

**TRAINING OVER PRIVATE LAND IN THE UNITED KINGDOM**

<b>Contents</b>	<b>Page No</b>
<b>Overview.....</b>	<b>2</b>
<b>Scope.....</b>	<b>2</b>
<b>Training Over Private Land (TOPL).....</b>	<b>2</b>
<b>Military Training.....</b>	<b>2</b>
<b>MOD Policy.....</b>	<b>2</b>
<b>Approval and Authorisation of TOPL.....</b>	<b>2</b>
<b>Funding.....</b>	<b>3</b>
<b>Ammunition and Pyrotechnics.....</b>	<b>3</b>
<b>Use of Aircraft.....</b>	<b>3</b>
<b>Conservation and the Environment.....</b>	<b>3</b>
<b>Public Access.....</b>	<b>4</b>
<b>Movement Restrictions.....</b>	<b>4</b>
<b>Indemnity.....</b>	<b>4</b>
<b>Loss or Damage Claims.....</b>	<b>4</b>
<b>Health and Safety.....</b>	<b>4</b>
<b>ROLES AND RESPONSIBILITIES.....</b>	<b>5</b>
<b>APPLICABLE REFERENCES.....</b>	<b>5</b>

## OVERVIEW

2.6.1. For hundreds of years the armed forces of the day carried out military training on privately owned land. Dedicated military training areas were only really acquired from the late 19<sup>th</sup> Century onwards when it became apparent that private land could not accommodate permanent camps, large manoeuvres and live artillery firing.

2.6.2. The Military Manoeuvres Act (1958), which permits the designation of areas of countryside for military training purposes, is still extant. In practice, however, the MOD relies upon local agreements with landowners or relevant public authorities when the Regular, Reserve or Cadet Forces carry out activities away from the MOD estate.

2.6.3. The Defence Training Estate (DTE), which is part of the Defence Infrastructure Organisation (DIO) TLB, manages land and facilities to support defence training outputs. Responsibility for the allocation of the majority of land resources including both designated military training areas and Training over Private Land (TOPL) passed to DTE from 01 April 2009.

## SCOPE

2.6.4. This leaflet defines MOD policy on the military use of private land in the United Kingdom. For the purposes of this leaflet the following definitions are used.

### Training over Private Land (TOPL)

2.6.5. TOPL is military training carried out on land by virtue of a licence from a private landowner. The landowner can be a private person, public body (such as the National Trust or the Forestry Commission) or public company such as a Water Authority. Respecting that all land in the United Kingdom has an owner, it also includes common land or land subject to "open access rights" in England or Wales. It covers access across open country in Scotland subject to the provisions of the Scottish Outdoor Access Code.

### Military Training

2.6.6. Military training includes any activities by individuals, groups or Units conducting any kind of training whilst under MOD authority. This includes all forms of military training and adventurous training.

## MOD POLICY

### Approval and Authorisation of TOPL

2.6.7. It is MOD policy to prioritise training on property that is owned, leased or licensed by the MOD and managed by DTE or, where they have direct responsibility for land including DE&S, the Garrisons or the Reserve Forces Cadet Association (RFCA). 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.

2.6.8. Responsibility for assessing **initial inquiries** and granting **authorisation of a TOPL solution** lies with Commander DTE. Dedicated DTE staff are responsible, on behalf of DTE, for managing **land clearance procedures** and promoting good

**community relations** through Regional Forces arrangements as detailed in the associated Practitioners Guide.

## **Funding**

2.6.9. The majority of access agreements are not subject to payment to landowners. When necessary, DTE is responsible for funding access to private land. Any requests by landowners for payment for access to private land should be passed to DIO Land Management Services (DIO LMS) for assessment and negotiation with the landowner. DTE, as budget holder, is the arbiter on affordability.

2.6.10. DIO has negotiated national agreements for access to Forestry Commission land in Wales and Scotland. Regional arrangements are in place in England.

2.6.11. DTE is not responsible for the provision of non-land related facilities or services (e.g. adventurous training equipment, bottled gas) or for exercise damage. Units conducting the activity are responsible for these costs.

## **Ammunition and Pyrotechnics**

2.6.12. 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.

## **Use of Aircraft**

2.6.13. 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 318. Every effort is to be made to avoid inconvenience or damage to the general public and particularly to farmers and their livestock. Low Flying Complaints are to be passed to MOD Air Staff – Complaints and Enquiries Unit. Any loss or damage that is alleged to have been caused by low flying aircraft is to be referred to DBR- CLCP- Senior Claims Officer.

## **Conservation and the Environment**

2.6.14. 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 Regional Forces TOPL representative, who will provide guidance and rules to reduce the likelihood of damage. Details of adjacent land should be investigated if the military activity is likely to cause disturbance.

2.6.15. Sites with statutory environmental designations e.g. Sites of Special Scientific Interest, 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. adventurous training, orienteering or escape and evasion) are fully briefed to avoid designated sites.

2.6.16. Military personnel who commit damage within a statutory designated area, ancient monument or archaeological site are not exempt from prosecution

2.6.17. 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.

### **Public Access**

2.6.18. If a public right of way (PROW) crosses an area of private land used for TOPL it must remain open to the public. There is no legal mechanism to close the PROW for the exercise. If the area of private land used for TOPL includes Open Access Land (as defined by the Countryside and Rights of Way Act 2000(CROW)) or Land Reform (Scotland) Act 2003 then the Regional Forces TOPL representative must consult the DIO Designated Officer (CROW/LRSA).

### **Movement Restrictions**

2.6.19. 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.

### **Indemnity**

2.6.20 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 template given in the associated TOPL practitioners guide should be used.

### **Loss or Damage Claims**

2.6.21. 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 LMS 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.

### **Health and Safety**

2.6.22 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.

## **ROLES AND RESPONSIBILITIES**

2.6.23. DIO TLB is responsible for the operation and management of the DTE, including TOPL, together with the provision of training support services to match the training requirement. LF is responsible on behalf of all users of the DTE (Centre, PJHQ, NAVY, LF and AIR Command TLBs) for sponsoring the training requirement.

#### 2.6.24 DIO TLB

- DIO Secretariat is the policy lead for TOPL.
- DTE has responsibility for the organisation, supply, booking and funding of TOPL.
- DTE is supported in facilitating TOPL by DIO LMS. DIO LMS is required to:
  - a. Negotiate and sign lease or license/lease agreements, where a cost is involved and damage claims.
  - b. Provide expert advice to DTE on novel, complex and high value hirings, indemnity and claims
  - c. Carry out an audit and assurance function in respect of license fees agreed and claims settled.

#### 2.6.25 CinC Land via DGART

- Sponsors the training requirement on behalf of all end users

#### 2.6.26 Army HQ

- Community/Public Relations. The Regional Brigade will provide the Service lead for community/public relations issues concerned with TOPL.
- Clearance of areas/land. DTE TOPL representative is responsible for land clearances.

### APPLICABLE REFERENCES

Military Manoeuvres Act 1958  
Countryside and Rights of Way Act (CROW) 2000  
Land Reform Act (Scotland) 2003  
JSP 318 Military Flying Regulations  
JSP 362 Defence Lands Handbook  
JSP 403 Handbook of Defence Land Ranges Safety  
JSP 419 Joint Services Adventurous Training (JSAT) Scheme  
JSP 907 - Catalogue of Training Estate  
AGAI Vol 1 Chapter 16  
LFSO 1401 Part 1 Training over Private Land (TOPL) - UK  
LFSO 1407 Helicopter Tactical Manoeuvre Flying Over Private Land in the UK  
LFSO 1409 Planning and Exercises Procedures for Exercises on Private Land in the United Kingdom  
BR 4024, Chapter 3 Training over Private Land (RN)  
AP 3342 Leaflet 1034 Training over Private Land (RAF)