



Defence Training Estate
South East
Military Byelaws
Longmoor
18 Nov 21



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Infrastructure
Organisation

These slides are taken from the presentation given by HQ DTE SE on the Longmoor Military Byelaws, on the 18th November 2021, to local parish councillors with some additional explanatory notes and answers to questions posed by the Councils.

Whitehill

Mr Ray Ramsay
Ms Lorraine Jeffs

Greatham

Cllr Andrew Crick

Liss

Cllr Sheila Baldwin
Cllr Keith Budden
Cllr Roger Hargreaves

In addition to HQ DTE SE, the following were present

Vanessa Cole
Mark Sumner

Senior MOD Legal Adviser (Via Skype)
Defence Infrastructure Access and Recreation Adviser



AGENDA

- Defence Training Estate SE Overview (Redacted from this slide pack)
 - Relevant parts of current byelaws
 - Aldershot and District 1976
 - Longmoor Ranges 1982
 - Reasons for the Byelaw Review
 - Specific Queries
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Military Lands Act 1892

1892 CHAPTER 43 55 and 56 Vict

An Act to consolidate and amend certain enactments relating to the acquisition of land for military purposes.

[27th June 1892]

14 Power of Secretary of State to make byelaws as to use of land held for military purposes and securing safety of public.

- (1) Where any land belonging to a Secretary of State or to a volunteer corps is for the time being appropriated by or with the consent of a Secretary of State for any military purpose, a Secretary of State may make byelaws for regulating the use of the land for the purposes to which it is appropriated, and for securing the public against danger arising from that use, with power to prohibit all intrusion on the land and all obstruction of the use thereof.

Provided that no byelaws promulgated under this section shall authorise the Secretary of State to take away or prejudicially affect any right of common.

- (2) Where any such byelaws permit the public to use the land for any purpose when not used for the military purpose to which it is appropriated, those byelaws may also provide for the government of the land when so used by the public, and the preservation of order and good conduct thereon, and for the prevention of nuisances, obstructions, encampments, and encroachments thereon, and for the prevention of any injury to the same, or to anything growing or erected thereon, and for the prevention of anything interfering with the orderly use thereof by the public for the purpose permitted by the byelaws.
- (3) For the purposes of this section, "land belonging to a Secretary of State" means land under the management of a Secretary of State, whether vested in Her Majesty or in the Secretary of State, or in a person as trustee for Her Majesty or the Secretary of State; and "land belonging to a volunteer corps" means any land vested in that corps or in any person as trustee for that corps.



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Defence Land Legal Framework

- Defence Land is land that the MOD occupies for Defence Purposes – it is not public land to which the public has right of access. CROW access rights do not apply except on public rights of way.
- MOD has a policy to permit public access where it can be facilitated safely and without obstructing military use – without permission members of the public are trespassing.
- Byelaws are one way that the MOD can give permission to access Defence Land
- Where Byelaws do permit public access, this is often misunderstood as a right to enter and use the land – there is no right of access.
- Byelaws do not affect public rights of way unless they are within a 'Red Flagged' danger area when closure of the right of way is allowed whilst ranges are in use for live firing.



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Aldershot and District Military Lands Byelaws 1976



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USE OF LANDS BY PUBLIC

2. Subject to the provisions of these Byelaws the public are permitted to use all parts of the Military Land not specially enclosed or the entry to which is not shown by notice as being prohibited or restricted, including those Military of Defence roads thereon which have been constructed and made up for general use by vehicular traffic for the purpose of open-air recreation at all times when the Military Lands are not being used for military purposes for which they are appropriated.



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Note: Byelaw 3 Covers the Control of Road Traffic

PROHIBITED ACTIVITIES

4. Without prejudice to the provisions of Byelaw No 3, no person when on the Military Lands shall:—

- (1) enter on any part of the Military Lands which is specially enclosed or the entry to which is shown by a notice as being prohibited or restricted, or
- (2) ride a horse, bicycle or tricycle, or ride, drive or propel a vehicle of any kind otherwise than on the carriageway of a road suitably constructed and made up for general use for vehicular traffic, or
- (3) engage in or carry on any trade or business of any nature or kind whatsoever or ride, drive, conduct, or cause to be ridden, driven or conducted, use or employ any animal or vehicle of any kind or use any audible means either wholly or mainly for the purposes of trade or advertisement, or
- (4) loiter, or commit any nuisance, or behave in any indecent or unseemly manner, or
- (5) assemble or attempt to assemble or cause to assemble or bring upon the Military Lands any number of persons for the purpose of a private or public meeting or otherwise, or address any such persons when assembled, or

- (6) camp (whether in tents, caravans or otherwise), bivouac or sleep out, or
 - (7) deposit industrial or domestic refuse, rubble, waste or litter or abandon any vehicle or vehicle part or article, or
 - (8) damage, cut or remove grass, turves or growing crops, shrubs, trees, timber or wildflower roots, or
 - (9) graze any animal, or
 - (10) pursue, kill, shoot, snare or trap game or other birds or animals, or take or destroy their eggs, or
 - (11) damage, spoil, interfere with or remove any building, wall, fence, gate, post, cattle grid, stores, equipment or ammunition, or
 - (12) dig or search for any projectile or any lead or other metal, or interfere with or take or retain or be in possession of any projectile or lead or other metal found within the Military Lands, or
 - (13) do, or cause or allow to be done, any act which is likely to cause nuisance, annoyance or injury to other persons, or
 - (14) deposit or distribute or cause to be deposited or distributed any handbills, leaflets or other literature or printed matter of any description, or
 - (15) affix posters, notices or bills of any description in or on the boundaries, walls or fences or in or on any buildings or other structures or on any tree, pillar, post, bollard, railing, gate or other erection, or
 - (16) light fires, drop or leave lighted or live matches or burning cigarette ends or do any act or thing liable to cause an outbreak of fire, or
 - (17) take or cause to be taken on the Military Lands any fire-arm, air-gun, ammunition, any explosive or detonator or any part or component of the foregoing.
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**LONGMOOR RANGES
AND DEMOLITION
TRAINING AREA
BYELAWS 1982**

USE OF DANGER AREAS

2. The Range Danger Area may be used for military training and for the firing of machine guns, machine carbines, rifles, revolvers, pistols and rocket launchers and the throwing of grenades and for all activities ancillary to such firing and throwing, and the Demolition Danger Area may be used for the firing of demolition and other explosives charges and for all activities ancillary to such firing.

PROHIBITION OF ACCESS

3.-(1) When either area is being used for any of the military purposes specified in byelaw 2, no person shall:

- (a) enter into or upon or pass over or through the Area which is being so used;
- (b) be or remain in or upon that Area;
- (c) cause or permit or suffer any vehicle, animal, aircraft or thing to enter into or upon or to pass through or to be or remain in or upon that Area;
- (d) cause or permit any aircraft to fly over that Area at a height less than 1300 feet (396 metres) above mean sea level.



Reasons for the Byelaw Reviews

- Legal, practical and technological developments have combined to cause a review of MOD Byelaws. Some of the main issues are:
- Improvements in mapping technology that has enabled the production of clearer mapping
- Complex Byelaw coverage i.e Longmoor as part of Aldershot
- Current Byelaw mapping is not up to date does not reflect MOD land disposals.
- The language used in the Byelaws would benefit from updating and simplification
- The list of prohibited activities, for example cycling, would benefit from review.



Specific Queries

- When is the Longmoor Byelaw Review consultation due to begin and what will the timescales be when the process starts?
 - Longmoor is contained within the Aldershot and District Military Lands byelaws 1976, Longmoor is being removed from the new Aldershot byelaws,
 - The review of the byelaws relating to Longmoor will follow Aldershot but no date has been set and will be subject to an assessment of national priorities for byelaw review implementation.
- What are the DIO's long-term plans for the Longmoor Ranges?
 - It is likely that Longmoor Ranges and training areas will be retained by the MOD for the foreseeable future
- Why has the Longmoor Byelaw Review consultation been delayed?
 - Review of the Longmoor elements of the current Aldershot and Military Lands byelaws will follow Aldershot but no date has been set and will be subject to an assessment of national priorities for byelaw review implementation.
- What areas will be designated as a “Protected Area”?
 - Protected areas within the new byelaws will identify areas where no access is permitted. Any consideration of protected areas for the Longmoor byelaws will form part of the review.
- How will public access permissions/restrictions vary in areas designated “Protected Area” compared to current permission?
 - No public access will be permitted in areas designated ‘Protected’ in the new byelaws



Specific Queries

- Where do SSSI and SPA designations fall short and
 - This question links SSSI and SPA status to protected areas – there is no link.
- what will “Protected Area” status deliver?
 - This is probably a repeat of an earlier question. No public access will be permitted in areas designated ‘Protected’ in the new byelaws. No areas have yet been considered for Protected Status at Longmoor. Any consideration will take account of safety, disruptions to military activity and possible environmental constraints.
- What measures and methods will be used to control access to “Controlled areas”?
 - The Longmoor byelaw control measures are likely to mirror those in the new Aldershot
- What will happen to the Bordon areas when the 1976 Byelaws are revoked?
 - The Longmoor and Bordon areas will remain subject to the current Aldershot and District Military Lands byelaws until they area replaced by the new Longmoor byelaws
- To what extent will the new Byelaws deviate from the current access defined in Section 2 of the 1976 Byelaws?
 - The intent is to ease access restrictions where possible, particularly for cyclists and equestrian use. Measures are likely to mirror those in the new Aldershot byelaws
- Will the DIO commit to ensuring access is maintained for the Shipwrights Way?
 - The Shipright’s Way section adjacent to the A325 from Whitehill to Greatham was dedicated by the MOD and is now a public bridleway. The land is owned by the MOD with the surface vested to the Highway Authority for maintenance etc. There are no plans to close or restrict access.