

Proceedings of the 1992 Countryside Recreation Conference

Organised by the

Countryside Recreation Research Advisory Group

University of Wales College of Cardiff, 23 – 25 September

OFF THE BEATEN TRACK
Access to Open Land in the UK

Edited by Dr Kevin Bishop

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Introduction

Countryside Recreation Network

From the beginning of 1993 the Countryside Recreation Network replaces the former Countryside Recreation Research Advisory Group. The transition is one of natural evolution rather than wholesale change.

The Countryside Recreation Network is a UK wide network of the agencies concerned with countryside and related recreation. The membership is drawn from the national statutory organisations, the local authority associations and the research councils, but the network served extends to include the clients and customers of the member agencies.

The aim of the Countryside Recreation Network is to assist the work of the agencies concerned with countryside and related recreation by exchanging and spreading information to develop best policy and practice in countryside recreation. This is achieved by:

- a) identifying and helping to meet the needs of the Network for advice, information and research;
- b) promoting co-operation among member agencies in formulating and executing research on countryside and related recreation issues; and
- c) encouraging and assisting the dissemination of the results of countryside research and best practice amongst the agencies and the clients of the agencies.

The secretariat for the Countryside Recreation Network is being provided by the Department of City and Regional Planning, University of Wales College of Cardiff. Mr Robert Wood has been appointed to the post of Network Manager.

The Network will continue to organise a major countryside recreation conference. The 1993 conference is on the subject of customer care in the countryside and will be held in Nottingham between 29 September and October 1. The Network will be publishing a regular newsletter for members and associates to keep them abreast of recent developments and future Network events. The first edition will be published in February 1993.

Further details about the Countryside Recreation Network can be obtained from Robert Wood at:

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Finally, a special word of thanks must go to Hilary Talbot, the former Secretary to CRRAG. Much of the success of CRRAG as an organisation can be attributed to Hilary's infectious enthusiasm and dedication. Indeed, in recent years Hilary became synonymous with CRRAG.

Derek Casey

Chairman, Countryside Recreation Network

Welcome

Gareth Wyn Jones (*Director of Science and Policy Development, Countryside Council for Wales*) welcomed delegates to Wales. He commented that the Countryside Council for Wales was now 18 months old; he had been in post for about a year and recalled that his first official duty had been to attend the CRRAG Conference in Manchester in 1991.

On behalf of the University of Wales and CCW, which was very pleased that the Conference was being held in Cardiff, Mr Jones welcomed delegates in the Welsh language.

Derek Casey (*Director of National Services, Sports Council; CRRAG Chairman*) welcomed delegates on behalf of CRRAG. He was pleased that the Conference was being held in Wales this year where so much was happening in the Principality in terms of economic development, sport and countryside activities. He hoped that the Countryside Council for Wales would go from strength to strength over the coming years.

As current Chairman of CRRAG it was good to see so many people at the Conference. He knew that some delegates were attending for the first time and particularly welcomed those people. The Conference pack contained some information about CRRAG; its origins some 25 years ago as an organisation to bring together a number of national agencies, local authority associations, research councils and government departments to discuss countryside activities and research.

Over the years CRRAG had provided an important forum and network for those who were active in countryside activities. Looking back over the period, CRRAG should welcome the foresight of those who had taken the initiative in setting up the group. He commented that Adrian Phillips, who would be summing up the Conference in due course, had been the first Chairman of CRRAG.

However, everyone was facing changing times and changing circumstances. Over the coming few months CRRAG would be evolving into a new organisation, the Countryside Recreation Network. Mr Casey stressed that the principal aims of that network would be the same; the same emphasis would be on countryside research and the same forum would be available for those involved in this area of work. He hoped that the new network, about which Richard Broadhurst would enlarge at the end of the meeting, would still play the very important role which CRRAG had played in the past. The name might change but the aims, the atmosphere and the commitment would hopefully be exactly the same.

The Conference would address the very important issue of access to open land in the United Kingdom. Through a mixture of plenary and workshop sessions it was intended to identify issues, problems, solutions and agreements. He acknowledged that the debate would enter a politically sensitive area but hoped that it would remain constructive. An excellent panel of speakers had been assembled to present the papers and lead the workshops.

Setting the Scene

Sue Glyptis

Professor of Recreation Management, Department of Physical
Education, Sports Science and Recreation Management
Loughborough University

INTRODUCTION

The purpose of this opening paper is to introduce the scope of the conference, and to highlight trends and issues affecting the public use of open countryside. There are three main parts. First we address some basic matters of definition. Secondly, we discuss demand. Thirdly, we consider a number of wider social, economic and policy influences on recreational use.

DEFINITIONS

What do we mean by 'off the beaten track'? It is one of those deceptively simple everyday phrases that we can use with ease until we stop to think about it. As a focus for this conference it clearly refers to open countryside. But it is worth just noting in passing at the outset that in common parlance being 'off the beaten track' is used simply to mean getting away from it all. Many tracks are 'beaten' in the sense of being legally or permissively and physically established for public use, but are little used in practice – getting away from it all is perfectly possible on a substantial share of the nation's 193,000 km of public rights of way. Equally, substantial shares of that network are 'beaten' in the sense of defeated – rendered unusable, unnavigable or uncomfortable by the kinds of obstructions, interruptions or disguises identified in the Countryside Commission's rights of way survey in 1988. The play on words is more than a mere academic indulgence, for in welcoming the focus of this conference on the open countryside, we should still remind ourselves that all is not yet well with our rightly cherished – but not always rightly managed and maintained – linear rights of way system.

Definitions are not readily reached in the world of recreation, but in the case of open countryside we have the advantage of a legal definition, drawn up first in the 1949 National Parks and Access to the Countryside Act – to define areas in which access agreements could be made – and broadened in the 1968 Countryside Act. According to those Acts:

“‘Open country’ means any area consisting wholly or predominantly of mountain, moor, heath, down, cliff or foreshore (including any bank, barrier, dune, beach, flat or other land adjacent to the foreshore) and includes any woodlands, river or canal”

(Part V, National Parks and Access to the Countryside Act 1949,
extended by Sections 16–20 Countryside Act 1968).

In everyday use we tend to think of open country first and foremost – perhaps exclusively even – as the uplands, mountains, moors and open fells. In reality the definition is broader

– this conference is equally concerned with grazing marshes, meadows, chalk grasslands, lowland heaths and woodlands.

Nor is this conference concerned with a fixed pattern of open land. Much of its concern is that many of our wilder areas are now smaller, and losing their qualities of wildness, as a result of the pressures of modern farming, commercial afforestation, or ease of access.

What is access? The access study by the Centre for Leisure Research (1986) drew a distinction between access and accessibility. Access was seen as the public's legally or conventionally defined rights of entry; accessibility as their ability to exercise those rights – ability that can be affected by a complex mosaic of social, cultural and financial factors. One can argue about the suitability of the words, but that essential distinction between access in principle and access in practice is one to revisit throughout this conference.

With regard to open countryside, access provisions are of several kinds. Most notable, but not widely seized upon by planners or landowners are the access agreements already referred to. They can apply only to open country, and are made between local planning authorities and those having an interest in the land. They allow the public access to wander at will for quiet enjoyment on foot. The authority may make annual payments for the agreement, make by-laws, and appoint rangers to look after the land and the public. Agreements might include restrictions on access to protect wildlife, safeguard against fire risk, or allow such activities as shooting on a limited number of days.

Under Section 39 of the 1981 Wildlife and Countryside Act we also have management agreements. These are also made between local planning authorities – including national park authorities – and those with an interest in the land. They are used to manage land for conserving or enhancing its natural beauty, or for promoting its enjoyment by the public.

According to the access study, while the majority of farmers and landowners were content to see the occasional visitor, most were indifferent or hostile towards access agreements. Many permitted access on a *de facto* basis. Two-thirds would not even consider entering into informal access agreements with recreational or sporting groups. In some cases their antipathy was etched from bitter experience of problems – litter, gates left open, dogs interfering with livestock, risk of fire, etc. Notably, however, and still not sufficiently widely acknowledged – even by the farmers themselves – where problems had been experienced they were mainly caused by local communities – albeit often newcomers to those communities, not by invasions of inconsiderate urban hordes. Many reported activities taking place without permission.

Where access agreements could not be reached, the 1949 Act enabled county councils to make compulsory purchase orders, but these have rarely been used. In effect, this has left a great deal of *de facto* access – access to private land and water where the public has no statutory rights, or express permission from the landowner, but where access is left to the owner's discretion.

Specific provisions and problems relate to certain types of open land or individual estates. The 1925 Law of Property Act gives the public a right of 'air and exercise' in respect of urban commons. The Common Land Forum (Countryside Commission, 1986), so impressive in its clarity and unanimity of prescription – yet to date so frustrating in terms of government

response – pressed for comprehensive commons legislation and confirmation of the general principle that all commons should be open to public access on foot.

We have provision to waive inheritance tax for owners whose estates are judged by the Countryside Commission to be a scenically outstanding part of the landscape that can be enjoyed by all. The owner foregoes inheritance tax in exchange for undertaking to maintain the area to a management plan agreed with the Commission and for making it reasonably available to the public.

National Parks at first sight appear to be a special case, their very origins evolving so directly from the access movement, with its concern, as Tom Stephenson put it, that, "...some of the finest scenery in the country could only be enjoyed by trespassers" (Stephenson, ed. Holt, 1989 p.43). Again, promise and practice were ultimately to diverge. The promise came in the form of the Hobhouse Committee, which concluded that:

"public access as of right should be established over all suitable land, such as mountain, moor, heath, down, cliff and common land and uncultivated land generally".

The 1949 Act established the reality. It provided that the public should have a legal right of access to open country only where access agreements were made. Only in the Peak District, has this mechanism been widely used. The recent Edwards Panel (National Parks Review Panel, 1991) revisited these concerns. It concluded that National Park Authorities should use all available means to work towards a policy of general access to the whole of the open country within the parks. Where there was a case for limiting or guiding public access, it recommended

- i) identifying routes for broad access corridors, eg along ridge lines
- ii) creating new rights of way
- iii) introducing temporary or permanent exclusion from 'sanctuary areas', eg. seasonal restrictions to protect ground-nesting birds.

By the end of the century the Panel hoped to see all open land in National Parks covered by *de facto* access or formal management schemes. In reaching these recommendations the Panel consciously rejected as inappropriate any general right to roam (p.9):

"Circumstances have changed since 1947 With greater mobility, more visitors, a diminishing conservation resource and the economic importance of upland land uses, a wholly unqualified right to roam would be difficult to justify. Nevertheless, the onus should always be on those wishing to restrict access to open country to justify any management regime proposed, whether for conservation, farming, sporting or other needs".

It also reaffirmed the access proposals of the Common Land Forum; it questioned the extent to which a legal right of access might impinge on other interests; it debated whether open access would be widely used if granted – and if it might therefore be considered threatening in practice.

A further dimension of the access issue is 'access for whom?' Different user groups have different requirements. They have different organisational expertise. They have different

resources: some can purchase or lease land for their exclusive use. They vary in their history of use and in their social pedigree. They vary in other words both in real and imagined impact, and in perceived appropriateness, respectability and entitlement. The whole access issue has to do with values accorded to areas by those who do not own them, and to do with the values and attitudes of the parties involved towards each other, be it the planner's, landowner's or farmer's attitude to the activity, the views of competing users, such as conservationists and recreationists, or the views of one set of recreational users about another.

DEMAND

The open countryside offers opportunities both for informal recreation and for more formal, active sport and recreation.

Informal recreation makes the more substantial, yet more stable, claim. Surveys for the Countryside Commission (Countryside Commission, 1991) show that in 1990, 76% of the population had visited the countryside for purposes of recreation, generating over 1600 million trips. Most (4/5) were taken from home, but a substantial minority (1/5) were taken whilst on holiday. Impressive though the overall volume is, informal visiting has shown a slight decline over the past five years.

Countryside visiting attracts not only a large number of people but also a high frequency of participation. In 1990 as many as 19% of the population had visited the countryside within the past week, and nearly half (45%) had done so within the past month. At the other extreme, however, 2% had never been to the countryside, and 10% could not remember when or whether they had been there.

Visitors have a wide range of motivations, including opportunities to relax, enjoy the company of family and friends, adventure and challenge, contact with nature, contact with rural lifestyles, renewal, recovery from the stress and pace of everyday life, health benefits, and to do something useful in the form of voluntary work.

As in other spheres of recreation, however, usage is still socially selective. The Countryside Commission identifies three broad categories of people based on their frequency of visiting:

Some (25%) are frequent visitors – this category includes a high proportion of young people in professional occupations; a good many who live in or near the countryside; most of them own good quality houses and perhaps two or more cars; many belong to countryside organisations.

Rather more (50%) are occasional visitors. These include a high proportion in clerical and skilled manual jobs, most of them living within three miles of the countryside, most with access to a car, and most with children.

Finally (the remaining 25%) are people who rarely or never go to the countryside. These are mainly people on low incomes, in unskilled occupations or unemployed, many from ethnic minority groups, and mostly living several miles away from the countryside in poor housing and dependent on public transport.

We thus have a hierarchy of opportunity – or a hierarchy of exclusion – depending on whether you read down or up the social scale.

Most people enjoy the countryside in simple ways - drives, outings, picnics and walks dominate, with formal activities and visits to managed sites relatively small by comparison. Distance is a disincentive: 62% of all visits involve a round trip distance of 60 miles or less, and half are less than 40 miles. In one in five cases people venture no more than five miles from home.

More formal sport and active recreation is smaller but increasing dramatically. In absolute terms demands are substantial, and diversifying fast (Sports Council, 1992a). The 1990 *General Household Survey* shows that outdoor sport overall is static, or even declining slightly, but those activities which make use of countryside and water resources are increasing fast - and are likely to increase further given the growing interest in healthy lifestyles and green issues. The latest *Digest of Sports Statistics* (Centre for Leisure Research, 1992) shows that, in the 1980s, membership of the

British Canoe Union increased by	29%
British Water Ski Federation by	36%
British Orienteering Federation by	38%
British Sub Aqua Club by	43%
British Horse Society by	60%
Royal Yachting Association by	64%
British Association for Shooting and Conservation by	230%

The UK Jet Ski Association estimates that around 5,000 people are regular jet ski participants, and Leisure Consultants estimate that as many as 90,000 adults take part casually each year. About half a million take part in windsurfing.

Most popular of all is walking - with more than twice as many participants as any other sport. In the most popular quarter of 1990 over 20 million adults walked at least two miles for pleasure.

Part of the boom in participation is linked to the widespread recognition of the importance of regular exercise. Receiving that message and responding to it, however, are two different things. The recent National Fitness Survey (Activity and Health Research, 1992) found that 80% of adults believe that regular exercise is important for health, yet only 30% of men and 20% of women take enough exercise in the average week to keep themselves healthy. 80% believe they are fit.

Celebrations of the overall growth of participation must in any case be tempered again with social contrast and concern. The celebrations are partly justified, as the gender gap, age contrasts and class contrasts in participation are diminishing over time; sports participation has increased across all age bands and social groups. It is growing faster among women than among men, fastest among the middle aged and elderly, and faster among semi-skilled and unskilled groups than among the professional and managerial classes. The concerns remain, however. The gender gap is still there. So is the class gap. Ethnic contrasts are still considerable - barely one third of people of Pakistani/Bangladeshi origin take part. And there remains something of a north-south divide, with participation rates higher in the south.

The Geographical Distribution of Use

We have addressed so far the volume of use, its diversity, and its social distribution. An equal concern for this conference is its geographical distribution. How much of present usage

takes place 'off the beaten track'? We have seen that people tend to stay fairly close to home. They make repeat visits to familiar places. When they venture away from the car most still like the assurance of routes and trails.

The Access study, for example, found that 82% of people who walked did so on familiar ground. On their last countryside walk, 33% kept to metalled roads, and 34% walked on paths and trails. Most use is not 'off the beaten track'. It is very much on familiar territory; those walking on open beaches, commons and moorland were only 19% of the total. Even with that local emphasis, proximity is no guarantee of familiarity. In 1990 only 18% of the population claimed to know their local countryside well, and few were confident about their rights. Up to 40% of the population – more among young people, elderly folk, the disabled and ethnic minorities – worry about such problems as trespassing, getting lost, and not knowing where to go.

Our National Parks attract high levels of use – 103 million visitor days per year according to the Edwards Panel – though the pressures must be put in perspective, for if the figures are to be trusted of course this means that over 10% of our land area is absorbing only 6% of all visits. Even at the times of greatest pressure large areas remain empty of visitors, and four out of five visitors are content to view the National Parks from within the confines of their car or from the purview of a short walk of a couple of miles.

At site level, we can find evidence that the freedom to roam often surpasses the inclination. Studies at the Westwood (Glyptis, 1981a, 1981b), an area of common land just outside Beverley in North Humberside, examined the volume of use and the distribution of use across the site. It is an undulating site of about 240 hectares, consisting of open pasture with a few clumps of woodland, a small disused quarry pit, a golf course, and several viewpoints overlooking the town and the minster. The public have access on foot across the entire site, and car parking is permitted on roadside verges. There are no specific recreation provisions apart from seats at several vantage points, and ice cream vans at key locations at weekends. On busy summer Sundays Westwood attracts about 2,000 users. The day typically starts with a clumped distribution pattern, related partly to the preferences of visitors and partly to the characteristics of the site. Most obvious of all is a desire by the majority to stay close to the car. A second influence is a sense of enclosure – several people are attracted into the relatively enclosed wooded area at the eastern end of the site. A third factor is an 'edge' effect – several visitors locate themselves at the edge of either the eastern wooded area, or around Burton Bushes at the western end of the site. As time goes on, and visitor numbers increase, that pattern is not extended but merely reinforced. Indeed, far from the final count of the day showing the greatest spread of people across the site it actually revealed some contraction. At the time shown, some 70% of the 1100 people on site were located along the roadsides, and 500 of them were along a single road!

Future Prospects

Future prospects are fashioned not only by trends within informal recreation and active sport, but also by wider changes in society. Looking back at the past two decades, we may have failed to reach that 'age of leisure' so confidently foreseen in the 1960s, but we have taken a good many steps towards it. Over that time, daily leisure time has increased a little. There are more flexible working patterns, with longer weekends and more short breaks. Visitor pressures are therefore likely to increase, and to be spread more evenly through the seasons, and be less confined to weekends. Annual holiday entitlement has risen markedly. We retire earlier – with the prospect, perhaps, of 20 or more years of largely free time.

Time, of course, is but one ingredient of leisure – time alone hangs heavy without the means, mobility, income, information and companions to enjoy it. The people having most time on their hands tend to have least income, and *vice versa*. Incomes have increased in real terms. Fortunes vary, however, between regions, and the gap is widening between the top 10% and bottom 10% of earners. The increase in consumer spending on leisure has far outstripped the increase in leisure time. Leisure Consultants estimate that in the 1980s leisure time increased by only 2%, but that leisure spending increased by 150%. Video ownership increased from 3% of households in 1980 to over 70% in 1990; overseas holidays increased from 14 million in 1980 to 25 million in 1990. Car ownership has doubled since 1961, from 31% of households; now 64% have at least one car and 19% have two or more. We have an ever more complex array of lifestyles and smaller households. Single person households now make up 26% of the total.

Looking to the turn of the century, the number of under 15 year olds – and therefore of school pupils – is expected to rise. The number of 15 to 44 year olds will fall. The number of 30 to 44 year olds will fall. We shall have an increasingly middle aged and active population, and larger numbers in the oldest age groups. Among ethnic minority groups the changes will be very different, with growth concentrated in the youngest age bands.

Future Trends in Recreation

In informal recreation the overall trend is of a large but relatively stable demand. The real surge of demand is from the more active visitors – particularly walkers, riders and cyclists – who want to explore areas further away from their cars and the honeypot sites. There is pressure for access from those seeking greater challenge.

There is growing interest in countryside holidays, particularly in the form of short breaks. Martin and Mason (*Leisure Management*, September 1992) estimate that nearly one in four British holiday makers in 1991–92 took some form of activity holiday – a total of 10 million organised activity holidays in all, half of which involved sport.

With regard to countryside sport, the challenges arise from accommodating the pace and transformation of growth within a finite and sensitive resource and alongside established uses. Take the example of motor sports – there are 19 different types if we consider every combination of car, motor cycle and circumstance. In the case of long established traditional motor sports, their peripatetic nature has tended to leave them unnoticed or discriminated against.

There is burgeoning demand for new activities; demand for more sophisticated, power based sports – dune buggies, agrocats, jet skiing – which can find it difficult to gain entry to resources.

Demand for air sports has increased substantially – especially as hang gliding, gliding and microlight aircraft have developed in the past 20 years. Microlighting now has 60 clubs and 3,500 participants. At the same time, there are pressures on flying from existing airports. Relatively few microlighting and gliding clubs have security of tenure, and many people are believed to be leaving these sports as clubs cannot give members enough air time. There is a widespread shortage of moorings for boats, both on inland and coastal waters. Leisure Consultants (Martin, Mason and Smith, 1989) report that 64% of coastal berthing locations and 85% of those inland have waiting lists.

Water skiing has enormous growth potential, but is suffering increasingly from lack of access to suitable water. About one-third of clubs have waiting lists, and several site owners are seeking to remove the sport because they regard it as intrusive.

Canoeing is short of resources in some areas, especially for wild water and canoe touring. Lighter and more portable canoes and more robust materials permit canoeing to take place in previously less accessible, shallow and fast moving water, including the upper stretches of many rivers where navigation rights do not exist and riparian (and therefore access) rights are privately owned.

New golf courses are in demand and can have significant impact, both in their own right and often with substantial associated developments, such as hotels.

War games, involving simulated battles between two armies of paying customers, are increasingly popular. In 1986 there were 3,500 participants; in 1988 there were 30,000 (*Sport and Leisure*, September/October 1988).

In a recent study of countryside sports Sidaway, Collins and Glyptis (1991) identified three categories of activities as regards access requirements:

- i) without major access or development problems – established, ‘appropriate’ sports using the countryside in either a very dispersed way, using traditional rights of access and navigation; or in a very concentrated way, on sites owned, leased or used by agreement.
- ii) sports with major problems in obtaining access for dispersed or peripatetic use, eg. needing a range of launching sites – eg hang gliding, ballooning, windsurfing, jet skiing, microlighting, paragliding.
- iii) sports requiring venues for competition or having major problems in developing facilities, eg clay pigeon shooting, target shooting, motor sports, water skiing, gliding, inland yachting.

For schoolchildren the National Curriculum puts clear emphasis on the importance of adventure activities, and on the environment as a learning resource for geography, science and physical education. If the recommendations of the Hunt report (1989) are adopted then every young person aged 14 – 18 will be introduced to adventurous outdoor activity. And we have growing numbers of employers and management consultants using the outdoors for personal development work and for team building training.

Demand is one thing; supply another – and that depends on the policies for supply adopted by recreation agencies, and on the policies of those involved as landowners, farmers, conservationists and developers.

Sustainability is the welcome watchword of many recent policy statements. In *Visitors to the Countryside*, for example, the Countryside Commission (1991) defines its objective as “to improve and extend opportunities for the public to enjoy the countryside in ways that help to sustain both its environmental quality and the social and economic wellbeing of rural communities.” Initiatives of three main types are sought:

- 1) Providing information – information to the public on local recreation opportunities – not just those within a particular local authority boundary. In the access study, 72%

of countryside visitors felt that more information on what you can do and where you can go was important. Go to the typical visitor centre or tourist information centre and the vast bulk of the information will refer to commercial attractions and a few key sites. Look at a map, and many recreation opportunities are not identifiable. And in any case, seven out of eight people are unable to read a map. So, as the Countryside Commission acknowledges (p.10) "The majority of countryside recreation opportunities are effectively hidden from view from many potential visitors."

- 2) Fostering confidence and understanding - urging countryside owners and managers to carry out a visitor welcome audit; finding ways to enhance the confidence of minority groups, eg countryside staff working with community leaders in urban areas; all countryside staff giving positive first impressions.
- 3) Stimulating care - through such matters as control of dogs, control of litter etc; ensuring that visitors act as good neighbours when in the countryside; encouraging visitors to support practical conservation work; encouraging rural communities to take a pride in catering for visitors and caring for the local environment.

In our National Parks, following the Edwards Panel, there is a stronger and renewed emphasis on quiet enjoyment. The 1949 Act set out the recreation purpose of the parks as "promoting their enjoyment by the public". Edwards recommended changing it:

"to promote the quiet enjoyment and understanding of the area, insofar as it is not in conflict with the primary purpose of conservation".

Will this help, however, in balancing up the opportunities inside and outside the national parks?

Encouragement comes from the first ever national planning guidance on sport and recreation, embodied in Planning Policy Guidance note 17 (Department of the Environment/Welsh Office, 1991). The guidance strengthens the case for sport and recreation by recognising it as a proper planning function, and calling for local planning authorities to take account of sport and recreation needs in their development plans and development control. It urges a positive stance with regard to problem activities (para.52):

"Where there is a clear demand for noisy sports activities, it is important that planning authorities seek to identify sites which will minimise conflicts with other uses. Criteria must include the potential impact of the activity on the site and on adjacent land use and nearby residents. Suitable sites can often be found degraded land, former mineral sites or set-aside farming land which meet all of the criteria. They may be adjacent to an existing noise generator such as a main road, or in locations screened by banks and trees."

Sustainability is a keynote in the Sports Council's policy document (Sports Council, 1992b) *A Countryside for Sport*. The Vice Chairman's introduction, states:

"The English countryside is a precious heritage. Sport is one of the many uses which it sustains and resulting pressures mean that wise and responsible use must be the keynote. The countryside should be a place of great enjoyment for sport and for other recreation activities. However, it is a finite resource, and it is essential that it is fully respected as such if its use for sport is to be healthily sustained."

The Council seeks to ensure that countryside activities are available to all. It stresses the need for effective strategic planning at national, regional and local levels, and for regular reviews by the Regional Councils for Sport and Recreation. It urges that (p.12) "All existing access to natural resources for countryside activities should, in principle, be maintained, and where possible improved".

In parallel to its claim for resources, the Sports Council proposes (p.10) that "All National Governing Bodies which have not done so should develop, as a matter of urgency, Codes of Practice, and promote them to their members, non-members and partners".

The Central Council of Physical Recreation is rather more strident (CCPR, 1991, p.2): "Access to the countryside and special features therein for sport and recreation should be promoted and where necessary secured by right". It also calls for the statutory definition of open countryside to be broadened to include caves, crags and outcrops.

Countryside activities may also make use of specially built facilities such as climbing walls, ski slopes, artificial canoe slalom courses (Glyptis et al., 1992a, 1992b). These offer tremendous potential for people who would not otherwise have easy or regular access to deeper countryside. There are increasing opportunities for outdoor activities in and near urban areas. The Ackers Trust, for example, has its ski slope and climbing walls in the heart of Birmingham. It makes use of the canal network. It is also developing – off the beaten track in the centre of Small Heath – a treeless ropes course for personal challenge and adventure training, and an artificial underground caving system. In Lyon, amidst the urban crowds and living conditions, is the Tour d'Escalade.

There is much derelict marginal land, suitable, for example, for certain types of motor sports.

WIDER CHANGES

Agriculture

Until the mid 1980s our systems of agricultural support were geared almost wholly to boosting output and increasing self-sufficiency. They were effective, but often at considerable cost in terms of landscape, semi-natural vegetation and wildlife habitats. Agriculture no longer has a secure future in the uplands or the lowlands. Farming still occupies nearly three-quarters (73%) of the land area of England, but its form and its fortunes have changed considerably (Department of the Environment, 1992). In the past 30 years the number of farms has decreased by 30%. The number of people employed has decreased by 39%. In our Rural Development Areas farming now accounts for only 9% of jobs. Productivity has increased.

Yet most of our fine landscapes depend directly on established systems of farming – our heather moorlands, for example, are but a by-product of hill sheep farming. Both environmentally and economically it is important that most of our countryside continues to be farmed – but, with food in surplus rather than in shortage, we need to focus on protecting the character of the landscape, wildlife habitats and the rural economy. In other words, we want farmers to care for the countryside.

There are incentives to help. We have one million hectares in Environmentally Sensitive Areas, to encourage environmentally sensitive farming systems in areas of landscape and

wildlife value. We had introduced five years ago the first of the measures aimed at farm diversification, the ALURE scheme. More recently we have had from MAFF the Farm Diversification Scheme, offering capital and marketing grants for a wide range of alternative enterprises. We have Set Aside in its various forms. And we have the Countryside Premium for Set Aside land, offering incentives to farmers to manage Set Aside land for the benefit of the landscape, wildlife and local community.

Much is said of the gains we stand to make for sport and recreation from farm diversification. Diversification can take many forms, be it farm woodland, bed and breakfast, self catering accommodation, caravans, riding, shooting, water sports, golf courses, the sale of farm produce, pick-your-own etc. On the face of it farmers would appear most likely to diversify into activities such as angling, golf, clay pigeon shooting and riding. The greatest demand, of course, comes from the more heavily populated lowlands, so the greatest potential for these sorts of enterprises is in the more prosperous agricultural lowlands – on the urban fringe and in the agricultural heartland areas where there is a buoyant day trip market and a growing rural population, not least a gentrified population keen to have access to healthy fresh food and countryside sport and recreation.

Countryside Stewardship gives us scope to sustain or recreate our relatively wild areas, focusing initially on chalk and limestone grasslands, riversides, uplands, heaths and coast. 1200 landowners offered to take part in the scheme in its first year, involving 35,000 hectares of land, and in over one-third of cases (34%) creating new provision for public access.

Forestry

As with farming, we now acknowledge – and we must continue to acknowledge – the value of forestry not solely for its economic worth but also for its social and environmental value. Forests and woodland cover about 10% of Britain, which makes us a poor relation in the EC where the average is 25%. Forestry policy therefore has three main aims:

- 1) to protect our remaining ancient and semi-natural woodland
- 2) to manage our existing woodland in sustainable ways and for multi-purpose ends
- 3) to expand our tree cover.

Many of our major forest blocks consist of single species planted in the 1920s and 1930s. As they come to maturity we have a major opportunity to improve them in their second rotation, with a wider range of species and age classes, more open land, and softening the geometric edges. Over the past decade we have seen a major shift from public sector to private woodland planting, encouraged by the Woodland Grant Scheme, and more recently by the Forestry Commission's Community Woodland Supplement and Farm Woodland Premium Scheme. The Woodland Grant Scheme, targeted at broadleaved and mixed planting, heralded a significant shift of planting to the lowlands, to the outskirts of towns, to small woods as well as large, and to planting on farms.

There have been concerns over the implications for recreation of the sale of Forestry Commission woodlands into private ownership, although arrangements are now in place for the Forestry Commission wherever feasible to offer to enter into access agreements with local authorities before sales take place so that there is an agreement binding on subsequent owners to continue to provide for public access.

Most positive and exciting of all have been the joint Forestry Commission/Countryside Commission initiatives to create 12 new Community Forests with a particular emphasis on enhancing the environment of the urban fringe and providing new opportunities for leisure close to conurbations, and the creation of the new 50,000 hectares National Forest in the Midlands, where a systematic and wide-ranging appraisal of sport and recreation opportunities is taking place as part of the development of the forest strategy.

Conservation

Conservation concerns and mechanisms permeate – and rightly so – all of the key policy statements of late on countryside recreation, farming and forestry, but they merit also a brief mention in their own right. We have convincing and disturbing catalogues of loss (Department of the Environment, 1992) – nearly a quarter of our area of upland heather lost in the last 50 years; 85,000 km of hedgerows lost in only six years from 1984 to 1990; species-rich grasslands covering only 3% of their area 50 years ago; 20 million elms lost to Dutch elm disease; 19 million trees lost in the gales of the 1980s; and certain bird species depleted or virtually destroyed.

We have confident and often strident claims that recreation is to blame, and indeed recreation does create severe conflicts and consequences in specific places. More rarely do we hear the positive view. But Roger Sidaway (*Sport and Leisure*, September/October 1992) has shown that it is often the sports participants who have recognised the conservation problems and led the way in finding solutions – the anglers who want to safeguard water quality, the cavers who want to protect underground geological formations, and the climbers who have entered into voluntary restrictions to protect cliff nesting birds in the breeding season.

The Changing Nature of Rural Populations

Rural areas are changing in socio-economic terms as well as in environmental terms. Some wear the traditional rural appearance and bear the traditional rural problems – a dispersed, declining and ageing population, with services and facilities under threat. Others are very different, experiencing in-migration and expansion, due to more people retiring early and resettling in rural areas, the growth of footloose industries, and commuters being able and willing to travel longer distances to work in order to enjoy the benefits of rural living. There can often be a clash between incomers and indigenous communities. In studies undertaken in Yorkshire and Berkshire (Glyptis, 1987a, 1987b), we found instances where established villagers greatly resented the efforts and enthusiasms of incomers to set up new activities and clubs, and lamented the up-marketing of their local pubs into steak bars. Equally, there were instances where local people wanted to improve opportunities for their families, but the incoming, gentrified element resisted, wanting to preserve every detail of their new found rural paradise exactly as they found it. Again, much of what happens in terms of access for recreation, and for what sorts of recreation, depends on the dominant culture, on who wins the case in the philosophical divide between the various interest groups.

CONCLUDING ISSUES

1. Open countryside is not overrun with recreational use. A few areas are under intense pressure at certain times of year. Certain areas are highly vulnerable in a landscape, wildlife or economic sense. Equally, the greater part of the open countryside is little visited. Perhaps management effort and policy concern are best directed to the

pressure points, leaving the relatively low intensity and largely *de facto* use of areas off the beaten track to carry on informally.

2. We have schemes to encourage farmers to be stewards of a multi-purpose countryside – how wholeheartedly and effectively are we establishing recreational use and public enjoyment within these schemes?
3. How far do we plan positively for recreational, and especially sporting, use of the countryside? We need to be more open minded about the needs of different activity groups, and that includes the needs of new activities. We need to recognise and respect the values of others, and plan accordingly.
4. We need to be more open minded also about the relationship between recreation and conservation. We must recognise that there are conflicts, at particular times, in particular places, involving particular activities and particular species. But that is very different from making plans and policies on the basis of sweeping generalisation, entrenched positions, and exaggerated claims by one party or another. As Jay Appleton (1991, p.9) somewhat wickedly but not inaccurately put it:

“Once we begin to categorize, we begin to moralize also, and before we know where we are we have set up a highly inflexible binary system of good and evil, right and wrong. There are no grey areas where there are green enthusiasts.”
5. Demand and usage at any one time sit poised between opportunity and constraint. All the signs are that we have a large but relatively stable demand for informal use of the countryside, unevenly spread in time and space, and largely concentrated into the more accessible areas. We have a fast growing demand for sport and active recreation in the countryside. We have a welcome concern among sports policy makers and governing bodies for the sustainability of the resource.

Michael Dower, in the May/June 1992 issue of *Countryside*, wrote that:

“a large part of our population do not know the countryside. Some are from families who moved into the cities with the Industrial Revolution cutting their roots in the countryside.... Others have migrated into this country, settling in the cities. Now our countryside is ready to receive them.”

The Sports Council, in *A Countryside for Sport* (p.2) writes:

“With the great range of activities now available to most people, and the growing interest in healthy lifestyles and green issues, the opportunity now exists for everyone to take part in a countryside activity which suits their interests and circumstances.”

I wonder. That readiness to receive and those opportunities that exist are yet far from universal.

There is evidence of increasing social polarisation – an increasing divide between rich and poor – the connoisseur consumers as compared with low income groups such as elderly people on state pensions, single parents, unemployed people, housewives with no income of their own. Leisure for these latter groups is likely to become more home centred, more media oriented and less varied.

And in discussing the open countryside, let us not forget the increasing containment of urban and home based life. Studying patterns of play in a relatively prosperous area in the south east, Kate Stephens of the National Children's Play and Recreation Unit found (1990) that:

"...children's lives were becoming more and more restricted. The increase in traffic limited the distance they can safely travel from home; poor housing design meant that there was little easily accessible play space; they weren't allowed to go to the park alone For most children the play environment meant the confines of their bedroom, and their play companions were the television and the computer. How long, I wonder, before we produce the totally plug-in child with only second hand experience to draw on and to signpost their way to adulthood?"

About 70% of our leisure time is spent in the home. Yet here again there are contrasts. Most of us in affluent Britain have spacious homes, furnished and fitted to accommodate our households and our lifestyles. For the have-nots at the other end of the housing spectrum, daily life is very different. As a resident of Kirkby put it to the Archbishop of Canterbury's Commission on Urban Priority Areas (1985), "People here live in a mistake". For them, the open countryside is not merely 'Off the Beaten Track', but quite simply 'Out of Bounds'.

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Access to Open Countryside - A European Perspective

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INTRODUCTION

This paper provides a brief insight into access rights, traditions and mechanisms in several European countries, highlights key issues relating to open country access, and describes several access initiatives and aspects of good practice in respect of access provision and management in Europe. It covers a wide agenda and tends to 'open up' topics, rather than to cover them in detail. It draws widely on the Report on 'Countryside Access in Europe' (1991) - prepared by Peter Scott Planning Services for the Countryside Commission for Scotland. This was one of a series of studies prepared for the Commission's 'Access Review', which is continuing under Scottish Natural Heritage.

Eight European countries were chosen for investigation - Norway, Sweden, Denmark, Netherlands, Germany, Austria, Switzerland and France. The following table outlines key contextual differences between the selected countries.

Comparative Information on Selected European Countries

Country	Population (millions)	Population density (person/km ²)	Land area (km ²)	Agricultural and cultivated land (km ²)	Forests and woodlands (km ²)
France	56	102	549,000	315,000 (57%)	146,000 (27%)
Germany	77	225	341,990	135,475 (40%) ²	73,600 (22%)
Austria	7.6	91	83,850	40,920 (49%)	37,061 (44%)
Switzerland	6.5	158	41,293	20,195 (49%)	10,520 (25%)
Netherlands	15	402	37,334	23,969 (64%)	2,987 (8%)
Denmark	5.1	119	43,000	26,510 (62%)	5,010 (12%)
Norway	4.2	12 (23 ¹)	324,000	9,000 (3%)	147,800 (46%)
Sweden	8.5	20	411,600	35,800 (9%)	241,000 (59%)
(Scotland)	5.1	66	77,080	52,410 (48%)	10,350 (13%)

Notes: ¹ Population density of Norway below the tree-line.

² West Germany only

The eight countries were selected to represent:

- a) A range of countryside contexts – varying from the remote countryside and natural environments of Scandinavia, to the Alpine countries, and the densely populated and intensively farmed countrysides of the Netherlands and France.
- b) A spectrum of access situations – ranging from the *Allemansrätt* ('everyman's right') of access of Norway and *Allemansretten* of Sweden, through the *Betretungsrecht* of Germany, Austria and Switzerland, to the more restrictive situations in the Netherlands and France.
- c) Specific access situations – issues and initiatives which may be of relevance to access planning and management in the UK (e.g. co-operative approaches to access management in France and Germany, review of access legislation in Denmark).

The concept of countryside accessibility underlay the investigations of access in Europe. Briefly, this concept recognises that the public's abilities to enjoy countryside access relies not only on rights of access, but is usually dependent on a series of complex and dynamic relationships between countryside users, land managers, and the countryside over which access is desired and where recreational activities take place.

The accessibility of particular countryside areas may be influenced by legislation, land uses and management regimes, socio-cultural dimensions, and aspects of recreational management and marketing. In practice, users' perceptions as to whether they can enjoy the countryside with confidence, and their practical ability to use the countryside without hassle or inconvenience and without facing obstructions or restrictions, may be more important than any statutory right of access. Thus, in investigating access in Europe, the consultants explored aspects beyond rights of access and access legislation, and identified other aspects which influence the ability of the public to enjoy access to open country (e.g. cultural considerations, interrelationships between access managers and countryside users).

ACCESS TO OPEN COUNTRY IN SELECTED EUROPEAN COUNTRIES

Three specific contexts have been selected for discussion, which demonstrate some of the alternative approaches and distinctly different traditions to countryside access. These are described further in brief 'pen-pictures' of access in each of the countries studied:

- i) the countryside for all approaches encapsulated within Norway's *Allemansretten* and Sweden's *Allemansrätt*;
- ii) the freedom to roam provided by Germany's *Betretungsrecht* and associated legislation – primarily applying to forests and unenclosed countryside, and the Swiss *Waldgesetz* and Austrian *Forstgesetz* – both applying primarily to forests and larger woodlands; and
- iii) the predominantly private countryside of the Netherlands and France.

This paper concentrates on the principal features of access to open country, but covers, also, aspects of linear access – as open country access is complemented in most European countries by (often impressive) networks of recreational routes, which often provide extensive opportunities for access and recreation.

In focusing on open country and forest access, it is evident that a variety of approaches have developed throughout Europe in response to diverse geographical, cultural and historical factors. Indeed, these different approaches illustrate the interactive processes underlying the concept of countryside 'accessibility' (discussed above). Hence, Norway's and Sweden's retention of traditional rights of access to open country largely reflects these countries' lack of population and development pressures, and the restricted extent of land suitable for cultivation. Yet, even in these countries, traditional rights of access have been eroded around towns and over farmland. In the more densely populated and intensively cultivated countrysides of the Netherlands, Denmark and France, private property rights and agricultural practices have resulted in often severe limitations on access opportunities – except in designated reserves and on rights of way.

i) Open Country Access in Norway and Sweden

Norway and Sweden enjoy basically similar rights of access – in the form of Norway's *Allemansretten* and Sweden's *Allemansrätt*. These are part of each country's cultural heritage and traditionally have enabled the public to travel over, and enjoy short stays on, land owned by others, and to collect natural fruits for personal consumption. In both Norway and Sweden there is a close affinity between man and nature – indeed, Norway's environmental and recreation legislation is based on the fundamental principle that man must adapt to nature, not *vice versa*.

Norway: The majority of the Norwegian population (over 70%) live in a very small proportion of the land area – under 4% of Norway is classified as urban or farm land. Only 10% of the population live in northern Norway (one-third of the country). Most of Norway is undeveloped, unspoilt and available for outdoor recreation.

Norway's Outdoor Recreation Act (1957) adapted traditional rights to modern conditions, and codified these – making special provisions (often subject to restrictions and conservation safeguards) for activities such as walking, cycling, picnicking, camping, water sports, fishing and hunting. The Act differentiates between *utmark* (non-cultivated land) and *innmark* (cultivated land, including gardens, plantations, agricultural land and house plots). Whereas access is freely available over *utmark* land (subject to 'good behaviour'), more restrictions apply to *innmark* land to protect crops and trees, owners' privacy, etc.

The basic principle underlying the right of public access is that it must not result in damage to the land, or disturbance of domestic animals, wildlife, or people – whether they are the owners of the land or other outdoor users. The public and landowners have obligations and responsibilities; for example:

- Visitors cannot camp or picnic on cultivated land, or closer than 150 metres from a dwelling (unless with permission), and must not trample or damage crops, trees or plants, leave litter, drive off-road with vehicles, or let dogs run free between 1st April and 20th August, etc.
- Landowners must not erect signs, barriers or obstructions, which prevent or hinder access or prevent walkers, cyclists or horse riders from using private roads (including farm roads). However, landowners may charge for vehicular access, or cycling or riding on private roads, where the owner may incur significant costs as a result of such activities.

Other legislation prohibits development within 100 metres of the coastline to safeguard access and environmental interests, and there are strict controls on off-road vehicles and snowmobiles.

Recreation planning and provision is undertaken at all levels of government in Norway. Currently, the government and municipalities are purchasing natural areas to secure these for future recreational use – with the emphasis on securing natural areas and walking opportunities close to urban areas, coastal land in the archipelago, the shorelines of lakes and streams, and important mountain areas.

At the county level, Outdoor Recreation Boards promote recreation and prepare recreation action programmes, assisted by outdoor recreation advisers employed by the government. These boards and some local tourist organisations are responsible for local access planning and management. Also, national and local recreation organisations (e.g. Norwegian Tourist Association, Oslo Ski Association) play important roles in managing access networks and facilities (e.g. mountain trails and refuges, ski trails) and providing access information.

Sweden: Under 10% of Sweden is taken up by urban development and agriculture. Over half the land area comprises forests, and over one-third comprises lakes and other waters, wetland, mountains and arctic land.

Sweden's *Allemansrätt* is similar to that of Norway. A recent guide produced by the National Environmental Protection Agency provides a brief outline of *Allemansrätt*:

"The right of public access gives you and other people the possibility of moving about relatively freely in the great outdoors. It also implies a responsibility – we must show respect for the animals, the surroundings and for other people. Causing damage to the environment, fauna or others' property is prohibited".

The right of access does not apply to recreational organisations or organised outdoor activities and such users must gain the owners' permission. As in Norway, farmers and landowners have obligations, also. If they require to contain animals, they must provide gates, styles or access for recreational users of the land.

Allemansrätt is not codified in legislation – although the Nature Conservancy Act states, as a general principle, that the natural environment is open to everyone under the right of common access. Conversely, the Act provides arrangements whereby access may be restricted or prohibited to safeguard conservation interests in national parks, nature reserves and other conservation areas. Sweden's penal code regulates activities provided by the right of access, where these may adversely affect environmental, agricultural or private property interests. The Act governing the use of motor vehicles in open country prohibits the use of all-terrain vehicles, except where the land has no vegetation on it.

In response to increasing property values, pressures of urbanisation, forestry extraction activities, and more intensive recreational use of the countryside, landowners have lobbied for reductions in the scope of *Allemansrätt* and for increased penalties for violations of its rules. Such pressures, along with problems relating to the interpretation of the right of access – which is often obscure and subject to local customs – have led to resistance against the codification of the right in legislation. In particular, it is feared that any legislation would result in the least generous provisions for access. For similar reasons proposals to co-ordinate the right of access across the Nordic countries have been rejected.

The emphasis amongst countryside organisations – especially the Swedish Environmental Protection Agency – has been on influencing the public (and landowners) to use the countryside responsibly, and a major educational programme is being promoted.

The Swedish Ministry of the Environment has responsibilities for access, and its Environmental Protection Agency has nature conservation and countryside recreation responsibilities. County councils and municipal authorities have local access responsibilities and manage Sweden's extensive footpath and cycleway networks, with the exception of routes in the remoter highlands, which are managed by the Environmental Protection Agency. Recreation organisations often work alongside public authorities and commercial operators to manage access routes, provide visitor information and arrange countryside tours.

ii) Forest and Open Country Access in Germany, Switzerland, Austria and Denmark

Germany, Switzerland, Austria and Denmark have traditional rights of public access, but these are more restrictive than in Norway and Sweden – reflecting, in part, their more densely populated and utilised countrysides. In many respects, the rights and mechanisms in respect of forest and open country access in these countries are more applicable to access in the UK, than the Nordic examples.

Germany: Germany has the largest population in Europe and the former West Germany's population density is second only to that of the Netherlands. Two-thirds of the former West Germany comprises urban or cultivated land. The majority of the remaining land includes forests (half are state owned), woodlands, heath, wetlands or other open country (no equivalent data are available for former East Germany). Walking is actively enjoyed by over half the population. It is regarded as a mainstream leisure activity by tourism organisations and a source of economic benefit for many regions.

Germany's traditional *Betretungsrecht* – right of public access – is enshrined in the federal Forest Act (1975) and Protection of Nature Act (1976). The basic principle is that public access is available to forests (30% of West Germany), unenclosed land including mountains, moorland and foreshore, and along footpaths and roads, unless otherwise instructed. The *Länder* may modify/impose regulations on the federal legislation, to protect young plantations, hunting interests and nature conservation areas. This results in varying conditions applying to the *Betretungsrecht* in different states and consequent uncertainties in law and amongst countryside users.

In many respects, the access situation in Germany is the converse of that in the UK. Under the *Betretungsrecht*, access is accepted as a right of all 'free citizens'. Landowners are required to prove the need for any restrictions on access – this often results in compromises, where restrictions are required for management purposes.

The former West Germany has an estimated 27,000 km of waymarked trails, including 7,000 km of E-Paths, and 14,000 km of other long distance routes. Maintained, surfaced routes are considered to be public land. Most countryside paths and trails are unsurfaced and cross private land, and their status is complex and encompasses traditional highway legislation. Established use of such routes can be used as evidence of a 'right', but there are no definitive maps and access rights are seldom tested at law. The *Betretungsrecht* generally makes the assertion of a route unnecessary; however, occasionally the loss of traditional routes occurs without redress.

The German *Länder* and the *Landschaftsverband* (equivalent of Countryside Commission's regional offices) are responsible for surfaced paths and cycleways, while local authorities plan, develop and maintain local routes. Additionally, local authorities, tourist organisations and voluntary groups co-operate to undertake 'green tourism' initiatives associated with access, and to waymark and maintain routes. For example, the German Mountain and Walking Association, with over 0.5 million members and 49 member associations, takes responsibility for over 165,000 km of waymarked paths, trails and associated facilities. Local authorities often provide grants to cover administration and organisers' costs incurred by voluntary groups undertaking access programmes and may provide further assistance 'in kind'.

Austria and Switzerland: Almost half of the respective land areas of Austria and Switzerland are farmed – predominantly as small farm units. Also, Austria has extensive forests and woodlands, and around one-quarter of Switzerland comprises forests and a further quarter is mountains and lakes. The populations of both countries have traditionally enjoyed the benefits of their countrysides – the Austrians: as a place for recreation and merry-making; the Swiss: for traditional transhumance farming, where recreation complemented looking after the animals in the high summer pastures.

A spirit of compromise between public and private rights of access underlies the Austrian and Swiss people's attitudes to access – both societies respect rights of private property and privacy, and accept restrictions on access over cultivated land and for conservation purposes. Both countries have forest laws (Austria's *Forsitgesetz* and Switzerland's *Waldgesetz*), which provide legal rights of access to forests and larger woodlands, but with potential safeguards for forestry and nature conservation interests. Access in the Alps is relatively unrestricted.

In Austria, access responsibilities are undertaken at all levels of government, and footpaths, cycleways and forest paths are protected by being defined on land dedication plans prepared by the *Gemeinde* (communities). Switzerland's Federal Law on Pedestrian Ways and Hiking Trails provides a strong legal framework, under which the cantons (with advice and support from the national confederation) are responsible for classifying, planning, protecting and managing access routes. Where paths are to be extinguished, replacement routes must be provided.

Both Austria and Switzerland have elaborate waymarked path systems – ranging from national long distance routes, through regional routes to local path networks. Sections of Europaths (E-Paths) cross both countries. The Austrian Alpine Club, Swiss Footpaths Association and other national and local recreation groups play important roles in creating, waymarking and maintaining paths – especially mountain paths – and in providing visitor information. The public authorities provide financial support towards access programmes undertaken by voluntary organisations.

Over the last century, tourism has played an increasingly important element in the national economies of both countries, but has had environmental consequences especially in the Alps. Damage resulting from tourism is likely to lead to restrictions on development and access, and, in Austria, a decommissioning scheme has been prepared for some tourist facilities and footpaths.

Denmark: Denmark possesses few large natural areas – most of the country is highly developed, cultivated or used for commercial forestry. However, the Danes have a strong tradition of using their countryside and coasts for recreation. Their forests attract some 25 million visits per year, and on a hot Sunday around 10% of the population visit Denmark's beaches.

Historically, the Danish population enjoyed access rights similar to Norway and Sweden; however, legislation in 1873 enabled landowners to prohibit access to their lands. The Conservation of Nature Act (1968) secured access – for walks and short visits – to public forests, public and private beaches, uncultivated and unfenced land, and roads through private forests (over 5 ha). Proposals promoted by the Minister for the Environment in 1990, to enable walking and cycling on roads over private farmland and cycling in forests, have not been accepted.

There are traditional rights of way; however, securing these is difficult due to the lack of a formal route register and requires expensive and time consuming legal action.

The National Forest and Nature Agency (part of Denmark's Ministry of the Environment) administers access legislation and provisions for access over uncultivated land, beaches and woodlands, formulates agreements with woodland owners over the display of signs at woodland entrances (setting out access availability and conditions), and administers a scheme to compensate woodland owners for damage arising from access. Local authorities are not required to promote access, but many have established paths and secured land for recreational uses. The Danish Hikers' Union has encouraged and assisted the development of many new footpaths.

iii) Open Country Access in France and the Netherlands

Rights of private ownership and privacy have primacy in the countrysides of France and the Netherlands. Rights of access relate primarily to linear rights of way, access along some seashores, and, in the Netherlands, to most forests. Elsewhere – with the exception of the high Alps – open country access is restricted primarily to national parks and specific recreation areas.

France: The majority (67%) of France is urbanised or cultivated land. Much of the remainder (27%) comprises forests – many of which are owned by the state or *communes*, or national parks and nature parks (11%). Traditions whereby rural land has been subdivided between inheritors on the death of the owners have been to the detriment of access, and this problem has not been resolved by more recent processes of amalgamation (*remembrement*) – encouraged by the French government. Rights of privacy and private property are engrained in French society and are fiercely defended. Concepts of 'open space' are alien, with the exception of the outer zones of national parks, some shorelines and the high Alps and Pyrenees. However, post-war, countryside recreation has become a major interest of French society, and in recent decades, participation in outdoor activities – especially walking, cycling, canoeing and riding – has increased dramatically, encouraged by government support for outdoor education and pursuits, by all age groups.

Access is the subject of decisions made at all levels of government. The state is involved mainly in matters of legislation; regions' responsibilities include long distance paths; *départements* prepare footpath plans; and *communes* take local decisions on access routes,

administer property plans (*cadastres*) and impose traffic controls. Access legislation largely refers to linear routes and includes the *Code de L'Urbanisme*, law of 1983 and *Code Rural*. The *Code de L'Urbanisme* requires the preparation of land use plans, which define the alignment of paths and cycleways for protection or development. It provides *départements* with powers to protect public access in ESAs and to impose a tax which can be used for acquiring, managing and maintaining access routes. Also, the code requires owners of land adjoining public shorelines to leave a 3 metre right of way, and provides powers for public authorities to oppose the erection of barriers on footpaths. The law of 1983 requires *départements* to prepare plans for walking and riding routes (*cf* definitive maps), and the *Code Rural* requires that an adequate substitute route must be provided, where a local council agrees to the extinguishment of a right of way.

Recent access initiatives have involved the public and voluntary sectors. For example, the French Ramblers' Association has assisted in planning heritage trails around Paris, has helped *communes* to create local and regional path networks – especially as part of 'green tourism' initiatives, has worked with forest owners and local authorities to negotiate access agreements for the Forest of Paimont, and has developed a model access agreement for negotiations with landowners. As with other access arrangements in France, the emphasis is on linear access – not more extensive open country access.

The Netherlands: The Netherlands has the highest population density (400+ persons/km²) in Europe and is largely urbanised or farmed. Publicly available land comprises mainly forests, woodlands, nature areas, recreation sites, and coastlines. Restrictive attitudes of landowners are influenced by the shortage of land and the historic struggle to reclaim and protect land from the sea. Post-war reconstruction led to the reallocation of landholdings, with significant detrimental effects on countryside access, and processes of urbanisation, including new road and rail corridors, have fragmented many traditional routes.

In the 1960s, the government recognised the likely scale of population growth until the end of the century and the increasing roles of leisure in society. Consequently, plans were developed to provide intensive recreation areas around the large cities, and forests and nature areas were purchased by the forest service for recreational purposes. Over the last decade, the government has reviewed its recreation policies, and is increasingly commercialising and privatising recreation sites. There are increasing fears amongst some recreational interests that forests, nature areas and many recreation sites may become monopolised by recreation or conservation groups, which are prepared to purchase property rights to the exclusion of other interests. With the exception of linear rights of way and waterways, few areas in the Netherlands are fully accessible for recreation and sport without some restrictions and/or charges.

The Netherlands' access system is very complex and involves a wide range of organisations and legislation. The Report on Physical Planning provides a national planning framework, and several ministries are responsible for policy statements with consequences for outdoor recreation.

The 12 provincial authorities plan, develop and maintain regional footpath, cycleway and waterway networks, and co-ordinate the activities of the joint municipal recreation authorities, which prepare general regional outdoor recreation plans. Municipal authorities

have local planning responsibilities and maintain a roads (and paths) register. Drainage boards are playing an increasing role in providing access to waterways and dikes.

With the exception of specific recreation areas and rights of way protected under the highways legislation, the principal legislation affecting recreational access is the Forest Act, Nature Conservation Act and Estate Act. The Forest Act enables the government to provide grants to forest owners towards the provision and maintenance of recreational facilities, subject to these remaining available to the public for a minimum period of ten years. Also, where grant support is provided for forestry activities, management plans must provide for access and restrictions are permitted only to safeguard the forest and conservation interests. The Estate Act enables reductions of estate duties and property taxes in return for access provision on private estates. The Nature Conservation Act provides for restrictions and prohibitions on access to nature areas and forests to safeguard conservation interests – increasingly this is leading to less land being made available for recreation.

Since the mid-1980s, efforts have been made to develop new long distance paths. With government funding, the Long Distance Footpaths Trust – an ‘umbrella’ organisation comprising recreation, conservation and youth organisations – has developed an extensive national paths network, linking to other countries. Also, efforts are being made to improve the recreational potential of the national waterways network and to reconcile conflicts between commercial and recreational uses of canals.

In summary, recreational access in the countrysides of the Netherlands and France is restricted primarily to linear routes, designated recreation areas, forests and some coasts.

ACCESS ISSUES IN EUROPE

The European countryside is experiencing significant economic and environmental pressures, and the pace and scale of change is more dramatic on mainland Europe (*cf* impact of tourism in Alpine and coastal resorts) than in the UK. There are a number of key issues relating to countryside access in Europe.

- i) **Loss of Traditional Access Rights and Freedoms** – where traditional rights have not been secured in legislation, access opportunities may be lost through the actions of developers, land managers (especially ‘in-comers’) and the public’s lack of awareness of access rights and opportunities. The Netherlands displays an extreme example of the loss of traditional access resulting from development and agricultural pressures. In Sweden and Denmark, proposals for new access legislation have been put aside due to concerns that only minimum rights may be secured in the negotiation of such legislation. Fears have been expressed that similar problems may arise in attempts to legislate for access to open country in England, Wales or Scotland.
- ii) **Problems of Safeguarding Access** – where there is no general right of access to open land, and particularly where there are no definitive rights of way maps (e.g. Germany), it is often difficult to prove and safeguard rights of access (*cf* Scottish rights of way). Also, there are examples in Europe, as in the UK, of local authorities not adequately fulfilling their statutory obligations to protect access rights and being tardy in preparing definitive access maps (e.g. France and Switzerland).

- iii) **Loss of Access Opportunities Due to Development Pressures and the Commercialisation and 'Privatisation' of Recreational Resources** – development pressures on the countryside around cities and towns, and pressures for tourism development and second homes on the coast, lake shores and other valuable natural resources, are gradually reducing recreational open space and eroding access opportunities to seashores, lakes and rivers. Outdoor recreation and sport (e.g. golf, angling) are increasingly becoming consumer commodities and levels of charges may exclude participation by sections of the population. Also, there are concerns in several countries that the 'privatisation' of publicly owned forests, water catchments and publicly owned countryside may reduce access opportunities.
- iv) **Ineffectiveness of Recreational Lobbies and Exclusionary Practices of Conservation Organisations** – the Netherlands provides examples of situations where the fragmentation of access lobbies, and conflicts between recreational groups competing for scarce resources, have led to recreational opportunities being 'lost' to the more concerted and powerful nature conservation and agricultural organisations. Conservation legislation is often more effective than legislation applying to recreation, and the greater financial resources of some voluntary conservation organisations has enabled the purchase of land and water resources by conservation organisations and the imposition of exclusionary management regimes.
- v) **Environmental Damage Arising from Recreational Activities** – throughout Europe, there is evidence of environmental damage and habitats at risk from increasing recreational pressures – especially activities involving newer recreational technologies (e.g. off-road vehicles, mountain bikes, jet skis). Even traditional sports, such as walking, riding and cross-country skiing, are posing problems. The Alpine countries exhibit some of the worst impacts of recreation and tourism, including the 'technological penetration' of even the highest mountains (e.g. mountain bike access by ski-lifts, para-penting). Organisations such as the International Committee for the Protection of Alpine Regions and the national Alpine clubs are advocating restrictions on new developments and the more responsible use of mountain areas. In Sweden, there are statutory restrictions on the off-road use of snowmobiles and other vehicles, and proposals for a general ban on jet skiing.

POSITIVE ASPECTS AND INITIATIVES RELATING TO COUNTRYSIDE ACCESS IN EUROPE

Several facets of access traditions, legislation, and practice can be identified, which strengthen the framework for access within specific European countries, including:

- a) **Strong Traditional Rights of Countryside Access** – recreational users of the countryside are greatly advantaged in countries which have retained traditions of a 'countryside for all' (e.g. Norway and Sweden) or 'freedom to roam' (e.g. Germany, Austria and Switzerland). Such rights apply principally to unenclosed and uncultivated land, forests, and farm and forest tracks. Such rights require countryside users and landowners to take their responsibilities seriously, and the onus tends to be on land managers to justify restrictions on access, rather than *vice versa* (cf UK).

- b) **The Codification of Access Rights, Conditions and Responsibilities** – access rights are strengthened and clarified where these are encapsulated in legislation (e.g. Norway, Denmark, Germany, Austria, Switzerland). Such legislation often sets out ‘rules’ for access, within which all parties must exercise their rights and obligations responsibly.
- c) **Traditions of Co-operation and Involvement of Voluntary Groups** – several European countries display strong traditions of liaison and co-operation between voluntary recreational organisations, public authorities and landowners on access issues. Recreation organisations often play significant roles in planning, waymarking and maintaining routes, and, in countries such as Germany, Austria and France, public authorities provide financial assistance or help ‘in kind’ to voluntary organisations undertaking access initiatives.
- d) **Strategic Approaches to Access Planning** – countries such as the Netherlands, France and Denmark have illustrated the benefits of the strategic planning of access and recreation provision, and this has resulted in extensive networks of access routes and strategically located recreational areas.
- e) **Fiscal Incentives for Access Provision** – the Netherlands’ government provides financial assistance to forest owners, and tax exemptions to estate owners, who provide access to private land, subject to signs being displayed which indicate the availability of such access. Similarly, the Danish government makes payments towards signs on private forests, which indicate available access and any conditions applying to such access.
- f) **Compensatory Payments for Losses Arising from Public Access** – the Danish government and the Netherlands’ provincial authorities may financially compensate owners of land or forests for damage or other losses resulting from public access.
- g) **Voluntary Access Agreements** – the French Ramblers’ Association works with local authorities, communes and landowners to secure voluntary access agreements.
- h) **Access Information and ‘Green Tourism’ Initiatives** – the importance of recreational access in the development of ‘green tourism’ is recognised throughout Europe. Route signing and waymarking is well developed and access guides and maps are readily available in most European countries.
- i) **Promotion of Responsible Countryside Behaviour** – the Danish Forest and Nature Agency has undertaken major media campaigns to promote responsible countryside behaviour, including a recent TV campaign to encourage the control of dogs in the countryside. In Norway, publicly employed outdoor recreation advisers visit schools, recreational groups and other organisations to promote environmental ‘care’ and the development of practical countryside skills.

Discussion Summary

ROGER SIDAWAY (*Research and Policy Consultant*) asked Peter Scott to give his personal view on the application of the findings of his study in Europe to the situation in Scotland. PETER SCOTT said that there was a lot of good practice to be learned from – the question of opening up access to farm and forest roads; the question of using estate duties, capital tax reliefs and so on to gain access to private estates. There was a need for legislation to secure access in Scotland. The problem was how to negotiate such legislation without falling back to the minimum rights. More research was needed to establish the conditions that might accompany arrangements to pay compensation to landowners where damage resulted from recreational access. IAN FULLERTON (*East Lothian District Council*) asked whether the best way to make private landowners adopt more flexible approaches to access would be through fiscal arrangements rather than by local authority intervention. PETER SCOTT thought the whole area needed review. With regard to access to forests, for example, he was not convinced that the public agencies used the available financial incentives and tax reliefs to ensure access and that the public received good value for money for such fiscal arrangements. COLIN BANCROFT (*Forestry Authority*) commented that there was a fundamental difference between forest estates in this country and on the continent. Incentives here were designed primarily to encourage the planting of trees. DAVE MORRIS (*Ramblers' Association*) warned against the assumption that European experience could not be related to this country because of our population density. He cited the example of Oslo where there was complete access to adjacent forests for a population of over half a million people. RICHARD WILLIAMSON (*Buccleuch Estates Ltd*) wondered how participation rates in countryside pursuits in Europe compared with those in the UK. PETER SCOTT believed that in some countries (e.g. membership of Germany's walking clubs) they were higher than in Britain. He also had the impression that in many European countries there was a high level of respect for the countryside amongst the general public. There was apparently less conflict between landowners and users. OLIVIA MELLORS (*National Rivers Authority*) asked about the role of public transport in the reported greater participation rates in Europe. Certainly in some European countries public transport was geared to providing easy access to the countryside. GARETH WYN JONES (*Countryside Council for Wales*) felt strongly that it was important to provide accessibility as well as access. He hoped the CCW would promote this aspect in Wales.

BRIAN PARKER (*British Orienteering Federation*) queried the accepted definition of 'off the beaten track' – the theme of the Conference. He suggested it could be 'open land', 'remote land' or 'land between paths'. It was the third one that concerned his members. He asked Sue Glyptis to clarify the level of usage of such land in this country. SUE GLYPTIS replied that her research had shown that in their last walk, one in five people questioned had walked off the beaten track in the sense of 'land between paths'.

ROB WIGHTMAN (*Lee Valley Regional Park Authority*) asked whether codification of legal rights was desirable, given the complexity of case law in England and Wales. PETER SCOTT could not speak with authority in relation to England and Wales but thought it was certainly desirable in Scotland.

GARETH WYN JONES raised the issue of 'fear of the countryside'. There were two aspects - the fear of townspeople who were unfamiliar with the countryside and the increasing and justified concern about physical attacks in lonely places. SUE GLYPTIS believed that personal safety was a serious factor to be taken on board. Her research had shown that relatively few people visited countryside sites alone, certainly very few women. Those who were there tended to be accompanied by a dog. The problem was not confined to the countryside. In the urban context also there was concern about the risk of attacks in parks and open spaces.

Workshops

On Thursday morning delegates had the option of attending a choice of workshops on improving and securing access:

- **Lowland Countryside – Public Funding**
Led by Tim Allen, Head of Countryside Stewardship Unit
Countryside Commission.
- **Lowland Countryside – Private Market Agreements**
Led by Sue Viner, Countryside Adviser, National Farmers Union
- **Woodlands – New Forests for the Community**
Led by Peter Wilkinson, Director, Thames Chase
- **Woodlands – Private Woods**
Led by Charles Watkins, Department of Geography
University of Nottingham
- **Moorland – A National Framework for Access on Foot?**
Led by Paul Johnson, Senior Countryside Officer
Countryside Commission
- **Moorland – Local Arrangements for Quiet Enjoyment**
Led by Judith Harvey, Access Officer, Brecon Beacons National Park
- **Moorland – Access for Sport and Active Recreation**
Led by Jean Tallantire, Senior Regional Officer
Sports Council Yorkshire and Humberside
- **Inland Water and Watersides**
Led by Rob Wightman, Countryside Access Officer, and Judy Adams, Head of
Countryside Services, Lee Valley Regional Park Authority.

The workshop leaders reported back the findings of their groups in the next session following the presentation of keynote papers on the respective topics as follows:

- **Lowland Countryside**
Fiona Reynolds, Director,
Council for the Protection of Rural England
- **Woodlands**
Anthony Clifton-Brown, Head of Professional Practice
Savills Agricultural and Residential plc
- **Moorland**
Bill McDermott, Assistant National Park Officer
Peak District National Park
- **Inland Water and Watersides**
Sue Walker, Senior Researcher, Centre for Leisure Research
Moray House Institute, Heriot-Watt University, Edinburgh

Lowland Countryside

Fiona Reynolds

Director, Council for the Protection of Rural England

There has been a great deal said about access to the countryside over the last 50 years, much of which is very familiar territory and much of which I personally support.

But I have not come here simply to repeat conventional wisdoms, although I may still risk doing so. I intend to try to put something of a fresh perspective on the debate, to see if it leads us into new territory.

I want to open with a deliberate attempt to throw a wider perspective on this discussion – that of the long term environmental agenda. We are increasingly aware, as citizens of an imperilled planet, that many of the actions and policies of a developed society such as our own are unsustainable. Climate change is one well-known phenomenon, but we are using at an unsustainable rate most of our scarce resources and causing a very wide range of irreversible impacts on our environment.

In whatever sector one looks – energy, transport, agriculture – current policies lock us into unsustainable patterns of resource consumption and damage to precious environmental assets.

What, you may ask, does this have to do with access to the countryside? Potentially a great deal.

At one extreme, recreational traffic (which may or may not end up with a walk in the countryside) is a growing contributor to congestion on our road systems, pressure for road improvements and a contributor to the longer and more frequent journeys travelled by the average person. At the other, the quiet walk in the countryside is probably one of the most satisfying and sustainable ways open to us to enjoy ourselves.

Can we reconcile this dilemma? That the growing numbers of people participating in the 'green' pursuit of countryside recreation are adding to the serious environmental problems caused by current transport policy, and even encouraging further investment in road construction? Speaking personally, and admitting at the outset that I am one of the many who drive to Snowdonia around once a year along the A5, the sheer weight of recreational traffic and the effect this has had on pressure to improve the road is palpable.

It is not enough to say that recreational traffic is not the real culprit, true though this might be. Even if straightforward commercial and business pressures are leading the lobby for road improvements, the tourism and recreational contribution is a growing one that we cannot afford to ignore.

Yet if this is a real dilemma, it is also a positive opportunity. For the issues posed by access to the lowland countryside may also help show us a way forward.

Lowland rural England is where most of us now live. The population movements of the last 30 years have shown an increasing shift out of urban areas – first into suburbia and now into ‘middle England’ – the countryside of small towns and large villages. The latest census even shows that some of the most remote areas are those growing fastest in population, although this pattern is not even.

This post-urbanisation trend is having a number of impacts of its own – pressure for housing and commercial development in the countryside being one. Conversely, the challenge posed by large areas of derelict land in our cities is immense. CPRE spends a great deal of time pressing for policies to protect the countryside from unnecessary urban sprawl and to revitalise the quality of urban life.

I will return to the needs of urban people later, and there are of course real questions about whether this form of ‘suburbanisation’ of the countryside can itself be sustained in the long term. But it does seem to me that, whatever the future holds, there is a real issue about the kind of access opportunities open to those millions who already live in or very near the lowland countryside yet often feel very remote from it.

Take as an example the housing estate on the outskirts of a small town or large village. The houses are crammed together, each with their own small patch of garden. The car (or cars) are parked outside. There is some community spirit but not much – most people drive to jobs some distance away and the rest of the family are also likely to shop, go to school or carry out other aspects of their life elsewhere, with a heavy dependence on the motor car. These people may have a physical view of fields around them, but statistically they are very unlikely to take many of their recreational opportunities without resorting to a car and they may feel emotionally and culturally isolated from their local countryside. There may be access to at least some of the fields around through public footpaths, but it is far more likely that residents of such communities will take their countryside recreation by visiting a known ‘site’ some distance away, even if that site is a favourite woodland or stream, not a formal recreational facility. This example is not a caricature: recent surveys by the Countryside Commission (see Appendix 1) bear this out.

Other surveys have shown that even in very small villages where the cultural divide between the built part of the community and its surrounding landscape is less obvious, there is often very little local use of the countryside. For example, rural dwellers have complained that villages often have fewer places for small children to play safely than cities, whose children at least have parks.

Intensively cultivated fields, ploughed and unsigned footpaths can prove a real deterrent to people who do not have the confidence of the dedicated Rambler. They would rather drive to somewhere where they can be sure of a welcome – or at least of where to go – than venture forth into the unknown with an unfamiliar map and the fear of being shouted at if they stray off the path.

Yet this lowland countryside is the most important recreational resource we have. Used more fully, it could improve recreational opportunities for millions, without the need to rely on the car (or at least the ability to shorten journeys); encourage people to develop a greater sense of identity with their local landscape and its character, and ultimately encourage them to know, understand and value the countryside more fully.

APPENDIX I. PEOPLE ENJOYING THE COUNTRYSIDE: KEY FACTS

The following gives a profile of people who enjoy the countryside. It is taken from market research that the Commission carries out and shares with its partners. For further details of national market research about countryside recreation please refer to the Commission's *Catalogue of publications*.

Who enjoys the countryside?

Frequent users

(20 per cent of the population)

Young (15-40 years old) male, professional occupation, living in, or very near to, the countryside in good quality housing, car owner, tend to express their interest in the countryside through membership of countryside related organisations.

Occasional users

(45 per cent of the population)

Equally male and female between 40 and 60 years of age. In clerical or skilled manual employment. Living up to three miles from the countryside, owning a car and having young children.

Infrequent users

(35 per cent of the population)

Over 60 years of age, equally male or female, on low income, unskilled or unemployed, living several miles from the countryside in poor housing and dependent upon public transport. Likely to be of ethnic minority background.

Where visitors to the countryside live

The following table describes the types of neighbourhoods where visitors to the countryside live.

Most frequent visitors	rural areas and villages
	affluent suburbia
	better-off retirement areas
	modern family housing, higher incomes
	older housing, middle quality
	better-off council estates
	less well-off council estates
	high status non-family areas
	poor-quality older terraced housing
	multi-racial areas
Least frequent visitors	poorest council estates

What people do in the countryside

The relative popularity of recreation activities is as follows:

Type of visit	Percentage of visits
Drives, outings, picnics	19
Long walks (more than 2 miles)	14
Visiting friends or relatives	13
Visiting sea coast	10
Informal sport	10
Organised sport	9
Visiting historic buildings	6
Visiting country parks	4
Watching sport	4
Pick your own	2

How often people go to the countryside

The frequency with which people visit the countryside is shown below:

Time of last visit	Percentage	Category of user
In last 7 days	19	(frequent)
More than 1 week, up to 4 weeks	26	(occasional)
More than 4 weeks, up to 3 months	9	(occasional)
More than 3 months, up to 6 months	12	(occasional)
More than 6 months, up to 12 months	10	(infrequent)
More than a year ago	12	(infrequent)
Don't know - can't remember	10	(infrequent)
Never	2	(infrequent)

How far people travel

The (round trip) distances that people travel on visits to the countryside are:

Distance	Percentage of visits
1-10 miles	19
11-20 miles	13
21-40 miles	18
41-60 miles	12
61-80 miles	8
81-100 miles	7
101-150 miles	9
More than 150 miles	7
Don't know	7

Source: Countryside Commission (1992)

For access to the countryside is a crucial dimension of people's appreciation of the countryside and their support for its long term protection. Without direct experience of the countryside there is less likely to be an emotional commitment to the countryside and what it means, in all its rich complexity.

This is not just a recruitment exercise for CPRE! I firmly believe that physical access to the countryside is an important and enriching dimension of people's lives; and that we as a society are the poorer for perceiving the countryside as a frightening and sometimes hostile place.

I am of course taking a somewhat one-sided view of this issue. I would accept that criticism. Not everyone is nervous of setting off across unmarked fields, and there are places where well-marked footpaths run in neat and welcoming circles from village centres, and where communities have worked together to ensure positive access opportunities are provided and used. The Countryside Commission's target of securing an open and accessible rights of way network across the whole countryside by the year 2000 is an extremely welcome initiative and has helped much in this respect, as has its Parish Paths Partnership.

But there are many places where you know what I am saying is true. And more, I believe it is right to point out that the car-dependence of countryside recreation is a phenomenon that itself cannot be sustained.

So what can be done? I have already mentioned some of the initiatives in train. The Countryside Commission has since the mid-1980s been at the forefront of many innovative schemes for securing better access. National Parks and many local authorities are also pioneers of valuable local initiatives. A range of new mechanisms – some of which you have discussed in workshops – is being developed to facilitate better access to the lowland countryside.

The existing rights of way network is clearly the first priority. Getting it open and clear is an urgent prerequisite, but I have to say that the year 2000 target looks very optimistic. Failing to meet it may also breed cynicism and disappointment. The slow rate of progress is partly a resource constraint but partly a matter of perception among landowners and farmers, who simply do not see access as a sufficient priority. Indeed, too many still see it as a threat.

A recent development may prove instrumental in changing hearts and minds in this necessary direction. After decades of resisting the arguments that environmental objectives should be more thoroughly incorporated into the CAP, European agriculture ministers have recently taken the first faltering steps into a wider interpretation of 'the environment' and 'public interests' in farming in agreeing as part of the agri-environment package of the May 1992 CAP agreement that

“the aid arrangements may also be used to compensate measures to encourage the management of land for public access and recreation.”

It is as yet far from clear what this provision will mean in practice. MAFF have not yet come forward with any specific proposals for implementing the agri-environment package other than suggesting it will be a repackaging (including a delay due to lack of funding) of the ESA programme. But the new clause seems to me to establish a vitally important principle – unprecedented in UK agriculture policy – that it can be a legitimate objective of agricultural policy (and thereby be a funded objective) to promote public access.

The Countryside Commission has again acted in a pioneering role in pilot schemes that are likely to prove helpful when this clause comes to be implemented. The Countryside Premium Scheme and Countryside Stewardship have begun to show farmers that an element of access provision should be expected when public money is paid to secure certain public benefits. There are, as the Commission is well aware, important criticisms of the detailed operation of these schemes, but this does not detract from the welcome principle they have established.

The Countryside Commission and local authorities are used to dealing with farmers and landowners on access issues: the Ministry of Agriculture is not. The recent decision to incorporate access more fully into ESA policy and practice will expose MAFF and its agents to some important practical experiences – and should give it the opportunity to start to promote the benefits of access among its farming audiences rather than being neutral or even hostile.

Good, easily achieved access to the ‘ordinary’ lowland farmed countryside as an integral land use should become the norm. The legal network should be exemplary, but having provided this there are many opportunities for voluntary additions – particularly those which provide circular walks, connect places between which people want to move and provide conduits between new housing developments and an attractive and welcoming countryside experience. Moreover, should we not be trying once again to make new functional off-road routes in the countryside – for example to reverse the decline in children walking to school?

To achieve this requires a more positive vision by farmers and landowners, and also the fuller consideration of access opportunities in the design and location of new developments and their relationship with one another. Too often, access is an issue confined to the needs of the motor car, or one that is remembered late in the planning process when it is realised a public footpath has been inadvertently earmarked for bricking over, rather than a constructive element in the planning of a development from its earliest stages. The provision of new legal rights of way when development decisions are made is an under-used facility.

The pursuit of sustainable countryside recreation will always be somewhat elusive, but surely we must plan more positively for it rather than assuming it is a goal that is far out of reach.

I spoke earlier about the needs of urban people. Perhaps I can close with these thoughts. The urban masses also need recreational opportunities and their ‘countryside’ is often far away. The protection of green spaces in towns and cities and environmentally-led urban regeneration offer valuable opportunities to provide these – also in ways that can minimise car-dependence. But too often the story of the urban visitor to the countryside is one of damage – the urban fringe lout. I have neither the specialised knowledge nor the time to explore this concept further now, but I close with what has been at the heart of my message today.

However unpalatable the concept may seem to some, giving people confidence in the countryside and a sense of emotional (if not literal) ‘ownership’ is the best way of building respect for and love of the countryside. Engendering that love and respect in a locality close to home will bring even greater benefits – in the affection of familiarity; the respect for local diversity and land management practices; and ultimately in safeguarding that most precious resource of all – the environment itself.

REFERENCE

Countryside Commission (1992). *Enjoying the Countryside: Policies for People*, Countryside Commission CCP 371, Cheltenham, p.9.

WORKSHOP FEEDBACK AND DISCUSSION SUMMARY

TIM ALLEN (*Countryside Commission*) reported that his workshop had identified five key points. Firstly, it had been agreed that there was a good case for using public funds through a variety of mechanisms rather than one single mechanism. In some circumstances one could legitimately seek the purchase of land to secure permanent long term access but in other cases shorter term access and permissive arrangements might be the best that could be secured.

The second point was that the group had favoured a more strategic approach in the implementation of the use of public funding, with national frameworks being directed through local authorities, user groups and local people. There was a need to study the market to establish exactly what was needed and where it was needed.

Thirdly, there was a need for a better matching of payments so that, having decided what was required, the mechanisms employed could be targeted to achieve access or encourage appropriate activities within given areas.

The fourth point was that grant schemes should be seen as enabling mechanisms, not as an end in themselves. They should be steered to the local level. Government would inevitably set overall objectives, hopefully in consultation, but the delivery of the public funding should have a strong input at local level.

Fifthly, and very importantly, mechanisms had to be in place to ensure that people were aware of what was provided for them.

SUE VINER (*National Farmers Union*) reported that her group, in looking at private market agreements, had considered some specific examples of mechanisms with individuals, toll bridleways, through to multiple use of a particular piece of land by a range of sporting groups.

It had seemed that landowners were entering into private market agreements due to declining income and profitability. The impact of CAP reform had been mentioned with farmers being given incentives to diversify. In terms of the future, there had been a general consensus that agreements could not be a primary source of income for the agricultural community but rather an additional source. They could only be related to a limited number of activities and there was seen to be limited scope geographically. There was a locational element in relation to demand; it was site specific.

The question of scale had been raised. It had seemed that bigger landowners were likely to be able to make bigger profits. Doubt had been cast on the workability of private agreements for small landowners.

Agreements had to work within the framework of general public access, not only to land but to rivers. The agreements were seen as being supplementary and complementary to general access.

Another issue had been what should be provided by the public purse as opposed to private agreement. No conclusion had been reached on this but the concern had been raised. As more land currently open to the public was privatised, leading to an increasing number of private agreements, would this result in limited opportunity for access?

In opening up the discussion to the floor DEREK CASEY (*Chairman*) identified a number of points which had been raised by the speaker: car dependency for access to the countryside; the number of targets for opening up greater access to the countryside through the various agencies; changes in the CAP and the agri-environment package coming from Brussels which might include much greater emphasis on farmers for public access opportunities; the need in the UK for MAFF itself to be seen to be more positive on this question. In terms of the urban population, the issue of redevelopment in the cities being environment-led was a very important one which was gaining some credence. In terms of access to the wider countryside, Fiona Reynolds had stressed that without direct physical access by the population at large there would be little sense of 'ownership' of it. Experience brought better knowledge and understanding of the issues.

On the subject of car-based recreation, SIMON HUGHES (*Countryside Council for Wales*) commented that there were obviously regional variations because in Wales over 80% of countryside trips were made from home, on foot. This showed far less reliance on the car but it was pointed out that one should compare like with like. Fiona Reynolds' figures (from the Countryside Commission) had been based on national surveys of trips taking three hours or more which were therefore more likely to include a car element.

JOHN RIDDLE (*Ramblers' Association*) foresaw with some trepidation an enormous increase in the numbers of people using the footpath network as the *Pathfinder* maps became more widely used. FIONA REYNOLDS suggested this should be regarded as an opportunity rather than a threat, notwithstanding the management challenge it posed.

LYDIA SPEAKMAN (*Transport for Leisure Ltd*) believed a lot more could and should be done to promote the use of public transport to the countryside. TIM ALLEN acknowledged that in the past experiments in this area had not worked. He thought the answer would be to be more precise in targeting and marketing; to define what and where the demand was. It was not only a question of diverting car users to public transport but also to provide opportunities for people who had no alternative to public transport. RICHARD GRAVES (*Hereford and Worcester County Council*) suggested that the drive in the car was an intrinsic part of a trip to the countryside for a lot of people. FIONA REYNOLDS agreed that this was a valid point which should be addressed. She cited the traffic management initiative which had been launched in the Lake District as an example of how to address the issue. JIM SAUNDERS (*Countryside Commission and Powys County Council*) confessed to frequent use of his car to go into the countryside which led the CHAIRMAN to conduct an impromptu survey of delegates. On a show of hands, only two people claimed to use public transport exclusively; a small number used public transport and/or a bike; the vast majority used cars. A number of delegates said they would use public transport if it was available.

DAVID MORRIS (*Ramblers' Association*) suggested that people drove around the countryside because footpaths tended to be inadequately signposted. He asked if the speaker thought further legislation was needed. FIONA REYNOLDS agreed that people were lacking in confidence about where to go in the countryside. That was why she had advocated more attention to access in areas where new housing developments were sited. She felt a new approach was required by the people responsible for planning and development strategies and decisions, rather than changes in the law. In the context of local government reform, she was concerned that the vitally important recreational and countryside functions of local authorities were vulnerable. On the question of transport throughout Europe, there were currently

completely different policy trends. For example, on the one hand a plan to upgrade more roads in the countryside to motorway standard and on the other hand, pressure to plan for declining car use in a very positive way. The Netherlands had such a national plan and they were lobbying hard for that to be seen as an integral part of EC transport policy.

DAVID BLOOMFIELD (*Farmer, Hortons*) stated that he used his car to go into the countryside in order to have a different starting point. FIONA REYNOLDS agreed that it was unreasonable to expect people to take the same walk every week but it was possible to encourage car owners to use their cars less often. BRIAN PARKER (*British Orienteering Federation*) pointed out the advantages of groups using private hire vehicles. A number of other points were raised in relation to use of cars in the countryside, for example, many published walking guides assumed the starting point of a walk would be reached by car; most people were conditioned to visiting well known beauty spots; there should be more promotion of countryside in local areas. One delegate suggested that it was unrealistic to try to stop people using their cars and that the effort should be directed at ways of managing the impact of them.

There was concern that the target of waymarking the entire rights of way network by the year 2000 might be affected by local government reform. KATE ASHBROOK (*Open Spaces Society*) believed there was a lack of public confidence in the countryside. Until people were aware of exactly what was available to them and had the confidence to use it, it was impossible to take decisions on what provision should be made. JEREMY WORTH (*Countryside Commission*) considered that it was very important to make information available as a prerequisite for people to have the confidence to use the countryside. More money would have to be spent in the future. He then drew attention to two strategic points. The first was the linking of access issues with environment and conservation issues. It was absolutely vital that MAFF was finally getting an access component in its environmental programme. To pursue an access debate divorced from the whole question of environmental concerns would be to cut access off from important allies, sources of funding, and so on. The second point was that he felt the debate was focusing rather on 'on the beaten track' than 'off' it. He was concerned that in the lowlands the solution to access was being regarded as being totally a question of rights of way, vital though that was. One of the attractions of such schemes as Countryside Stewardship was that they offered more than country parks and other managed recreation sites. It was a matter of enriching the range of opportunities, adding other areas of countryside to be enjoyed in different ways and to be complementary to the rights of way network. DAVID MORRIS stressed that the remarks made by Jeremy Worth did not apply to Scotland where there were no *Pathfinder* maps showing rights of way, no Countryside Stewardship scheme, and virtually no lowland countryside covered by ESA designation.

DUNCAN BRYDEN (*Ross and Cromarty Enterprise*) urged that the agencies should use the expertise of the local people in identifying need and then empower local communities to help themselves. FIONA REYNOLDS agreed and said that she considered Common Ground's approach to be extremely important: this had changed hearts and minds in the agencies in a tangible way.

GARETH ROBERTS (*Countryside Council for Wales*) reminded delegates of the requirement under the Planning and Compensation Act for unitary planning authorities to produce district-wide local plans. There was a specific requirement for them to spell out how they proposed

to manage traffic within their areas. Everyone in this country had the right and responsibility to become involved in the planning process. This was the way in which to put pressure on politicians to direct more resources into the public right of way target. The greatest pressure should be on the relevant highway authorities. FIONA REYNOLDS assured delegates that CPRE were scrutinising all local plans prepared since the passage of the Act against a long checklist of the new environmental responsibilities which included energy conservation and traffic management. They had yet to find a local plan that was taking access seriously. CPRE had produced a campaigner's guide to local plans which made a real issue of access and which was available to the public. It would require third parties to make it happen; it was not emerging from the local authorities themselves.

In closing the session DEREK CASEY said that it had been a wide ranging discussion touching on information, transport, targeted public investment, the domestic and international frameworks which were changing, and the importance of planning. He thanked Fiona Reynolds for leading off what had been a very lively session.

Woodlands

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INTRODUCTION

I am inevitably influenced by the practicalities of advising landowners and farmers over a number of years. As a company we manage over one million acres of land for clients, and get involved with somewhat more than that. I should make it clear that these thoughts are those of myself as an individual and do not represent the views of either the Country Landowners Association or of Savills.

Much of my working career has been spent dealing with land management close to the urban fringe, where woodlands are few and far between, but where the pressure of the urban population for recreation is very considerable. Most of my work is based on East Anglia, which has an even lower percentage of woodlands than the national average of 10%. This makes access to them even more of an issue.

I believe that in considering woodland, we need to differentiate between those types of woodlands close to the main urban areas where there is day to day pressure for walking the dog, where the children escape to after school, and where the refrigerator gets dumped because it is the nearest place to put it, and those woodlands in a more scenic area in open country where the approach to them is usually made by car. The latter is the focus of the family day out or whatever. To my mind the difference between the two is that access to the latter is controllable, but to the former is uncontrollable.

First a brief look at the principle. Should greater access to woodland be provided? Clearly I believe the answer is yes. I believe that is a view now accepted by a majority of woodland owners. The need and the demand is there, albeit for access to certain woodlands, and not all woodlands.

COMPULSORY ACCESS

Let us start by considering access as of right to all woodland, the right to roam. The benefits are obvious, what therefore are the disadvantages?

To my mind the main problem is one of subsequent control and management. Assuming that woodlands remain in the ownership of a private individual and are not taken into state ownership, the owner loses incentive to manage them in any positive way. A woodland owner is likely to experience some or all of the following problems.

- (a) Loss of privacy and amenity.
- (b) Vandalism.
- (c) Damage to sporting, whether shooting, hunting or fishing.
- (d) Dumping of waste materials.
- (e) Damage to other commercial activities in the woodland.
- (f) Interference with forestry management.
- (g) Damage to special features within the land.
- (h) Damage to access roads.
- (i) Additional maintenance costs in supervising, policing and maintaining the woodland.
- (j) The need to incur capital expenditure for facilities for public enjoyment.
- (k) Increase in fire risk resulting in increased insurance premiums.
- (l) Increased problems with public liability insurance.

Interference with forestry management is happily mitigated by the fact that the public normally needs access to open spaces in and around woods, not usually access deep into them. However problems for forestry management are often considerable when an owner wishes to fell a mature stand, as there is often considerable pressure to prevent him.

In addition there is the legitimate fear of many farmers who have sheep flocks in the vicinity of woodlands who are concerned at the possibility of increased sheep worrying by dogs as a result of access to woods.

Sadly, in this day and age woods can be dangerous places for visitors. Free access would create increased difficulties for the police force in policing woodland, and there is the danger of accelerating the destruction of the main features of the land and its habitats. Many conservation bodies, whether orientated towards amenity, birds, plants or environmental heritage generally, do not welcome the concept of unrestricted access. One cannot give access to a sensitive area of woodland any more than to a house or a garden without control or supervision.

The code of responsible behaviour which is utilised in some European countries could be of considerable assistance to landowners in agreements relating to public access to woodland. If a code of this nature could be imposed, could be monitored, and some organisation could take responsibility for its breach, I believe the concerns of landowners would be considerably alleviated. Taking a personal example, I happen to own a small block of woodland of about 20 acres in Norfolk through which runs a chalk stream with attractive walks down either side. If an individual were to ask for access to that woodland, I would have no problems as I would be able to ask that person to be sure to pick up all litter, keep dogs on leads, respect the pheasants, etc. I would still retain control and the individual would be responsible.

However, the prospect of letting in 'the public' into that woodland would fill me with concern. I would much rather give access to lots of individuals rather than 'the public'. I would have no confidence that they would observe any restrictions, and I would have no control over anybody if they did not. How, therefore, can the gap be bridged between the

individual and the public? It needs somebody, who has the confidence of the woodland owner, to be responsible, whether a parish council, the ramblers, a local individual, perhaps a gamekeeper, whose expenses might be subject to a contribution. I believe that if this type of control on a local level could be arranged, then landowners would have a great deal more confidence.

Epping Forest is subject to enormous urban pressure due to its location on the edge of London and only retains its character and attractiveness because of the work of the conservators and wardens employed by the City of London Corporation. Without any supervision areas such as this are likely to deteriorate into rubbish dumps, as indeed some of our roadsides have become linear rubbish dumps.

I am convinced that there is an increasing desire for all parties – owner, local authority and the public – to work together to create better understanding. Unquestionably, among woodland owners, there is a greater awareness of the need to provide facilities for those who are not lucky enough to have access to woods as of right. This I believe is a comparatively recent phenomenon. I wonder if it is possible to categorise woodlands so that those where there is a significant demand for access could be identified and prioritised. This would help owner, local authority, and any other interested organisation to concentrate on obtaining access to certain woodlands, and would give confidence to owners that all woodlands are not a target for open access. The assessment of such woodlands would not be an easy task and the woodland owner would need to have an input at an early stage so all criteria were taken into account.

I do not believe that public access to woodlands in this country as of right serves the best long term interests of the public or the country at large. If the right to roam were granted, the co-operation and goodwill of farmers and woodland owners would be lost. It is to my mind a doctrine of the last resort.

The way forward must be co-operation between woodland owner and the public; a partnership between them, not confrontation. Private owners cannot be expected to plant or maintain woodlands over which they have lost control and enjoyment. Local authorities would find themselves landed with a maintenance burden which would cost far more than other alternatives available. Many sensitive areas of woodland would be in danger of neglect and damage over a period of time. Other mechanisms to promote access have to be found.

COMMUNITY FORESTS

Let us start with Community Forests and see whether they may be the way forward. The 12 designated Community Forests, and the single National Forest in Leicestershire, relate to comparatively limited areas of land, but they do seek a solution to a dearth of forestry and lack of public access to woodlands where urban pressures are at their greatest.

The main problem as they are currently structured is lack of incentive to landowners, in spite of the level of grants for planting and subsequent maintenance, to volunteer their land. My particular experience relates to Thames Chase in Essex which was one of the three original areas to be designated in 1989. Unquestionably the objective "to create increased leisure, sporting and recreational opportunities while enhancing the environment" is thoroughly desirable. However the view of many observers would be that progress to date has been slow, and that this is likely to remain the case. The objective of creating a balanced

woodland and open landscape is one which is likely to happen only slowly given the resources allocated to the project.

Although the whole of Thames Chase is within the metropolitan green belt, this does not eliminate a landowner's hope of obtaining added value on his land in due course. Owners are extremely reluctant to see their land being utilised for a low value use without some financial recompense by way of cash or planning gain. There is currently no compensation available for loss of 'hope value'. This lack of incentive to owners has resulted in apathy and suspicion.

One particular scheme which has been the subject of detailed proposals is called the Davy Down project. This is at the southern extremity of Thames Chase in an area subject to heavy urban pressures. The Davy Down scheme is one which creates a southern gateway to Thames Chase where an environmental interpretation centre, craft workshops and adventure play areas are to be developed. It is hoped to form a significant visitor attraction with a newly afforested area where there will be public access, and there will be improved habitat management over the whole site.

The land which is the subject of the proposals is of low amenity value. It is owned by three different owners, the first being the Thurrock District Council, the second being the Essex Water Company, and the third being a private landowner.

The Essex Water Company is motivated by its responsibility to the public to improve recreational facilities wherever possible, subject to its priority to provide water to the community. It is spearheading an action working party, in conjunction with the district council and Thames Chase. It is offering one of its buildings as an interpretation centre, and is instigating a joint planting scheme which will incorporate some woodland based attractions, i.e. areas for 'forest fun', 'forest flora and fauna' and 'forest fruits', together in due course with practical woodworking workshops. One of the most exciting aspects of the project is the involvement of the local community in the proposals, and hopefully in the realisation of those proposals in due course.

What is the relevance of Davy Down as an example? Both the Essex Water Company and the Thurrock District Council are pleased to dedicate the land they own for recreation and amenity purposes.

However the third owner of the site, the private landowner, is not being offered any incentive for including his land in the scheme. He sees the downside in terms of sterilisation of the land. Gravel extraction is one of the opportunities that may be open to him prior to the creation of lakes and amenity areas. Unless there is a planning related or financial inducement, he is reluctant to proceed. This is the reaction of a majority of owners. So the Davy Down proposals are now confined to land owned by the council and the water company, excluding the private owner. If all the land had been in private ownership, it is probable that nothing would have been started.

So will Community Forests as they are now structured create a valuable new woodland environment and be a basis for further schemes? I have reservations unless capital sums are made available to owners who dedicate their land to forest purposes. If landowner's reticence to provide land for planting can be overcome, I believe that Community Forests will provide

public access over substantially enlarged areas and be enormously successful. But this can only be achieved by additional incentives.

THE PRIVATISED AUTHORITIES

I have already mentioned the Essex Water Company. I believe that bodies such as the water companies, the coal board, about to be privatised, electricity companies, gas boards, etc. have a role to play in utilising their non-operational land for public access. Many of these utilities own substantial areas of land. Their primary function is clearly the production of gas, water, electricity or whatever. The water companies have an obligation under the Water Act 1989 to set up a recreation and access committee to 'consider' the provision of recreational facilities where appropriate. These obligations are too vague.

There are potential problems. For water companies, access to reservoirs can be dangerous and potentially disastrous. The companies have to be increasingly sensitive about vandalism, malicious damage and terrorism. In spite of this, many of the privatised companies have both the resources and the ability to create attractive wooded areas, some of them adjoining water, to which in principle there is no difficulty in giving controlled public access.

For example, the Essex and Suffolk Water Companies are jointly creating a chain of attractive water based woodland walks stretching from the Norfolk/Suffolk border right down to Thames Chase. Some of these are based on existing and well established woodlands which were planted about 40 years ago when the reservoirs were constructed, others are based on more recently planted and still to be planted areas. All these rights are permissive, most take advantage of attractive locations, and some have access to buildings which are being used as interpretative centres for educational and display purposes. I believe that the role of privatised authorities in relation to public access should be expanded by means of stronger governmental directives. Many of the more enlightened authorities are playing their part in this direction, others could do considerably more.

THE FORESTRY COMMISSION

There is, of course, one major woodland owner, the Forestry Commission, or Forest Enterprise as it now is, which has an important role. Firstly it permits access to land within its ownership for purposes of 'quiet enjoyment' - e.g. walks and picnics - subject to any safety considerations. More formal access and recreation is permitted subject to formal agreement and subject to a charge which reflects the management and administration costs. Examples of this are the use of tracks for the RAC Rally and the use of woodland by the British Orienteering Association.

Secondly, it voluntarily provides some magnificent areas for public enjoyment and access, picnic areas, viewpoints, etc.

Thirdly, the Forestry Commission will inevitably dispose of substantial further tracts of woodland over the coming years. The opportunity is there, and should be taken by the local authorities wherever applicable, to provide for continuing public access to the woodlands sold off, by means of management agreements between the Forestry Commission and the relevant local authority prior to sale. Such agreements have to be compatible with the management of woodlands for forestry and other purposes and will be binding on subsequent owners.

These arrangements can apply to all woodlands being sold provided there are no existing legal or other constraints on public access to the land. Such procedures can be entered into quickly and tailored to local circumstances, but of course rely on the local authorities acknowledging the need for public access. Many of the Forestry Commission owned blocks have limited amenity value. It is however a sensible and satisfactory mechanism for ensuring that public access is maintained and enhanced on the blocks of Forestry Commission woodland sold out of the public domain.

My only further thought about the role of the Forestry Commission, is whether there should be pressure on it to re-invest the proceeds of sales in other areas, amenity rather than timber based, such as the Community Forests and urban fringe woodlands. I suspect this idea would not be popular with either the Forestry Commission or the government, but it would be a way of using existing public funds to increase the ownership of woodlands to which the public can be given access.

OTHER EXISTING STRUCTURES

I do not believe that amongst the other major woodland owning bodies there is the ideal vehicle for creating more general access over substantial areas.

National Parks are inevitably subject to considerable pressures for increased access. About 7% of National Parks are covered by commercial softwood plantations, many of them owned by the Forestry Commission, and therefore subject to the access agreements outlined above. A further 5% is broadleaved or mixed woodland, some in private ownership. Access or management agreements have been negotiated by the local authority in many of the Parks. The principal method of public access to National Parks is via the rights of way network, an extensive network of about 19,000 km, adequate in some areas, less so in others. Management and access agreements must be the way forward in National Parks to create better access to woods, although many woods have *de facto* access in practice.

The Woodland Trust is a body which has been successful via mainly private funding in buying up substantial areas of woodland, virtually all of which (about 99%) is opened to public access. It bought about 44 further blocks of woodland in the past 12 months and now owns about 1500 different blocks of wood. It forms an invaluable function, but cannot be expected to find funds for other than a small proportion of the woodlands available for sale, and therefore can only contribute relatively slowly to the fund of woodlands available for public access. If pressure can be put on government to provide funds for the Woodland Trust to help purchase woodland, this would be an enormous advance.

ALTERNATIVE OPTIONS

(a) Market Forces

Let us look at some other alternatives. Firstly, market forces.

Most forms of recreation within woodland give a low return, and therefore do not compensate an owner financially for the downsides resulting from public access. There are one or two commercial uses which bring a reasonable return, such as war games, orienteering and clay pigeon shooting, but these are specific uses confined to limited sections of the population. Landowners are generally much happier with defined specific access rather than general access. Even though the former may not bring in a relevant income, there is usually a body involved which is answerable and responsible.

The more general low key uses such as nature trails, walks, riding, picnic areas and the general enjoyment of woodlands, tend to produce negligible income.

Therefore, access based wholly on commercial considerations tends only to be provided in areas where urban pressures are enough to create an economic return. Free access is often linked to some other allied commercial user, possibly of a recreational nature. I believe that market forces will only provide limited additional facilities to specific user groups over the next decades. One is looking for solutions between the two extremes of coercion and 'laissez faire'.

(b) Voluntary Agreements

There is an increasing number of occasions on which access is provided by agreement, where motivation is not primarily financial. Landowners have in the past been responsible for creating and maintaining most of the many beautiful areas of countryside and woodland throughout the United Kingdom, and I believe that more and more wish to see the public share enjoyment of the land.

The Country Landowners Association comparatively recently launched their ELMS proposals, Environmental Land Management Services, whereby by means of a voluntary agreement entered into with the county council, or other user such as the National Parks Authority, the landowner provides various services by way of public access. The schemes are financed partially or wholly by the party benefiting from the services being provided. I believe that this type of scheme has particular relevance to woodlands. It has been welcomed by some county councils who are providing annual sums within their budgets for supporting such schemes. They see this as an effective and cheap way of providing public access, or other environmental services, with an obligation on the landowner to monitor and control. The attraction of the scheme to the landowner is that it is normally conceived and controlled by him, and therefore minimises any downside to his overall estate management policy. It can be for any period of time agreed between the parties. For relatively small sums of money, a local authority can make it attractive to a landowner to provide public access facilities. The two main well established forms of voluntary agreement, access and management agreements, have proved less attractive to landowners, mainly because they are seen as more restrictive on management practices. I believe that ELMS schemes, where there is complete flexibility, will prove far more successful in achieving access to woodlands.

(c) Woodland Access Grants

There is in existence a range of grants relating to the planting, maintenance and management of woodland. I believe strongly that forestry grants have to be kept totally separate from further grants relating to access to woodland. The danger of linking planting grants to access is that new plantings will cease altogether. There are many owners who feel that the benefits of planting new woodlands are not justified if public access is a condition. Owners are looking for a combination of benefits from woodland planting, not only timber, but an enhancement of the environment, and maybe an enhancement to their shooting, hunting, or whatever. If motivation to plant does not exist, which it may well not do if public access is the result, the amount of new planting will be substantially reduced.

One specific grant for permitting access to woodland is the Community Woodland Supplement available from the Forestry Authority. It is limited in its application and I believe

that a much wider 'Woodland Access Grant' should be introduced, specifically to encourage owners to provide access to woodland, wherever there is latent demand, not just adjoining towns and cities.

These grants should preferably be administered by the local authority. They should encourage, but not insist on, long term commitment by the owner. Grants should be based on broad bands, with discretion given to the local authority to take into account a number of factors, such as the pressure on the area, the cost of additional maintenance, the opportunity costs of the proposals, and the facilities being provided. Small woods in urban areas would qualify for much higher annual grant payments per acre than large blocks of wood in afforested areas. I see these grants being in two forms, one a maintenance payment on an annual basis, and the second a grant for capital works related to access which would only be payable in exchange for a long term commitment.

In my opinion the grant system is the main way in which greater public access to woodlands should be provided and extended. Government and local authority support, or lack of it, will ultimately dictate the level of access to woodlands over the next decades. Grants are not expensive if the woodland owner can be persuaded to provide, care for, and nurture the basic raw material, the woodland itself.

(d) Planning

I mentioned planning earlier in connection with Thames Chase. I believe that planning authorities have in their hands a formidable weapon for enhancing the amenities of their communities, by the proper use of planning gain in exchange for the grant of planning permissions.

This approach could certainly be used for Community Forests and in other urban fringe areas. There is no mention in the Thames Chase document that planning permissions may be a vehicle whereby the objectives of Thames Chase can be achieved. However in the documentation relating to some of the subsequent Community Forests, for example Watling Chase in South Herts, there is specific reference to redundant farm buildings being granted planning permission for alternative uses in exchange for land being made available for Community Forest objectives.

If a farmer dedicates a major portion of his land for Community Forest purposes, the obvious result is that his farm buildings will no longer be required agriculturally. They can then be utilised by him for alternative uses.

Government Planning Policy Guidance Note No.7 issued in January 1992, provides for the concept of re-using redundant farm buildings in the countryside for a variety of uses but does not cover green field sites. The principle is sound, although it should not merely relate to the change of use of farm buildings. These are circumstances in which less environmental damage will result by allowing an acre or two of green field development, adjoining existing urbanisation, as opposed to allowing a change of use on farm buildings in the middle of a green wedge. There are areas, even within the green belt, where limited development should be allowed in exchange for significant community gain, such as the dedication of land to woodland use allied to public access. The permanent grant of access to woodlands should be one of the considerations taken into account by planning authorities when considering applications. Greater flexibility should be permitted. This could give a major boost to Community Forests and other urban fringe areas.

(e) Set Aside

Lastly, I refer to the role of Set Aside. Set Aside seems to be the way the European Commission wishes to control over-supply, at least for the foreseeable future. One of the principles of the current Set Aside scheme is that land should remain available to go back into agriculture if necessary at some undefined point in the future. However I believe that the government in acting upon the directives which are coming out of Brussels does have the opportunity to utilise the Set Aside system to create new woodlands with defined access rights. Incentives should be offered to farmers to set land aside permanently for woodland purposes subject to agreed access provisions. The commitment would have to be long term. Many farmers could find this attractive provided incentives are adequate. Grants would have to cover planting and maintenance costs as well as provide an annual access payment. The difficulty would be in persuading a farmer that a long term commitment was desirable to satisfy what at the moment is only a short term obligation.

I hope proposals of this nature will be incorporated in the CAP proposals to be announced in 1993 relating to long term Set Aside.

WORKSHOP FEEDBACK AND DISCUSSION SUMMARY

PETER WILKINSON (*Thames Chase*) reported on the workshop looking at new forests for the community – the opportunities, constraints and mechanisms to give the public better access to evolving new forest landscapes, largely on the edge of major towns and cities. Consideration had been given to the new National Forest, the 12 Community Forests and, to some extent, the new wave of unofficial forests being promoted by local authorities. There were obvious similarities in all those projects in that access developments had the same kinds of issues underlying them. The group had concentrated on Peter Wilkinson's own project at Thames Chase and Community Forests in general.

The group had started by looking at some of the promises made by the terminology. 'National Forest' conjured up the image of a forest for the nation to enjoy. 'Community Forest, conjured up the image of a forest for all the community. It was seen as important to be aware of the messages sent out by those names.

The new forests were multi-purpose landscapes, the major benefit to the public being the recreational enjoyment through access. Certainly there was a demand for more access to these areas and for access off the beaten track, away from the public rights of way network to open landscapes. A need was perceived to create areas with the freedom to roam but the group had found it difficult to decide what proportion of these areas should have completely free right of access. A major issue was how to secure that right over the next five or more decades and what kind of access was appropriate to these areas. Community Forests had been termed 'environmental punchbags'. There had been some discussion on whether they should be seen as the dumping ground for the 'difficult' sports which the planning system did not find a place for elsewhere. The general feeling had been that Community Forests close to where people were living could provide facilities for motorised and other noisy sports but only if it was appropriate in planning terms. A long term approach would be needed to identify places where those kinds of activities would fit.

The group had talked about the scale of these forest projects, whether they should be over hundreds of square miles or small areas with which the public could identify. The constraints had received considerable attention. Problems of farmers on the urban fringe had been described by a member of the group who had first hand experience. Urban local authorities appeared to have difficulty in appreciating the problems faced by farmers, not least in terms of planning.

The group had looked at mechanisms, most of which required hard cash. Recent initiatives had been discussed, such as Countryside Stewardship and the new Community Woodland Supplement which gave public access benefits over ten years but no more, on a permissive voluntary basis. It had been questioned whether that was appropriate within a landscape that would be evolving over a period of 20 or 30 years.

In terms of the way forward, the group had identified three key points.

Firstly, it had been felt that as yet existing mechanisms and frameworks to establish the Community Forests had not been tested for a long enough period. It might be necessary to have a fundamental review in two to three years time to establish whether enough woodlands were being established and whether the public had enough rights of access to those new woodlands. There was a strong suspicion within the group that the existing mechanisms were not adequate to achieve the objectives.

The second point had been in relation to public resources. Was it best to invest money over and over again in private land given that many farmers would never want public access to their land? With the generous grants that were available from the Forestry Authority, perhaps that money could be put into acquisition. One of the conclusions of the workshop had been that the community should buy its own forest and that landowners who did not want to farm in the area should be bought out, in a voluntary way on the open market. Public ownership, which would include ownership by such agencies as the Woodland Trust, was seen as the best way to secure access in perpetuity.

The third conclusion had been the need for stability and a sustained approach over 50 years. It was important to build trust and confidence within the landowning communities and develop the relationship between the management organisations, the local authorities and those who owned the land. Guarantees should be included from the start, that there would not be a compulsory approach and that the needs of landowners would be built in to all the work undertaken. The general feeling had been that there should be a commitment to establishing a framework based on a semi-autonomous organisation linked to the local authorities and local democracy but somewhat at arm's length from the local political system. This framework should be sustained over a long period to ensure that the multiple objectives of the Community Forests were achieved.

CHARLES WATKINS (*University of Nottingham*) said that his group had had a wide ranging discussion about access off the beaten track in private woodlands. Ultimately, three key points had been identified.

Firstly, the group had felt there was a need to establish the level of resistance to public access among landowners and farmers, as well as residents, both old and new, in local areas. Loss of privacy was seen as one factor. Another aspect was the sense of loss of control by

owners and farmers if they agreed to public access. It had been suggested there should be a particular body where owners could take advice on how to deal with public access. No conclusion had been reached on which body was most appropriate to undertake this function. An important side issue had been whether right of access, once given, could be withdrawn. Many owners were thought to be concerned about the irreversibility of public access.

The second point related to the link between game management and public access in rural areas. There seemed to be a remarkable lack of information on the perceptions of farmers, landowners and members of the public to this aspect. Although there were examples of estates where game management was important and yet there was still public access, there were others where it was clearly thought to be an irreconcilable conflict.

The third main point had been the great variation in woodland in terms of location, type, quality, size, ownership, and so on, which made it difficult to come to any generalisation. There was a need for careful categorisation of different types of woods in relation to recreation demand and potential. This could help the planning process to determine the location of new woods where public access was the *raison d'être*.

The group had recognised the vast increase in access to woodlands over recent years with the trend to grant access by various organisations such as the Woodland Trust and National Trust.

DEREK CASEY (*Chairman*) commented that a number of common themes were emerging from the workshops and discussions, for example: planning and planning gain; the classification of woodlands to provide for more specific targeting; the whole question of private owners feeling a loss of confidence and control if there was a right of access rather than an agreement, and where they could seek advice.

CATH MACKAY (*Ramblers' Association*) made a strong plea for a presumption in favour of public access. She believed that more involvement would lead to an improved attitude to the countryside on the part of the public and a better understanding with landowners. She was against site specific classification of woodlands based on supply and demand. It was impossible to assess demand until there was a right of access. RICHARD GRAVES (*Hereford and Worcester County Council*) disagreed. He supported the concept of woodland grants and thought it should be site specific. The landowner was entitled to compensation for the problems and costs involved in providing access. Anthony Clifton-Brown had identified many valid concerns. However, he thought some of the constraints listed by him were spurious. Such problems as vandalism, damage and dumping would tend to diminish in relation to the increase in responsible, managed public access.

PETER SCOTT (*Peter Scott Planning Services*) made a number of points. He said that in many European countries the right of access to woodlands excluded those under 5 ha. He accepted the point made by Richard Graves, in effect that there were positive aspects to granting access, for example, having the public in woodlands helped to stop dumping. He thought the practice of rangers working on private estates which happened in Scotland could usefully be developed in England and Wales. In relation to ELMS and access agreements, it had been found in some cases in Scotland that owners had entered these on a voluntary and amicable basis but that as the agreements came up for renewal they were holding a gun to the heads of local authorities and demanding excessive payments.

DAVID BLOOMFIELD (*Farmer, Hortons*), as a working farmer on the urban fringe, could not agree that public access, as of right, was a good thing. His argument reflected the concerns expressed by Mr Clifton-Brown. RICHARD BROADHURST (*Forestry Commission*) said that whilst he recognised the very real concerns which had been voiced, it was the experience of the Forestry Commission that the problems were often solved rather than created by welcoming people in to woodlands wherever that welcome could be extended in harmony with the other management objectives, including conservation and forestry operations. The Commission had drawn on its experience in publishing a set of guidelines – *The Forest Recreation Guidelines* – which were available at the Conference. This was part of a series of advice from the Forestry Authority.

ANTHONY CLIFTON-BROWN responded to the debate. He accepted the point made by Cath Mackay that a presumption in favour of public access might lead to more involvement but thought that was a minor plus. He agreed that more involvement was needed and called for co-operation rather than confrontation. He foresaw a hardening of attitudes on the part of landowners unless the threat of free access to the public was removed. He did not believe it was impossible to make a valid assessment of woodlands.

He thanked Peter Scott for the information regarding small woodlands of fewer than 5 ha. He took the point made on such problems as dumping but said that his list covered aspects that the owner was likely to perceive as problems, whether or not they were so in practice. There were bound to be problems in renewing agreements in specific cases but he thought most would be renegotiated sensibly without major problems. The CLA would wish to be informed of cases of unreasonable attitudes by owners because they believed in responsible land management.

DEREK CASEY thanked the speaker and workshop rapporteurs for their input to the session.

Moorland

Bill McDermott

Assistant National Park Officer
Peak District National Park

INTRODUCTION

I am asked to offer you some thoughts on the topic of access to moorland in the UK. By way of definition, and paraphrasing Pearsall, moorland is not quite mountain, not quite heath. It fits perfectly with the situation in the Peak National Park on which I want to concentrate specifically. I think it would be best if I gave you the benefit of my experiences over the past year or so in trying to put together an access strategy for moorland in the Peak District National Park. I say this, not because the Peak offers the best solutions to the problem moorland managers have with public access – if anything the solutions there are more complex and contorted than anywhere. No, it is just that I can attempt to tease out the different perceptions and myths which I have gleaned from the various protagonists about the rights and wrongs of the situation from their own standpoints.

Perhaps, just perhaps, we can begin to pick our way through the maze of complex arguments and recrimination which has left so much scar tissue over the past two years.

Just to be contentious for a minute, the Edwards Report on the Review of National Parks published last year, and largely accepted by government earlier this year, offered little more than a cop-out when it came to the subject of access to open country.

Recommendation 5.2.2. states that “the onus should be on those who wish to restrict access to open country to justify to the National Park Authority any management regime proposed”. What does that mean? Where is the Sandford Principle which Edwards otherwise upholds?

To be fair, Ron Edwards himself was dissatisfied with the outcome.

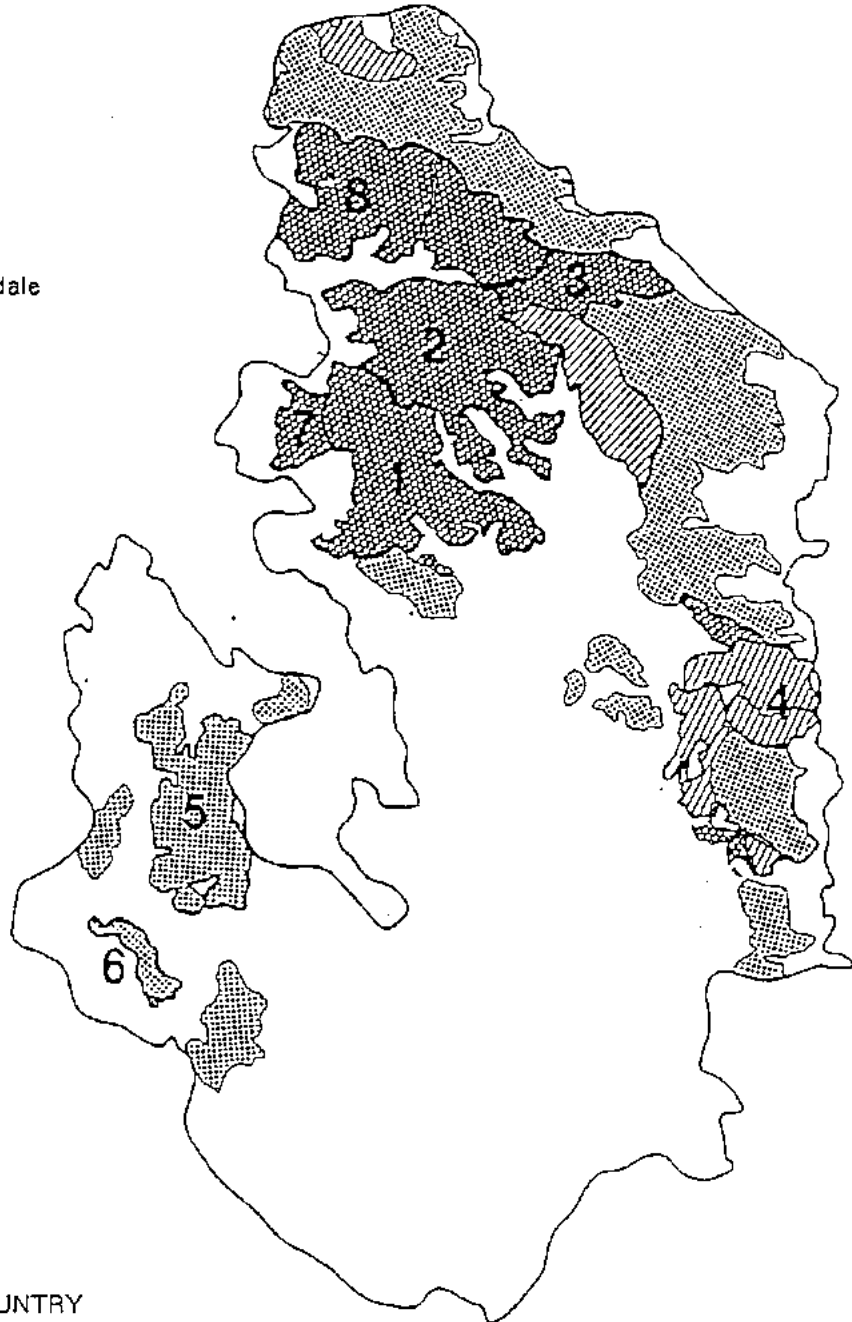
There is a view afoot that if only there were a right of access to all open country everything would be ‘hunky-dory’. I am bound to say, and common sense tells you anyway, that that would just be the start of a whole new raft of problems if it were not properly phased in to meet the strong objections of conservationists and landowners. Self-evidently, you cannot impose the tradition of the right of access. You have to let it be imbibed into society. Incentives and agreements to move in a given direction – yes. Cataclysmic legislation – no; it is unrealistic. What is indisputable is that right of access legislation would present National Park Authorities, who have genuine concerns about access/conservation conflicts, with a great deal more work to do to manage the resulting situation. That would have to be acknowledged when it came to the question of applying more resources nationally and locally to research and management solutions on the ground.

BACKGROUND TO THE PEAK DISTRICT SITUATION

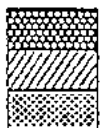
By way of some background to the situation in the Peak District let me say right away that I realise that in terms of intensity of use and possible disturbance to moorland flora and fauna, the Peak may be very atypical.

MOORLAND AREAS OF PEAK NATIONAL PARK

1. Kinder
2. Bleaklow
3. Langsett
4. Eastern Moors
5. Goyt
6. Roaches
7. Chunal
8. North Longdendale



MOORLAND OPEN COUNTRY



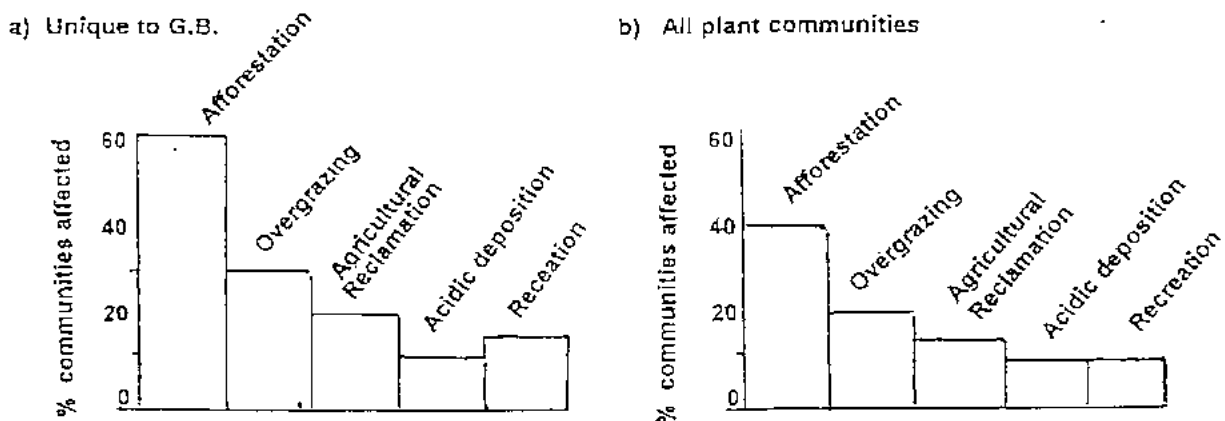
Areas subject to formal access agreements

Other areas with public access

Areas with little or no public access

Thompson and Horsfield (1990) offer a figure of about 10% impact made by recreationists on upland vegetation communities in Britain as a whole. This can be compared with cataclysmic events such as afforestation at about 40%, or the gradual structural change of upland vegetation taking place through overgrazing or inappropriate grazing (20%). But we may have a problem (as yet unproven) of recreational disturbance in the Peak which goes beyond this measure to affect fauna; particularly birds. Now you could take the view that the Peak moorland is so atypical in terms of its proximity to large population centres that it should be sacrificed to intensive visitor use (currently 22.5 million visits per year). But, aside from its designation as a National Park, that would obviously be irresponsible when what we should be doing is tackling the issue by proper analysis and proper management measures.

Fig. 1. Impacts of recreation-related disturbance compared with other impacts on 90 upland plant community 'stands' in the British uplands.



a) stands unique to Britain (n=24). b) all plant community stands.

Where the proportion impacted is a minimum estimate we give +.

Impacts refer to $\geq 5\%$ modification or loss since the early 1940s. Adapted from Thompson and Horsfield. Communities classified according to Rodwell.

The particular mechanism we use in the Peak District for securing access to private moorland is the access agreement.

Under the 1949 National Parks and Access to the Countryside Act local authorities, including National Park Authorities, are empowered to secure access by means of voluntary agreements with landowners. If agreements cannot be obtained, authorities may acquire land or make orders for public access. Typically an access agreement would run for 20 years and would have the features shown in Figure 2.

The Peak National Park has something like 60% of all access agreements negotiated for access to moorland in Britain. Some, of course, feel that this *de jure* access on balance is wrong – much better to have informal *de facto* access as occurs in the Lake District, or parts of Wales, or the highlands of Scotland. It seems to me there are three things to be said about this:

- (a) The position in areas like the Peak District, where historically there has been most pressure for access, would have remained unsatisfactory. We would still be staring at 'Keep Out' signs instead of 'Boundary to Open Country' signs.
- (b) Landowners would feel aggrieved at picking up the tab for what is essentially a public good.

Fig. 2. Composition of an access agreement

1. Consideration paid in advance on an annual basis for disturbance to the owner's private enjoyment of his land. This has three elements:
 - a) Acreage payment – currently 50p/acre,
 - b) Wall damage – £120 per mile,
 - c) Sheep – 60p per head.
2. A set of byelaws for control of public behaviour.
3. The provision of a ranger service to advise the public and enforce the byelaws.
4. Provision for suspension of access on up to 14 days per year to allow for grouse shooting.
5. Provision for suspension of access in periods of extreme fire risk or to prevent spread of notifiable livestock diseases.
6. Defined areas for access marked on Ordnance Survey maps with access points, and on the ground with appropriate signs and information.

(c) The situation would be subject to whims and myths as opposed to the clarity of a public right negotiated with the necessary safeguards to protect the moorland and the landowner's interest.

We have now reached the situation in the Peak where all 21 access agreements are up for renegotiation and renewal from March 1993.

Over the past few years strains have begun to show, on the one hand from owners who, not unnaturally, want to maximise their position. This is expressed through demands for:

- Higher levels of compensation for increased disturbance from people and dogs.
- A new set of byelaws to take account of many pursuits and pastimes never even thought of when byelaws were first introduced.
- A much more effective ranger service to 'police' the access areas and enforce the byelaws.

On the other hand, we have the access side who want commitments to securing more access. They:

- feel aggrieved at the National Park Authority's precautionary stance;
- seek targets for completion of agreements to new areas of moorland;
- feel unhappy that the National Park Authority, from their view, has lost sight of one of its two main purposes – access for quiet enjoyment.

The conservation side represented by about 20 different groups, from the RSPB to the County Trusts, are also hesitant that the National Park Authority may be too cavalier in seeking more access.

Dealing with this situation where the different sides are in campaigning mode, it was time to go back to basics and see whether we could find our way out of the maze of argument and counter argument.

ACCESS STRATEGY

One of the great values in the way that National Parks, as local authorities, operate is their policy-based and consultative approach to issues. Certainly, in the case of the Peak, when it comes to generating policies for the National Park Plans, it is our habit to seek agreement from a wide range of consultees, to which we then hold them.

On the subject of access to moorland, it has been our policy to tread warily on the subject of extension of access while still retaining a commitment to access and, indeed, still retaining a commitment to serving access orders if the situation merits it.

But the concerns from conservationists and landowners that we may be dealing with unusually high levels of disturbance from visitors and their dogs has at least been met *prima facie* and has given rise to our precautionary stance, backed by the Sandford Principle.

Table 1. Dog Control on Peak District Moorland Subject to Access

i) Access Points								
	Dogs on lead (%)		Dogs off lead (%)		Total number		Ratio dogs/people	
March	72		28		343		13.3	
May	68		32		405		15.2	
August	49		51		275		13.7	
October	62		38		248		14.9	
TOTAL	64		36		1271		14.2	
ii) Moorland Points								
	MAY		AUGUST		OCTOBER		ALL	
	Dogs off lead (%)	Total dogs	Dogs off lead (%)	Total dogs	Dogs off lead (%)	Total dogs	Dogs off lead (%)	Total dogs
Kinder	61	76	62	37	62	53	61	166
Bleaklow	11	9	33	3			17	12
Langsett	69	13	63	8	63	8	66	29
TOTAL	57%	98	60%	48	62%	61	59%	207

In approaching the renegotiation of our access agreements therefore we have sought to reach agreement on the basis that all sides have a common interest in the maintenance of the moorland environment and the wildlife it contains.

Having established that, and leaving aside for a minute the real issues of the right to roam or the legal rights of owners, our intention is to go forward pragmatically, meeting the case for more access where it can be justified on conservation grounds.

In the middle of this development we had a slanging match with the Ramblers' Association rubbishing research on recreational disturbance of moorland wildlife which had separately been done for the National Park Authority and English Nature. They were perfectly entitled

to do that – we have no complaints – but then to say the National Park Authority was reneging on its commitment to access when what it was, in fact, doing was implementing its precautionary policies previously agreed, seemed to me to be off-target.

Of course, just to lend some additional spice to the situation, English Nature then come along with renotification of the whole moorland area as an SSSI and possible designation as a SPA, under the European Bird Directive 1979, thus reinforcing the need for circumspection.

In many ways the polarisation of the argument helped to develop the next stage of the strategy. Clearly there needed to be a meeting of minds if we wanted to move forward. The idea of bringing all sides together, first mooted in the Countryside Commission's Recreation 2000 policies, and developed in the Country Landowners Association's response to those policies, was born. Clearly, however, it would be better if the different parties could meet around an agreed programme.

1. It would foster co-operation
2. It would indicate that progress was intended.

This is where the idea of applying a 'limits of acceptable change' model seemed most appropriate.

Fig. 3. Elements of the 'limits of acceptable change' model

The model depends on:	
1.	Involvement of user groups
2.	Managerial judgements based on predetermined agreements as to quality standards to be met.
3.	Regular and systematic measurements to monitor change.
4.	Agreed management responses triggered by a breach of quality standards previously agreed.

This is the stage we have now reached in the strategy.

Our intention is to set up an access consultative group to carry forward the limits of acceptable change model and to display our commitment both to the conservation of the moorland environment and to provision of public access.

I do not underestimate the difficulties in taking forward the limits of acceptable change model, especially since it is the intention to go beyond the easier concepts of identification of physical erosion into the dynamics of the population status of particular bird species. What is likely down the road is an identified need for more research, not less, but at least we can say we have got the parties together and talking.

REFERENCE

Thompson, D.B.A. and Horsfield, D.H. (1990). Towards an assessment of nature conservation criteria in the British uplands. In 'Grazing research and nature conservation'. Ed. D.B.A. Thompson and K.J. Kirby, 9-18, R & S Report No 31, NCC Peterborough.

WORKSHOP FEEDBACK AND DISCUSSION SUMMARY

PAUL JOHNSON (*Countryside Commission*) said that his group had included a comprehensive representation of views to consider the question of a national framework for access to moorland on foot. The important distinction the group had drawn was that it was not a case of a choice between legislation granting unrestricted access to moorland and voluntary access provisions. However, a tentative conclusion had been reached that some form of legislation would be necessary within the next 20 years or so because the informal access provision which had existed over many moorland areas in the past was slowly breaking down. The kind of legislation envisaged would firstly recognise a presumption of access to moorland for quiet enjoyment; secondly, that there should be an access agreement but from the starting point of a presumption in favour, laying down constraints which were sensible in a particular case. This would take account of such things as prevention of erosion, restriction of damage to SSSIs, fire risk, shooting, etc. The group had felt this was a more satisfactory approach than relying on the voluntary approach, notwithstanding that there were some isolated excellent examples of co-operation. It was a fact that existing powers to make agreements had been very little used and were likely to remain so.

If such legislation were to be enacted it would have other benefits. It would require people on moorland to keep dogs on leads, with the proviso that a local access agreement might make available particular areas where a dog could be let off the lead. Legislation would clarify the position on occupier's liability which was currently a concern for both landowners and local authorities. Legislation should introduce an 'own risk' approach.

The group had seen a continuing need to research the issue of wildlife disturbance. It was considered that using the limits of acceptable change approach made sense because it enabled the prevention of unacceptable damage to wildlife without excluding people for the sake of it. It was hoped that in the coming years there would be some collaborative work in putting that principle into practice.

JUDITH HARVEY (*Brecon Beacons National Park*) reported the conclusions of the workshop on local arrangements for quiet enjoyment of moorland. The group had accepted that more and more people were coming to the countryside, thus adding to the pressure on commons and open spaces. There was a need to raise the awareness of users and owners and to try to get away from the polarisation of positions on access and facilitate the setting up of more agreements.

The group had favoured a concept of 'privileges and duties' rather than 'rights'. An increase in education and a more positive approach would hopefully avoid the kind of collision strategy that could occur.

There had been discussion on the rather piecemeal legislation that existed in regard to access to moorland and commons. There was a need for a better understanding of the law.

The group had also considered countryside management and access to commons outside the National Parks. In some ways it was more difficult to negotiate access outside these areas because there was no authority or framework for negotiation. It had been felt strongly that the community of interest approach should be developed in order to enhance voluntary controls. Voluntary access agreements had been seen as important for individual sports, for

example, for climbers to be able to negotiate on their own behalf and produce a voluntary code of practice which, in many cases, would be more effective than wielding the legislative stick.

There had been concern that *de facto* access had been challenged in various areas. The group had felt that such schemes as Countryside Stewardship were slightly worrying in that people had the perception that they were paying for something to which they were already entitled. The ten year period had been regarded as perhaps a dangerous precedent; in ten years' time many areas could encounter the problems being faced by the Peak District now.

The group had been very supportive of a resurrection of the Common Land Forum and positive management in general. The legislation would give certainty to the public and security to landowners and hopefully relieve the worries felt both by both sides. Positive management had been demonstrated in its infancy by the Dartmoor Commons Act which also dealt with the problems of dogs and liability which had been discussed. Ownership did not always give control where moorlands were concerned because of the *de facto* access. Licensing was a cause for concern; it was unacceptable to many people in principle and also in practice to individuals who might be excluded from using a facility because they did not happen to be one of the worthy licence holders. It had been felt that the National Parks and local authorities were well equipped to negotiate access agreements because they had a more multi-interest approach.

The group had supported the community approach and had been keen to involve more people to assist in the management of conservation and access. If more people became involved, especially local people, it would give rise to the 'feel good' factor about commons and moorland management. The ultimate aim had to be for everyone to be able to enjoy and care for the environment.

JEAN TALLANTIRE (*Sports Council Yorkshire and Humberside*) reported the findings of the group considering access to moorland for sport and active recreation. The activities identified as being most applicable to moorland had been walking, mountain biking, horse riding, and to a lesser extent, access to essential features such as crags, caves and possibly launch sites. However, it had become clear that the issues pertinent to those activities also applied to informal access.

The group had felt that access for those activities was a perfectly legitimate land use and not one which should be subject to apology or relegated to a lower level of importance. It had an equal claim to attention. There had been a consensus that no one solution to access problems for these kinds of activities could be applied generally throughout the UK. The factors governing access were weighted differently in different parts of the country. The situation in each area needed to be looked at individually to arrive at an adequate solution.

Education and information had been seen as vitally important. There was a requirement for an integrated method of disseminating information and education, not just through the school system but also through other outlets.

The group had briefly touched upon the subject of the limits of acceptable change model. This had been seen as a model which, if kept sufficiently simple to operate, could well be

a mechanism worthy of testing in a number of situations. It was worth looking at more seriously.

A number of other points had been raised. The group had recognised the power of the landowning lobby, a phenomenon seen to be peculiar to this country. It was important to raise the profile of access in the political arena. It had a fairly low status at the moment. It had been noted that the Education Reform Act had put adventure activities in a fairly prominent place in the National Curriculum. Recently, Virginia Bottomley had made some well publicised comments on the need for people to adopt healthier lifestyles. The group had wondered if these developments would provide platforms to put access on the political agenda in relation to education and health, as an essential mechanism to achieve the desired objectives.

The planning system was seen to be inadequate. Three things were needed: firstly, a general system of access strategies as an acceptable part of the planning system; secondly, that they should be followed by access management plans; thirdly, that those should be followed by bodies which had a specific responsibility for effective implementation and monitoring of that work. The training of planning officers needed to be looked at; it was seen to be so geared towards town planning that it left no room for countryside planning.

Finally, the group had considered at some length the question of charging for access. There had been a predictable divergence of opinion between those who felt there should be an unalienable right to roam freely, and those who recognised the need to manage pressures of numbers, especially in a country like England, on a finite resource. The consensus of the group had appeared to be that the future of access might have to depend on a system of agreements and charging, through mechanisms such as taxation, inheritance tax exemptions, Countryside Stewardship schemes, private agreements, and so on. Possibly, there would be direct charges for large occasional events in sport and active recreation. The whole subject had been seen as extremely complex; it was not enough just to say that charging was or was not right. There was a wide area for debate.

TONY PHILPIN (*Calderdale Leisure Services*) commented that they were hoping to develop the concept of limits of acceptable change within the next 12 months on the Pennine Way which passed through three moorlands. They were trying to link it with the ROS model, the recreation opportunity spectrum. It was not enough to be Sandford-led on the cautionary approach; it was necessary also to be led by user demand. That demand had to be identified and the ROS model was complementary with the LAC one in providing a two-pronged attack for more systematic management in the future. He then put a question to the speaker on the access agreement composition; there had been no provision for maintenance of paths or access lines, yet large sums of money were needed for erosion control alone.

MARTIN GILLIBRAND (*The Moorland Association*) had attended Paul Johnson's workshop where there had been a very constructive discussion. However, he felt bound to say that he had not recognised the results coming out of it that had been reported back. His understanding had been that although the group had concluded that ultimately legislation might be necessary, they had not come to any conclusion that there should be a presumption either in favour or against any form of access. It had been considered that there should be different types of provision according to different types of land and situations. He wanted to

place on record that he certainly had not agreed to any presumption in favour of one type of access or another.

RICHARD WILLIAMSON (*Buccleuch Estates Ltd*) commented that in the discussions on access that had taken place there had been no mention of large landholders such as water companies, Ministry of Defence and Crown Estates. He asked the speaker whether there was a viewpoint on changes in access provision since the water authorities had been privatised; what degree of provision and open access were being allowed.

TERENCE HOWARD (*Ramblers' Association*) pointed out that in south Yorkshire there was a 200 year old tradition that the moors belonged to the people. This was an emotive issue. Over the years ramblers had been fobbed off with broken promises. This had led to the mass trespasses over the past few years in the Peak District which at least had resulted in matters being brought to a head. Walkers were pleased that the Peak Park Planning Board had taken the issue on board and were facing up to it.

BILL McDERMOTT responded to the questions raised in the debate. With regard to recreational erosion, he explained that there was flexibility in the agreement to have special provision for dealing with footpath erosion. There was one case on hold at the moment where this applied. It raised a significant issue because the particular landowner involved was making a claim that he would not renew the agreement without an undertaking from the authority that they would spend money on all the erosion on his land. Obviously, it was difficult to identify the exact cause of erosion. Some of it might be from feet, but a lot could be from sheep and acid rain. It was an issue which undoubtedly would have to be addressed. He thought it might be a case for an access consultative group to become involved through the limits of acceptable change.

On the second question regarding the water companies, Bill McDermott did not claim to be an authority on the subject. In his own area, the National Park Authority had had arguments with the water companies on access. There had been some success in getting definitive status for permissive paths. In general terms, there had been concern that the water companies would not renew agreements but in the event the one company with which his Authority had involvement on agreements was going to continue with them but would not recognise that it had a duty to provide for access without compensation.

DEREK CASEY (*Chairman*) hoped that there would be time available later to continue the debate because there were obviously still questions to be answered. He thanked Bill McDermott, the rapporteurs and delegates for a spirited contribution to the Conference.

Inland Water and Watersides

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INTRODUCTION

Most of the papers presented at this conference focus on access to the *land*. This paper adds another dimension to the debate by looking at access to *water*, a no less important countryside resource but one which often gets less attention from both researchers and professionals.

Looking at access to water for recreation is particularly interesting, as getting to water usually means having to cross over land and so it is necessary to consider how these two resources interact, as well as considering the issues which relate directly to water.

As the title indicates, the focus of this paper is on *inland* water and watersides, but it is important not to forget that the coast also plays a very important part in water recreation and perhaps should have been considered during this conference. However, inland water is a sufficient topic for this paper, as even this encompasses a wide range of different types of water space. Firstly, there is linear water – rivers and canals; secondly, there are natural lakes; and thirdly, man-made water bodies – including flooded gravel pits and other mineral workings, and purpose built reservoirs.

Water recreation includes: swimming, canoeing, sailing, cruising, rowing, windsurfing, water skiing, jet skiing, and angling (and this in turn includes a range of activities – coarse and game fishing, fishing from the bank or from boats). So, just as inland water is not a single resource, water recreation is not a single activity and it attracts a wide range of people, often very different in their character and aspirations.

The paper is divided into four main sections. The first describes some of the issues associated with access to water, including the market for water recreation. The second then outlines the key trends in water recreation. The third section considers mechanisms for securing and improving access to water and how effective these are in the light of current market trends. The fourth and final section asks what, if any, new mechanisms might be used to increase access to water.

A number of the points made are illustrated by findings from two recent studies undertaken by the Centre for Leisure Research (CLR): the first is a study of visitors to one of Scotland's premier tourist and recreation areas, Loch Lomond; and the second is a study of recreation on Lough Erne in Northern Ireland.

INLAND WATER – ISSUES RELATING TO ACCESS

Gaining access to inland water for recreation is rarely straightforward and in some cases the difficulties can be considerable. The following are factors which influence, and often constrain, access.

- a) Like many countryside resources, inland water is limited in extent. In England and Wales, for example, it is estimated that there are 84,000 ha of inland water but when compared with the land this is not a very significant area (it is estimated that there are around 1.2 million ha of rural land available for public recreation in England and Wales). Not all of this water area is suitable or available for recreation and there are very few water bodies of any size.

The shortage of water space for recreation is made worse by the geographical distribution of this resource. In particular, inland water is scarcest where the population, and so demand for recreation, is the greatest – in the south east of England.

Even in areas where there is apparently a large amount of inland water, appearances can be deceptive, and this is well illustrated by Lough Erne. This is one of the largest water bodies in the UK (around 20 miles long and five miles across at its widest point) but in practice not all of the water space is suitable for recreation. Lough Erne comprises two water bodies – the Upper and Lower Loughs – joined by a narrow channel. The Upper Lough is relatively narrow and studded by small islands (some 400) while the Lower Lough is a vast expanse of open water. At present recreational use is relatively low – especially when compared to Lake Windermere in the Lake District, and Loch Lomond.

It might be thought, therefore, that there is no lack of water space and no conflicting interests but this is not so, as most users want access to the same stretches of water – the narrower and more sheltered areas. In particular, the vast expanse of water which forms the major part of the Lower Lough is not favoured by any recreational group, as it is too exposed. The narrower, sheltered stretches are favoured not only by people but also by the wildlife and the area of greatest recreational potential is also the area with maximum nature conservation value.

So, it is not simple a question of how much water space is available but how much is usable. There is no simple measure of the *capacity* of water for recreation, but this is a question being considered in another project currently being undertaken by CLR which is attempting to assess supply and demand for water-based activities – canoeing and sailing – and then model this relationship to assist the Scottish Sports Council with *facility planning*.

- b) Again in common with other countryside resources, the legal rights of access to water are limited. A right of navigation is the main legal instrument which secures access for boating and sailing, but this applies to only a limited number of waterways and bodies. Even where a right of navigation exists, it does not mean that all types of boating can take place; for example, speed limits are increasingly being used to exclude power boats, water skiers and jet skiers. In consequence, much access to inland water is on a permissive or negotiated basis. However, unlike many countryside resources, access to water is frequently governed by market forces, with particular recreational groups securing access by paying for it; angling is a good example of this approach.

A relatively small area of inland water is in public ownership and by no means all of this is freely available for recreation.

- c) Like other forms of recreation, water-based users have to co-exist with a wide range of other uses. In the case of water these include: drainage, water supply, sewage and waste disposal, power generation, transport, and increasingly nature conservation. Recreation is not always seen as being compatible with these other uses, but the nature and extent of competing claims have rarely been quantified.

How recreation interacts with other uses is difficult to assess and more often than not there are complex interrelationships. For example, on the Norfolk Broads the wash generated by boats has contributed to the loss of the reeds fringing the shore. However, research has shown that the boats are not the primary cause of this damage. Rather it is nitrate pollution from agricultural run-off which has disturbed the ecology of the reed beds and made them more susceptible to damage by wash and wave action.

- d) Even in the recreational sphere there is a wide range of competing uses and water-based users also compete with those using the watersides. Watersides attract a wide range of land-based recreation activities, while the water itself acts as a major draw for many people, and the interface between land and water is frequently judged to be the most attractive recreational and scenic landscape.

This paper focuses on water recreation but estimating the scale and nature of this market is not easy. In the national sports participation surveys, water sports tend to be lumped together under one heading and so the figures provide little indication of the popularity of different water-based activities. In addition, because, relative to other sports, water recreation is a minority activity, the number of participants interviewed in national surveys tends to be small and the figures which are available are not very reliable in statistical terms.

To gain some understanding of who participates in water recreation, therefore, it is necessary to look at the market studies undertaken by consultants and the 1989 report by Leisure Consultants is one of the main sources of information.

Leisure Consultants describe water sports as a 'significant minority interest'. They estimate that between 4% and 6% of the adult population take part in water sports at least four times a year (this includes recreation in coastal and offshore waters – estimated to be about 64% of total use – but excludes angling which, depending on the source, between 2% and 15% of the adults take part in). This means that there are some three million participants in water sports in Britain (Northern Ireland was not included in the study) and the figures show that around one half of these people take part in sailing.

Most people who take part in water sports are young, affluent males. The male to female ratio is 2:1; 15-24 year-olds make up about 50% of users; and around one half come from the ABC1 social groups. There is also a geographical bias, with more participants (both in relative and absolute terms) in the south east of England than in other areas of the country.

These global figures mask considerable variation in the nature of the participants in different activities. For example, in contrast to all other water sports, sailing appeals

equally to men and women. Likewise, power boating and water skiing appeal to the older age groups to a far greater extent than other water sports, while power boating, water skiing, sub-aqua and canoeing tend to have less appeal to the AB social group than other water sports.

It is also interesting to note that, in contrast to sports players in general, people who take part in water sports view their sport seriously – survey findings published by Mintel show that around one third of sports players view their sport ‘seriously’ or ‘quite seriously’ but well over one half of participants in water sports view their sport in this way.

Patterns of use also vary. Water recreation is highly seasonal, mostly being a summer pastime, although some activities favour the winter months (e.g. game angling). The use made of any one water area also varies considerably. For example, counts of craft on Loch Lomond show that motor cruisers formed the largest proportion of craft, followed by power boats. In contrast, jet skis are a very small proportion of craft on the water at any one time. However, when users were questioned about how *regularly* they took part in their sport, jet skiers emerged as one of the most frequent groups of users (Table 1). This means that while this group may be small in number they are likely to be out on the water more frequently and so other users are more likely to come into contact with them.

Table 1. Regular Sports Participants (three or more times in previous year)

Activity	Percentage of respondents	(n)
Jet skiing	94	(17)
Cycling	92	(12)
Water skiing	75	(20)
Windsurfing	75	(40)
Boating/motor boats	71	(24)
Canoeing	71	(14)
Fishing	71	(14)
Sailing	59	(29)
Swimming/paddling	42	(36)

A further factor to be considered when looking at water recreation is the mobility of different activities and the quest for variety. Canoeists, for example, tend to want to experience different stretches of water. Other craft, (e.g. jet skis and power boats) also are transportable and users may not wish to commit themselves to one stretch of water, while owners of larger boats may be restricted to the water body where their boat is moored.

From this analysis it is evident that there is a great deal of variation in the nature of water-based activities, water users and patterns of use; clearly it is not a single market.

- e) Water recreation is also similar to land-based recreation in that the *acceptability* of activities varies, with the motorised sports on both land and water being least popular with most other users and leading to conflicts of interest. Even within the motorised

water sports views about activities vary. For example, on Lough Erne water skiers initially saw jet skiers as having common interests and sought to produce a joint code of conduct to make them more acceptable to other water users. However, with time the perceived anti-social behaviour of some jet skiers was thought to be getting water skiers a bad name and so the water skiers are now keen to dissociate themselves from jet skiers. This example shows that a situation may be more complex than it appears and seemingly similar activities cannot be 'lumped together' when planning and managing recreational use of water space.

New recreational uses, in particular, tend to find it difficult to gain access to water resources because of vested interests of existing users, and in this respect too water is no different from land.

- f) Given the varied nature of water recreation and the people who take part in it, it is not surprising that there is competition for water space and conflicts of interest. The degree of conflict is determined to a large extent by the *compatibility* of different activities. Patmore has attempted to identify how compatible different activities are and a summary of this analysis for water activities is shown in Figure 1. As this shows, few activities are completely compatible and so the potential for conflict is considerable.

Fig. 1. Compatibility of water sports

	Sub aqua	Canoeing	Sailing	Water skiing	Coarse fishing	Game fishing	
Sub aqua		1	2	2	3	3	1 = Completely compatible 2 = Partially compatible (time-zone required) 3 = Incompatible (space-zone required)
Canoeing	1		1	2	2	3	
Sailing	2	1		2	2	2	
Water skiing	2	2	2		3	3	
Coarse fishing	3	2	2	3		2	
Game fishing	3	3	2	3	2		

Source: Modified from Patmore, A. (1983), *Recreation and Resources*

While it is easy to identify activities which are incompatible, it is much more difficult to determine the degree of conflict which occurs. However, CLR's studies of both Lough Erne and Loch Lomond suggest that it is only a minority of users who experience conflict regularly. Looking, for example, at what spoils the enjoyment of visitors to Loch Lomond, it is evident that the weather and litter pose far more of a problem than jet skiers or speed boats (Table 2). Even more significant is the fact that, although jet skiers or speed boats were third in the list of complaints, only 9% of visitors mentioned them and so, conversely, 91% were not bothered by these users. Complaints did increase, however, when visitors in locations where jet skis congregated were interviewed and up to 44% of visitors said jet skis spoils their enjoyment in these areas, but again this still means that 56% of visitors were not concerned about these activities.

Table 2. Main Factors Spoiling Visit to Locations

	All	Resident day trippers	Holiday- makers	Day trippers
	Percentage of respondents			
Weather/rain	31	18	34	31
Bins/litter	12	22	10	11
Jet skis/speed boats	9	10	5	13
Midges	9	11	9	8
Behaviour of others	7	7	8	7
Busy roads	5	3	5	5
	(n = 934)	(n = 125)	(n = 346)	(n = 463)

The work on Loch Lomond also highlights the need to understand why people view some activities unfavourably. For example, when questioned more closely about why jet skiers were disliked it became apparent that it was the thought of '*the young jobs on the jet skies who would be hanging around the area after they came off the water*' which was the real cause for concern, and not the activity itself.

This section has described some of the many factors which influence access to water for recreation, These factors are both physical and social and in combination determine who gains access to the resource, when and where . These factors can, in turn, be influenced by planners and managers of water space, and there is a range of mechanisms which can secure or extend access or reduce the conflicts of interest which occur. Some of the principal mechanisms will be described shortly, but before this the next section looks at some of the trends in water recreation, as it is important to consider the dynamic nature of recreation in assessing the effectiveness of planning and management mechanisms.

TRENDS IN WATER RECREATION

Current trends in the water sports market indicate that the demand for water recreation, and so the pressures on water space, will increase in the future. This, in turn, means that the potential for conflict, both between recreational users and between recreation and other uses, also is likely to increase. Moreover, the users who at present tend to cause the 'problems' are those who will be there in even greater numbers in the years to come.

Leisure Consultants estimate that by the year 2000 there will be one million additional water sports participants, bringing the total to four million. Participation in water sports is very sensitive to economic circumstances and so with the current recession the rate of growth may slow. However, even now there is evidence of considerable *latent* demand, with waiting lists for berths in marinas and membership of water ski clubs in many parts of the country. Leisure Consultants also report that, when people were questioned about their interest in taking up water sports, about one third of respondents said they would like to take up some form of water sports in the future.

The evidence also suggests that most growth in demand will be for motorised water sports. This can be seen from boat registrations. On Lough Erne, for example, the number of boats

registered on the Lough has risen gradually over the years but most of the recent increase has been due to more power boats and jet skis being registered.

Part of the reason for this growth is that power boats and jet skis are becoming less expensive and available second hand, and so are accessible to more people. Jet skis are also available for hire and so the number of users exceeds the number of machines; Sue Glyptis quoted a figure earlier of 5000 participants in jet skiing but sources within the industry indicate that there are only 3000 machines currently available.

Two other trends in the market will have important implications for water recreation. Firstly, more people are taking part in sport on an individual basis than with clubs or organisations. For example, while club membership of the Royal Yachting Association increased by only 2% from 1980 to 1990, individual membership increased by 64%. Similarly, club membership of the British Water Ski Federation increased by only 13% over this period, but individual membership increased by 35%.

Secondly, more people are taking part in sport outside the main summer season. This is due, in part, to technology (for example, better and less expensive wet suits enable people to take part in water sports in the winter) but also results from policies deliberately aimed at encouraging tourism and recreation in the off peak season.

Current trends, therefore, are towards more individual use, more mobile users, more motorised water sports and use of water space over more of the year.

MECHANISMS FOR SECURING ACCESS AND REDUCING CONFLICT

One of the commonly used mechanisms for enabling different water sports to co-exist is a *code of conduct*; this approach has been used successfully for a number of activities, for example, allowing water skiing and non-motorised water sports to take place on the same water body. Sidaway has looked at how codes of conduct work for a range of different sports and shown that this form of self-policing can be very effective as a means of reducing conflicts. Codes of conduct rely on consensus and informing all users of the agreed rules, and both of these may be more difficult to achieve given the trend towards more individual and independent use, and the effectiveness of this mechanism may be reduced in future.

A second mechanism used quite widely is *zoning*, either through time or over space. As Patmore points out, this works well on sites which are managed independently of the users but when management is partial to one interest, then it is less successful. For example, angling clubs frequently pay to gain access to a stretch of water and are unwilling to share it with other users on any basis.

The effectiveness of time zoning is constrained by the restrictions on leisure time, with most people still having their leisure time at evenings and weekends. Zoning over space also may be difficult to achieve when people do not want to be relegated to the isolated site or the less attractive stretch of water. Jet skiing and water skiing, for example, are often described as 'anti-social' activities but from the participants' point of view they are very sociable activities. These users gain part of their enjoyment from having an audience and do not want to be consigned to the 'flooded gravel pit by the motorway in the derelict urban fringe'.

It is also important to remember that while time and space zoning may benefit the

recreational user, it may be detrimental to other uses. In particular, spreading user over a longer period and a greater area may increase disturbance to wildlife and reduce the nature conservation value of sites.

A third mechanism used to minimise conflict and secure access is *control*. By-laws can be an effective way of making recreational use acceptable to the owner of a water body and reducing conflict between different groups. By-laws can also be used to exclude certain types of use and there is an increasing tendency for speed limits to be imposed on more and more water bodies, which effectively excludes power boats, water skiers and jet skiers. Yet these are the very groups where the use is increasing and where and how to cater for these people is a question which will have to be addressed. Displacing motorised water sports from one location will inevitably increase use, and so the potential for conflict, elsewhere. Participants in these sports are prepared to travel considerable distances and, as craft become easier to put on a trailer, are becoming increasingly mobile. Solving a 'problem' in one area, therefore, can easily create one elsewhere. For example, if the proposed 10 mph speed limit is imposed on Lake Windermere this is likely to increase pressure on Loch Lomond.

Controls are only effective if they can be enforced and this has implications for manpower and resources. However, getting the user to pay some of the costs of 'policing' is becoming more difficult with more people taking part on an independent basis and becoming increasingly mobile. Moreover, it is questionable whether it is reasonable to expect those users who trail their boats or jet skis to a variety of different locations to pay every time they go somewhere different.

It is also important to remember that for many people the spontaneous nature of recreation activity is what they enjoy, and more regulations may detract from the pleasure people derive.

A fourth mechanism for securing access is to create *new water space*. The new water ski centre opened recently in Scotland is a prime example of a positive measure to cater for motorised water sports. Similarly, the recently restored Kennet and Avon Canal caters for a range of water recreation activities. There are opportunities to increase the water available for recreation throughout the UK but the extent to which these can be realised will depend upon the availability of resources to pay for the creation and/or restoration of water space.

Pricing is the fifth mechanism which is used both to secure and control access. However, the social equity questions which this mechanism raises cannot be ignored and may become paramount as landowners seek more ways to generate income. There is concern that once a precedent is set of charging for access which is currently free, then this will become the norm and those people who cannot afford to pay will be unable to pursue their chosen activity or will be displaced to less desirable locations. There is growing concern, for example, about the policies of some of the new water companies towards recreation and pricing, and the Sports Council is currently considering ways to monitor the impact of privatisation on water recreation.

Legislation is a sixth mechanism which is currently used but the author is not qualified to assess whether and how this might be extended or altered to increase and improve access to water.

Finally, *negotiation* is increasingly being used to extend access and reduce conflicts. Both formal and informal groupings are being used to bring together recreational and other users of a particular body of water to debate the issues and increase understanding of other users' points of view. This approach is being applied to Lough Erne which now has a liaison committee bringing together 35 representatives of different interests.

NEW MECHANISMS FOR SECURING ACCESS

Identifying new mechanisms to secure and improve access to water is not easy. There are no quick and easy solutions to the issues and constraints which have been described earlier. What may be required, however, is a new look at existing mechanisms in the light of the changing nature of the market and a growing knowledge of the way recreational users, and other users, interact and impact on each other. This paper has attempted to highlight some of the issues which need to be considered in this process, but it is by no means comprehensive.

There is potential to use existing mechanisms more effectively. In particular, there is scope for using negotiation more often. However, negotiation will only be effective if it is based on informed debate, and there is still a great deal of myth and misunderstanding about the nature and extent of conflicts associated with water recreation. There is a need, therefore, for new work to assess exactly what is happening in particular situations in order to centre the debate around facts; this is the approach being followed for Lough Erne, having established a liaison committee a number of research projects is being undertaken to enable informed discussion to take place with a view to agreeing a management plan for the area.

Negotiation will only work if all parties are willing to participate. Negotiation is rarely between equal partners, and where there are groups with historically established rights of access, who are well organised, and/or pay to secure their access, then the challenge may be to get them to the table, let alone to discuss ways to accommodate other users.

Negotiation can help to secure access and minimise incompatibilities but it will never do away with conflict entirely in a situation where very diverse groups of users are competing for a limited resource. An earlier speaker has talked about the potential of the concept of *limits of acceptable change* as a mechanism for planning and managing access, and perhaps, as Patmore suggests, it would be useful to add to this the idea of agreeing *acceptable levels of conflict and nuisance* in developing and managing water space for recreation.

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WORKSHOP FEEDBACK AND DISCUSSION SUMMARY

JUDY ADAMS (*Lee Valley Regional Park Authority*) said that Sue Walker had already raised a number of the issues covered in the workshop on inland water and watersides. The group had identified five points on which there was some degree of consensus. Water space was clearly characterised by very intense pressure for increased access. There was a well documented demand for access with very keen competition for space among various potential users.

Firstly, the conflict in water use was not so much between 'cowboy' and 'farmer' but perhaps between canoeist and angler. There was seen to be a real need for education to increase awareness of the needs of other users and the impact of each user's activities on the others. There was also a need for research to achieve a better understanding of the implications of the different activities. Some research needed to be site based.

The second point related to the possibility of a right of navigation whereby the users were very carefully defined. Whilst there was a right of navigation on a limited number of waters, was there any sense in looking to extend this concept?

The third point was to create an incentive for access. Given the very deep concerns about liability in relation to water areas and the keen competition for space, there was a disincentive to extend access, particularly if a licence agreement with sailing interests, for example, meant that the site was used and making a modest return. In relation to creating an incentive for access, the group had foreseen the creation of a water stewardship scheme to take account of both quality and access.

Fourthly, the group favoured more support for water creation/improvement. It had been recognised that with gravel extraction schemes, canal restorations and improvements to water quality, more sites would potentially provide opportunities for recreation. Clearly there were financial implications to that.

The fifth point, which Sue Walker had mentioned, was that as money was very often available in water access through lease, licence, etc., there was a real need to ensure social equity as well as to safeguard the environmental concerns.

RICHARD BROADHURST (*Chairman*) highlighted some of the issues raised by Sue Walker in her presentation and asked for questions and comments from the floor.

KATHRYN BEARDMORE (*Lake District National Park Authority*) responded to the

comments made about developments in the Lake District. She explained the historical background to the present situation on Windermere which had seen an enormous increase over the previous 15 years in the number of boats using the lake. There had also been a significant rise in the proportion of craft capable of exceeding 10 mph; currently 50% of the boats using the lake. The number of boats on the lake had dropped considerably from 1991 to 1992, presumably as a consequence of the economic recession, but the long term problem remained. Despite the introduction of a by-law to limit noise level it remained high, arguably to the point where it would constitute a statutory noise nuisance which the district council would have a duty to abate. The issue had come to a head with the publication of the Edwards report in 1991; it was the duty of the National Park Authority to promote 'quiet enjoyment'. Given the existing right of navigation on the lake, enshrined in law, members had felt that a speed restriction would be the best way to limit the noise problem.

ROGER BREWER (*The Scottish Office*) expressed his concern about the knock-on effect on Loch Lomond of a speed restriction on Lake Windermere. At present there were no restrictions on access to the water on Loch Lomond; it had freedom of navigation. The forthcoming opening up of the M74 motorway would increase the pressure. Although Loch Lomond was the largest water body in the UK, it had the same problem as other waters in that most of the activities were concentrated in relatively few areas. The question was raised of the legal definition of a jet ski, whether or not it was a craft. This had obvious implications with regard to navigation rights, introduction of zoning and other restrictions.

ALAN INDER (*Hampshire County Council*) asked a specific question in relation to Langstone Harbour, an internationally important wildlife area. The Havant Borough local plan was proposing an incremental approach in its moorings policy to allow new mooring areas one by one and then to monitor the effects. There was to be a public inquiry because English Nature was opposing that on the basis that the precautionary principle should apply. There seemed to be a lack of information which could inform the debate. He asked whether Sue Walker knew of any research which might assist. She replied that she would be able to answer the question in a month's time when the results of the work on Loch Lomond would be drawn together. Part of the work was in looking at the impact of water recreation on wildlife. Certainly pieces of research were going on elsewhere which would be helpful.

TIM ROGERS (*Yorkshire Water*) asked whether the fact that there was a second hand market in jet skis indicated a levelling off in the sport. SUE WALKER did not think there was any definitive information available on this. OLIVIA MELLORS (*National Rivers Authority*) thought there might well be a connection between the availability of second hand jet skis and the fact that it was very difficult to find water space on which to use them.

ROGER PUTNAM (*National Association for Outdoor Education*) drew attention to the fact that adventure and outdoor activities were now included in the National Curriculum. This would have an increasing impact on demand for access not only to water but for a wide range of outdoor pursuits. He was concerned that sympathetic owners who entered into agreements and made facilities available for whatever activity, would find themselves swamped simply because they were few and far between. This was accepted as a very valid point.

THE CHAIRMAN thanked Sue Walker for her interesting and informative presentation.

General Discussion Summary

BRIAN PARKER (*British Orienteering Federation*) explained that he was making a comment as a Ministry of Defence environmental science lecturer rather than as an orienteer. Bill McDermott had referred to using conservation as a baseline. Mr Parker wanted to raise a few cautions in that connection. Firstly, the term 'conservation' was often expanded to mean 'enhancement', which was quite different. Secondly, there was a problem with SSSIs designations which covered approximately 7% of the total land area of the country. In practical terms, the area was greater because contiguous zones were often managed as if they were SSSIs. SSSIs were generally regarded as 'no go' zones with blanket constraints whereas, in fact, it might be that access was not incompatible with conservation. Also, the precautionary principle was often applied on the basis of worst case assumptions with resulting unnecessary restrictions. He also warned against treating SSSIs as areas reserved for ecological research where *Homo sapiens* was regarded as an intrusion. On the other side, Mr Parker was very excited about the limits of acceptable change approach which he regarded as being very sensible. He believed that data gathering was vital and noted that as a sport, orienteering had put considerable resources into front-end research, as opposed to research about research.

TONY PHILPIN (*Calderdale Leisure Services*) thought that in practice there tended not to be conflicts in terms of management of designated areas such as SSSIs. RICHARD BROADHURST (*Chairman*) made the point that designations tended to be absolute whilst people's judgements were not. It was generally agreed that management techniques and restrictions should be flexible to take account of the varying reasons for designation.

KATE ASHBROOK (*Open Spaces Society*) referred to the comments made by Bill McDermott on the conflict between the ramblers and the Peak Park Authority. She pointed out that the ramblers had attempted, over many years, to co-operate with the Peak Park in gaining access agreements. In the event, as he had said himself, the polarisation had led to progress. With regard to the remarks made by Mr Clifton-Brown, she asserted that landownership should not be absolute; there should be an opportunity for shared responsibility in the land. In her view, this could only be achieved by giving the public a right of access which could be limited as necessary by suitable controls and restrictions. As an example of good practice, she quoted the agreement achieved by the Common Land Forum with the CLA.

MARTIN GILLIBRAND (*The Moorland Association*) spoke out in favour of the precautionary approach. Owners had the ultimate responsibility of the management and long term welfare of their land. He maintained that once the door of access was opened it would be impossible to close it. Twenty years ago the by-laws in the National Parks had seemed to be reasonable but time had moved on. A view had to be taken which took account not only of present problems but of potential future problems, for the sake of the land and the resources that depended on it. He did not consider this to be an irresponsible attitude.

DAVE MORRIS (*Ramblers' Association*) returned to the question of the situation in European countries. He argued that in Europe there was not an unqualified right to roam;

constraints were built in. For example, in most countries where there was good access to land and forests, there were constraints on dogs. A number of speakers had mentioned dogs as a problem in granting rights of access. Mr Morris favoured a right to roam coupled with national legislation requiring dogs to be kept on leads at certain times of the year.

BILL McDERMOTT (*Peak District National Park*) did not envisage a right to roam in the foreseeable future but if it happened then the managers would make it work. He still thought there was a special problem with dogs, both in respect of sheep worrying and with nesting birds. Whatever the legal framework, the problem would always be to enforce the requirement for dogs to be kept on leads, particularly in the middle of moorlands.

ANTHONY CLIFTON-BROWN (*Savills Agricultural and Residential plc*) foresaw chaos if there was freedom to roam. DAVE MORRIS pointed out that there was not chaos in other European countries. MR CLIFTON-BROWN said there was a different landownership structure in Britain; if there was a freedom to roam he did not believe the landownership lobby would continue to care for the countryside in the way it had done in the past. BILL WRIGHT (*British Mountaineering Council*) regarded that as a terrible indictment of the landownership lobby. In general terms, he thought the Conference had not explored in sufficient depth the reasons why people went 'off the beaten track'. He had been struck by the similarity of the problems identified by Sue Walker in relation to water sports with those facing land based recreations. When drawing up local and regional plans, planners should bear in mind that very often the facilities in their areas were of national importance. On the subject of risk, he warned against tinkering with the legislation in relation to occupier's liability. The Occupiers' Liability Act, 1984, had been specifically designed to protect landowners from liability in risk situations. In many outdoor pursuits the risk of the activity was its main attraction. If the law was changed landowners would be quite justified in refusing permission for dangerous pursuits on their land. PAUL JOHNSON (*Countryside Commission*) made it clear that in his workshop the recommendation had been to take away liability from the owners so that people entered at their own risk. As a practising lawyer, MARTIN GILLIBRAND pointed out that although the Occupiers' Liability Act had sought to avoid the problem, the effect of court decisions since had muddied the waters. With the problem of seeing somebody injured without any form of compensation, the tendency of the courts over the past eight years had been to put the responsibility back on the owner if they could find any way of doing so, particularly if an owner had become aware of a risk and not done anything about it.

In closing the session, the CHAIRMAN thanked the speakers and all who had taken part in the discussion.

Access to the Countryside How the Planning System Can Help

Alan Inder

Principal Planning Officer
Hampshire County Council

INTRODUCTION

My brief is to illustrate how and where the planning system has a role in providing for, enhancing and securing public access to the countryside for various purposes.

I intend to interpret the term 'planning system' broadly, because it is my strong belief that the statutory planning system of development plans and development control is generally inadequate, by itself. It needs to be supplemented by non-statutory initiatives which require vision, enthusiasm and hard work.

My talk will be based on experience in Hampshire, where I have worked for the county council for the past nine years, initially in the Recreation Department and latterly for the Planning Department. I will focus on informal recreation, especially walking and riding, because that is where we have had some success. Our track record for formal recreation, eg in providing for noisy sports, is regrettably not so good, although we believe we are developing an approach that will bear fruit, if sufficient resources are made available.

THE HAMPSHIRE SCENE

First of all, some background information about Hampshire. It is one of the largest shire counties in area (nearly 1,500 square miles) and has a population of over 1.5 million. Because it is an attractive varied county, situated in central southern England with good communications to London, it has been under pressure for development. Strategic planning has guided most of this development to south Hampshire, based on Portsmouth and Southampton, and north-east Hampshire, based on Basingstoke, Aldershot and Farnborough.

The scenery is varied: extensive chalk downland across the centre of the county; the New Forest in the south-west; fine remnants of lowland heathland and woodland in the north-east and east; the Hampshire basin in the south, and 60 miles of coastline fronting the Solent and facing the Isle of Wight.

THE COUNTY COUNCIL AND COUNTRYSIDE RECREATION

Access to the countryside for informal recreation is generally good in many parts of the county, and compares well overall with any part of lowland England. This favourable position owes much to the farsighted policies of the county council over the past 25 years, backed with substantial resources for land acquisition, resulting in a network of country

parks, countryside open spaces, picnic sites and nature reserves. These total more than 60 sites and 3,400 hectares. Every type of scenery and major habitat in the county is represented, and a variety of informal recreation activities are catered for.

The development of this extensive network of countryside sites with public access owes much to opportunism – acquiring land in the right place at the right time. It has been assisted by the planning system, especially in establishing some of the country parks, (eg Upper Hamble).

In addition, there are 2,900 miles of rights of way, managed by the county council.

The county council's responsibilities for access to the countryside are divided into two broad areas:-

- **Planning (County Planning Department)**
 - strategic planning (structure plans, etc)
 - rural development strategy
 - liaison over local plans and development control.

- **Management (Countryside and Community Department – formerly Recreation Department)**
 - direct site management
 - joint management with other agencies, eg countryside management projects
 - management and promotion of rights of way (including long distance footpaths).

It is vital to maintain adequate liaison between the two departments and between the county council and agencies such as the district councils, in order (1) to translate broad strategies into local action, and (2) to ensure continuity between planning and management.

THE PLANNING SYSTEM

Planners can play an important part in providing for, enhancing and securing public access to the countryside, both through the statutory planning system and through informal strategies, plans and initiatives. I will give examples of both methods. Firstly, I will make reference to guidance from the national level.

NATIONAL GUIDANCE

The Planning Policy Guidance on Sport and Recreation (PPG17), published in September 1991, is to be welcomed. It acknowledges the importance of sport and recreation in our lives, and the increasing use of the countryside for these purposes. It shows the government's support for promoting the development of sport and recreation in the widest sense, and it emphasises the crucial role of structure and local plans in ensuring that adequate provision is made for recreation facilities.

There is also the Sports Council's document *A Countryside for Sport: A Policy for Sport and Recreation*, published earlier this year. This includes policies:

- to promote a strategic planning approach to the provision of access to natural resources;
- to promote provision for countryside activities in statutory plans as legitimate and important land uses;
- to promote countryside activities, particularly where the activity can be sustained with respect to the natural environment. (The concept of sustainable promotion).

STATUTORY PLANNING

Now let us look at the statutory system of town and country planning:

- **Structure Plans** (county councils)
- **Local Plans** (district councils)
- **Development Control** (county and district councils).

As an example, the current **structure plan** for south Hampshire has a policy which says:

“proposals which would increase opportunities for informal enjoyment of the countryside, including footpaths, bridleways and picnic and parking areas, will normally be permitted where the effects of those facilities and the extra visitors they will attract will not significantly prejudice agricultural, horticultural, forestry, landscape and nature conservation interests”.

This provides a strategic context or framework for the more detailed, site-specific local plans.

A good example of a **local plan** within south Hampshire is the Fareham Borough Local Plan. This covers the coastal area between the river Hamble and Portsmouth Harbour, (excluding Gosport), and includes some pleasant areas of countryside as well as Fareham and the steadily growing settlements in its hinterland. The plan was adopted earlier this year.

The plan has a policy which says that “the local authorities will improve footpath links.... provided that such links do not detrimentally affect areas of nature conservation importance”. The plan proposes some new footpaths and bridleways which illustrate different forms of implementation, sometimes with problems:

- (1) A riverside footpath along the east bank of the upper Hamble has been a strategic objective for some time. However, when it appeared in the draft plan it generated objections from environmental organisations including English Nature. Fareham Borough Council has successfully negotiated a new route, further from the river, but still an attractive path, providing an important link from the Curbridge/Whiteley area to the existing riverside path which runs along the entire length of the lower Hamble.
- (2) Similarly, both the county council and Fareham borough have planned a coastal footpath from Fareham town centre to Portchester Castle, along the north bank of Fareham Creek (which forms part of Portsmouth Harbour). This path was shown in the jointly prepared non-statutory Fareham-Portchester Landscape Strategy (1987) and the three sections yet to be provided are proposed in the Local Plan. The most important section runs along the edge of the Cams Hall estate. It will now be provided as part of a package which allows some enabling development in order to

assist restoration of the historic country house, Cams Hall. The other two sections are to be provided through the acquisition of land by the county and borough councils.

In the **development control** process it is vital to ensure that recreational interests are always taken into account. In Hampshire most of the District Planning Officers are commendably assiduous in consulting not only their own Leisure Services Department, but also the county's Planning and Recreation Departments, and this has helped to safeguard existing rights of way and open spaces and to provide for opportunities for improved access.

Obviously, when determining planning applications, development control officers will refer to current local plan policies and proposals for access to the countryside, and look for planning gain opportunities. For example, at Hedge End (on the edge of Southampton) developers have dedicated land to Eastleigh Borough Council and the parish council to provide countryside open space, a nature reserve and footpaths. Planners should also consult those 'at the sharp end' in leisure and recreation for new opportunities.

My next example comes from south-west Hampshire, and it illustrates the combined use of a local plan, development control and an informal management strategy to achieve objectives which include improved access to the countryside. In the Avon Valley to the north of Ringwood is Blashford Lakes, a complex of lakes formed from gravel extraction. Wessex Water have acquired most of the lakes as a strategic source of water supply. New Forest District Council endorsed this in their Avon Valley local plan, which also provided the framework and impetus for gains in recreational access and nature conservation.

The subsequent planning permission required Wessex Water (a) to set up a consultative committee including recreational and environmental interests, and (b) to prepare for approval by the committee a management plan which would balance the different interests. Recreational gains include improved access for informal recreation, and better provision for water recreation.

INFORMAL PLANS AND STRATEGIES

Not all opportunities have been enshrined in local plans. Just as important, sometimes more important, are informal plans and strategies.

A good example is the Blackwater Valley Recreation Strategy. The valley lies mainly in north-east Hampshire, and partly in Surrey and Berkshire. For 15 miles it runs through Aldershot, Farnborough, Camberley and Yateley; it is thus mainly urban fringe, with over 250,000 people living within one and a half miles. It has a history of urban encroachment, dereliction and neglect, and gravel extraction. There has been considerable involvement by the local planning authorities since the early 1970s, originally focused on gravel extraction, restoration and after use. The creation of lakes for water recreation has been encouraged.

The Blackwater Valley Project was launched in 1979. Jointly funded by the three county councils and the seven district councils, plus the Countryside Commission, the project concentrated on environmental improvements and the provision of access and recreation.

The project was led by Hampshire County Planning Department, and the groundwork was started by a Project Officer based at Rushmoor Borough Council (in the valley). The Sports Council became involved to increase recreational use and management, and to encourage community involvement; they part funded a Sport and Recreation Development Officer.

The Blackwater Valley Recreation Strategy was prepared by HCC planners on behalf of all the funding bodies and adopted by them in 1987, to provide for the co-ordinated planning, development and management of recreational uses and activities, which together comprise recreational assets of sub-regional importance.

The aims of the Blackwater Valley Recreation Strategy were to:

- develop the valley's potential as a recreational resource
- develop the image and identity of the valley
- encourage recreational use and participation
- promote good management
- involve local communities.

In achieving the first aim, one of the key objectives has been to improve access to the valley, especially by completing the riverside footpath and its links with adjoining settlements. Site-specific proposals for achieving this objective were included in the strategy. Many of these proposals have been incorporated into local plans prepared by the district councils.

On the recommendation of the strategy, the short term Blackwater Valley Project has been transformed into the more permanent Blackwater Valley Countryside and Recreation Management Service, with four full time staff whose responsibilities include implementation of the strategy's access proposals.

It is heartening to report that many of the access proposals have been implemented. At least four methods have been used.

1) Land acquisition

Hampshire County Council and some of the districts have acquired sites in order to provide access to what is mainly urban fringe countryside. In many cases these sites also provide important links in the riverside footpath. Further sites and footpath links are being acquired by local authorities through the Blackwater Valley road scheme (which I will refer to in more detail later).

Land acquisition has generally occurred as opportunities have arisen to fulfil the aims of the Blackwater Valley Recreation Strategy; in some cases it has happened as a result of direct approaches to landowners who have been willing to sell land which has little agricultural or other value. Exceptions are sites where landowners have held on because of the potential for gravel extraction or for commercial forms of recreation.

2) Planning Consents

There are examples in the Blackwater Valley of access for informal recreation, or the use of lakes for water recreation, or new footpath links, being provided through Section 106 agreements and conditions on planning consents. In one recent case an important section of riverside path is to be provided before the main development (gravel extraction) actually commences. Local authority planners need to be constantly on the alert to fulfil access objectives in this way.

3) Negotiations with Landowners

A third method is to negotiate with landowners to achieve improved public access. This has been successful, for example with gravel companies, where it does not conflict with their aspirations for the site. In one notable example, the landowner - Hall Aggregates - has not only provided improved access, including a vital link in the riverside footpath, the company has also become a sponsor of the Blackwater Valley Management Service.

4) By a Major Road Scheme

The fourth way will ultimately be the most important for the valley, and that is the Blackwater Valley road scheme which will link the M3 and A31 by a major road along half the length of the valley. In some parts the provision of the riverside path and open space can only be achieved by incorporation in the road scheme.

It was therefore vital to convince the road designers in the two highway authorities - Hampshire and Surrey County Councils - that the footpath along the valley should be an objective of the road scheme. As the public inquiry into the road scheme would not accept that land could be acquired by the highway authorities for, in effect, recreational purposes, the access objective has had to be largely achieved by our planners making generous provision for landscaping alongside the road. Land regarded as essential for landscaping the new road could be compulsory purchased, and subsequently maintained by the local authorities. If planned in the right way from the outset, such land can fulfil countryside access as well as landscaping requirements. Although we will not get all the land we wanted we will make substantial gains in access to the valley for informal recreation, and all the necessary valley footpath links will be provided.

The final planning approach I will describe is another non-statutory initiative - the Rural Development Strategy for Hampshire.

It was accepted some years ago that the county council's broader aims and objectives for the countryside would not be fully achieved through the statutory planning process. The County Planning Officer therefore initiated the preparation of a Rural Development Strategy by setting up a steering group comprising representatives of the main authorities, agencies and interest groups. Working groups were set up to deal with particular topics, and annual conferences were held in 1988, '89 and '90 to discuss their recommendations.

The Rural Development Strategy covers a wide range of topics including:

- Rural employment
- Woodlands
- Conservation and economic land use
- The siting and design of development in the countryside
- Access to the countryside
- Noisy sports
- EC implications for the Hampshire countryside.

Two topics are of particular relevance to this Conference: access to the countryside and noisy sports.

Access to the Countryside

The access group was formed of representatives of the county council, a district council, the Countryside Commission, Ramblers' Association, British Horse Society, Cycling Touring Club, Country Landowners Association and the National Farmers Union. It was chaired by the Countryside Commission.

Its terms of reference were "to review the problems and opportunities presented by the provision of access to the Hampshire countryside for informal outdoor recreation, and to make appropriate recommendations".

Although there were diverse interests on the working group, a consensus report was forwarded to and approved by the Rural Development Strategy Conference in 1989. The two most significant recommendations were:

- 1) Access action projects should be started as soon as possible, employing project officers and set up initially for three years. The most promising locations would be Andover and Basingstoke.

The aims are:

- identify access problems and opportunities;
- negotiate solutions and develop opportunities;
- co-ordinate implementation of package of measures;
- prepare an access management plan;
- implementation, monitoring and review.

- 2) Guidance should be prepared on the best way to secure access improvements through the planning process.

This recommendation covers much the same ground as this talk, and it is hoped that formal guidance for the Hampshire planning authorities will be produced.

I regret to say that little progress has been made so far on pursuing the access group's recommendations for various reasons, the main one being lack of resources. However, someone has recently been appointed by the Countryside and Community Department to progress some of the recommendations, and negotiations have started.

Noisy Sports

The noisy sports working group was formed of representatives of the county council, a district council, the Sports Council and the Country Landowners Association. The group consulted numerous representative bodies of 'noisy' or 'nuisance' recreation activities, and received presentations from some of them.

The group's terms of reference were to identify the principal issues concerning noisy sports in Hampshire, to examine the effect of planning, noise and other controls, and to make recommendations for action.

The group carried out its task with vigour and thoroughness, and produced a comprehensive report containing 35 recommendations for the conference. The report was approved, but again progress in implementing the recommendations has been slow.

I think we can draw important lessons from the Rural Development Strategy approach:

- 1) The use of broadly based working groups, involving and consulting a wide range of interests, is sound and it produces sensible and practical recommendations with wide consensus.
- 2) However, it is essential for the lead agencies to allocate adequate resources to implement at least the principal recommendations, otherwise the planning, preparation and voluntary involvement will be in vain and the process will lose credibility.

Unfortunately, the recommendations of the access and noisy sports working groups were approved at a time of increasing restraint on public expenditure, and the current outlook – coupled with the uncertainties of local government review – is little better.

CONCLUSIONS

In drawing conclusions from this paper I would emphasise the following points:

1. **Ensure that access needs and opportunities are fully taken into account at all levels of planning, from strategic to local, and at all stages in the process from concept to implementation.** This requires good links between strategic planners, local planners, development controllers and site/facility managers.
2. **Make full use of the statutory planning process of structure and local plans, and development control;** these aspects carry weight and status, and provide firm foundations and impetus for acquiring the resources to initiate action.
3. **Identify needs and opportunities that cannot be dealt with by statutory planning, and use whatever informal plans or strategies, or other non-statutory initiatives, are available.** These may be topic-based strategies (such as the Blackwater Valley Recreation Strategy) or area-based plans (such as the Blashford Lakes Management Plan). They may form part of a broadly based countryside strategy, such as Hampshire's Rural Development Strategy.
4. **Access proposals must be realistic and capable of implementation, and it helps to subject them to consultation with the affected interests – landowners/managers, users' groups, and environmental interests – in order to ease implementation and minimise conflicts.**

Finally, remember that because access objectives are competing with many other interests, they need advocates. If not specialists, these advocates should be planners or managers who understand access needs and recognise access opportunities and how to make them happen. Conferences such as this contribute well to the worthy cause.

DISCUSSION SUMMARY

JOHN THOMSON (*Chairman*) thanked the speaker for illustrating how a planning authority could operate creatively in this area. He pinpointed some of the specific points made: the use of planning gain to achieve planning objectives; the need for broadly based consultation; the lack of integration that existed in some policies and powers; the role that local government could play in co-ordinating a whole range of interests. ROSS MILLAR (*Department of the Environment, Northern Ireland*) applauded the achievements in Hampshire but thought that a similar approach would not work in many areas where there was no framework of accepted

dynamic change. ALAN INDER accepted the point; a lot had been happening in Hampshire because of the increasing pressures for development. This had made the local authorities proactive rather than reactive as, for example, in the use of non-statutory initiatives.

JOHN RIDDALL (*Ramblers' Association*) deplored the tendency to encourage people into 'patches' of, admittedly very attractive, countryside, rather than concentrating on opening up the footpath network so that people could get into the real countryside beyond. ALAN INDER agreed that the emphasis had been on tackling urban fringe problems, particularly with the countryside management projects set up by the Countryside Commission in partnership with local authorities over the past 15 to 20 years. However, lessons had been learned from that approach which were beginning to be applied to the wider countryside.

SUSAN ROGERS (*Countryside Commission*) asked whether Hampshire County Council had a policy to allow horse riders a safe crossing of the major roads which intersected the county. ALAN INDER said this was a recognised problem about which little had been done so far. He admitted it was not high on the list of priorities. COLIN PALMER (*British Motor Bike Federation*) asked whether the low priority reflected the perception that horse riding and off road cycling were minority recreations or whether it was because of the enormity of the problem. ALAN INDER thought it was more a case of minority interest, compared with walking, for example. Certainly, there was a far less vociferous lobby.

In response to a point raised by PETER WILKINSON (*Thames Chase*) on access links as part of new developments, ALAN INDER said that it would be helpful for county and district planners jointly to issue guidelines on situations where recreational gains could be made, through Section 106 agreements, through planning conditions, or in other ways.

GARETH ROBERTS (*Countryside Council for Wales*) was rather concerned at the speaker's obvious disillusionment with the planing system and his emphasis on non-statutory initiatives. He asked what were the inadequacies of the planning system because he thought it very important for a management plan policy to be part of an actual development plan, and thus be subject to the wide formal consultation process. In addition, plans which were formally adopted and approved carried a lot more weight. ALAN INDER explained that in the past the Hampshire authorities had always adhered strictly to the guidelines governing what may be included in structure and local plans. However, the remit was being extended. For example, the recent PPG allowed for recreational management policies or proposals to be included in statutory plans. Once a proposal had gone through the consultation process and been included in a local plan there was nothing to stop it being implemented, apart from lack of resources. Certainly, there were occasions when an opportunity would be missed if it was subject to the all the formal procedures and in such cases the objective could often be achieved by the use of non-statutory initiatives.

TERRY HOWARD (*Ramblers' Association*) asked how dependent Hampshire was on central government support for the kind of schemes the speaker had described. ALAN INDER replied that Hampshire local authorities were fairly self-reliant. In recent years grant aid from the Countryside Commission had been reduced, probably because the county was seen as being relatively well off. However, in the present economic climate, recreation seemed to be first in line for cutbacks.

JOHN THOMSON thought the discussion had revealed disparity of both experience and opportunity across the country in terms of resources available and attitudes of local communities. However, he thanked Alan Inder for illustrating the scope that did exist for local authorities to act creatively and proactively.

Opportunities and Constraints for Landowners

Richard Williamson

Visitor Services Manager
The Buccleuch Estates Ltd

I am going to give you a personal view because it is as difficult to speak on behalf of all landowners as it is to speak on behalf of all recreationalists. Everyone has different views depending on the size of the holding, their income level, the type of farming and land management they practise. So this is a personal view based on my own experience having worked in the public sector and crossed over the great divide to work for the private sector.

In preparing notes for this presentation, as I suspect most speakers do, I set off trying to think of some witty or clever opening comments. I started out thinking about my experience as a ranger at the sharp end of countryside access; of how allowing visitors into the countryside can be a double edged sword; of how Buccleuch Estates was at the cutting edge; of how landowners needed to cut away red tape; that some landowners rights were to be sacrificed on the 'altar of freedom'. By this point I felt that the whole thing was getting rather violent and not at all the impression I wanted to create.

The Buccleuch Countryside Service costs Buccleuch Estates in the region of £150,000 pa in terms of revenue budget. I suspect this is more than some local authorities spend on the equivalent type of activity. Some income is generated by added value activities at Drumlanrig Castle and Country Park and the other historic properties. Our ranger services are in part grant aided by Scottish Natural Heritage to the tune of about £30,000 a year. We are fortunate in Scotland that we receive 60% grant aid on ranger services in both the public and private sectors.

There is a cost gap of approximately £40,000 which, I might suggest, reflects in part the importance which the Duke of Buccleuch and Queensberry, as landowner, places on access to the Estates.

The cynics among you, and I am sure there are many, will immediately ask "What's in it for the Duke?" It can be argued that it provides for good public relations; that there are commercial rewards. People will say that alternative farm enterprises can be grant aided which will provide some income to offset declining farm income. It can be argued that there is political motivation, that by allowing people on to the Estates they will recognise good landowning practice. It can be seen as pure altruism, that the Duke is doing it out of genuine goodwill. I would say that it is a combination of all of these things.

The Buccleuch Estates have always adopted a pioneering approach to land management whether this is in forestry practice, which for many years had been way ahead of the

Forestry Commission's thinking, or in agricultural management. Responding to demands for countryside access is entirely in character with the Buccleuch thinking. It is a new demand that has arisen and the estate has responded in the way that it manages access within its traditional portfolio of countryside management.

A landowner positively seeking to manage access is adopting a similar approach to people that the Forestry Commission used in opening up their woodlands or, for example, that the National Parks use to reduce pressure at honeypots. That is to minimise the impact of access for operational or other reasons. I am disappointed that the former public bodies, the water authorities, are still not facing up to their obligations on access.

Access is an important issue for landowners. It conjures up images of loss of privacy, dogs worrying sheep, litter, noise, a loss of amenity and privilege. These images might be erroneous but they are real and strongly reinforced by landowners' clubs. They create the polarising of opinion which presumes against public access. Contrasting images are drawn by those seeking wider access and claiming an enhanced amenity and wider share of privilege.

These polarised views are perhaps one of the most important access issues to try to address because they divert attention away from the main issue which is, I would suggest, a gross underfunding for countryside access management.

Landowners are expected to bear costs of providing access at least in part, but ten years ago no one would have envisaged the huge demand for mountain bike routes, for example. Who should pay for repairs to eroded paths caused by a new hi-tech form of recreation? I can tell that this is a real problem because poor old Phil Archer has had mountain bikers on a public footpath on Lakey Hill and Ambridge does not even have a ranger to come to the rescue!

There should be some sympathy for the farmer, who sees ramblers in matching his and hers £250 Goretex jackets and ultra lightweight go-faster walking boots, and wonders why people should not pay access tolls. Demands for instant repairs to stiles must somehow seem less weighty when made by someone who has just parked a K-registered Shogun in a gateway.

In the good old days when ramblers wore cloth caps and carried their lunch in an old gas mask bag, the issues on access seemed clearer. It was 'them and us', the 'haves and the have-nots'. Now there are rural 'haves' and urban 'haves' still arguing about the same problems, still presenting the same polarised views, and tending to forget both the urban and rural 'have-nots'.

We have missed our chance for land ownership reform. To change political systems and parliamentary processes to achieve enabling Acts is an unrealistic goal. We have to set realistic achievable targets for countryside access and land management.

We have made little progress in access improvement over the past 30 years or so. Our opinions are divisive and uncohesive. They come from separate lobbies and are perceived differently. Contrast this with the British Road Federation which, I would suggest, has achieved great things for the road transport industry. There is a really powerful lobby, drawing together many different views and making its voice heard.

We fund our recreational countryside in the same way as we fund the high arts, with tokenist grants often thrown at high profile projects. We neglect the bread and butter work that is often needed to maintain good access.

High profile country parks whet the appetite for exploring green belt countryside but we forget people cannot read maps and that some paths are blocked. Linear walkways create an expectation that paths are flat on well drained gravel rather than a reality of ploughed fields, with paths poached by cattle or with timber extracted over them.

'Walks Around' leaflets are useful guides but what happens after the 'around' walk? An Ordnance Survey map quite often will not show the clear-felled plantation or the new bungalow that has been built across the right of way. In any case, as has already been said, these maps are too expensive for the average person to buy. You can stand in the middle of a field claiming that you are on a definitive right of way, but the bull may not believe you!

Our approach to the countryside is unco-ordinated. It lacks a cohesive strategy to draw together all the disparate views. No offence to Bill McDermott, but why didn't the Peak District National Park plan ahead for the next round of access agreements?

I make no apologies for this ranting polemic. I am afraid that this is how many landowners still see their involvement in countryside access. Michael Dower's message "Connect with the People" still has a long way to go.

A short diversion around the Buccleuch Estates would seem relevant now. I will explain why later.

The Buccleuch Estates occupies 400 square miles of countryside in south Scotland – an area larger than some of our National Parks. The holding includes high ground at 2,800 feet and urban fringe coal mining communities.

There are 200 tenant farms, 300 full time employees, 600 estate pensioners, four mansion houses, several ancient monuments, dozens of SSSIs, an ESA and scores of listed buildings. These make up the Estates resource pack, all demanding funds for maintenance and management.

Providing a common thread to all this is the Buccleuch family who trace their Borders associations back to Robert the Bruce. The Duke talks convincingly about custodianship or stewardship.

The Estates' 'draft' mission is to 'enhance the Estates' assets and reputation'. Note that this is not necessarily the same as being solely profit motivated. It is good to see that public agencies have taken up this old fashioned idea of stewardship. It may be that it has some merits.

More importantly though in the Buccleuch Estates is the continuity of management that springs from continuity of ownership. There is a real link to the past and a vision for the future. This does not happen in local authority terms. Local authorities are politically driven and therefore they take a short term view. In spite of what politicians would say, their immediate interest is in the next election, whether it be a local or general election. It is very

difficult to get a long term strategic view that spans generations. When you are talking about good woodland management, you need to think in terms of generations, particularly in the case of broad leaved woodlands. Woodlands have been planted for commercial and amenity reasons and set a world renowned standard for good management practices.

Bolted onto the traditional estate activities is the Buccleuch Countryside Service which now manages a wide range of recreation and leisure activities on the estate. These include a ranger service, footpath network, guided trails, mountain bike routes, Pony Club cross country course, canoe facilities, orienteering courses and others.

As head of Buccleuch Countryside Service I form part of the senior management team with chief executive and factors. Recreation strategies are inputted to forward plans at an early stage.

I have a topical and real example of our approach. We are preparing a submission for Woodland Grant Scheme on Bowhill policy woodlands, a large proportion of which is expected to qualify for special grant. Bowhill House is near Selkirk. There is an area of about 2,000 acres which we hope will qualify for Special Management Grant. It includes a little outpost on the Eildon Hills, Eildon Woods, which is part of an ESA.

We had a meeting earlier this week with myself, the factor, the head forester, the game keeper and the farmer. After the expected airing of views on letting more people onto the Estates, we eventually came to a consensus of opinion. Initially, the factor's view was that it would be better to forget the grant and keep the people out. That pleased the gamekeeper and the farmer. However, it would not please the directors who are keen to explore ways in which we can get Special Management Grants for what are potentially important woodlands in the Borders landscape. They are important both for recreation and for landscape.

The integration of recreational planning into mainstream activities is by and large successful. Paths are closed temporarily for timber extraction or pheasant shooting. There is a commitment for five years at a time. The important thing about the Woodland Grant Scheme is that it is a contract between the landowner and the granting authority. It is a five year agreement in which the landowner states he will achieve certain principles in terms of public access. The grant is intended to offset the costs of access management; it is not compensation for providing public access.

There are no 'No Access' signs on the Buccleuch Estates. There is access on 365 days a year subject to normal management and operational activities. As a model for countryside management the Buccleuch Estates are hard to better. The quality of landscape is greater than what was municipally owned water authority land. These nationalised bracken deserts contrast with the Estates' heather clad moors supporting large numbers of peregrine and hen harrier.

Ilkley Moor, having lost its Bradford Metropolitan District Council employed shepherd and gamekeeper, is again a bracken desert, a publicly owned degraded landscape, yet it is a potential green lung for millions of West Riding people.

The only problem with the Buccleuch Estates landscape is that it relies for continuation on the farsighted and benevolent acts of successive generations of Dukes of Buccleuch and

Queensberry, and on their paternalistic approach to employees and the local communities. Although this seems likely to continue for the next generation or two, it may not always be the case. Henry, the 3rd Duke of Buccleuch, known as 'Old Q', was an infamous Regency rake who more or less plundered the Queensberry Estate to finance gambling and womanising!

At the moment landowners will provide access if coerced, bribed or through benevolence. This does not create a happy climate for access provision beyond 2000. It leaves too much to chance, or is too prone to what is fashionable in countryside management. The Buccleuch model works well for one ownership but could equally apply to groups of owners with a shared countryside service. However, it can work only if our funding arrangements are adequate and appropriate.

A recent MAFF/DAFS discussion paper on revised HLCA payments advocated measures to reduce over-grazing and promote upland conservation. Reducing sheep is one thing, why not link HLCA payments to access rights, or offer enhanced HLCA payments for granting access rights? This would remove the need for cumbersome and complex access agreements.

Woodland Grant Scheme applications could all show recreational provision to qualify for grant. A state subsidised farming and forestry industry that does not ensure some access for those paying for the subsidy is selling its people short.

I cannot think of any valid reason why access should not be widespread provided that there is a system to help narrow the landowners' cost gap. It does not matter how it is administered – by highway authorities, rangers, project officers or whoever. My inclination is to favour locally based and locally administered schemes attached in some way to the purse strings so that they do not seem to be speaking pious words and expecting altruistic deeds.

Landowners and conservationists can see the writing on the wall. Land management grants will be linked to providing for conservation and access in the future. Resourcing is not only needed to provide access furniture, supervision and information but also to provide a mechanism for integrated access planning. Indicative forest strategies prepared in consultation provide a useful management tool. Indicative access strategies might similarly be useful.

A coherent cohesive message from the landowning and wider countryside community should be given now to ensure sufficient resourcing for the kind of countryside people want.

I would like to finish by saying, let us follow the British Road Federation example and get together as a 'British Countryside Federation' to work out the real cost of providing the type of access people want, the type of access the countryside can manage, and then lobby together for the adequate resourcing for access management. Resources are the key to this – not lip service in terms of piecemeal funding here and there but real resourcing. With my boss and his friends in the 'other place', and your bosses and members out there, we should have a very powerful voice.

DISCUSSION SUMMARY

JOHN THOMSON (*Chairman*) thought the lesson to be learned from the presentation was that although the Buccleuch Estates were the exception, there was a need to look for a

mechanism which would achieve the same integration of land use and long term perspective.

BRIAN PARKER (*British Orienteering Federation*) complimented Richard Williamson on the good woodland management on the Buccleuch Estates and on the access provision for recreational pursuits. He had heard that in sensitive woodland the Estates had returned to the use of horses for timber extraction and asked if this was true. RICHARD WILLIAMSON confirmed that Clydesdale horses were being used on the Estates in mature woodlands, for economic as well as heritage reasons.

JIM SAUNDERS (*Countryside Commission*) asked whether there were conflicting views within the organisation of the Estates regarding access. RICHARD WILLIAMSON replied that it was true to say there were some entrenched views among the older generation of land agents about the public having access to the countryside. However, in his organisation they were fortunate in that the landowner himself, the Duke, was keen that people should come to use the land and resources.

LYNN CROWE (*Sheffield Polytechnic*) referred to the funding gap mentioned by Mr Williamson and asked for clarification on its cause. RICHARD WILLIAMSON replied that the situation was complicated by the fact that the stately homes were open to the public, with visitor attractions such as mountain bike hire, falconry demonstrations, craft workshops and tea rooms. The houses were surrounded by country park areas and there was also access to the wider countryside on walks and trails. The funding gap arose from providing the wider access rather than the commercial access around the stately homes. However, without the ranger service and the added-value activities, visitor income would drop anyway. People came because it provided a good family day out and there was a lot to do.

TERRY HOWARD (*Ramblers' Association*) cited a similar example of the estate in Derbyshire belonging to the Duke of Devonshire, albeit on a smaller scale, to which the public had responded very favourably. He asked how the public reacted to the enlightened attitude of the Duke at Buccleuch. RICHARD WILLIAMSON thought that people appreciated being able to use the Estates. It had to be recognised that the problems were much easier to deal with in rural south Scotland than they would be if the Estates were on the doorstep of 20 million people. The local population was still accustomed to the landowning culture so the Estates were not subjected to undue pressure.

CHARLES WATKINS (*University of Nottingham*) raised the topic of gamekeepers. RICHARD WILLIAMSON acknowledged that the situation was quite difficult for gamekeepers whose traditional role had been to produce birds for sport and control vermin. The landowning fraternity had received a lot of bad press about the practices of gamekeepers. When that had become an issue about two years ago, the Buccleuch Estates had redrafted their contracts for gamekeepers. They now signed a document which stated that they understood the Wildlife and Countryside Act and its implications. The relevant clause had been drafted in consultation with the RSPB. This had been done as a positive approach to address the issue. The impetus had come from the top.

DAVE MORRIS (*Ramblers' Association*) endorsed the Chairman's comments that Buccleuch Estates were quite exceptional in their policies. The situation was far less happy on many other estates, particularly for Scotland where new landowners were coming in from abroad and from England. In response to a call for new legislation on access, it had been stated at

the Conference that if this happened in England chaos would ensue. Given that the Buccleuch Estates appeared to operate a freedom to roam policy, he asked how such legislation would affect the Estates if it were enacted. RICHARD WILLIAMSON replied that there was already freedom of access on the Buccleuch Estates. However, he pointed out that they were in a position to fund that access, and that the Estates were sufficiently large to be able to absorb it. He thought the problems arising in England were simply due to gross underfunding in terms of providing for countryside access management. If the public claimed access then it had to be recognised that adequate funding would be needed to resource it. He thought that if adequate resources were provided for countryside access management, then landowners would be willing to grant more access. It did not necessarily need a change in the law which, in his view, was an unrealistic goal at the present time.

JOHN THOMSON closed the session by thanking the speaker for his presentation and all concerned for the lively debate which had followed.

Drawing the Threads Together

Adrian Phillips

Professor of Countryside and Environmental Planning
University of Wales, College of Cardiff
and Environmental Consultant

INTRODUCTION

I believe this has been an extremely thoughtful and productive Conference from which a great deal of material has emerged. The quality of the contributions from the platform have been exceptional, and the contributions from the workshops most productive. CRRAG has come a long way since its inception some 24 years ago.

I have been given the rather optimistic title of 'drawing the threads together'. Some of the 'threads' of the Conference might more properly be described as 'razor wire' but I will do my best to draw them together, and I apologise if I have not been able to pick up everything.

WHAT HAS BEEN AGREED

First, I will consider what we have agreed, which I have grouped under four general headings:

- More access provision is needed than currently exists.
- Pressures for access will grow.
- Public intervention is justified.
- The context is changing.

No one disputed the first point. Representatives of all sectors – the users, the landowners, the agencies, the local authorities – all explicitly or implicitly acknowledged that fact. It may seem obvious, but without that basic agreement between us there is no justification for anything that follows.

In relation to the second point, you will recall the excellent presentation by Sue Glyptis on Wednesday evening which highlighted this issue. It was subsequently taken up by a number of other speakers, particularly Sue Walker from the water perspective. Pressure for access will grow, especially from the more discriminating and adventurous sectors.

Thirdly, public intervention is justified, through laws, finance, planning, advice, research, and so on, both to help meet access needs and to minimise the conflicts. It is interesting that even after a decade of the most far-reaching free market philosophy, nobody in this room questioned the role of the public bodies and public agencies in being closely involved in the planning, management and overall direction of policy in relation to access.

The final point is very significant. The context in which this debate is taking place is changing radically. This is most marked in the case of agriculture; the new policy framework for farming is the most important single change which will affect many of the presumptions which have underlain policy towards access in the past. There is also the heightened awareness amongst the public and politicians of the importance of environmental issues. There are new opportunities opening up; new issues and concerns are clarifying themselves. So the context in which access policy has to be made has changed quite radically from the position of ten years ago.

CONFERENCE THEMES

I want to look now at the kind of themes that have pervaded our Conference.

1. The psychology of users.
 2. The psychology of owners.
 3. The power of words.
 4. Sustainability and the link with conservation.
 5. Different places/different approaches.
 6. Uncertainty over local government.
 7. Importance of the planning system.
 8. Community empowerment.
- and 'wilderness/wild areas'.

The Psychology of Users

Generalisations are very dangerous; you will recall those figures that 25% of the population are regular, informed users of the countryside; 50% are occasional, rather less familiar users of the countryside; the remaining 25% rarely, if ever, use it. So we are talking about a very broad spectrum. Nonetheless, there were some repeated assertions made about the psychology of users, such as that many visitors lack knowledge or are apprehensive about the countryside. This was highlighted in the distribution of visitors in an open space area north of Hull that Sue Glyptis showed on the first evening, indicating the apparent unwillingness of people to venture far from the road.

Most visitors will stick to routes, to footpaths and bridleways; few actually wish to roam – although many more may wish to feel that they could if they were so inclined. People are still wedded to their cars; despite Fiona Reynolds' passionate plea, the car is still seen as very often, if not universally, the essential means of getting to the countryside. These conclusions lend support to the Countryside Commission's commitment to providing information about the countryside, building confidence and increasing responsibility amongst users. Incidentally, I believe they also justify the new thrust in the Commission's work on transport in the countryside.

The Psychology of Owners

Again, generalisations are dangerous. Clearly not all owners are like the Dukes of Buccleuch. There has indeed been a repeatedly expressed concern over the perceived loss of control

which landowners would suffer if resources, such as woodlands and moorlands, are made available for public access. That view may not be shared by landowners in Europe but it is a political reality in Britain. As we heard in the workshop which I attended, there are genuine and well founded reasons for those fears – vandalism, theft, arson, the problem of dogs. There are also rather less well articulated and irrational fears, but then there was the shrewd observation by Bill McDermott that politics in the access business is often based upon perceptions rather than reality.

Because of these deeply held views, I would argue that those who wish to see more access to the countryside would be well advised to recognise that such attitudes condition landowners' behaviour. I would say in passing that high profile campaigns, by my good friends in the Ramblers' Association for example, might heighten resistance to granting more access because they have the effect of reopening some of what Bill McDermott called the 'scar tissue'.

The Power of Words

If psychology is such an important part of this debate then it is not surprising that words – the very means of communication – carry such an importance and weight. Certain words appear to create problems. I was quite taken aback to hear the farmer in our working group pointing out that the phrase 'Community Forest' could be seen to imply a general right by the community to use all parts of the area. The point is taken that words have a power greater than the authors of those words realised when they chose them in the first place. The same would apply even more in the case of the National Forest. There was a rather nice suggestion from one group that perhaps 'privileges and duties' was a more constructive phrase than repeatedly emphasising 'rights'. Some words appear to be so powerful that they can be heard even when they are not spoken, for example, 'nationalisation'. ('Rationalisation' might be another). The message to the access movement is to be sensitive to words and their power.

Sustainability and the Conservation Link

The word 'sustainability' has appeared throughout the Conference – indeed in practically every conference at national or local level, it has now become the magic word. I would define it here as meaning that a recreation activity should not unacceptably erode the environmental quality of the resource upon which it takes place. However, the relationship between recreation and conservation that we have been discussing is actually stronger and more complex than just that proposition.

I was taken by Jeremy Worth's phrase that conservation and recreation needed to be 'brigaded together' because they actually can be used to further each other's ends. I can offer three examples of that. The visitors to the countryside, if properly informed and advised, can become a force for conservation by lending their support – through political pressure and in other ways – to the conservation of the countryside. Countryside visits can be used as a justification for protecting the conservation resource that people wish to enjoy and appreciate. And, as Bill McDermott said, conservation can be the 'glue' for owners and users in providing a base line to which both sides can commit themselves in order to determine the policy that flows from it.

The biggest challenge to recreationalists is to recognise the issue of sustainability and come to terms with its implications. That, I suppose, is the real issue at stake in the proposed 10 mph speed limit on Lake Windermere. The challenge to conservationists is to recognise the potential benefits of recreation in terms of public support for conservation. I wonder whether this may not in some way extend the precautionary principle. For example, if – by providing public access to a nature reserve which to a limited extent affects the pristine quality of that reserve – we build greater public support and understanding for conservation, might there not be a net benefit which would justify that increased use and limited loss of nature conservation value?

Different Places/Different Approaches

This is an important point which bears repetition. The situation in the different countries of the United Kingdom is very different, as we have heard. The problems of the urban fringe – the attitudes of landowners for example – are understandably different from those of the Duke of Buccleuch. Indeed, if the Duke had been farming in the Essex lowlands, perhaps his generosity of spirit would have been tested to breaking point.

Then there is the difference in the competence and the resources of local authorities. Unfortunately, not all counties can be as efficient, generous and imaginative as Hampshire County Council. Some places have special machinery in place, such as National Parks. So this is just a reminder – national policies are fine but we need local flexibility and locally sensitive delivery mechanisms, as Tim Allen said in the context of Countryside Stewardship.

Uncertainty over Local Government

This is a cause of considerable worry and it has come up many times in the course of the past two days. Access to countryside is much affected by local government arrangements and therefore will be much affected by changes to them. We have been saying three things. Any new structures that emerge from the changes in local government (I hesitate to call them 'reforms') should ensure that a strategic approach can still be delivered; the discussion on water provided a particularly good example of why that capacity for thinking strategically is necessary. Next, any new structures must also protect good countryside management services where they are in place; in counties up and down the land such services exist and they should be able to survive and prosper through the period of change. Thirdly, the new local government structure should enable community level action relating to access to the countryside.

I believe there is a challenge to everyone represented in this group today to make their voice heard in the process of local government change which is taking place. All parties to the access debate have a shared interest in getting the message across.

The Importance of the Planning System

I have no doubt that the planning system has an important part to play in the access business. This morning's presentation from Hampshire has illustrated how important it can be. I was struck by Alan Inder's emphasis on using the non-statutory instruments and tools available to planners just as much as the formal development plan and the development control process. Let us remind ourselves that the government has now committed itself to a much more plan-led approach to development control which means that investment in discussing the content of the development plan is an investment well made. That applies to the access field as to any other.

There is quite a lot to be said, and learnt, and applied, in using development control as a mechanism for improving access ,through planning gain, planning conditions, and so on, as well as to safeguard existing access.

Community Empowerment

This is a universal theme; you will find it in the declarations that came out of the Rio Summit; you will find it being used as a concept at a very much more local level – at the level of the individual village, for example. Community empowerment is the approach which enables us to act locally whilst thinking globally.

I was particularly glad to hear Fiona Reynolds refer to the work of Common Ground. Like her, I admire that organisation and what it has done in order to promote amongst people up and down the land a recognition of the importance of local identity and distinctiveness; and the value of enabling people to survey, record and care for their own environment, including the access resources within that environment. Local people have the time and knowledge to do this, and with a little bit of financial encouragement and advice, a great deal can flow from it. You will be aware that there are a number of Countryside Commission and other government initiatives now in place to try to liberate those resources within the community. In the access field, as in others, this is an exciting new area which needs to be exploited and developed further.

.... Wilderness and Wild Areas

There was one dog that did not bark, though I gather it did bark in one of the fringe events last night. I was surprised it did not come up more, particularly given the title of 'Off the Beaten Track'. The issue of wilderness and wild areas has not been discussed. I deliberately put the two issues together although they are conceptually very different. One could argue that true wilderness within the British Isles can be found only in remote parts of Scotland but areas with 'wild quality' exist much more widely. One of the concerns of anybody looking at the issue of access off the beaten track must be the erosion in the quality and extent of both wilderness and wild areas, due to a host of different factors. In an increasingly urbanised society, the value of this kind of recreation asset is growing all the time. We need to identify where such wild areas are, to identify the threats to them, to take steps to protect their character. Also, if at all possible, we should extend wild areas, for example, by reducing road access into them.

AGENDA FOR ACTION

Ten Point Action Programme

1. Clarify payment for access.
2. Review forestry initiatives.
3. Carry out moorland demonstrations.
4. Explore conservation/access interface.
5. Explore use of planning mechanisms at local scale.
6. Develop access forums.
7. Publicise European experience.

8. Legislate on dogs.
9. Examine occupiers' liability issue.
10. Raise political profile of access.

Let me say a few words of preamble. This is a short term agenda; it is about what can be done within the existing political framework. It does not have significant implications for resources. It is a practical agenda. It can be done, or at least promoted, by the agencies. There is a fairly strong element of research, experiment and demonstration in it. I think that befits CRRAG. I hope the bodies which make up CRRAG will wish to dwell upon its implications.

Clarify Payment for Access

The current position is becoming increasingly confused as a result of the number of well intentioned but diverse initiatives. It is becoming less and less clear what is the relationship between access and public payment for it. We have new elements like Countryside Stewardship. (Note here the interesting contrast of £50/ha for access to Countryside Stewardship land and 50p/ha for access agreements made in the Peak District). We have Community Woodland Grants with special payments for access. We will probably quite soon have access tied to ESAs. Possibly 'cross-compliance' will follow; Richard Williamson suggested that such payments as HLCA may in future be tied to public access.

I believe it is important to clarify the relationships between payment and public access if future policy is to be consistent and not sabotage progress already made. Otherwise there will be a sense of resentment that some people have done rather well and others have been penalised. We need ground rules which are fair and readily understood.

Review Policy Initiatives

The Countryside Commission, the Forestry Commission and groups of local authorities are investing a great deal in the Community Forest programme: money, certainly; time; and, I suspect, reputation. The same applies to the National Forest and, no doubt, in Scotland to the Central Scotland Woodlands initiative. Within two or three years it will be important to review this programme and ask two fundamental questions. Does the machinery actually create the forests in the way in which it is planned? And does it provide the right sort of access within those forests? I would say that at the moment the jury is out on both those issues and some further look at this will be needed before we can be confident that the concept is capable of being turned into reality using the existing mechanisms.

Carry Out Moorland Demonstrations

Here my own view is very close to the first, apparently premature, report from Paul Johnson's group. I think there is a need for national legislation to create a presumption in favour of access to moorland, but not woodland, with site by site access arrangements to protect interests. Basically the Common Land Forum type of approach is what is needed. However, I accept absolutely what was said here by Richard Williamson today, that it is not real politics at present. It will not happen for some time – witness the fate of the Common Land Forum proposals.

Nonetheless, in the spirit of this being a practical agenda, there are some things that could be done now. The moorland owners have often said that they would be prepared to provide more access on their own terms to moorland areas: broad corridors, with more rights of way and so on. I think it is important for them to turn that indication into a number of experiments and demonstrations to show how to provide more access on their own land, which does not conflict with other interests. That would be a challenge to them.

There are several reasons why this is important. First, there are cost implications and we need to learn more about what they are. Secondly, it would create a better climate with rather less hostility. Thirdly, it is important to test the practicalities of site by site arrangements.

So that is a challenge to the moorland owners which I hope bodies like the Countryside Commission and their Welsh and Scottish counterparts will pursue.

Explore Conservation/Access Interface

There is still a lot of hot air and still perhaps rather little knowledge about the recreation/conservation interface. There are interesting new techniques; we heard about limits of acceptable change, for example, although I would caution that the approach should be tested before we assume it is the answer to all our problems.

We certainly need to examine a variety of approaches to building agreement on how much public access can be accepted in sensitive environments, but also it would be interesting to test the effect on people's attitudes towards conservation – for example, to being permitted entry into nature reserves. This should be underpinned with scientific research on the impact of access on wildlife and habitat. I know a lot of this has been done but it seems to me, judging by the kind of discussions we had here yesterday, that there are still ample areas of ignorance that need to be filled in.

Explore Use of Planning Mechanisms at Local Scale

I was struck by that mental image that Fiona Reynolds painted of a housing estate on the side of a village or a small town – of which there are now thousands in lowland England – which has no relationship whatsoever with the countryside in which it is placed. What can we do in the design of such areas to improve links to the countryside, to improve the open space opportunities that could be opened up through that development? What can be done through planning consents and planning gain to improve opportunities for access in countryside around towns and small villages? I think here there is scope for research, experiments, demonstrations, and for knowledge to be transferred between us all on what is going on so that we are more influential in the planning process in the future.

Develop Access Forums

We need more working examples at the local level of how the different interest groups can work together. We heard an interesting example today from Hampshire of how productive that can be, not only as a conciliation forum but also as a means of getting agreement on future access strategies. There is a challenge here to local government in particular. One thing the Commission, the Countryside Council and other bodies could do is to publicise good practice in this sphere.

Publicise European Experience

As I understand it, Peter Scott's excellent report – which I have had the privilege of reading – is not yet published. It should be. It is an indication for a number of other areas where European experience could be found to be extremely useful in Britain. Let me give you three: the use of public transport in relation to recreation and access to the countryside; the use of user groups in recreation management; and the role of local communities in owning recreation and access resources, such as community woodlands. I believe we could learn a great deal by having better access to European experience in this field.

Legislate on Dogs

I think there is one little piece of legislation that could be promoted, and it is one with which I am sure most, if not all, of the people in this room would be in agreement. I refer to the need for legislation to control dogs in open country. Indeed, support for such legislation from the access side would be a powerful indication of goodwill to landowners and would defuse some of the problems. So I would argue strongly that such legislation should be somewhere tucked away in the government's timetable. However, I have to say that the experience of governments trying to legislate on dogs suggests that, apart from Maastricht, it is the most difficult thing to get on the statute book!

Examine Occupiers' Liability Issue

We had a fascinating debate yesterday on the issue of the occupier's liability. I have no idea, amongst the intensely felt contributions on this, who is right. What does appear to be the case is that there are strongly held and different views on the subject, so it seems to me that it would be appropriate for the agencies to review the effectiveness of legislation in this field and then, if they think change is needed, to advise government. The principle should be that legal arrangements should not work against the concept of extending public access. That should be the underlying precondition of such a review. However, there is a case for looking at the existing arrangements, if only because a number of people clearly feel the present situation is unsatisfactory.

Raise Political Profile of Access

If there is one thing we have picked up from this Conference it is that access issues are wide ranging, they are complex, they are conflict-ridden. And they have significant resource implications. They deserve more political attention than they are receiving at present. Without political attention, they will not get more money.

There are five arguments to advance to raise the profile of the topic. First, it links closely to the environmental issues. Access can certainly be presented as a green issue. Secondly, the new links to education through the National Curriculum. Thirdly, the connections with healthy living and the NHS targets set by the government. Fourthly, the relevance of access to the Citizen's Charter approach; a right of way on the map should be a right of way on the ground, just as the train should come on time. Fifthly, there is the place of access in the reshaping of agricultural policy, the new strategy for farming – perhaps the most important of these arguments.

CONCLUSION

Those are ten ideas, some of which were specifically promoted from the floor, others which came out from thinking about them. I think it would be helpful if we could use those as a

basis for discussion. It might be helpful if, at the end of the morning, it was agreed that the CRRAG agencies would dwell upon that list plus the subsequent discussion.

DISCUSSION SUMMARY

JOHN THOMSON (*Chairman*) thanked Adrian Phillips for a characteristically lucid analysis and suggested that the remaining time should be spent in examining his ten point programme to see if there was a consensus that it should be adopted by the organisations represented at the Conference.

ROGER SIDAWAY (*Research and Policy Consultant*) thought the point about the psychology of users and owners was an important one. He suggested CRRAG could be instrumental in collating information on the whole area of damage, real and perceived, as well as risk and liability.

RON SMITH (*Isle of Wight County Council*) said that four years ago his Council had tried to initiate a conference to examine the European experience but had had to abandon the idea due to lack of support, not least from the Ramblers' Association.

ROGER PUTNAM (*National Association for Outdoor Education*) was pleased that Adrian Phillips had mentioned the National Curriculum. He stressed that the pressure for access would grow from schools; all primary schoolchildren would be entitled to outdoor adventure experiences as part of their PE curriculum. The majority of secondary schoolchildren would also have that experience. In practice, this was likely to take place close to the schools in fringe areas around towns and villages. The access required would be to water, woodland, open land, networks of footpaths, and hopefully to places where it would be possible to camp or bivouac. He urged that the various organisations represented should discuss the requirements with local education authorities and schools, which were likely to be a source of positive support for the whole access and environmental movement.

CATH MACKAY (*Ramblers' Association*) considered it was absolutely crucial to raise the political profile of the access issue. DUNCAN BRYDEN (*Ross and Cromarty Enterprise*) thought the wider economic impact of access should not be ignored. People coming into the countryside spent a lot of money. This aspect needed to be brought to the attention of economic planners in relation to rural issues. ADRIAN PHILLIPS agreed; it was a good argument to raise the political profile because it was closely linked to tourism and bringing economic benefit into areas. He commented that some rural areas actively marketed their access facilities in their bids to attract tourists.

DAVE MORRIS (*Ramblers' Association*) did not believe it was unrealistic to press for legislation on access. Changes in the law were undoubtedly needed, particularly in Scotland with regard to the rights of way. He cited the Rights of Way Act, 1990, as an example of legislation which had been successfully introduced as a Private Member's Bill. ADRIAN PHILLIPS recognised the problems, not least in Scotland. However, on the basis of his experience he did not think it would be possible to get legislation on rights of access to open country in England and Wales. The fate of the Common Land Forum indicated that there was no possibility of getting enactment on that subject in the lifetime of the current Parliament. This would not preclude pressing for legislation on other issues, for example, the problem of definitive routes in Scotland.

DAVID BLOOMFIELD (*Farmer, Hortons*) reinforced the point made by Bill McDermott that granting of wider access to the public should carry with it the provision of appropriate resources to fund the management of that access.

PETER SCOTT (*Peter Scott Planning Services*) thought it would be a good idea to use the Citizen's Charter to promote the cause of access. He suggested that concept could be used to persuade the government to require landowners to put up notices on land where access had been granted in return for a financial incentive, fiscal or otherwise. The notices would show where access was available and the conditions under which that access had been granted. He also suggested that an audit should be conducted periodically to ensure that such access was actually available. ADRIAN PHILLIPS thought this was a sensible idea. He explained that it was, in fact, being done in relation to Countryside Stewardship and the Countryside Premium Scheme. It had been found to be helpful to all parties and there was no reason why it could not be extended more widely.

RICHARD WILLIAMSON (*Buccleuch Estates Ltd*) pointed out that the rights of way network had originally been intended to provide routes for people to go about their business. He suggested it would be useful to conduct a review of the network to establish which paths were most appropriate for recreational purposes. ADRIAN PHILLIPS regarded the first priority as being to open up the entire network; that would provide a basis of public confidence. It might then be possible to consider what were the most appropriate routes. However, many people regarded the historic aspect of paths as part of their appeal.

JOHN THOMSON said that the message he took away from the discussion was that Adrian Phillips' ten point action programme was one around which those present could rally with perhaps one important qualification relating to the question of legislation, particularly in Scotland because of the different status of the rights of way network in Scotland from south of the border. However, there might be scope throughout the UK for some improvements in access legislation in the next few years. It seemed unlikely that this would extend to an assumption in favour of access on open land - the proposal that had emerged from the Common Land Forum. Several of the points in the programme were designed to lay the groundwork for further movement in the longer term on an agreed basis, having developed greater confidence in what open access might mean. He thanked Adrian Phillips very much for his valuable contribution.

Closing Remarks

Richard Broadhurst

Senior Recreation Officer, Forestry Commission
CRRAG Vice-Chairman

I would like to thank Adrian Phillips for his very clear summary of what I believe has been a splendid Conference. It has been the best CRRAG Conference that I have attended. Regular delegates will know that the Conference is part of a whole series of events in which CRRAG is involved, and will know of the Workshop programme. Next year the Conference will be held at the University of Nottingham from 29 September to 1 October, under the auspices of the Countryside Recreation Network. It will be on the topic of customer care and related issues concerning the Citizen's Charter and will make a very apt link with some of the points Adrian emphasised in his drawing together of threads.

I would like to say a few words about CRRAG. During this year the members of CRRAG have conducted a review, looking at how the Group has functioned. CRRAG is an amazingly resilient beast; it has outlived almost all the agencies that are a party to it! Its name has remained the same but what it actually does has changed as it has responded to the changing environment. There has been a process of evolution and following the review the membership clearly favoured a modest package of change. It amounts to looking back and putting right certain things. Changing the name to Countryside Recreation Network will emphasise that the Network is concerned with research and development, the spread of best practice and the links with policy. That has been the case for a long time. Changing the name to Countryside Recreation Network which will be accompanied by a change in identity is evolutionary, not revolutionary. The new letterheads will carry the phrase 'Successor organisation to CRRAG' to remind people of its links.

CRRAG is a survivor because it has been flexible. Its success has been due to many people but of crucial importance to that success in recent years has been the Secretariat provided by the School for Advanced Urban Studies at Bristol and, of course, Hilary Talbot who has been the Secretary.

The package of change will include the development of a newsletter. Those people who have been involved with CRRAG for many years will realise that this is a return to what happened a long time ago. We feel the time is now right to have a newsletter to make the Network more effective, reaching further into the organisations which are members of CRRAG and to their clients. The idea is that the Network produce a simple form of newsletter not an enormous document. The third part of the modest package of change will link budgets more clearly to a yearly plan of work. Accompanying that will be a review of cost sharing. Everyone on the mailing list will be kept informed of progress.

We are grateful to all those who have helped to shape CRRAG to date, many of whom are present here – former Chairmen, representatives and participants of all kinds, and, of course, the Secretariat. To many people Hilary Talbot has been CRRAG; she has kept the contacts going between people, some of whom meet only once a year as on this occasion.

We now look forward and are keen to work with our partners to shape and develop the Countryside Recreation Network. It is entirely appropriate today, given that we are in Cardiff, to mention that the recent review coincided with the conclusion of the contract to provide the Secretariat. The contract for the new period, the next five years, is currently being developed with the Department of City and Regional Planning here at the University of Wales, College of Cardiff.

Thanks are due to very many people. First, to all the speakers who have presented fantastic papers at both the plenary and workshop sessions. Our thanks go too to all the Chairs of both workshop and plenary sessions. Thanks to the leaders of the fringe events, all of them providing entertainment and food for thought. Our thanks to the exhibitors and to the Conference planning team, led by Jeremy Worth, who worked long and hard to make a first class Conference. We thank the organisers, SAUS, and Hilary, the CRRAG Secretary, for the enormous amount of work that goes into setting up a conference. Our thanks too to Hilary's team of helpers, Sarah Harding from SAUS, Leeza Sharpe from the Forestry Commission and Bruce Stephen from British Waterways. Thanks to all of you for contributing and participating in such a lively way to make the debates and discussions go so well.

God speed and see you all next year, 29 September to 1 October in Nottingham.