner to understand exactly what is requested, so that a decision can be made with the minimum expenditure of time and trouble.
- d. A copy with the agreed marked map is to be given to the landowner. Include stamped addressed envelopes for the owner's reply if, on meeting, they wish time to consider your request.
- e. **Indemnity**. Any request by an owner/occupier for an indemnity should be referred to DIO LMS Estates Surveyor (DIO LMS ES). If it is agreed that an indemnity is given, the **Form of Indemnity** is at **Annex D**. Units should be prepared to give a copy of the form to the Landowner on request during the recce.
- f. **Time-scales**. It must be appreciated that many landowners require reasonable notice, since estate staff, tenants etc, have to be consulted. This process takes time, trouble and can cost money, none of it productive from an estate point of view. It is quite unreasonable to appear unannounced on the doorstep and expect an immediate decision on whether or not permission will be granted, even if the event itself is not scheduled for a couple of months. This is the most abused requirement and leads to much frustration and sometimes cancellation of training. The timings can be seen at **Annex A**.
- 24. **Alterations to Authorised Activity**. Any major alterations and adjustments to an exercise that has already been authorised by the RF Bde are to be re-submitted immediately. The revised training is not to take place until the amendment is approved by DTE, if funding is required, and re-authorised by the RF Bde.
- 25. Landownership and Interests¹¹.
 - a. **National Trust (NT)**. The NT owns large areas of land purchased because of their historic or natural beauty features. Military activity on these lands will normally be restricted to traversing on foot or adventurous training (AT); the carrying of weapons on NT land is not normally permitted.
 - b. **National Parks**. Certain areas within UK are designated as National Parks. The Park Authorities own some land, but they also have planning control over both the development and the public amenities within the Parks. Military activity in a National Park will be confined to the types of training approved by the Park Authorities¹². Access will normally be limited to traverse on foot and AT exercises involving relatively small parties.

⁹ In all cases standard OS 1:50,000 mapping is to be used. Exceptions may be granted by the RF Bde, for reason of size or detail.

¹⁰ If an exercising unit is to break down into sub-unit groups with multiple activities planned for each day during the period of the exercise, then a schedule of daily activities and numbers should be included with the application.

¹¹ Landowners in this context also covers tenants.

¹² Their web-sites should be looked at in detail for the restrictions.

- c. **Forestry Commission**. There are large tracts of Forestry Commission land that can be used for Military use. The rules governing the activity that can be conducted will vary from one region to another as can the costs per day.
- d. **Common Land**. Common land is land over which a group of people or "Commoners" have certain rights. Each commoner has an interest in the land as well as the current freeholder. If a Commoners Association exists, the association must be consulted and their permission obtained before common land can be used for training. If no association exists then each commoner must be consulted as well as freeholder.
- e. **Ownership of Rivers, Lakes and Waterways**. Laws governing the ownership of water features are complicated. The owners of the actual water, the banks and the fishing rights may (and often do) differ. Negotiations for training involving water features, where no public navigation rights exist can be difficult and often impossible, especially during the fishing season. Applications to use water features must allow due consideration of land access and exit points.
- f. **Sporting Rights**. Units must realise that sporting rights are of considerable importance and value to many Land owners. Permission is unlikely to be given if disturbance from military training could affect revenues. Permission is unlikely to be given if disturbance may affect grouse shooting or deer stalking (roughly August to October, extending to mid-February where hind shooting is concerned.
- g. **Livestock**. Owners/farmers may be reluctant to give permission in the lambing and tupping seasons (Mar May and mid Oct Dec). Specific areas will have separate restrictions.
- h. Public Access including, Public Rights of Way (PROW), Long Distance Paths, Popular Walks and Open Access. In addition to Public Rights of Way (PROW) where the rights are long established, the Countryside Rights of Way (CROW) Act 2000 (England and Wales) and the Land Reform Act (LRA)(Scotland) 2003 cover rights of access to open country.
 - (1) **PROW**. Examples of PROW and other permissive rights of way are public highways, lay-bys, car parks, footpaths and picnic sites. Service personnel on foot are entitled to use these public facilities in the same way as civilians, but must not monopolise the area. To depart from a right of way is to trespass. The use of picnic sites for bivouacs or for feeding large parties of troops is not permitted. It should be noted that a footpath marked on a map is not necessarily a public right of way. When public rights of way are to be used for training and no other land is to be used, units are to send details as per normal application i.e. the number of personnel, the type of vehicles involved and a trace of the route. If a PROW crosses an area of private land used for TOPL it must remain open to the public. There is no legal mechanism to close a PROW for the exercise.
 - (2) Access to Open Country. If the area of private land used for TOPL (other than adventure training) includes Open Access Land (as defined by the Countryside and Rights of Way Act 2000(CROW)) or Land Reform (Scotland) Act 2003 then the RF Bde TOPL representative must consult the DIO Designated Officer (PROW/CROW/LRSA) if the training activity requires it. (In England and Wales Open Access Land designated under CROW is indicated on OS maps by yellow colour wash). It is feasible for access areas designated under both CROW and LR(S)A to be excluded from the public for military training however this will only be achievable in certain circumstances. The DIO Designated Officer (PROW/CROW/LR(S)A) can advise further. It should be noted that exclusion is likely to require a considerable time so early consultation is required.

- 26. **Training Activity**. Private landowners and public bodies owning land are usually very cooperative when training on foot is requested. The use of blank ammo, pyrotechnics, vehicles or helicopters should not be presumed and can in some instances be difficult to obtain; this may be particularly so in forested areas.
 - a. **Government Imposed Movement Restrictions**. Military personnel must comply with movement restrictions imposed by the Department of the Environment, Food and Rural Affairs (Defra) or the Welsh, Northern Ireland or Scottish Governments. The restrictions are imposed to reduce the spread of animal diseases such as foot and mouth disease, brucellosis, fowl pest and swine vesicular disease. Subject to advice, TOPL activities may have to be cancelled at any stage.
 - b. **Identification**. All members of the services must disclose their identity and that of their unit if asked to do so by landowners and officials of the National Parks or Forestry Commission. It may not always be possible for landowners and officials to be readily recognised, but any persons questioning service personnel on private land must be assumed to have a valid reason for doing so, therefore the utmost courtesy must be extended to them. Parties of service personnel or individuals are not to avoid any person attempting to question them.
 - c. **Lone Training**. Lone individual training is not permitted, unless specifically cleared by the RF Bde.

27. Accommodation.

- a. DTE has numerous camps that can be booked, there are also a number of specific AT huts available, see JSP 907 (Ref **B**). There is no charge for food or accommodation.
- b. RFCA have accommodation throughout the country. There are restrictions (not normally available at weekends) and a cost associated with booking these facilities.
- c. Booking and paying for Private camp-sites is the responsibility of the unit conducting the training

28 Helicopter Training.

- a. The sponsors and/or controlling authorities of all military exercises involving military aircraft (helicopters or fixed wing) operating in the UK Low Flying System are to comply with the regulations laid down in JSP 550 (**Ref C**).
- b. Tactical manoeuvre flying by detachment groups or single military aircraft is highly contentious. As a result of a number of repeated incidents and complaints, some landowners have declared that they are not prepared to tolerate the landing of low flying by military aircraft. When helicopters fly in an area, every effort is to be made to avoid inconvenience or damage to the general public and particularly to farmers and their livestock, see **Ref D**. Consent is not required from landowners <u>except</u> where aircraft land, any notification is carried out by RAF CRO, see **Ref C**. Military Aircraft units planning training, with or without the involvement of ground troops, should seek advice from the appropriate RF Bde (DIO Brecon) and RAF CRO during the planning phase.
- c. Low Flying Complaints are to be passed to MOD Air Staff Complaints and Enquiries Unit and RAF CRO. Any loss or damage that is alleged to have been caused by low flying aircraft is to be referred to MOD Air DBR- CLCP- Senior Claims Officer.

29 Use of Vehicles and Driving.

a As a general principle, units should limit the number of vehicles taken to an absolute minimum. Many roads in the rural areas are narrow and some are single lane with passing

places. Verges are soft with deep ditches. During the tourist season these roads can be very busy. Passing places and viewing parks are not to be used for setting up small TAC HQs and communication sites. On single track roads overtaking must be allowed using the passing places. Vehicles should not be used on footpaths, bridleways, restricted byways or other highways, which do not legally enable vehicular access without landowner permission. Any damage caused by military vehicles on a public road on an area not cleared for training is to be subject to FMT 3 action. The RF Bde may require a copy of any FMT 3 in support of an INCREP.

- b Driver training is not to be conducted on private land unless specified and agreed with the landowner. Vehicles are to display lights at all times. Under no circumstances are vehicles to 'go tactical' and not show lights after dark.
- Military vehicles should not be left unattended outside secure compounds.
- d. **Use of Private Roads**. Private landowners may be prepared to give permission for military vehicles to use their estate or hill roads. These roads may not be the all weather variety; are often designed for light vehicles only; are susceptible to damage and have usually been built at considerable expense. Severe damage is caused to private roads when vehicles bog down and units effect recovery with a heavy vehicle. The resultant claims for compensation can amount to many thousands of pounds. Some simple rules for the use of private roads are given below:
 - (1) Units are to consider carefully the need to use private roads, when deciding their training requirements. Specific permission for the use of estate roads must be sought and the type of vehicle is to be specified. Where permission has not been sought or given vehicles are not to use such roads, except in an obvious emergency.
 - (2) In the event that a vehicle, for which permission has been given, becomes bogged, no attempt is to be made to recover it. The vehicle is to be left in situ, guarded if necessary, until the landowner or his agent has been contacted and has agreed to the recovery.

30 Ammunition and Pyrotechnics.

- a Special attention is to be paid to any restrictions imposed by the landowner on the use of blank ammunition, pyrotechnics or other training materials. Live firing will only be approved after a detailed appraisal of the need by DTE, and an assessment that considers safety, environment and impacts on other land users.
- b When permission has been given for the use of live ammunition or pyrotechnics, units are to warn the local police.
- c If the training using pyrotechnics is taking place within 5 miles of any coast the Maritime Rescue authorities should be warned.
- d On no account should red flares be used for any training purpose. They may only be used in an emergency.
- **31 AT**. All forms of AT are subject to the following additional rules. Uniform should not normally be worn on AT, unless it is approved by the RF Bde.
- **32** Level 2/3 AT. For level 2/3 AT activity units are to complete the TOPL process concurrent to completing the JSATF (A). The JSATF (A) is not an authority for TOPL. Copies of JSATF (A) are to reach the relevant 2* HQ a minimum of 6 weeks prior to the activity taking place. RF Bdes will not authorise the use of private land until the JSATF (A) has been cleared.

- **33** Canoeing. Unless covered by a licence from the British Canoe Union (BCU) the following applies;
 - a. For canoeing on rivers permission must be sought from the owners of both banks and from anyone with rights over the river, for the entire length that is required.
 - b. All tidal stretches of river have a right of navigation and some have navigation rights beyond the tidal reaches. The National Rivers Authority can advise on which rivers have a right of navigation. Even where there are navigation rights permission for access and egress must be sought from the landowner unless there is a public landing that can be used.
 - c. For canoeing on inland lochs and lakes, permission must be sought, including access and egress, from the owner.
 - d. No permission is required, except for access or egress if applicable, for canoeing on the sea or on sea lochs.
- **34 Mountain Bikes**. The use of mountain bikes is **currently not** AT and can be sensitive. In many areas landowners and farmers object to them. Any unit intending to use mountain bikes on any form of training is to ensure that they discuss their proposals with the RF Bde at the planning stage. In general, they may only be used on forestry tracks and certain estates with designated routes. See **Ref E (only applies to Army, ACF/CCF)**.
- **35 Insurance**. In general terms, the MOD accepts liability for the acts or omissions of Service personnel who are involved in authorised AT conducted in accordance with current regulations. In these circumstances, during the period of the authorised training, all personnel involved are considered to be on duty. However, participants are strongly advised to provide themselves with personal insurance to cover any eventuality for which the MOD may not be legally liable i.e. "off duty activities" and damage to private property. Further advice should be obtained well in advance of the proposed training through units administrative Chain of Command.
- **36 Civilian Sponsored Event.** Units invited to assist in the running of a civilian event are to obtain approval from the RF Bde for service personnel. Service personnel participating by invitation in activities sponsored by a civilian organisation, or purchasing the services of a civilian AT centre are not responsible for obtaining clearance for service participation. All units are to ascertain from the sponsoring organisation or centre that an indemnity / insurance has been arranged for all participants, to include military personnel, before allowing individuals to participate.

37 Conservation and the Environment

- a. All personnel exercising on private land are to be made aware of the environmental and conservation significance of the land they are exercising over. Exercise planners should establish this from the RF Bde TOPL representative (in conjunction with DIO Brecon for Wales), who will provide guidance and rules to reduce the likelihood of damage. More complex training and larger exercises will require written Environmental Assessments by the exercising unit, for which advice will be given; these will involve DIO and the Statutory Bodies. Units must ensure that they provide a clear statement of intent when submitting the application for training and must do so at the earliest opportunity.
- b. Details of adjacent land should be investigated if the military activity is likely to cause disturbance.
- c. Sites with statutory environmental designations e.g. Sites of Special Scientific Interest (SSSI), Environmentally Sensitive Areas (ESAs) and National Nature Reserves (NNRs), Scheduled Ancient Monuments or Water Catchment Areas should be avoided and, if necessary, made Out Of Bounds. It is particularly important that personnel carrying out exercises that are not closely controlled (e.g. AT, orienteering or escape and evasion) are

fully briefed to avoid designated sites. Military personnel who commit damage within a statutory designated area, ancient monument or archaeological site are not exempt from prosecution.

- d Units must pay particular attention to the prevention of fire, damage caused by digging or vehicle tracks over environmentally sensitive land, noise (especially during silent hours), and inconvenience to civilians, including the blocking of public roads, tracks and paths.
- e. PORTALOO contracts are required where concentrations of troops and bivouac sites are planned and when personnel will be in situ for over 24 hrs. In some areas where 'wild camping' is a common practice landowners are insisting that human waste is removed. As a principle all human waste should be removed and disposed of appropriately. Log Sp Branch at RF Bde's or DTE Regional HQs can advise on the availability of PORTALOO contracts. Funding for PORTALOO and rubbish disposal contracts is the responsibility of the exercise sponsor.
- **38** The Countryside Code Aide Memoire. The Countryside Code Aide Memoire is at Annex E. Ref F gives further guidance on the environment.
- **Security**. Units are to consider the security of personnel, weapons, ammunition, stores and equipment when planning and conducting TOPL, see **Ref K JSP440**

40 Safety.

- a DTE will not guarantee the provision of TOPL as a safe place to train. Whether the TOPL allocated is a safe place to train will depend on a number of factors such as weather and experience of personnel using the TOPL. The Unit undertaking the exercise is responsible for ensuring the TOPL is a safe place to train by identifying any hazards associated with land over which they are training and undertaking any risk assessments in accordance with JSP 375 Vol 2 Leaflet 11 (**Refs G** and **H**).
- b MOD land normally has appropriate warning signage and symbols and advises the public not to pick up objects. However, when the military trains on private land there is normally no signage¹³ warning the public of military activity past and present and the possibility of unexploded munitions.
- 41 Contact with the Public. The public has access rights to most land and inland water, which may increase the likelihood of the general public accessing an area where a military activity is ongoing or has taken place. On no account are members of the public to become involved in any military exercise and they are not to be hindered in any way from going about their lawful business. Troops on exercise are to be warned accordingly. Similarly exercises are not to be planned in areas where disturbance would be caused to local inhabitants in their homes or holidaymakers in caravan sites and camp sites.

42 Incidents.

- a Any incident, however small, is to be reported, particularly those likely to arouse public interest or cause adverse public relations or press comment. Incidents should be reported using the **INCREP at Annex F**. The report should be made to the relevant RF Bde. In any case involving death, serious injury or intense public interest a signal report will be required in accordance with LFSO 3202 (**Ref I**).
- b Once an incident is closed the unit originating the initial report must ensure that they inform all those parties involved that the incident is closed and at the same time provide a final summary of events.

¹³ Temporary signage can be used to mitigate the risk.

ENDEX AND POST EXERCISE PROCEDURES

- **43 ENDEX Procedure**. Units are to endure that they comply with the instructions laid out in this Guide and complete the **ENDEX Clearance after TOPL** form at **Annex G** and forward it to the local RF Bde.
- **Removal of Waste**. Units are to exercise good battlefield discipline by removing all ammunition, salvage and rubbish from the exercise area on completion of training on private land.
 - a. Rubbish is to be bagged and removed. Arrangements for collection and skip hire can be made through RF Log Sp at Bdes or DTE Regional HQs, but will require funding.
 - b. When authority is granted for the use of blank ammunition, pyrotechnics, flares or BATSIM the area is to be cleared by the unit on completion of training and all battlefield rubbish removed back to the unit base location. Any ammunition loss on training on private land is to be reported using the INCREP. Units are to submit a CLEAR REP at ENDEX to the RF Bde.
- 45 Loss or Damage Claims. Damage caused to non-military property (including livestock) must be reported to the relevant DIO LMS ES and the land or property owner immediately. Compensation claims for loss or damage should be referred to the DIO ES, except where the loss or damage is alleged to have been caused by military low flying aircraft. Any such claims are to be referred to DBR-CLCP- Employer's Liability Group, Low Flying & Maritime Team Leader, via the RAF CRO.

REGIONAL VARIATIONS

- 46 Regional variances to the above guidance are:
 - a. **Annex H**. <u>England (Lake District, Exmoor, Quantocks, Peak District) the Isle</u> of Man and the Channel Islands.
 - b. Annex I. Scotland
 - c. Annex J. Wales.

47 USEFUL TOPL CONTACTS

a. A list of Useful TOPL Contacts are at Annex K.

CLEARANCE OF LAND - AUTHORISATION AND APPROVAL PROCESS - SUMMARY OF PROCEDURES

Action By	Timings	Act	tion	Remarks
Unit	Unit arranged.	Scoping visit to RF Bde, or DTE Regional HQ		This is compulsory for: - first time users in the area large-scale and contentious exercises. and recommended for others, although an initial phone call may be all that is required.
Unit	Unit arranged.	Initial scoping recce to area.		This requires authorisation from RF Bde. To be as small as possible (one vehicle), conducted in civis and nor enter private land or engage with landowners.
Unit	Not less than 6 weeks prior to the start of training.	AT Level 2/3 training. Copies of JSATF (A) are to be submitted to the relevant 2* HQ.		This action is not part of the TOPL procedure but must occur prior to a TOPL application.
Unit	Not less than 6 months prior to the start of training.	Large-scale and contentious exercises	Submit TOPL Application (Annex B)	
Unit	Not less than 12 weeks (Initial approach needs to be not less than 14 weeks in prior to the start of training).	Forestry Commission (FC) Enterprise District Manager - Wales	direct to the relevant RF Bde HQ (in the case of Wales to DIO Brecon) or DTE Regional HQ. All applications are to be accompanied with a clearly marked photocopy of a 1:50,000 map showing all areas,	
Unit	Not less than 6 weeks (Initial approach needs to be not less than 8 weeks prior to the start of training).	Forestry Commission (FC) Enterprise District Manager, National Trust (NT) or NT Scotland – all less Wales		

Action By	Timings	Action	Remarks
Unit	For training (except annotated) not less than 6 weeks prior to the start of training.	routes, bivvy/camp sites etc. to be used.	
RF Bde/ DIO Brecon/	On receipt of TOPL Application.	As necessary: Confirm with the DTE Regional HQ if it appears that the activity can be conducted on DTE estate or funding is likely. Discuss with unit and landowner. Arrange/ support the conduct of the recce. Liaise/coordinate with local population and authorities.	
DTE Region	On receipt of TOPL Application from the RF Bde.	Approve (or not) the use of TOPL cannot use DTE estate no funding required.	
Unit	Unit arranged, but not less than 4 weeks prior to the start of training.	Conduct recces, obtain landowner consent (may require RF Bde assistance.) Issue Land Clearance Form (Annex C). Issue copy of Indemnity Form (Annex D), if required (but DIO will have final authority to issue).	If the recce is conducted within 4 weeks of the exercise it will only authorise if it meets all the criteria, has no cost, has few landowners involved and is modest in its requirements. In W&W DIO Brecon to do all land clearances.
Unit	As soon as possible after recce.	Confirm details of TOPL requirements with RF Bde/ DTE Regional HQ including:	
RF Bde/ DIO Brecon/	On receipt of information from Unit.	If there are no charges, issue TOPL approval to unit.	

Action By	Timings	Action	Remarks
		Sort Indemnity issues with DIO. If there are charges, seek clearance from HQ DTE	
		if necessary.	
		Negotiate charges (if any) with DIO input if required.	
		Ensure RAF CPO are engaged if helicopter landings required.	
DTE Region	On receipt of any associated charges.	Approve charges (or not). Notify RF Bde of action.	This serial may not be required.
RF Bde/ DIO Brecon	On receipt of DTE financial clearance.	This serial may not be required. If it is, issue TOPL authorisation to unit.	This serial may not be required.
DIO	When completed investigation.	Water Navigation Rights approval from DIO given	If needed.
DIO	When completed investigation.	PROW approval from DIO given.	If needed.
DIO	When completed investigation.	on. Environmental Assessment and sustainability assessment for large-scale and contentious exercises completed.	
DIO	When completed paper-work.	Issue indemnity form to Landowner. Inform RF Bde.	If needed.
RF Bde/ DIO Brecon	When all paper-work completed.	Authorisation to Conduct activity is issued.	
RF Bde/ DIO Brecon	As required.	Call back for units when further clearance is required.	This is particularly important when large-scale exercises are involved.
Unit	On the date authorised.	Conduct training.	
Unit	During Training	In the event of an incident, including damage, submit a INCREP (Annex G). The RF Bde DAMCON staff will confirm the damage and prepare a DAMREP for onward notification.	
Unit	Endex.	Ensure post-exercise clearance procedures are completed. Inform RF Bde and submit TOPL ENDEX Form	

Action By	Timings	Action	Remarks
		(Annex F). If ammunition/ pyrotechnics used confirm that all ammunition and pyrotechnics have been cleared off the area on the ENDEX form	
RF Bde/ DIO Brecon	As soon as possible after the training is complete.	Ensure post-exercise clearance procedures are completed by unit. Inform Regional DTE of detailed usage and costs. Inform relevant Departments in the case of damage, complaints and/or low flying incidents. Follow up any PInfo, damage or liability issues.	

APPLICATION TO TRAIN OVER PRIVATE LAND

TOPL BID NUMBER			
DTE Region: RF Bde: Bid Number ¹⁴ :			

UNIT CONDUCTING TOPL			
From (Unit):	UIN:		
Exercise Name (two words):	Unit Ref:		
Exercise Area ¹⁵ :	Contact Tel No :		
Type of Activity: Military/ Escape & Evasion/ AT/	Contact Fax No:		
TEWT/ Sporting/ Other?			
Dates from/ to:	Contact e-mail:		
Name, Rank of Point of Contact:	Signature (e-signature acceptable):		
Unit Address:			
Post Code:	Date:		
Date of Initial recce			
Date of visit to RF Bde HQ (if required):			
Dates of Detailed recce and land clearance:			

CONFIRMATION OF THE UNITS REASON FOR TOPL			
It is confirmed that TOPL is required for (delete as neces	ssary):		
An existing training area needs to increase its	Which training area?		
manoeuvre space.			
The area required provides a unique feature, not	What is that unique feature?		
available anywhere else.			
There is a requirement to conduct AT or TEWTs.			
The distance, time and cost of travel by the unit to a	Which training area would be the preferred		
suitable MOD training estate negates the value of the	choice and why can it not be used?		
training activity. 16			
Other	Specify		

DISTRIBUTION			
То:	HQ Brigade LTAR		
To:	DIO Brecon, for Wales	If applicable.	
Copy:	HQ DTE Region	If applicable, by RF Bde.	
Copy:	DIO Designated Officer	If applicable, by RF Bde. For issues relating	
	(PROW/CROW/LRSA).	public rights of way (PROW).	

¹⁴ In the format: DTE Region/ RF Bde/ Date/ Sequential number. by DTE Regional GP22 Bid Number.

¹⁵ Give some indication such as the nearest town or National Park etc.

¹⁶ The condition does not mean that units can assume any application will be authorised. DTE and the RF Bdes have the right not to authorise or approve any application. It is expected that this condition will be the exception rather than the rule. This includes backdoor training activities for Cadets and Volunteer Reserves.

	EXERCISE INFORMATION					
Area(s) / Routes ¹⁷ :	Area(s) / Routes ¹⁷ :					
Type of training 18						
Scenario						
Objectives						
Is the training likely to att interest?	tract media	No / Ye	s- if so give deta	ills		
Base Location						
MOD Estate Being Used		No/ Yes	s – if so which (C	camp/ Estate)		
Accommodation			Hut give name uac Sites give G	, owner and Grid Ref. Irid Refs.		
Ammunition Blank		No / Ye	s- if so give Gric	Refs		
Ammunition Live		No / Ye	s- if so give Gric	Refs		
Digging		No / Ye	s- if so give Grid	Refs		
Open Fires		No / Yes- if so give Grid Refs				
Field Cooking		No / Yes- if so give Grid Refs				
Pyrotechnics		No / Yes- if so give Grid Refs				
Flares		No / Yes- if so give Grid Refs				
TROOP NUMBERS AND						
	Military or	Civi	Numbers	Types	Misc	
Troops	(Dress)			Regular/ VR/ OTC/ Cadets		
Weapons Carried	Yes/ No			What wpns		
B Veh						
C Veh						
Tracked						
Helicopter					Ground landing No /Yes – if so give Grid Refs	
Fast Jet						
OTHER RELEVANT INF	ORMATION	J				

	AUTHORISATION AND APPROVAL					
Action required	Organisation	Appt	Name/ Rank	Approved Yes/ No/ NA. If No explain.	Signature	Date
Visit to RF Bde complete/ not required. Authorisation to conduct Recce	RF Bde/ DIO Brecon					
Approval, if funding required	DTE Region					
Written Consent Arrived	RF Bde (Not W&W)					
Liability approval given by DIO (if needed)	RF Bde (Not W&W)					
Public PROW approval from DIO given (if needed)	RF Bde (Not W&W)					
Authorisation to Conduct Training	RF Bde/ DIO Brecon					

to include 1/50,000 marked map or photocopy.

18 Outline and include scenario, objectives, adventure training activities and use of MOD estate.

AUTHORISATION AND APPROVAL						
Action required	Organisation	Appt	Name/ Rank	Approved Yes/ No/ NA. If No explain.	Signature	Date
Unit Informed	RF Bde/ DIO Brecon/ HQ DTE Regional					

MILITARY TRAINING OVER PRIVATE LAND LAND CLEARANCE AGREEMENT FORM (NOT APPLICABLE TO WALES)

- 1. This form lays down the minimum rules which military units, and the personnel involved, must observe when they are conducting their training. It gives you, the landowner or tenant, the opportunity to add further restrictions, should you wish to do so.
- 2. Please forward one copy of the form to the local Regional Brigade address given below, who will deal with all the administration. Training cannot proceed without this document being signed by you

1. L	JNIT DETAILS	
a.	Exercise name:	(two words)
b.	Unit Reference:	UIN:
C.	Unit: (Block caps)	Civ Tel:
	Unit point of contact:	Civ Fax:
d.	Address:	Mobile:
		E-mail: Post Code

2. L	ANDOWNERS/TENANTS DETAILS	
a.	Point of contact:	Tel:
b.	Address:	Fax:
		Mobile:
		E-mail: Post Code

3. L	OCAL REGIONAL FORCES BRIGADE DETAILS	
a.	TOPL Bid No	
b.	RF Bde	
C.	Point of contact:	Civ Tel:
d.	Address:	Civ Fax:
		E-mail: Post Code

4.	. UNIT REQUIREMENT The training will involve:						
a.	Dates/Times:						
	From	(Date)	(Time)				
	From	(Date)	(Time)				
b.	No of personnel: No of vehicles,						
C.	by type/ size						
٨	No of aircraft by type						
d.	No of aircraft by type						
e.	We will be wearing m	ilitary clothing/ civilian clo	hing. (delete as applicable)				
f.	We will / will not be carrying weapons. (delete as applicable)						
g	Blank ammo Yes/No						
h	Pyrotechnics Yes/No						
i :	Fires/Cooking Yes/No						
J g.	Camping Yes/No The type of training will be as follows:						
Ū	-						
h.	Land to be used: Description/ Grid Refs/ Sketch map (if necessary): Preferably hand over a marked 1:50,000 map or copy.						
	Freierably Harid Over	a markeu 1.50,000 map (л сору.				
i.	Specific Restrictions			<u>-</u>			

5. UNIT REQUEST AND UNDERTAKING

You are asked to allow us to use that part of your land described above on a "no cost" basis, in according to the conditions detailed below. In addition, we undertake: To restrict all elements of the exercise to those parts of your land which you have

- a. specified.
- b. Not to enter any building without your written permission.
- c. Not to move or interfere with any farm machinery or implements without your permission. Not to use explosives, blank ammunition or pyrotechnics without your written permission,
- d. except red flares in the case of an emergency.
- e. Not to cut or damage any timber, trees or bushes.
- f. Not to carry out digging of any kind without your written permission.
- g. To close all gates properly.
- h. Not to climb walls, fences or hedges.
- i. To avoid growing crops.
- j. To take precautions against fire.
- k. To keep noise to a minimum.
- I. To keep the area clear of rubbish and litter.

To avoid sites with statutory environmental designations unless specific permission is M give.

To report to you, the local Regional Forces Brigade Headquarters and Defence Infrastructure Organisation (who are responsible for settling claims) any damage caused as a result of our training.

6. FOR DEFENCE INFRASTRUCTURE ORGANISATION

- a. The landowner/ tenant wishes / does not wish to levy charges. Please negotiate charges on our behalf, after clearance with DTE.
- b. The landowner/tenant wishes / does not require a Form of Indemnity.

7.	SIGNATURES		
		Officer Making Agreement	Landowner/Tenant
	Signature:		
	Name (BLOCK CAPS)		
	Date:		

Distribution: Landowner/Tenant

Regional Brigade, for onward transmission to DIO specialists and Regional

DTE HQ Unit File

FORM OF INDEMNITY

IN CONSIDERATION of the *(name of landowner)* agreeing to assist the Ministry of Defence with military training betweenday/month/year...... andday/month/year....., the Ministry of Defence agrees:

- 1. a. That if any servant or agent of the *(name of landowner)* shall suffer sickness or personal injury (including injury resulting in death) by reason of or arising out of the negligence of the Ministry of Defence, its servants or agents in any way connected with the performance of this agreement, or if any person shall suffer injury (including injury resulting in death) or damage to property including damage to vehicles or cargo by reason of or arising out of the negligence of the Ministry of Defence, its servants or agents in any way connected with the performance of this agreement ,the Ministry of Defence will fully and effectively indemnify the *(name of landowner)* in respect of:
 - (i) all sums payable to that servant or agent or dependent relative or representative of his or hers by way of pension or gratuity or other compensation (other than retired pay, pension or gratuity to which the servant or agent may be entitled by reason of the length of time for which he or she served as a servant or agent of the *(name of landowner)* or by way of pay and allowances payable to him or her during the period of absence from duty as a result of the sickness or injury.)
 - (ii) The costs and expenses of any hospital or medical treatment afforded to him or her on account of such sickness or injury, including any medical care or repatriation costs, and
 - (iii) Any funeral expenses incurred as a result of the death of the servant or agent.

PROVIDED that

- b. If any property of the (name of landowner) or that of any servant of the (name of landowner) or of other third party is lost or damaged and such loss or damage occurs by reason of this agreement the Ministry of Defence will repay the (name of landowner) or the owner of such property either the cost of replacement or repair, whichever is the less.
- c. The Ministry of Defence will fully and effectively indemnify the (name of landowner) and any servant or agent of the (name of landowner) or any passenger or other third party against all liabilities, claims, actions, proceedings demands or expenses which may be incurred by or made against the (name of landowner) or any other third party in respect of sickness or personal injury (including injury resulting in death) or loss of or damage to any property be reason of or arising out of in any way connected with the performance of this agreement.
- d. The Ministry of Defence will indemnify the *(name of landowner)* against all payments made by the *(name of landowner)* to its servants or agents or any passenger or other third party for the purpose of indemnifying them against any such liabilities, claims, actions, proceedings, demands, costs, charges, and expenses as are referred to in sub paragraph "c" above.

- e. The Ministry of Defence will not make against the *(name of landowner)* or any servant or agent of the *(name of landowner)* or any passenger or other third party any claim in respect of loss or damage to property from whatever cause sustained by the Ministry of Defence (or by any person employed by the Ministry of Defence or for whom Ministry of Defence is responsible) by reason of or arising out of or in any way connected with the performance of this agreement.
- 2. This indemnity will not apply to such liabilities etc which have been established to have been due to the negligence of the *(name of landowner)*, or its servants or agents, or to the negligence of any other third party.

Signed	 	 	
Position	 	 	

THE COUNTRYSIDE CODE - AIDE MEMOIRE

Simple measures to prevent damage to property and live stock and ensure the goodwill of landowners and their tenants:

- 1. Close all gates properly after use, unless the landowner has specified that it should be left open.
- 2. Do not climb over walls, fences or hedges. Always use gates and styles.
- 3. Do not cross fields with sown or standing crops. Where permission has been obtained to train in an area of arable land, always move in single file and follow boundary fences/hedges to move around rather than across fields.
- 4. Never enter farmhouses and buildings unless permission has been obtained.
- 5. Do not handle or move farm implements and machinery without the owners consent.
- 6. Do not cut or damage trees, shrubs, bushes or other foliage.
- 7. Where the digging of slit trenches is authorised they must be properly filled in and the turf re-laid when the sites are vacated.
- 8. Take every possible precaution against fire and in no circumstances light fires or permit smoking in the vicinity of woodland.
- 9. Ensure all areas used are completely cleared of all refuse, particularly tin cans, broken glass, razor blades, plastic bags radio batteries and mine tape, which can cause serious injury to livestock and damage to farm machinery. All refuse is to be removed from the site and newer dumped or buried since wild animals will quickly locate and unearth it.
- 10. Keep noise and interference to an absolute minimum particularly in the vicinity of dwellings and livestock, especially during the lambing season.
- 11. For prolonged stays in an area (over 24 hours) PORTALOOS must always be used.
- 12. Respect the life of the countryside and always ensure that all special conditions imposed by the landowners and/or tenants are strictly observed.
- 13. Avoid sites with statutory environmental designations e.g. Sites of Special Scientific Interest (SSSI), Environmentally Sensitive Areas (ESAs) and National Nature Reserves (NNRs), Scheduled Ancient Monuments or Water Catchment Areas should be avoided and, if necessary, made Out Of Bounds.

ANNEX F TO PRACTITIONER'S GUIDE 02/11

INCIDENT REPORT To: RF BDE/DTE REGION From: Name, Appt, Unit A. What happened. (Brief outline of the incident). B. When it happened. (DTG local) C. Where it happened. (Location incl map sheet and GR) D. Who it happened to. (Unit, and if available, name(s)) E. Why it happened. (This should be an initial assessment based only on fact, not conjecture) F. Follow up action in progress. Signed..... Date.....

N.B. You should not consider this report to have been made unless you have received an acknowledgement.

ENDEX CLEARANCE AFTER TRAINING OVER PRIVATE LAND

TOPL BID NUMBER				
DTE Region:	RF Bde:	Bid Number ¹⁹ :		

UNIT CONDUCTING TOPL					
From (Unit):	UIN:				
Exercise Name (two words):	Unit Ref:				
Exercise Area ²⁰ :	Contact Tel No :				
Type of Activity: Military/ AT/ TEWT/ Other?	Contact Fax No:				
Dates from/ to:	Contact e-mail:				
Name, Rank of Point of Contact:	Signature (e-sig acceptable):				
Unit Address:					
Post Code:	Date:				
I confirm that the training was completed as per the instruction laid out in the TOPL Practitioners Guide.					

	DISTRIBUTION				
То:	HQ Brigade G7 LTAR				
To:	DIO Brecon for Wales	If applicable.			
Copy by RF Bde:	DIO LMS Estates Surveyor	If there are any liability issues, including any damage			
Copy by RF Bde:	MOD Air Staff Complaints and Enquiries Unit	If there are any issues relating to Low Flying complaints by Military Aircraft.			
Copy by RF Bde:	MOD Air DBR- CLCP- Senior Claims Officer	If there are any issues relating to loss or damage that is alleged to have been caused by Military Aircraft.			

EXERCISE INF	ORMATION
(Give as much information as possible: date	es, locations, addresses of contacts etc)
Changes to the training details from that given in the	
application (Annex B)	
Media interest	
Issues relating to Training that would be useful fro the	
RF Bde TOPL rep	
Issues relating to the Training that would be useful for	
other users	
Any damage or liability issues	
Issues relating to training on water where no public	
navigation rights exist	
Issues relating to Low Flying complaints by Military	
Aircraft.	
Issues relating to loss or damage that is alleged to	
have been caused by Military Aircraft.	
CLEAR REP submitted if ammunition and pyrotechnics	
were used.	
Other Relevant information	

¹⁹ In the format: DTE Region/ RF Bde/ Date/ Sequential number. For example: Scot/ 52/20100401/3, or by DTE Regional GP22 Bid Number.
20 Give some indication such as the nearest town or National Park etc.

TRAINING ON PRIVATE LAND IN ENGLAND LAKE DISTRICT, THE ISLE OF MAN, PEAK DISTRICT, EXMOOR, QUANTOCKS and CHANNEL ISLANDS

PRACTITIONER'S GUIDE

GENERAL

- 1. Special considerations apply for TOPL in the Lake District National Park (LDNP), the Isle of Man, Peak District, Exmoor, Quantocks and Channel Islands
- 2. For the West Midlands see Annex I Wales.

LAKE DISTRICT NATIONAL PARK

- 3. The Lake District National Park (LDNP) is administered by the Lake District National Park Authority (LDNPA).
- 4. **Restrictions on Training**. The LDNPA and the National Trust (NT) impose restrictions on access to certain areas from time to time, usually for reasons of conservation or safety.
 - a. Military training exercises are not normally permitted within the boundary of the LDNP. However, it is recognised that the LDNP offers outstanding opportunities for AT and will be permitted, although high impact activities such as mountain biking are carefully controlled. Advice can be sought from HQ 42 (NW) Bde.
 - b. **Use of Vehicles**. Units are strongly advised to limit vehicle sizes to about ³/₄ Ton TUM or the smaller minibuses.
 - c. **Bird nesting**. Access to certain crags is frequently restricted to encourage the breeding of Peregrine Falcons and Ravens during the nesting season from mid-Feb to Jun each year. Although these species tend to return to the same crags each year, this cannot be guaranteed and any unit planning climbing or fell walking during this period should check the availability of crags each season using the British Mountaineering Council (BMC) Regional Access Directory (RAD) at the following link on their website. http://www.thebmc.co.uk/bmccrag/. During the breeding seasons exercise planners are advised to have planned a fall-back venue, should they arrive at a crag to find a sign requesting them to stay away due to the late or unexpected arrival of nesting birds.
 - d. **Lambing**. The lambing season runs from 1 Mar to 31 Jul each year during which access to the affected areas may not be possible. The affected areas may vary from year to year and exercise planners should take this into account.

PEAK DISTRICT

5. Advice can be sought from HQ 49 (E) Bde on conducting activities in the Peak District.

ISLE OF MAN (IOM)

6 Training on the Isle of Man is subject to agreement by the Isle of Man Government.

PLANNING OF TRAINING

7 National Trust and National Parks. The Manx National Trust and National Park Authority limits military use to AT only.

- **8. Forestry**. Areas of forestry, suitable for military and orienteering exercises are governed by the Isle of Man Forestry, Amenity Lands Division. There may be a charge for the use of the forested area. Permission to use forested areas is to be obtained from Department of Agriculture, Fisheries and Forestry, Hope Street, St Johns Tel St John's 01624 801263.
- **9 Prohibited Items**. The following stores may not be taken to the Island:
 - Assault boats.
 - b Explosives.
 - c IS stores (including CS gas).
 - d Red flares.
 - e. Live ammunition.
 - f. Arms and blank ammunition, without express permission of HQ 42 (NW) Brigade. The Isle of Man Police and the Isle of Man Steam Package Company will require to be informed.
- **10 Dress**. Mixed civilian and military dress is not to be worn.

11 IOM: USEFUL TELEPHONE NUMBERS

a.	General Enquiries	01624 686801
b.	HQ IOM ACF	01624 671210
c. (A	Department of Transport irports Division)	01624 821600
d.	Forestry, Amenity Lands Division	01624 801263.
e.	Nobles Isle of Man Hospital	01624 650000
f.	Ramsey District Cottage Hospital	01624 811811

SOUTH WEST ENGLAND

EXMOOR NATIONAL PARK

12. The Exmoor National Park is not a recognised training area and almost all the land is privately owned. Training is restricted to low level – no weapons – or AT The National Park Conservation Officer or the education Ranger can give invaluable help when units are planning their training. They can be contacted on the following numbers – 01398 323665, fax: 01398 323150. Where possible, troops involved in map reading and similar exercises are to wear civilian clothes. Low level tactical training is only to be carried out in areas remote from public roads and places. They object of this is to reduce the apparent level of military activity in the park. Applications should be forwarded to HQ DTE (SW), Wyvern Bks, Exeter, Devon EX2 6AR who will issue specific ENPA Forms prior to clearance and the exercise being authorised.

QUANTOCKS

- 13 .There is a requirement to obtain the concurrence of the Land Warden who can offer advice on ownership of land, suitable land, use of vehicles etc and time can be saved by consulting him during the reconnaissance. Correspondence or enquiries should be directed to the Quantock Hill Warden, Information Centre, Cast Street, Nether Stowey, Bridgwater, Somerset TA5 1LN. Civ Tel No: 01278 732845.
- When approval for training has been given by HQ 43(Wx) Bde G7 LTAR (which will be copied to 40 Cdo RM) units are to contact the Warden and 40 Cdo RM (Norton Manor Camp 4224) before training begins. Should any planned and approved training be cancelled the unit is to inform both the Warden and 40 Cdo.

THE CHANNEL ISLANDS

- 15. The Islands of Jersey, Guernsey and Alberney lie within the 43 (Wessex) Brigade Area. Applications to train on and visits to the Channel Islands are scrutinised by the Headquarters (G7 LTAR), who liaise with and seek the approval of the Lieutenant Governor's Offices. These must be received at least 2 months prior to the training/visit taking place. The Standing Operating Instruction (SOI) for the Channel Islands is at Appendix 1 to this Annex.
- 16. UK Armed Forces are very welcome in the Channel Islands and there is a long tradition of cooperation which has been of great mutual benefit. However it is important that only suitable Exercises take place in these small and environmentally sensitive Islands. For this reason every military visit must be sanctioned by the Lieutenant Governor of Jersey or Guernsey, as applicable. HQ 43 (Wx) Bde obtain this permission on behalf of all military applicants.
- 17. The Channel Islands are not part of the United Kingdom. They are British Crown Dependencies whose international representation and defence are ordinarily conducted by the government of the UK. The Islands operate largely as autonomous jurisdictions with wide powers of self-government. They have their own legislative assemblies, administrative, fiscal and legal systems and their own courts of law. Her Majesty is represented on the Islands by Lieutenant Governors.
- 18. The Bailiwick of Guernsey includes the Islands of Alderney, Sark, Herm, Jethou and Brechghou. The latter two are not open to the public
- 19. Training: There are no military training areas and therefore training is on Private Land. Furthermore the population density and type of agriculture limit the scope for conventional military Exercises. Nevertheless numerous Units visit the Islands on an annual basis and conduct successful Exercises. In the recent past these have included: A TA Royal Engineer Regiment conducting two weeks of Military Aid to the Civilian Community; a Company-level amphibious blank-firing raid; a Squadron parachute descent; Battlefield History tours; UOTC annual camps and numerous AT Exercises. RN Warships and RAF aircraft also visit for liaison and training exercises.

20. Military training in Jersey is facilitated by a States of Jersey Civil Servant, the Island Military Liaison Officer (IMLO) who is available to provide local knowledge, advice and assistance:

IMLO
Jersey Fd Sqn RE(M)
Le Quesne TA Centre
Mount Bingham
St Helier
Jersey JE2 4XY

E-mail: <u>imlo@jerseyfdsqn.co.uk</u>

Tel No & Fax: 01534 619580 Mobile: 07797 718797 Office: 01534 755200

There is no equivalent to Jersey's IMLO in the other Islands, for which HQ 43 (Wx) Bde should be the first point of contact.

HEALTH INSURANCE

- 21. In March 2009 the Reciprocal Health Agreement between the UK and the Channel Islands was terminated. Emergency treatment within Accident and Emergency remains free to all throughout the Channel Islands regardless of nationality. However in the Bailiwick of Guernsey, charges apply for any non A&E treatment (e.g. operations) provided elsewhere in a hospital. Jersey has made special dispensation for members of UK Armed Forces and charges for emergency, urgent and necessary treatment will be waived, provided that personnel have received staff clearance for their visit from HQ 43 (Wx) Bde. Therefore for medical purposes, UK Armed Forces should treat exercising in Jersey in the same way as they would for similar activities in the UK. However, when Exercising in the other Channel Islands, Health Insurance will be required.
- 22. At present Jersey's special dispensation applies to UK military personnel on official business only. Members of UK Armed Forces visiting Jersey off-duty will be treated in the same way as UK civilians and are advised to purchase insurance. In time the dispensation may be extended to MOD civilian personnel and to personnel from other nations on attachment to UK Armed Forces. Cadet groups should check the requirement for insurance with the IMLO in the planning stages of an Exercise in Jersey
- 23. Details of training opportunities, accommodation. CILOR and travel on Jersey may be obtained from DTE SW or 43 WX BDE. Previous Exercise Instructions may be obtained from IMLO, Jersey or this HQ.

TRAINING ON PRIVATE LAND IN SCOTLAND

PRACTITIONER'S GUIDE

ACCESS LEGISLATION IN SCOTLAND

- 1. The rules on access to land in Scotland differ to the rest of the county. The Land Reform (Scotland) Act 2003 and Scottish Outdoor Access Code (SOAC) came into force on 9th February 2005. The SOAC contains guidance on the responsibilities that accompany the access rights in the LRA Act.
 - a. **Public Rights of Way (PROW)**. PROW exist in Scotland. PROW are not marked on the OS 1:50,000 series in Scotland. However, HQ 51 (S) Bde hold maps which show many of the commonly used Long Distance Paths such as the West Highland Way and Southern Upland Way. They are waymarked on the ground and annotated on maps. The DIO Access & Recreation Advisor for Scotland now has a complete copy of the National Catalogue of Rights of Way.
 - b. **Open Access**. Open Access as set out in the LR(S)A and SOAC may be restricted to the public for military training under certain circumstances through the use of signage and/or sentries. The DIO Designated Officer (PROW/CROW/LR(S)A) must be consulted early in such circumstance.
 - c. **Trespass**. The Trespass (Scotland) Act 1865 only makes tresspass an offence if there is damage to the land or property on that land. If damage has been caused, an owner or occupier has the right, either to obtain an interdict or raise an action for damages. A trespasser may be asked by an owner or occupier to leave the property as quickly as possible. In the event of refusal, the owner has certain rights to force him to do so. A section of the Trespass (Scotland) Act 1865, which contained an offence of camping on land without the consent of the owner or occupier has been repealed via Schedule 2 of the LRA(Scotland) Act 2003.
 - d. **Camping**. The LRA(S) Act 2003 established a statutory right to camp and the Code describes the responsibilities and best practice guidance that should be followed when exercising the right to wild camping. The LRA(S) Act 2003 confirms that camping is a lawful activity when carried out responsibly as part of access rights as detailed in SOAC. However, it is strongly recommended that the landowner's permission is sought and on common land the commoners council permission is sought also.
 - e. **Lighting of Fires**. The lighting of fires is not a criminal offence when carried out as part of ones access rights, again as detailed in SOAC. However there are occasions when the lighting of fires can be an offence under the Civic Government (Scotland) Act 1982 (Section 56) "Any person who lays or lights a fire in a public place so as to endanger any other person or give him reasonable cause for alarm or annoyance, or so as to endanger any property, shall be guilty of an offence, and liable on summary conviction to pay a fine." The Trespass (Scotland) Act 1865 prohibits lighting a fire in certain places, specifically "on or near any private road, or enclosed /cultivated land, or in or near any plantation." This offence only remains in full effect in places out with access rights as detailed in in LRA(S) 2003 and SOAC.
 - f. **Driving of Vehicles**. The driving of vehicles onto land without consent is a criminal offence. Similarly holding a helicopter in the hover or very low flying over private property is in strictness of law, a trespass.
 - g. **Common Land**. There is no common land in Scotland.

RESTRICTIONS ON TRAINING.

- 2. **Canoeing/ Kayaking**. For canoeing/kayaking on rivers users must use Scottish Canoe Association access points (SCA Guide book) and abide by the Paddlers Code.
- 3. **Sporting Interests**. Units must also realise that sporting interests are of considerable importance and value to many Estate owners. Permission is unlikely to be given if disturbance may affect grouse shooting or stalking (roughly Aug to Oct inclusive, extending to mid Feb where hind shooting is involved).
- 4. **Livestock**. Owners may also be reluctant to give permission in the lambing and tupping seasons (Mar May and mid Oct Dec).
- 5. **AT**. Units planning AT should refer to the following publications:
 - a. The Munros Scottish Mountaineering Club, Hill walkers Guide by Donald Bennet.
 - b. The Scottish Peaks by WA Poucher.

TRAINING OVER PRIVATE LAND (TOPL) IN WALES LAND CLEARANCE

- 1. Due to Welsh legal requirements, DIO Brecon has the **sole** responsibility for land clearance in Wales and West Midlands and granting authority to train.
- 2. There are certain areas of Wales over which training cannot be authorised. All units are to contact DIO Brecon to make sure that the areas they propose to use are not restricted or Out of Bounds.

PROCEDURE FOR OBTAINING AUTHORITY AND LAND CLEARANCE FOR TOPL IN WALES

- 3. Applications to arrive no later than 8 weeks (12 weeks where it is intended to traverse Forest Land).
- 4. No private arrangements between Units and landowners are permitted. This ensures that all landowners are correctly indemnified and that any subsequent claims against the Unit can be dealt with correctly.
- 5. Private payments to landowners by Units for training facilities, bivouac and camp sites, this includes the leasing of cottages and barns as permanent or temporary AT camps, is expressly forbidden, unless agreed by DIO Brecon.
- 6. Only routes which have been specifically cleared by DIO Brecon may be used. This includes all approach routes to the open hill (including PROW, which may have a restriction placed on them by agreement to avoid disturbance especially during dark hours), rivers, lakes, caves and climbing areas. The crossing of un-cleared land or the use of un-cleared routes, even when approaching a road from the open hill, constitutes trespass.

CIVILIAN ADVENTUROUS TRAINING CENTRES

7. Considerable friction can be caused by incidents with members of Civilian AT at certain 'honey pot' areas such as climbing sites. Units should take care not to monopolies such sites. DE Brecon will on behalf of all units book all campsite and facilities to comply with existing POC agreements and enable fee negotiations to reflect VFM (discounts for numbers). Units should provide UIN and budget manager approval if they require DE Brecon to pay fees on their behalf.

ANNEX K TO PRACTITIONERS GUIDE 02/11

ADDRESSES AND CONTACT NUMBERS FOR TOPL

DTE TOPL Policy and Budget Authority.

	Appt	Address	Tel Mil	Tel Civ	Fax
HQ DTE	Ops Requirements	Building 99	94381	01985 22	01985 2883
		LWC	2173/ 2848/ 2829	2173/ 2848/ 2829	
		Warminster			
		BA12 ODJ			

DTE/ RF Bde/ DIO Brecon TOPL Approval.

DTE Region	RF Bde	Appt	Address	Tel Mil	Tel Civ	Fax
Scotland		D Comd	Montrose Block, Craigiehall, South Queensferry, West Lothian, EH30 9TN	94740 2392	01313 102392	01313 102271
	51	G3 LTAR	Forthside STIRLING FK7 7RR	94741 4938 - SO2 94741 4880 - TOPL (S) 94741 4857 - TOPL (N) 94741 4881 - AT	0131 310 4938/4880	0131310 4884
North		D Comd	Wathgill, Downholme, Richmond, North Yorkshire, DL11 6AH	94731 5504	01748 875504	01748 875512
	15 (NE)	SO2 G7 Trg/LT AR	Imphal Barracks, Fulford Road, York, YO10 4HD	94777 2179	07793 259301	
	42 (NW)	SO2 G3 LTAR	Fulwood Barracks, Fulwood, Preston, Lancs, PR2 8AA	94554 2551	07739 918975	
Wales & West		D Comd	Sennybridge Camp, Sennybridge, Brecon, POWYS, LD3 8PN	94360 3401	01874 635401	01874635 498
	DIO Brecon (M&S)	SMTO	The Barracks, Brecon, Powys LD3 7EA	94351 2885	01874 613885	01874 613897
	DIO Brecon (N)	MTO	Military Training (TOPL) Capel Curig Training Camp, Betws y Coed, Conwy, LL24 0DS	N/A	01690 720291	01690 720343
	143 (WM)	G7 LTAR	Copthorne Barracks, Shrewsbury, Shropshire, SY3 7YT	94461 2315	01743 262315	01743 232650
	160 (W)	G7 LTAR	The Barracks, Brecon, Powys, LD3 7EA	94351 2481	01874 613481	01874 613492
East		D Comd	West Toffs Camp, Thetford, Norfolk, IP26 5EP	94650 5233	01842 855233	018428526 8

DTE Region	RF Bde	Appt	Address	Tel Mil	Tel Civ	Fax
	49 (E)	G7 LTAR	Building 125, Chetwynd Barracks, Chilwell, Nottingham, NG9 5HA	94451 2172	0115 957 2172	
South East		D Comd	Cinque Ports Trg Area, Dymchurch Road, Hythe, Kent, CT21 6QD	94281 8134	01303 225134	013032251 38
	2 (SE)	SO2 G3	Sommerton House, Sir John Moore Barracks Folkestone Kent CT20 3HJ	94281 2176	01303225176	
Home Counties		D Comd	Longmoor Camp LISS Hants GU33 6EL	94291 3375	0142048 3375	014204834 98
	145 (HC) delegat ed to HQ Solent Station	HQ Solent Station	McMullen Barracks Marchwood Southampton SO40 4ZC	94273 8228	02380664228	94273 8331
SPTA		D Comd	Westdown Camp, Tilshead, Salisbury, WILTS, SP3 4RS	94325 4696	01980 674696	019806747 15
South West		SO2 J7	Wyvern Bks Exeter Devon EX2 6AR	94348 2474	01392 492474	013924924 86
	43 (SW)	G3 LTAR	Jellalabad Bks Tidworth Hants SP9 7BQ	94342 4105	01980 656405	94342 4903

Other Useful TOPL Contacts.

Organisation	Role	Appt	Address	Tel Mil	Tel Civ	Fax
DIO	Managing any liability issues, including any damage and negotiations for training on water where no public navigation rights exist.	LMS Estates Surveyor	Details can be Region	e obtained f	rom the loca	IDTE
DIO	Issues relating public rights of way (PROW) and Open Access (CROW/LR(S)A).	Designated Officer (PROW/CROW/LR(S)A). Environmental Advisory Services	Building 97a, Land Warfare Centre. Warminster. Wilts. BA!2 0DJ	94381 2913	01985 222913	
MOD Air Staff	Low Flying complaints by Military Aircraft.	Complaints and Enquiries Unit	Ministry of Defence Air Staff Complaints and Enquiries		0207 218 6020	0207 218 2680

Organisation	Role	Appt	Address	Tel Mil	Tel Civ	Fax
			Unit Level 5, Zone H Main Building Whitehall London SW1A 2HB OR RAF Community Relations Office (RCRO) for Southern Scotland) Sqn Ldr (Retd)John Gilbert		013873 81156	013873 80904
			Irvine House Canonbie Dumfries and Galloway DG14 0XF OR RAF Community Relations Officer (RCRO) for Wales Squadron Leader (Retd) Peter Sinclar RAF		01874 613889	
			The Barracks Brecon Powys LD3 7EA OR RCRO Cumbria and Tynedale Carol Bell Inglewood Road Penrith Cumbria		01768 891391	01768 891391
			CA11 8QN OR G9 Policy HQ 38 (Irish) Bde and Northern Ireland Garrison		028 92 263498	

Organisation	Role	Appt	Address	Tel Mil	Tel Civ	Fax
Directorate of Business Resilience	Loss or damage that is alleged to have been caused by Military Aircraft.	DBR- CLCP- Senior Claims Officer	Thiepval Barracks British Forces Post Office 825 Main Building Whitehall London SW1A 2HB	9630 53296	020 730 53296	

GLOSSARY

AT	Adventure Training
CLEARREP	Clearance Report
CLCP	Common Law Claims and Policy
CRO	Community Relations Officer
CROW	Countryside Rights Of Way Act
DBR	Directorate of Business Resilience
DIO	Defence Infrastructure Organisation
DTE	Defence Training Estates
ENDEX	End of Exercise
ESA	Environmentally Sensitive Areas
ES	Environment Support
INCREP	Incident Report
JSP	Joint Services Publication
JSATF (A)	Joint Services Adventure Training Form (Army)
LFSO	Land Forces Standing Order
LDPOPA	Long Distance Paths and Other Public Access
LMS	Land Management Services
LRSA	Land Reform Scotland Act
LOG SP	Logistic Support
LTAR	Lands Training Areas and Ranges
MOD	Ministry Of Defence
NNR	National Nature Reserves
NT	National Trust
ООВ	Out Of Bounds
PW	Popular Walks
PROW	Public Rights Of Way
RF	Regional Forces
SAM	Scheduled Ancient Monument
SSSI	Sites of Special Scientific Interest
TA	Territorial Army
TEWT	Tactical Exercise Without Troops
TOPL	Training Over Private Land
UK	United Kingdom
WCA	Water Catchments Areas