

Proceedings of the 1986 Countryside Recreation Conference

Organised by the
Countryside Recreation Research Advisory Group

Earnshaw Hall Sheffield University 17-18 September

NEW APPROACHES TO ACCESS IN THE COUNTRYSIDE

Edited by Hilary Talbot-Ponsonby
Secretary to the Group

Issued by

Countryside Recreation Research Advisory Group
School For Advanced Urban Studies
Rodney Lodge
Grange Road
Bristol BS8 4EA

Price £7.50

RECORDED AND PRINTED BY JANSSEN SERVICES

PUBLISHED BY COUNTRYSIDE RECREATION RESEARCH ADVISORY GROUP (CRRAG) 1986

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WELCOME TO THE CONFERENCE

Thomas Huxley

Deputy Director, Countryside Commission
and CRRAG Chairman

Welcome to the Fourteenth Conference organised by CRRAG on 'New Approaches to Access in the Countryside'. We have 138 participants, which is highly satisfactory, and in a moment John Wheatley, Director General of the Sports Council will be taking the Chair for the first session.

The 'Access Study' which will be mentioned many times during the conference, was a research project commissioned jointly by the Countryside Commission and The Sports Council, and carried out by the Centre for Leisure Research. The Access Study Summary Report has just been published, and the full report to the Sponsors will be published shortly, available from the Sponsors.

Rather than some introductory words from me, by kind permission of the British Broadcasting Corporation, we are going to play you three minutes of a taped conversation on the subject of our Conference, recently heard in the countryside. At the conclusion to the familiar music John Wheatley will be in charge.

Editor's Note: The Conference then heard a three minute passage from a recent script of 'The Archers' highlighting differing attitudes to rights of way in the countryside.

REPRODUCTION

OF

THE

INTRODUCTION

John Wheatley

Director General, The Sports Council

I thought the excerpt from 'The Archers' provided a very amusing introduction to our Conference and particularly to this session and, of course, the report that we are talking about.

It also gives me an opportunity to put into perspective where we are at the moment in the historical field. In the 18th century we know that the educated 'elite' began to seek some form of recreation in the countryside either from the point of view of field sports or quiet contemplation such as painting. They began to get satisfaction out of these experiences in the countryside. Many other people began to realise that access to the countryside was important.

Of course, it was quite some time before the movement which led up to the mass trespasses began to express this wish for access in a more forceful way. The concept of freedom to roam, which began to develop at that time, was one which we now see in a rather different context. It is interesting to note that the pressures of today are very much greater than they used to be and to realise that the population of the United Kingdom is about one-fifth that of the United States of America. However, you can get the whole of the geographic area of the United Kingdom within the single state of California. By the same token, the population of the United Kingdom is double that of Canada and Canada is as large, if not larger than the United States.

Very clearly the pressures in this country are very much greater than they have been in the past and, arguably, than they are in other countries. However, this business of access for recreation, whether it is just to admire the landscape and its ecology or for a host of these increasingly expert and specialist interests, from sport and recreation to looking at the ecology of the countryside, now needs to be planned in relation to all the other aspects of life including the strongly supported claims for nature and historic conservation.

The fact is, of course, that this subject has not been looked at in detail in relation to governmental and legal positions, negotiating rights and planning for the future. This is why the Countryside Commission and the Sports Council, with their joint and complementary interests, decided to commission this study which attempted to look at the attitudes of a whole host of people. This list included those people who own the land, those who control it, those who seek access to it and those who take their recreation in it.

The summary report was announced on 15th September, 1986, and therefore has had its first launch. Our two morning speakers, and certainly three of the six case studies, arise from this particular study. One study, even as substantial as this, cannot cover all the aspects. Later on in the Conference Thomas Huxley and Adrian Phillips will chair the other sessions on which those other aspects are set out.

First though, Jeremy Worth. He is Head of the Recreation and Access Branch and the manager, as far as the Countryside Commission is concerned, of this project. He will set out the intentions of the planning group of this Conference. Jeremy was trained as a town planner and worked for the Department of the Environment on Greater London planning before joining the Eastern Region of the Countryside Commission in 1977. He then moved to the headquarters of the Countryside Commission in 1982 and he has been Head of the Recreation and Access Branch since 1984.

INTRODUCING THE ISSUES

Jeremy Worth

Head of the Recreation and Access Branch, Countryside Commission

The purpose of an introductory session, from someone like myself, is to tackle the 'consumer comments' that we have had as a result of previous CRRAG conferences. There has been a feeling that not only was it a conference but it was an intelligence test in which the delegates had to work out during the course of the conference why it had been structured the way it had; how the sessions fitted together and so forth.

This year, to some extent, we are turning the tables, and we will expose by virtue of this introductory session, some of the ideas behind the way we put the Conference together this way and why.

Why did we decide, as the Countryside Recreation Research Advisory Group, to tackle access this year as opposed to any other occasion? I think there are two reasons. Firstly, at long, long last, there is something new to say and something new to report. I well recall, at about this time last year, talking at a conference organised by the Royal Agricultural Society under the heading 'Agreeing on Access'. It was obvious that we could, among a friendly group of people, agree on access but we were recirculating old information amongst ourselves and not getting very far.

I think that on this occasion we have the opportunity to present new material of a particularly interesting and stimulating nature. That is one major justification for taking this subject this year.

The second reason is that a number of us sense that there are growing opportunities for change for a whole variety of reasons, some of which will be covered in the latter part of the Conference.

Therefore, the primary aim of this Conference is to share with you a better understanding of what access to the countryside for sport and recreation entails. It covers understanding of what it is that motivates people, what people are getting out of it and what they enjoy through having access to the countryside. It also covers finding out what this requires in a practical sense in terms of action by public agencies, land managers and various user groups.

We want to build on that better understanding of the underlying ideas, on the practicalities, with some speculation. We have scoured the country for people that we believe can be particularly stimulating and imaginative in terms of speculating on the future. I think that should be one of the most interesting aspects of this Conference.

We will tackle the broad issues through the plenary sessions this morning and Thursday morning. We thought that there were so many interesting practical issues involved in access that it was well worth while presenting a whole range of workshop sessions which are being

held this afternoon. In the small groups you will hear a presentation about a particular aspect and then be able to share your own experiences and knowledge about it.

Access is a process - how things happen - and hence my remarks about the potential for change in the future. We should also remember that access is a means to an end rather than literally an end in itself. I think this theme will emerge time and time again throughout the Conference.

Before sketching in some of the themes, perhaps I might pause for a moment and tell you that in planning the Conference we also thought about who it might encourage to attend and who would take the opportunity to attend. We have taken note of the people who have come to our Conferences and it is pleasant to see so many friends and familiar faces in the audience. Those who are responsible for regulating access in many forms, particularly local authority staff, or who protect access, including local authority staff and voluntary organisations, would find what we have to say at this Conference particularly relevant. We also believe that it is of relevance to those people who cope with the consequences in one form or another, ie, land and water managers.

I think we should stress that despite this being September, and the political party season, this is not a political conference. We will not pass any resolutions. We will not debate composite motions and neither will we construct any sort of manifesto. However, I think we would say that we expect you to go away with a lot of ideas and food for thought for action that you might want to take, or might be able to take, in the future. Certainly, as lead agencies for many of the aspects that arise here, the Sports Council and the Countryside Commission will be taking away much food for thought from the subject of this Conference.

Let me then finish by sketching in very lightly five key concepts which will figure in the Conference proceedings. They all reflect the point I made earlier that the Conference is about issues to do with gaining access as a process, not access itself.

Firstly, you will be asked to note the difference between access and accessibility. Access is the possibility of entering or using land, whether by right, through legal process, or by custom, in some form or another. Accessibility is, in practical terms, whether you can exercise it; do you have the means; where is it located; do you have the knowledge?

Secondly, a distinction between citizens rights and property rights. The words 'citizen' and 'property' have many meanings and emphases, and rightly so in terms of what this Conference will look at. If access is about the possibility of using land, what, therefore, are the circumstances under which you gain access? Do you gain access as of communal right enshrined in law, as on rights of way, or do you gain access through ownership or purchase of ownership, ie, fishing? Many sports require particular access to a defined area of land. De facto access sits uncomfortably somewhere in the middle.

Thirdly, exercising those opportunities, or rights, requires resources for maintenance, information etc. Where do they come from? Do they come from the government, through the Countryside Commission and the Sports Council, or direct? Do they come from less traditional government organisations in terms of access to the countryside in the future, such as the Ministry of Agriculture? Do they come through the rates from local authorities? Do they come from the resources of the participants themselves, through clubs or through the operations of charitable organisations such as the National Trust?

Fourthly, what is the climate of opinion and the balance of interests? Access, as defined in the 1949 Act, was against a background of war time food production and imperatives associated with it, and the interests of certain highly committed people to certain sorts of access. Life has changed in many ways since then and demands are more complex. Some of the old certainties of agriculture have gone.

Finally, very much an action point for many people here, what are the ingredients for progress? What are the circumstances which, when they come together, allow some sort of consensus or opportunity for change? What sort of deals, in the non-pejorative sense of the term, need to be struck between the differing interests that land managers and land users have?

Those are key concepts to bear in mind. Finally, to use that over used planning phrase, 'context', what other things are happening that influence on this debate at this sort of conference? Let me just give one or two from the perspective of an organisation that is concerned with conservation and recreation in England and Wales. In saying this I apologise that some of them do not apply in Scotland.

Firstly, commons. These are a crucial issue for access in many ways. We have recently published the report of a common land forum in which many organisations with land management and access concerns, have found a potential way forward, which respects their differing interests. We wait with interest to see whether government will grasp the nettle of the legislation which is required to turn that meeting of interests into reality.

Referring back to rights of land and water, the Sports Council has been consulting about the benefits, or otherwise, of registering rights of navigation.

Just this week we have seen an announcement by Nicholas Ridley which possibly presages the end of structure plans. What kind of impact might that have on the way we manage access to the countryside? More tangibly, we have also seen shelved, not abandoned, proposals for privatisation of the water industry. Coming closer to the immediate concerns of some of the sponsors, next year we will see the Sports Council launching a major campaign to encourage greater participation through 'What's Your Sport?' in a whole range of activities which will undoubtedly include outdoor pursuits as well as some of the more obvious things that the public and television associate with sport.

Finally, if I may come right back to the Countryside Commission, we are in the midst of reviewing our own recreation and access policies.

This Conference comes at a most convenient time for us. We have been consulting, as many of you know, with our partners this summer and we hope that after Christmas we will be able to propose future policies for the promotion of countryside conservation and recreation.

These are just a number of illustrations of the concepts that I think this Conference will be about, and some indication of the extent to which there is some bubbling ferment of change, or possibilities of change, under way. With that let me allow some real results to be presented to the Conference.

TOWARDS A NEW UNDERSTANDING
OF ACCESS AND ACCESSIBILITY

INTRODUCTION

John Wheatley

Director General, The Sports Council

Our next two speakers will talk about the report itself. Howard Newby is going to talk about the first part of the report which analyses some of the attitudes of people concerned, particularly the land owners. Howard Newby is author of several books on rural sociology and the social sciences and is Professor at Essex University. He supervised the work of the study in relation to the land owners' attitude to access for recreation and so he is going to deal with that first part and then Roger Sidaway will pick up some of the consequential recommendations which flow from that.

When Roger Sidaway and Michael Collins thought of this study at the CRRAG Conference in Bath in 1982, Roger was then Head of the Recreation Branch of the Countryside Commission. He then left the Countryside Commission passing quickly through the Manpower Services Commission, as Principal Research Officer, to become Director of the Centre for Leisure Research whereupon he discovered that he had responsibility for the project which he had initiated from within the Countryside Commission.

TOWARDS A NEW UNDERSTANDING OF ACCESS AND ACCESSIBILITY (1) VALUES, ATTITUDES AND IDEOLOGY

Howard Newby

Professor of Sociology, Essex University

INTRODUCTION

I will introduce the study and give some background information. I will say a little about the conceptual side and then move on to some results that are mainly concerned with our interviews with the users of the countryside and the farmers and landowners who control access to it.

I should make it clear that it has been a long and winding road to Sheffield! This project has been in a very lengthy gestation period. It was over four years ago that Brian Duffield, Fred Coalter and myself made an initial presentation to the sponsors. Much has changed since then, as in all research projects, and it has developed and evolved as it has gone along. Many people have been involved in it and it is only fair to say that whilst Roger Sidaway and I are making the presentation to you here today, we are very much fronting this on behalf of what has been quite a large research team and their names are listed in the front of the summary report.

The final report is quite a weighty document and we obviously do not have time to go through all the results, or all the methodology, in great detail.

BACKGROUND TO THE RESEARCH

It was always our suspicion that the two sponsors did what many public agencies do when they have an intractable problem around which there are vocal and competing interests - they decide to have some research on it! Thereby, they postpone a detailed discussion of this intractable problem for a few years in the hope that it might go away.

Whatever their motives, about which they can speak for themselves, the study really began in 1983 at what was then the Tourism and Recreation Research Unit at Edinburgh University. The aims of the research were as follows.

Firstly, there was a need to assess the nature and scale of the demands for access to the countryside for recreation and sport and how these relate to current access provision. We were also interested to look at how both demand and provision had changed or may change in the future. Secondly, we had to develop a better understanding of the processes, often very complex, by which access is achieved. Thirdly, there was a desire to develop an understanding of the attitudes taken by individuals, by bodies and by organisations involved in, or affected by, access. We looked at how those views are being formed and how they might change. Fourthly, there was a need to develop an understanding of quite a broad range of current specific access issues through-the-examination of quite detailed case studies.

I think what distinguished this research from earlier work on access was that from the start we were very committed to emphasise the issues of processes and mechanisms by which access is achieved, or not achieved, with emphasis on the changing conditions that might affect access to the countryside. The aims also recognise that there were many access problems, and not merely one. Therefore, the approach which we had to take, because of resource constraints, was selective. Certain issues were taken to illustrate more general problems and a comprehensive coverage of every single access issue that might or might not arise was not attempted. That would have been impossible.

The last point, by way of introduction to the study, is that the field work was undertaken largely in 1984 and 1985. As you will appreciate, quite a lot has happened since then, not least of which is the further re-organisation of local government and the metropolitan authorities which, as we will see over the course of this morning, may well have some considerable effect on a number of access issues which we looked at.

THEORETICAL ISSUES

Let me look at one or two key concepts. We begin from the very fundamental distinction to be made between access and accessibility.

Access refers to certain rights of approach or entry. These rights are either legally or conventionally defined. On the other hand, accessibility is a more dynamic notion referring to whether and how far these rights of access are recognised or can be exercised in a particular time and a particular place.

I should emphasise that the study concentrated on accessibility in this broader sense rather than access. It was not primarily a legalistic study. We were concerned with understanding those factors which enabled, or did not enable, people to exercise their legal rights of access to the countryside. In that sense, accessibility was not only a more dynamic notion but also a much broader notion.

Accessibility is concerned with the relationship between people and resources particularly those resources over which they wish to claim rights of access. Of course, that relationship is mediated by a variety of factors including management, property rights, social, economic and cultural factors, attitudes etc. All of these influence the practical outcome of access on the ground itself.

Central to the notion of accessibility is the idea that accessibility is socially constructed. Recreation is but one of several competing claims for rural land and given that the law has rarely addressed directly the needs of recreational access, varying degrees of security of access are a product of social and political processes in which the economic interests, values, attitudes, the recreational needs and the political power of various groups, organisations and individuals combine to produce changing patterns of accessibility.

We are moving in this kaleidoscopic world of accessibility in which there are constant shifts and changes in the groups and the nature of their interests, which combine and recombine to define who does and who

does not get access to particular tracts of the countryside and waterways.

We were interested in what we called the 'social construction of access'. It followed that we also tended to adopt what we called a 'transactional approach,' ie, we were concerned with the way in which accessibility was negotiated between competing interests and competing groups.

The notion of accessibility underlines the inherently philosophical and ideological aspects of the problem. For example, the conflict between public rights which may be exercised through law or custom, and the notion of private rights, especially property rights, which tend to be negotiated through the marketplace founded on the notion of private property.

When we tried to bring this down to earth we identified four main competing groups which we called 'access actors' among whom these transactions tend to take place. First, and most obviously, there are the recreationists, some of whom are casual, others highly organised, some belong to groups while others do not.

Secondly, there was a group we called 'resource controllers'. Primarily, although not exclusively, these were farmers and landowners. This term also encompasses a number of public and private sector institutions which also own or manage land and water for a variety of purposes.

A third group of access actors were the conservationists. Again, they are a very widely varied and dispersed group who may, themselves, from time to time control certain resources via their ownership of certain sites. Finally, there is the state. Both locally and nationally there are public functionaries, many of whom are sitting in this room, who are involved, on a day to day basis, in allocating financial and other resources. Therefore, they influence accessibility to the countryside.

These four groups of access actors dance in a sometimes ritualised, sometimes chaotic, gavotte around one another. Out of this there emerges, as far as the public is concerned, either increased or decreased opportunities for access to the countryside (and to water) on particular tracts of land.

METHODOLOGY

I do not want to say very much about research methods. I am certainly not going to get technical about it. Those who are particularly interested can read it in the report or ask questions later. It is important to say that the study was based around an intensive study of four particular tracts: the Snowdonia/Lleyn Peninsula, an area of Peak/Pennine including a northern segment of the Peak District National Park, an area in the East Midlands between Derby, Nottingham and Leicester, and an area on the East Dorset coast running inland.

The tracts were not intended to be representative in any statistical sense of the entirety of areas in England and Wales as a

whole. They were intended to provide us with a variety of access issues and problems which we could investigate in detail. It would be a mistake to believe that in any statistically valid sense, we can infer from these four tracts a general national picture. Rather, we are interested in the insights which access issues in these tracts have given us for an understanding of the processes which underlie accessibility across the countryside as a whole.

The study also undertook an historical review of access issues. Again, I do not have time to go into the details of this, but very briefly we concluded from this that the most significant and far-reaching legislative measure, the National Parks and Access to the Countryside Act, 1949, was brought about by a popular movement based on a coalition of recreation and conservation interests during a period of social reform. Secondly, while that measure remains broadly intact, it was based upon assumptions about recreation behaviour which have since been vastly transformed by the rising popularity of visiting the countryside by an expanding, car-owning public.

Thirdly, and more recently, concern about recreation pressures, which is very much a concern from the late 1960s onwards, has been overshadowed further by concerns about the impact of agricultural methods and technology on the environment. The recent harsher economic climate has led to a change in emphasis from public sector provision to countryside management schemes geared to securing public benefits from private land.

Fourthly, our historical overview shows how agricultural and recreational demands on the countryside change and that as new and conflicting demands arise, perceptions of the 'access problem' also change. This, in turn, conditions the nature of public debate. Meanwhile, the mechanisms which regulate access are very slow to adapt to this public debate and so the formulation of public policy has tended to be reactive rather than pro-active and has tended to lag behind these changes in conditions, perceptions and indeed changes in the debate itself.

I am going to divide the remainder of this presentation into two. First, I will present some information on changing patterns of public participation in countryside recreation. Secondly, I will give some information from the study on the attitudes of farmers and landowners towards that recreating public.

PUBLIC PARTICIPATION IN COUNTRYSIDE RECREATION

The information we collected on changing public patterns of recreation in the countryside was partly gleaned from a re-analysis of the National Survey of Countryside Recreation and our own surveys. We were fortunate to have access to the relatively recent, 1984, study. We also collected information from our 'home interview' surveys which were carried out not merely in the tract areas but in adjacent towns and cities.

Significant elements emerged from the 1977 and 1984 National Survey of Countryside Recreation, and indeed from our own access studies themselves, the first being the recreational use made of

unmanaged countryside. In 1984, 44% of recreation trips were made to farmland, woodland and other inland and coastal areas which were not managed primarily for recreation. Therefore, nearly half of all recreation trips go to areas which are not managed for recreational purposes.

Secondly, we discovered the significance of the countryside close to towns. A very high proportion of recreation trips, over 40%, were made to destinations within one kilometre of an urban settlement. To this we can add three further factors. Firstly, the popularity of walking in the countryside is the major recreational use, despite the attention given to the more glamorous and more recent recreational activities such as hang gliding, etc. Secondly, the popularity of outdoor sports, generally, is growing very rapidly indeed. Thirdly, there is a need to be aware of and cater for the special needs of those groups who rarely visit the countryside and who raise issues of social equity. I will take these last three in turn and look at them in some detail.

Walking

Firstly, walking in the countryside. Our data shows that this is a major activity in its own right, undertaken by a very broad cross-section of the community. Its more specialised form, ie, serious hill walking and following long distance routes, was a predominantly male and middle-class activity. On a more 'everyday' level casual walking over short distances was likely to be undertaken by all social groups and all social classes in more or less equal measure. It was often habitual, in the sense that it was repeated all the year and took a very familiar and very local route.

The very universality of walking means that casual walkers do not join organisations and therefore little is known about them. We suspect that many of the conflicts that take place over access in the countryside on a mundane level centre around this group and they should not be overlooked.

For example, we found that the vast majority of those that we interviewed were frequent visitors to the countryside. Two-thirds of our respondents visited the countryside at least once or twice a month. However, most visits to the countryside, and most walks in the countryside, were of short duration. Seventy per cent of walks were three miles or less and barely one-third covered a longer distance. People who lived in rural areas walked in the countryside more often. A higher proportion of walks were made by rural dwellers, 37%, than one would expect from their proportion in the population as a whole, which is only 25%. Rural dwellers were also more likely to begin their walk from home and to walk for shorter distances.

Most people, 82%, walked on familiar territory, ie, they visited particular locations regularly to walk and the convenience of time and distance were important factors. Relatively few people walked with a dog, less than 25%, and whilst there was, as one would expect, an increase in taking walks in the countryside during the summer months, walkers on the whole seemed to be a fairly sturdy lot because nearly 40% were active throughout the year.

If one puts all this together one develops a pattern which is not the familiar stereotype of the visitor to the countryside. I think farmers and landowners, in particular, have their own view of 'the public' demanding access to the countryside. They think of them largely as the unwashed denizens of the major industrial cities, descending upon the countryside in massed hoards over bank holiday weekends, if not 'raping and pillaging' everything in their path then at least pillaging and creating enormous problems in their wake.

The pattern which we find from the study is that the vast majority of users of the countryside for recreational purposes are local people who walk regularly over short distances and are doing so over very familiar territory. Most walkers were very familiar with the countryside which they used. Therefore, not surprisingly, they reported very few access problems. One needs to bear this in mind when one considers the stereotypes that have arisen surrounding the issue of access to the countryside.

Trends in Outdoor Pursuits

Clearly, the omnibus term 'countryside sports' covers a very wide range of activities which we cannot possibly survey in detail. On the best estimates that we have over the decade from 1970-80, membership of the governing bodies of those sports which have an interest in the countryside increased steadily. For example the increase was from 20-30% for long established activities, ie, angling, motor sports and rambling, and even more dramatic, 200%, for newly established sports such as water skiing.

The growth of so-called 'high risk' or 'glamorous' sports is quite well known, ie, sub-aqua, sailing, hang gliding, board sailing. In these cases new technology has played its part. There has also been a very substantial increase in long established pastimes, rather than sports, which involve countryside, ie, camping, caravanning and horse riding. The most recent statistics from the governing bodies of outdoor pursuits, which cover the period 1974-84, also show a continuing growth in membership in many national clubs and federations.

I think we can safely conclude, although the figures are difficult to pin down with any accuracy, that certain outdoor sports have seen their participation rates increase markedly in recent years. This has brought the whole issue of access very much into public focus and public debate.

Usage and Social Equity

In the study we broke down the users of the countryside into three reasonably discrete groups. There were the frequent users who visited the countryside at least once a week in the summer months. These were likely to be well relatively well informed, and were probably habitual in sticking to local territory. However, the frequent users were much more likely to be from the affluent groups of society. In market research terms they were from social classes A, B and C1. They were much more likely to be in full time employment, to own and drive a car, and live in, or close to, the countryside itself. They probably

constitute about 25% of the population but made up about 66-75% of all trips to the countryside.

Secondly, there was a group we called 'occasional users'. They spanned a broad and fluctuating range from those who visited the countryside once or not at all in winter, to as often as two or three times a month in the summer. They came from a broad cross-section of the population. Their interests covered a broad range of activities and they probably constituted about 60% of the population but made up only 25-33% of all trips taken.

Thirdly, we had non-users of the countryside who, for whatever reason, did not visit the countryside at all during the year of the survey. They were a relatively small proportion of the population, about 15-20%, and they spanned those with no interest in the countryside at all to those who did have an interest but had no means of getting there. Their social backgrounds reflected the difficulty they had in getting out into the countryside, due to their lack of income or mobility, or both. They were obviously much more likely to come from social classes C2, D and E, to be unemployed, retired or housewives. They would live in households without a car or be located five miles or more from the nearest stretch of countryside.

The size of the middle group, the occasional users who made up around 60% of the population, suggests they represent a vast marketing opportunity for someone or a major threat to the countryside, depending upon one's standpoint. That middle group is not regularly reached by present provision which might suggest that current priorities for public investment could be reviewed. They represent a promotional opportunity to recreation providers in the sense that they know and use the countryside close at hand but are often unaware of the wider opportunities which the countryside might offer them.

The last group, those who do not go at all, constitute about five million adults including low income, disabled and elderly people who would require social service programmes of assistance with transport, events or modifications to facilities if opportunities are to be provided for them to enjoy the countryside at all.

Attitudes

What were the attitudes to access of these recreational groups? Clearly, regular use of the countryside is likely to be limited to those who perceive a considerable benefit from going there. For example, more walkers (40% of the respondents in the home interview survey) perceived a wider range of benefits in the countryside than either sports participants or non-active users. In particular, the walkers felt that the countryside is a place to exercise, make ones own entertainment and where they could be alone and relax. They could forget everyday problems and enjoy its natural beauty.

This particular view of the countryside was not shared by trail bikers! Sports participants, in themselves quite a varied group, shared many of the same values but they tended to be younger and more affluent, seeking exercise and a degree of excitement from the countryside rather than a passive contemplation of it. They travelled

further to seek out prized natural resources, eg, water areas or climbing crags, and were keen to see these opportunities extended.

Informal recreationists, who formed half of the sample interviewed, tended to be less well informed about where they could go or what they could do. They were probably lacking the experience or interest gained in childhood by the other users, particularly as they were more likely to be city dwellers. Their preference was for more facilities to visit in the countryside and this suggested that they tended to feel rather more secure within a structure of organised provision. The countryside was a rather unknown and worrying, and sometimes threatening, place for them.

Therefore, views on improved provision for access tended to vary quite considerably between these groups and in particular what 'improved provision' might mean to them. The majority of respondents in the home interview survey considered that having more information on what they might do or where they might go in the countryside was particularly important. They would also like more and better kept public footpaths, better public transport, more safe enclosed spaces with facilities and more open access to the countryside, lakes and rivers. The rankings of these possible improvements were quite consistent between walkers, sports participants and informal recreationists.

Bearing in mind that most visitors interviewed in the surveys were local in origin, it is not surprising that levels of satisfaction were high and perceived problems relatively few. There was a broad measure of sympathy for conservation interests and tolerance of, and even support for, restricted access to protect wildlife. Walkers and sports participants were better informed about the area, more sensitive to management practices and more demanding. However, informal recreationists, who formed the majority of all users, were largely uncritical, prized their sites for their peace and unspoilt character, and were probably unaware of the full extent of the opportunities that the surrounding countryside offered.

ATTITUDES OF FARMERS AND LANDOWNERS

When we turned to those who were literally in possession of the countryside, the farmers and landowners, then the results, to put it mildly, become quite interesting. We asked a sample of farmers and landowners about their attitudes to access to the countryside, their perceptions of the nature of the public demand for access to their land, and how far they felt recreation or other uses of the countryside were compatible or incompatible with agricultural use.

One of the surprising things to come out of our interviews with farmers and landowners was, firstly, when we asked them about the advantages of farming in their locality, 33% of them gave peace and quiet as the main advantage of farming. They also valued very highly something they called the 'rural way of life'. Factors like those were valued as highly by the farmers and landowners in our study as directly economic factors, such as proximity to markets, the quality of the soil or other factors of that kind which directly affect their farming business. Nevertheless, 45% of farmers and landowners that we

interviewed, cited various problems stemming directly from public access over their land.

The second main point about farmers and landowners was that most farmers considered their access problems resulted from regular local use whilst when one reads the press, either national or specialist farming press, the view one gets is that the alleged problems of access to the countryside are caused by hoards of ignorant townspeople. Most of the farmers and landowners in our study saw the problems to be caused by locals, people living locally, or by residents new to the area. In many cases, and this is certainly true of the newcomers, the farmers and landowners do not consider them to be part of the traditional, rural community and their presence, therefore, may be resented.

While the difficulties arising from public access were perceived to be greater in the summer than in the winter, in just over 50% of cases they were spread evenly throughout the year. Although this follows the pattern from the use of the countryside by recreationists, it is by no means a peculiarly seasonal phenomenon.

For 36% of respondents problems resulting from access were regarded by them as being either very severe or severe. On the other hand, for 32% they felt they were not bothered very much at all by access problems. Sixteen per cent cited walking and 9% rambling as creating their problems but those which were most often cited were motor cycling scrambling (18%) and poaching (20%)!

A third point here is that most farmers reported unauthorised use of their land. Seventy one per cent reported that the public used their land without permission, which suggests there is a lot of de facto access going on which many farmers regard in a reasonably permissive way. However, the range of activities which these users of their land were engaged in varied enormously. The most popularly cited cases (and remember this is the farmers reporting to us on what they think these people are doing) were poaching, walking, mushroom and blackberry picking.

A fourth point was that almost all farmers allowed the public to use their land. Ninety four per cent allowed some activity to take place. Nearly one-third permitted walking or rambling, but shooting, hunting and horse riding were also often allowed. Most farmers had rights of way crossing their land. Only 18% of holdings which were surveyed had no rights of way at all. Few farmers thought their rights of way were well maintained and the general picture from this survey is one of inadequate maintenance bordering on neglect.

Finally, many farmers provided for the public. Quite a large proportion, 45%, made some kind of recreation provision for visitors. That term was interpreted very broadly and ranged from educational visits by schools to more familiar and well established provision such as camp sites, bed and breakfast, sales of farm produce etc. Their attitudes towards increasing public access made particularly interesting reading. The vast majority, 87%, of farmers and landowners interviewed in the survey, were strongly opposed to any greater public access to farmed land. This is such a high percentage that it is very difficult to do any analysis on those in favour. We do not have sufficient variance

to establish who are the more sympathetic farmers who might allow greater public access when we are only dealing with 13% of the sample.

It is probably worth pointing out that the 87% only fell to just over 70% when you offered them money to allow the public onto their land in greater numbers. I will come back to why this is in a moment. Insofar as there were any farmers who were more sympathetic to allowing public access onto their land, remembering we are only talking about 13% of them, then they tended to be the younger, more large-scale farmers. They tended to be a farmer who is more of a businessman farmer who could see ways of making money, out of the visitors on the farm. Therefore, they regarded the issue of access as a commercial contractual matter rather than a matter of public rights.

Bear in mind the overall majority, 87%, against any further access at all. The reasons for this hostility to greater public access have little to do with the niceties of access provision, access or management agreements etc. The hostility is based upon a very fundamental gut feeling amongst farmers and landowners concerning private property; the desire to maintain the privacy of their holdings; the desire to avoid any intrusion into that privacy, from whatever source; the desire to retain for themselves the absolute freedom to control that resource in any way they see fit. What we are suggesting is not so much that conflicts over access in the countryside are a result of a lack of communication between those who wish to gain access to the countryside and those who control land over which the public wish to gain access, but a very fundamental difference of philosophy and interest. In fact, there is quite a lot of evidence in our study that if the two groups could communicate better to each other there would be more conflict and not less. I am not suggesting that these differences are irreconcilable or incompatible but one has to recognise the issue, and policies should be built accordingly rather than believing that better communications, in their own right, will solve these problems. That is definitely not the case, as we have found from our study.

CONCLUSION

What our home interview study and the farmers and landowners study showed was that conflicts arise not only because of particular frictions developed out of the mechanisms which ensure public access to the countryside, but they arise out of deeply rooted conflicts of interest. The perception of the countryside, as a haven of peace and quiet, is something which is commonly shared by both farmers and landowners and those who might seek access to the countryside. This does not prevent conflict taking place.

We did not find any evidence of a deep consensus being masked by failures of communication. If anything, the opposite was the case. Conflicts are often a product of real philosophical differences rooted in very real conflicts of interest. We have already heard that the interests refer to public rights and private rights. This does not mean that a reconciliation of such interests is impossible, nor that a mutual accommodation cannot be achieved. It does mean that such divided interests must be recognised and not wished away if progress is to be made.

Fundamental differences of values and beliefs, concerning private property and rights over it, underlie the legal mechanisms which provide the basis for rights of access and they also underlie the beliefs which different access actors have about the use of the countryside and even their perceptions of the countryside.

It is a mistake to believe that an ideology such as freedom to roam can be made compatible with the market ideology of private rights over property. What we can try to achieve, on a negotiated basis, is some reconciliation of these two very grave differences, but not an obliteration of them.

TOWARDS A NEW UNDERSTANDING OF ACCESS AND ACCESSIBILITY (2)
ACTION, POLICY AND IMPLEMENTATION

Roger Sidaway

Director, Centre for Leisure Research

I want to pick up where Howard Newby left off. I am going to draw on both the summary report and the main report to the sponsors which is still at the printers.

LEGAL CONCEPTS OF ACCESS

I will start by reminding you of some of the key concepts that underlie the legal aspects of access. The relevant law is based on ancient concepts of property rights which give emphasis to certain types of rights at the expense of others. There is no legal right to recreational access. Moreover, when recreation enters the legal forum it is in a relatively weak position and its requirements are often marginalised. Planning legislation gives very little attention to specific recreational needs. It is only, in what are seemingly obscure circumstances, when issues of negligence by businesses involved in recreation give rise to concerns about legal liability, that you may suddenly find clauses appearing in the law which relate to recreational access.

The National Parks and Access to the Countryside Act 1949, typifies the historic attitude to recreation. When dealing with the definitive map process for rights of way, recreational need is not a test for the classification of the highway. Under the Highways Act 1980, recreational access is not a consideration as to whether a right of way is needed or can be closed or diverted. There are a few exceptions to this, e.g. Law of Property Act, 1925, gives the public a right of air and exercise in respect of urban commons, but urban commons only. Even when compulsory powers exist the will to utilise them may not, as in the case of access orders. Therefore, we are back to the issues of accessibility and the extent to which the law is implemented.

Another important feature of the law is that it does not recognise public ownership of property. What we familiarly term 'public' land is private land which is vested in a public agency which acts as though it was a private owner. The public can acquire certain rights such as the right to pass and repass over someone else's land - a right of way - but it cannot own the land other than through a public body acting on its behalf. You will hear examples, during the course of the Conference, where there are clashes between ownership rights and the aspiration to secure public rights. This applies particularly to the conflict between anglers and canoeists. We will hear more of that anon.

The use of land for recreational activities falls into four broad categories:

- (a) use as of right with legislative origin (de jure use)
- (b) use as of right with non-legislative origin (de jure use)
- (c) permissive use (de jure or de facto use depending on circumstance)
- (d) use without permission (de facto use - 'trespass')

In terms of rights with a legislative origin, this is not a right imposed on an owner of land. The legislation tends to enable landowners to create rights or public authorities to negotiate rights. They are not imposed. These rights cannot be lost except by a legal process. Rights arising from a non-legislative origin, through the common law, are assumed to exist through grant or agreement by an owner. As long as certain legal conditions are satisfied then there is a presumption that the right has been granted long ago but the evidence has been lost.

Similarly, the common law does not recognise a general public right to use private land for recreation, although such rights might be granted or acquired to particular individuals or groups, including for example, the residents of a village, or organisations such as sports clubs. These rights may not be exercised by the public at large. They are specific to particular people or groups of people.

Permissive use enables use to be made of land subject to the owner's express consent, but without creating a right which is binding on future owners. Therefore, permissive routes may be lost at a later date as a result of, for example, the sale of public lands through privatisation. If no express conditions are attached on that sale, public access, which may have been enjoyed on a permissive basis, may be lost. Hence, the concerns about permissive rights that have been granted by the Forestry Commission, for example.

Use without permission, such as de facto use, is, in effect, trespass and it can be restricted at any time. De facto use, in certain circumstances, may mature into de jure use. Understandably, landowners are often reluctant to move from de facto to de jure as such a change increases the landowner's liability for any injury and it imports a whole body of case law into the relationship. Also, the owner is no longer free to terminate the use as may be required for land management purposes. Therefore, user groups have to weigh the greater certainty arising from establishing de jure access entitlements against the risk of total restriction by the loss of de facto use. It cannot be assumed that it is a good thing for pressure to be exerted for all de facto use to be regularised in some way.

KNOWLEDGE OF ACCESS RIGHTS AND THE LAW RELATING TO ACCESS

Having established these principles, and referring back to the research 'proper', one important aspect of our surveys tested both recreational users' and the farmers' and landowners' knowledge of access rights and the law relating to access. The home interview survey suggests that less than one in five respondents claimed to be fully confident in knowing their rights in the countryside. Walkers are rather more confident than informal recreationists. Countryside dwellers think they know their rights to a greater extent than people who live in

towns. Almost one-third of respondents considered that what they do is reasonable, irrespective of the law. Looking at the social composition of those responses, middle aged people, those in social grades D and E, and town dwellers, are less certain of their rights and are more inclined to worry in case they break the law.

The most popular misconceptions about the law relate to commons and moorland access. Only a small proportion in relation to commons (14% of our sample and 38% in relation to moors) correctly replied that these areas are not available for public access. In other words, there is a popular misconception that there is a public right where that does not necessarily exist. More significantly, landowners and farmers were more accurate in their assessment and knowledge of the law (50% in respect of commons and 39% in respect of moors).

Some 47% of respondents incorrectly thought there was a legal right to wander anywhere and a further 6% did not know. Walkers in general were more aware of the restrictions on public access, with 60% able to respond correctly. Respondents were more generally aware that National Park designation does not infer unrestricted access. As might be expected, farmers and landowners were rather better informed of restrictions on legal rights to wander anywhere in the countryside and of restrictions in National Parks, than the general public.

Therefore, if we refer back to the excerpt that we had from the 'Archers', it illustrated one or two significant points. It illustrated the class background of the walkers who sounded like typical newcomers into the village. They seemed to be surprisingly well-informed compared to the general public. They seemed to be incredibly determined and confident, prepared to stand up for a principle and march across a ploughed field come what may. The farmer was obviously very well briefed in his assessment of who could and could not prosecute.

THE CASE STUDIES

Let me give a brief summary of the detailed case studies on which a great many of our general conclusions rest. They cover:

- public rights of way;
- access agreements and orders;
- access for watersports on reservoirs and gravel pits;
- access to rivers: the relationships between anglers and canoeists.

The public rights of way study was conducted in Dorset, Leicestershire, Gwynedd, Lancashire and West Yorkshire. The access agreements and orders study was conducted in the Peak District, West Pennine moors and Snowdonia. Let me pay tribute to my colleagues Peter Scott and Iain Rennick who carried out the bulk of that work and it is their work that I am reporting. Iain Rennick also looked at access for watersports on reservoirs and gravel pits in Lancashire, Greater Manchester, West Yorkshire and Nottinghamshire. The fourth case study, which is the topic of a workshop and which some of you will attend and learn about in more detail from its author Fred Coalter, concerned access to rivers and the relationships between anglers and canoeists, in particular looking at the River Derwent in Yorkshire.

We also looked at one or two interesting innovatory schemes outside the tracts, ie, the Oxfordshire Rights of Way Liaison Group, the Adopt-a-Path Scheme in South Yorkshire and the Sefton Coast Management Scheme plus some countryside management schemes which I will refer to later on.

THE RIGHTS OF WAY SYSTEM, ITS ADMINISTRATION AND MANAGEMENT

The highways and countryside legislation provides a well established legal framework for establishing, recording, modifying and maintaining public rights of way which enable people to pass or repass on defined linear routes across private land. Although the statutory procedures embodied within this legal framework are somewhat cumbersome, they do serve an important function of maintaining a balance between the often conflicting interests of countryside landowners and those seeking access to private land. That question of balance within the present state of legislation is important because it safeguards the respective positions of both sides.

Nevertheless, there are many problems relating to the protection and administration of rights of way. They include:

- Historical inaccuracies and inadequacies in most definitive maps, compounded by a backlog of unrecorded orders and unprocessed claims and objections.
- Many rights of way are inadequately maintained or signposted and a large proportion are discontinuous, obstructed or neglected, a statement we base on our field studies.
- Historic occupational routes are occasionally inappropriate to current recreation needs and we recognise that they can hinder modern land management requirements.
- A limited number of groups or individuals are unprepared to accept some of the major difficulties experienced by landowners and local authorities in respect of rights of way maintenance or their possible modification for land management purposes. In some cases land managers wilfully or knowingly obstruct, damage or cause other nuisances on rights of way. There is a problem on both sides, which the other side frequently fails to recognise.
- The legal requirements impose a particular onus on those who wish to claim rights of way. The evidence that they have to produce, especially the notification procedures of ownership, put a burden on the rights of way groups. In some cases the issues that you would think are clearly legally defined, such as reinstatement of paths after ploughing, are not.

There are difficulties in gaining new dedications or achieving change. Because the present system is time consuming and complex to operate, it inhibits change and tends to reinforce the status quo. Another aspect which clearly affects this, and is of significance to the rights of way users, is the fact that, in most rural areas, the rights of way responsibilities rest with highway authorities and are treated as a somewhat 'Cinderella' function. Indeed, the responsibilities are usually

inadequately staffed and financed and given a very low political and operational priority. As a result we have a climate in which, more often than not, distrust and a lack of confidence has developed between many user groups and resource controllers. Legislative changes that have been made have disrupted the progress being made by many authorities and there are ambiguities such as the unclear definitions of ploughing and restoration.

On the bright side, we would point to several instances where local goodwill and co-operation, on the part of the interested parties, have contributed towards agreements on priorities, the achievement of extended or revised route networks and better provision of information on routes. We instance examples of good practice which stem from the work of the Oxfordshire Rights of Way Liaison Group, the Adopt-a-Path Scheme, the Hertfordshire Countryside Management Service and Bridleway Project. Needless to say, it must be a matter of some concern that some of the initiatives that were taken by Metropolitan Counties may well be abandoned following the fragmentation of responsibilities after the authorities were abolished in March 1986.

We have identified the key components of what an effective rights of way service should include:

- Readily available and up-to-date definitive maps and statements which give an accurate record of the routes and status of rights of way. People should know where they can walk or ride.
- There should be consultative arrangements which enable landowners and user interest groups to contribute information, advice and expertise for rights of way management.
- There should be a responsive management system which enables the rights of way problems to be reported to the managing authority and ensure that some speedy remedial action is taken.
- There should be a rather more development oriented approach which facilitates the development of new routes, and the extension of existing routes to suit recreational or land management requirements.
- There needs to be information and the promotion of public use of route networks to encourage the use, enjoyment and respect of rights of way networks.

ACCESS AGREEMENTS AND ORDERS

The legislative basis for access agreements and orders comes from the National Parks and Access to the Countryside Act of 1949. There is an important distinction between an agreement, which is voluntarily reached, and an order, which, subject to the Secretary of State's approval, allows a local planning authority to secure public access to private land if an agreement cannot be reached. We did not come across one case where an access order has been made. The Countryside Act of 1968 widened the scope for access agreements by reviewing the statutory definition of 'open country' in the earlier Act and, as a result, access agreements could be applied to different kinds of countryside, woodland,

river banks and waterways. That is an important extension of provision which has not been followed up in practice.

The essential components of an access agreement are:

- There is a legal agreement for securing access.
- Compensatory payments can be paid to the landowner and the tenant.
- Bylaws can be imposed which regulate public use. (I think this is an important consideration for user groups who have to accept that the countryside now has to be managed for access. This is enshrined in all the older legislation of the 1890s relating to urban commons.)
- A warden service to ensure that the bylaws are complied with and assist land users and land managers.
- Access points and agreed closure procedures can be specified where these are required.

These principles have been followed, notably in the Peak District which is the outstanding case of an area where agreements have been reached. Sixty per cent of all access agreements in England and Wales are in the Peak District National Park and agreements now cover some 76 square miles of that Park.

In our study, we contrasted the practice in the Peak District, where the agreements are well established and where further negotiations are in hand to cover more of the Park, with the attitudes in the Snowdonia National Park where the approach is much more restrictive being based on the use of access agreements as the last resort to resolve particular problems. Our case study highlights the shortcomings of this approach.

In general, we find that access agreements are favoured in principle by most of the interest groups on both sides of the philosophical divide. Clearly, there is scope for improvements in the information available to the public on which areas are covered by agreements. Agreements should provide a good means for securing more extensive access to the countryside, particularly to popular riverside, woodland or coastal areas or inland water.

ACCESS TO RIVERS

Rights of navigation are based on the historic use of major rivers and waterways for commercial purposes. They provide a right of linear access which, in some senses, is similar to rights of way over land. Many rights of navigation are well established; however, the difficulties arise where navigation rights are either not acknowledged or are disputed, particularly in respect of rivers and waterways whose commercial use has long since ceased. The increasing popularity of canoeing and water sports has increased the use by light craft on the upper reaches of many rivers and other waters where no navigation rights exist at the moment. Those users do not have a legal right to be

there. This case study illustrates our general theme of change and the need to adapt mechanisms to modern circumstances.

Where this happens, and where canoeists seek access to such stretches of water, they may well come into conflict with both the holders of the sporting rights (the angling clubs) and the riparian owners of the river banks. Whilst some canoeists may claim that navigable rights exist, or should be established and may press that claim by trespassing, others may be prepared to negotiate private rights in the market. Often they fail to recognise that anglers have purchased private property rights, sometimes at considerable expense, which they will understandably defend. This case also illustrates the clear clash between market and non-market values and philosophies.

Attempts have been made to mediate in this issue by the Sports Council but it may well be that some further intervention is needed by public bodies to regulate and manage such access, to promote understanding and responsible conduct by all users, whether land or water based.

The broad options for change would therefore appear to be through negotiation, taking on board the principles of boat registration and perhaps of access agreements. If this cannot be done then it may be that legislation is required to create more extensive access rights over inland waters. I would stress that this is an issue for debate and is not a finding of the research.

One other possible means whereby some agreement could be reached by negotiation comes through the possibility of rate rebates being provided to those who hold angling rights. If they are prepared to permit other recreational uses then their rate burden might be reduced.

ACCESS TO RESERVOIRS AND GRAVEL PITS

Where lakes and reservoirs are owned and controlled by public authorities then, generally, some provision is made for the casual user. Looking across the number of reservoirs and water areas that we studied, there appears to be some informal hierarchy of permissive use which is favoured by many public authorities and private landowners. Angling is almost universally encouraged and one can understand why. There is usually an organisation with whom managers can negotiate. To some extent this may also be true for dinghy sailing and board sailing. However, the claims of other users, such as water skiers and other 'noisy' watersports are generally perceived to be illegitimate and undesirable. Conservationists often ally themselves with private landowners, water authorities and anglers to exclude other recreational users.

As far as these water areas are concerned, the distinct problems that we recognise include:

- The perceived need by controlling bodies, such as water authorities, to restrict access and regulate activities on inland waters, often resulting in selective arrangements whereby clubs or organisations are allocated controlling rights. This may be to the disadvantage of casual users who are not club members or those

who are considered to be new users, taking part in 'noisy' sports.

- Central government requirements for public authorities to reduce non-essential land holdings can result in recreational users losing the use of water areas which have been sold to private owners, or pressure to increase charges may result in price levels which deter casual recreational use.

THE REPRESENTATION OF INTERESTS

Before I draw some general conclusions from these case studies, let me explain a term that I will use in a non-pejorative sense. Those people who have existing recreational or property rights can be said to have a 'vested interest'. These interests may be quite legitimate and it is natural and proper that they seek to safeguard their rights. Nevertheless, their actions have consequences for others.

Among these groups are local communities who often object to the influx of visitors and use the planning system to oppose any new recreational provision. This was certainly the case in the West Pennine Moors area.

Local landowners are another group who usually operate through the market and embrace the philosophy of property rights. Existing recreational groups are another such group, as are conservationists, and where either are organised, they often gain preferential treatment from resource controllers. It is clear that those interests which are well organised and well financed can secure access to land or water through the purchase of general or specific proprietary rights or by other market mechanisms. Thus, the individual is often at a disadvantage having no purchasing power, little knowledge of who owns the property rights, or indeed what rights of access exist, and therefore this 'system' can operate to exclude casual users.

There are user groups, such as the Ramblers' Association, and the British Canoe Union, who argue that access to open countryside should be available to all as a right of citizenship. As I have already suggested, while this is an attractive suggestion as far as their particular interests are concerned, and it may carry popular support, it carries little weight in the legal process. Most landowners consider it essential that rights or agreements to permit access should be strictly defined and regulated.

Although the planning process seeks to resolve land use conflicts and make provision for community needs such as recreation, recreational needs are often given inadequate protection while opportunities for new access provision fail to be adequately specified in many planning strategies. The development control process gives little weight to the questions of access and even rights of way are at risk from development.

COUNTRYSIDE MANAGEMENT

What is the contribution of countryside management to providing public access? We assessed a number of schemes, including those in

Hertfordshire, Access Rossendale (which was established by the local Groundwork Trust) and certain of the Pennine (Heritage) schemes. In general, we found that they represented considerable progress in creating a better understanding locally between the local authority, resource controllers and voluntary organisations. However, management schemes more easily embraced the more traditional recreational activities such as walking and horseriding. The Hertfordshire scheme shows what a professionally staffed local authority service can achieve, building on the strategy that is set out in their structure plan. The emphasis has been on low key provision because capital investment with the high land values in Hertfordshire is not considered to be an option. A good liaison mechanism has been established including all the interest groups in their area. This is also a case where the recent transfer of statutory responsibilities for rights of way from the County Surveyor's Department to the Planning Department has been a very welcome, and in our view, useful development.

The weaknesses of the scheme, such as they are, are that it emphasises major investment on permissive routes with few limited safeguards to secure public access in the future, and favours traditional activities such as walking and riding.

Access Rossendale provides a forum whereby a range of recreational interests can be brought together to assess local recreational needs. The net result has probably been somewhat embarrassing to the local authority because, in effect, it has created a lobby to which it is ill-equipped to respond. The Pennine (Heritage) Taskforce offers an alternative means of maintaining the rights of way involving MSC community programme participants and volunteers. It is a realistic development, in political terms, given the limited resources that are available at the moment. However, it raises the issues of how the statutory responsibilities of the local authority are executed.

Ranger and warden services are also making the countryside range more accessible. An effective ranger service, which regulates recreational use through providing information for the public, undertakes visitor management and bylaw enforcement, is one key to obtaining landowners' consent to wider public use of private land. I think I have mentioned the importance of providing better information on access routes and, to some extent, the value of countryside interpretation.

THE ANALYSIS OF ACCESSIBILITY

Let me now draw some conclusions from the case studies from which we can identify a series of generic issues. In general these problems confront those recreational users who wish to gain access to a countryside resource. This is especially true for the newly emerging sports and casual users.

As new demands arise and are expressed they are frequently opposed by 'vested interests', ie, those groups or interests who already have some stake in the resource, particularly if they hold sporting or property rights. This may well be the case where users attempt to revive a former public right which has not been recently exercised, either in the case of a right of way or a navigation right.

The way in which these 'transactions', as Howard Newby referred to them, are carried out, very often means that informal coalitions of interest will arise. These coalitions may seek to protect property rights against the establishment of new public rights, or various public rights versus private rights. They are rarely formalised, tend to be fluid and shift with allegiances varying in different areas.

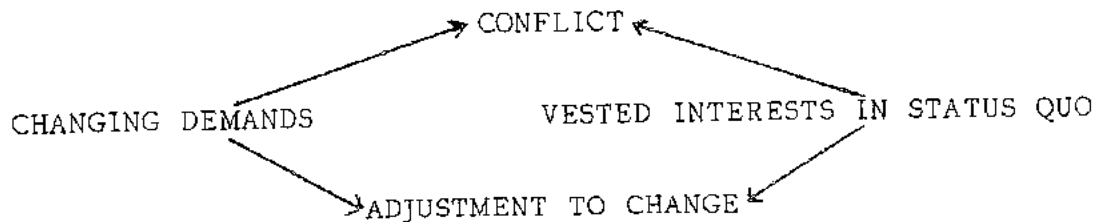
There are other basic conflicts of values which Howard mentioned. These may be expressed both in the clash of values between those who advocate the market and the non-market solutions but also in the views of certain groups on what activities are 'appropriate' in the countryside. In some areas ramblers may oppose the claims by horse and trail riders for the recognition of the unrecorded byway status of certain paths because they consider it to be an inappropriate intrusion on their enjoyment of the countryside.

The representation of each of the interests in these 'transactions' becomes a crucial issue, especially as the interests of many informal recreationists may not be readily organisable. Who represents the mass of occasional users who go out into the countryside perhaps only once or twice a year? In effect they may be totally excluded from processes that are, essentially, political lobbying.

Rights may exist but may not be easily recognised and inevitably management issues arise such as the regulation of the recreational use or the requirement to manage the natural resource of the countryside sensitively to sustain increased levels of use.

ADAPTATION TO CHANGE

You have heard about the extent to which recreational use of the countryside is changing; the growing popularity of walking; the increased use that is made of the countryside by outdoor pursuits. As recreational demands change, and as they come up against vested interests, who have a stake in the status quo, conflicts may arise. What we are suggesting is that life is dynamic and that there should be some process whereby we can adjust to change.



The market adapts to changing demands, especially the long established sporting rights pertaining to property. However, entering the market requires considerable financial resources. To amass those resources requires collective action or a degree of organisation which does not easily encompass casual or unaffiliated users. Indeed new groups may have to demonstrate the ability to regulate casual users before they may be allowed to enter into the market. Our claim is that the market does not encompass all users and does not easily answer the issues of social equity, ie, those people who are not represented in the market at the moment.

Public rights of access are not a panacea in that new rights are not easily established. Existing legislation recognises a limited range of activities and does not recognise recreational rights in general. A major extension of new rights would require legislation as new rights usually impinge on existing ones and questions of compensation arise.

THE CASE FOR PUBLIC INTERVENTION

- Ensure opportunities for casual users and new activities (Policy and Planning).
- Establish and maintain public rights of access (Legal Administration).
- Promote public enjoyment of rights;
Regulate use;
Maintain countryside resource (Management).
- Provide financial resources for common good (Finance).

Therefore our conclusion is that there is a case for public intervention and for action by public authorities to secure greater access to the countryside. That case rests, in the first instance, on ensuring that some opportunities are provided for all those new activities and casual users seeking access to the countryside. There are issues of social equity which should be addressed through the policy planning process.

The second element of public intervention concerns the establishment and maintenance of public rights which is a legal process that has to be administered through the public sector. The promotion of the public enjoyment of rights, the regulation of use and the maintenance of the countryside resource (which I have defined as issues of management) also concern the public realm, although they may not need to be executed solely by the public sector. More importantly, financial resources are required to ensure that the management process can be developed and continue, and these are legitimate claims on the public purse.

LOCAL RESPONSIBILITIES

As you will probably suspect, the key to the practical development of access opportunities rests in local hands. It is a 'bottom up' rather than a 'top down' solution that will eventually secure greater public access to the countryside. In this the local authority has a key role to play. The process of negotiating, recognising public access and safeguarding rights once they are established, have to be administered by a publicly accountable body to ensure that there are equal opportunities for the various interest groups and that there is a full representation of interests in that process. In searching for the appropriate local body we considered a variety of bodies and innovatory schemes, the roles played by parish councils, groundwork trusts, footpath societies and countryside management schemes. All these bodies are involved in access issues to some extent or another and it is important that they should be. However, in our view it is only the local authority which combines the existing statutory responsibilities for

planning and legal administration with political accountability, albeit limited to the local electorate. Constitutionally, the local authority appears to be the most appropriate body to exercise responsibilities for access although clearly the smaller the authority the greater will be the concern that local interest will predominate.

There is no obvious justification for transferring these responsibilities to any other existing body or in creating a new organisation. The aim should be to clarify the local authorities' responsibilities, which does not necessarily mean to extend them. We have analysed the different recreation and access functions that the local authority carries out, ie, planning, legal administrative and management, and we recognise that the local authority can play different roles. It does not necessarily have to be the provider of recreation opportunities. It can also play an enabling or a regulatory role as is shown below.

Local Authorities Responsibilities for Access

| <u>Function</u> | <u>Role</u> | <u>Tasks</u> |
|---|--|--|
| Planning | enabling | respond to new demands conciliation of interests |
| Legal administration of public rights | regulatory | establishing and maintaining public rights |
| Recreation management and Development | regulatory enabling enabling provision provision | regulation of public use maintenance of resource promotion of enjoyment provision of open space and recreation facilities provision of services for special needs groups |

Certainly from the work that we did on the rights of way, we are concerned about the fragmented pattern of responsibilities for public access and the low priority that rights of way have when these functions are undertaken within the highways department. We argue the case that access functions should be consolidated into one department and our preference for those roles would be the recreation or planning department of the local authority, so that the bids for resources to secure greater public access are assessed against recreation rather than transport priorities.

We think it is important that the principle of the local consultative forum, which has been adopted in some counties, is extended more generally. It should include the full range of recreation, sporting, conservation and landowning interests, which is not always the case at the moment.

How will all these changes be accomplished? It is easy to make statements about political will and inadequate resources. Clearly, there has to be local political recognition of access to the countryside as an important form of recreation provision. At the moment the situation is exacerbated, in local authority terms, by central government's failure to provide adequate financial support for the execution of the existing statutory duties. We cannot rest all the responsibilities for inaction on the local authorities. Public access to the countryside is a matter of national concern and the local authority can only move ahead if there is a national policy framework within which it can operate.

NATIONAL POLICY ISSUES: SOCIAL EQUITY

Many of the same issues that I have already identified arise at national level, but in a somewhat different form, not least the issues of social equity. Who benefits from present policies and who should benefit from future ones? Probably a more discriminating approach should be taken in setting goals and priorities to ensure that the interests of those who lack mobility, and are less likely to get to the countryside, are well represented within the public agencies and better provision is made for them.

Howard Newby drew your attention to those frequency categories, how often people visit the countryside and notably the regular users, those people who are already the major beneficiaries of the provision that is grant-aided by agencies such as the Countryside Commission and the Sports Council. Is it right that more resources should be given to those groups who are already well provided for and are the main beneficiaries of existing policy, or should certain of the minority interests, who at the moment may not be clearly identified, be the targets for public provision? It is an important issue to be debated in the context of the Commission's Recreation 2000 initiative and its development of new recreation policies. However, it is also an issue which should be of equal concern to the Sports Council.

PUBLIC RIGHTS AND PUBLIC INTERVENTION IN THE MARKET

The next issue for public debate concerns the extension of public rights and whether there should be further public intervention in the market. It is not a finding of this research that there should necessarily be more legislation. It seems that the options should be better known and their advantages and disadvantages be more widely debated. This is something that I trust this Conference will try to do. How far can the processes of local conciliation be more generally established and once established, lead to local negotiation of legally established public rights via access agreements?

But it may be that the deeper seated conflicts of interests are not easily resolved by local conciliation, and because they are based on different philosophical views, the eventual solution might be for legislation to extend public rights. Here we recommend that the Countryside Commission and the Sports Council should consider publishing a green paper which would allow for better public debate of the issues which underly possible legislation. We have already heard about proposals to extend public rights of access in relation to rural commons. The debate about extending public rights could extend much

wider. Some consideration should be given to establishing a recreation right in law, rather than to continue with ad hoc and incremental legislation, which we have at the moment. This could be achieved through a consolidating act, which recognises in law that the public has recreational rights which can be protected in the courts and weighed against and alongside more traditional rights and interests. This would give a sound legal base for compensatory payments to the landowners which would recognise the disbenefit to them arising from the creation of new public rights of access. At the moment the basis of compensation is uncertain.

The issue of compensatory payments is clearly an important one to be debated. That debate should cover a number of points:

- There can be no question of compensatory payments being made for the use of existing public rights of access or where rights are disputed.
- There is concern among recreation and sporting bodies that the ethos of public rights is being eroded by permissive agreements and that market values may be created for all recreational uses to the detriment of existing free access.
- The needs of land occupiers are generally for income while any compensatory payment, for the creation of new public rights, would require, in most cases, a once and for all payment.
- Annual payments to land occupiers should be covered by specific access agreements or other legal arrangements to secure access.

In all this talk about compensation, it is important to recognise that some landowners and occupiers who we interviewed, might well be prepared to take on some of the tasks of rights of way maintenance on the basis of the provision of materials which could be a very cost effective way of improving these routes. I have already made some reference to the question of the rating of sporting rights being a way whereby some compensation could be made for disturbance.

In debating this question of whether we are going to go for locally negotiated solutions through access agreements or for a wider establishment of public rights, I think it is important to pick up on one of the findings that Howard mentioned earlier on. The farmers' attitudes towards public access were attitudes expressed to greater public use of their land and not to existing rights of way.

I have already mentioned the concern about government policies which seek to dispose of water catchments and forest land. Such policies seek to decrease and not increase public intervention in the market. I would also draw your attention to Dartington research which has shown that both the water and forest industries are well placed to make cost effective recreation provision (DART, 1982). Both agencies have specialist recreation management skills which are an important public asset.

RESOURCES FOR MANAGEMENT

I think I need say less about the case for management and the supportive role that the national agencies have already taken and should take in improving the management services that are generally provided through the countryside. There is obviously the question of additional financial resources and the case that has to be presented to government. In part, the presentation of that case rests with the national agencies who are charged under their Acts and Charters to advise government on national priorities.

OVERLAPPING INTERESTS

It would seem sensible for both organisations (Countryside Commission and Sports Council) to recognise formally that they have overlapping and mutual interests. To this extent they need to redefine their roles as complementary, an approach they have not always taken in the past. It is to be hoped that the sponsorship of this study marks a new phase in co-operation between the two and it provides an opportunity for the development of joint policies and actions at national and local level.

OPPORTUNITIES FOR DEBATE

Finally, I think we should recognise that there are political opportunities to be grasped at the moment. In the debate on the EEC's Common Agricultural Policy and the extent to which that might change, it is important to register that public access is a valid land use to be incorporated in any future strategies for rural land. The debate should not be confined to conservation and production. There is a case for increasing public access as a quid pro quo for any form of compensation for the public purse whether by direct payment, relief of taxes or assistances from countryside management schemes. This is but one way in which the wildlife and landscape benefits gained from public support of the countryside can be directly appreciated by the public. No doubt Malcolm Bell will respond to that point later.

The two other topical issues which also create opportunities relate to government concern about providing short term and long term employment opportunities and stimulating tourism. There is no doubt that access work can provide employment and wider community benefits. Equally, there are opportunities for tourism development. If one looks at the provision in other European countries, ie, by way of way marked routes, it is clear that public access can contribute towards tourism.

Whether any strategy emerges from this debate which capitalises on these three opportunities will depend on whether there is any concerted political action on the part of the various interest groups; on what leadership the national organisations can provide to their members, and whether collectively they respond to the opportunities that now exist.

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- 2 Dartington Amenity Research Trust (1982), Financing of water-based recreation, Report No IT236, Wallingford, Hydraulics Research Station.
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DISCUSSION

J Wheatley (Sports Council)

May we start this discussion with any factual questions you may have for either of the speakers.

J Sully (Leeds Polytechnic)

How do you help the Chairman of Recreation and Arts gain responsibility for public footpaths from the Chairman of Highways? I fought that in West Yorkshire and lost.

Secondly, why are there no financial studies done on the benefits of accessibility? Everybody has talked about social categories. No-one has referred to any benefit studies. I have looked through the research and CRRAG has not done any benefit studies.

Thirdly, if local authorities want to encourage local people onto their land why do they charge for guided walks?

R Sidaway

I cannot answer the second question on why certain types of research have not been undertaken. It would be improper for me to do so in my present role. I think that is a question for CRRAG and the agencies.

On the question of unified responsibilities, the solution is clearly a political one and it is a battle that is being fought and won elsewhere. It seems to me that the only answer is to keep plugging away but make sure that you have an effective lobby behind you. You should recognise that that lobby should contain a broader coalition of interests than you may have recognised in the past. It should embrace the newly arising sporting interests and seek a common cause.

Charging for guided walks is the local authorities' prerogative. Presumably they are not charging for the access over a public right of way but charging for the provision of information. I think that is also a policy rather than a research matter.

(Comment from the floor Most of them do not)

D Cameron (Countryside Commission for Scotland)

Could somebody tell us what the size of the sample was for the Home Interview Survey? You referred to them but we do not know how large it was.

R Sidaway

There were 1,593 respondents living in and around the Peak/Pennine and East Midlands tracts who were interviewed during September 1984.

A Mattingly (Ramblers' Association)

I would like to respond to the final comment Roger Sidaway mentioned about the recreational organisations pressing for opportunities of change but perhaps that will be commented upon in Malcolm Bell's discussion.

In the 'Access Study' one statistic states that "51% of respondents walked over two miles at least once in the previous month". That seems to have risen by 30% compared to what I thought the figure was which was 21%. Is that just a misprint or is there some marvellous new surge in interest in rambling that I am not aware of?

R Sidaway

It is a question of what you measure and how you measure it. Jeremy Worth can give you the detail of the 21% figure which, as I remember, is the proportion of trips.

J Worth (Countryside Commission)

That is correct. The business of interpreting statistics on participation rates is particularly fraught because it is a question of exactly what you are measuring. The National Survey of Countryside Recreation figures is a breakdown of the total number of trips that were made to the countryside. That produces some different statistics from merely the question of whether people went, at some stage, or not.

There is a slight difference between the Home Interview Survey in the 'Access Study' and our own national data but they are all fundamentally the same broad pattern of visiting the countryside.

J Nash (Lake District National Park)

At the end of your presentation Roger alluded to way marking. I wondered whether you had looked at access rights abroad? A few years ago an Act was passed in Denmark granting rights of access to all woodland. I wondered whether you had looked at that kind of thing overseas to see firstly what the mechanisms were. Were there compensation provisions and what sort of sums were involved? Secondly, what have the results been of such Acts?

R Sidaway

We did not and I cannot tell you.

M Starrett (Lothian Regional Council)

You mentioned attitudes and I have a question on something which the research points out. Of the 87%, which the first speaker mentioned, does the research actually show that the landowners were tolerant of the present use? If that is so, did they actually recognise that designation and management agreements can assist?

H Newby

They were asked questions about access and management agreements. What the data does show is a considerable degree of ignorance of the provisions of those sorts of mechanisms. Whilst there was a degree of tolerance of existing levels of public access over land, there was considerable hostility towards any increase in public access over land and a considerable degree of ignorance over what mechanisms or what compensatory rights were available to assist increased public access over land.

M Starrett

There is no indication as to whether they would welcome designation?

H Newby

Do you mean designation in a landscape sense or in a planning sense?

M Starrett

Just designation to assist them with the problems.

H Newby

No, because we did not ask them that sort of question.

T Robinson (Countryside Commission)

It is very important that we get clear what farmers and landowners were reacting to in terms of increased public access. When you asked them the question, did you mean increased numbers of users of existing rights of way and access land, or did you mean increasing the mileage of the rights of way and increasing the useage of access land?

H Newby

The former rather than the latter.

T Robinson

They were hostile to more people using the provision that already existed?

H Newby

Yes. The reason for this hostility has to be placed in the context in which many farmers and landowners currently see themselves. They see themselves as a somewhat beleaguered minority, under threat as far as their economic livelihood is concerned by what is currently happening with regard to farming incomes and possible reforms of the CAP. They see themselves under threat socially in their own local community. They have observed the social transformation of the countryside. They feel

there are many people in the countryside making use of the countryside who are not part of what they, the farmers, would regard as the 'rural community'. In that slightly beleaguered situation they tend to dig their heels in against any further encroachment on their private rights and even the way of life which they have become accustomed to.

D Taylor (Lancashire County Council)

I am very interested in the 20% of the population which your survey highlighted who do not enjoy regular access or accessibility to the countryside. I think you said it was a small proportion. I think it is a large proportion. The Sports Council target these groups and do special promotional exercises to get them involved in sport. They certainly do in our region and they have national campaigns as well. The Countryside Commission tend not to do that. I wonder whether you looked at the Sports Council's campaigns to encourage participation from non-participants? If not, why not? If you did, did you look at it in terms of how the same kind of approach or approaches may be translated into getting the groups who do not use the countryside into the countryside?

R Sidaway

We are raising this particular issue with the Commission because there is debate about the extent to which the Commission's statutory duties are to promote the use of the countryside in the way that the Sports Council is clearly charged to increase participation in sport. If you look carefully at the Countryside Act the wording is different. There is wording about ensuring that opportunities are provided for public enjoyment. What we are raising is the issue of priorities. The present provision is benefiting the same groups of people who use familiar areas, go frequently etc.

The issue, in marketing terms, is about the central mass who do not go very often or, indeed, those groups out of that 20%. We have not been able to determine who these people are who are not going at the moment, who might want to go but have severe constraints which prevent them going. We cannot put a number on that. We are just trying to put an order of magnitude figure on the group that do not go to the countryside at all, for whatever reason. We are advocating that specific targets are considered by the Countryside Commission which, hitherto, has not incorporated these ideas in its policies. I think the detailed mechanisms are not for us to pronounce on in the course of this already rather expansive piece of research.

J Wheatley

Could I just read a particular sentence out of the report. "The Sports Council has a promotional remit, requiring it to expand opportunities and encourage participation in sport and physical recreation." That should not be interpreted as meaning the Sports Council believes there should be more of everything, everywhere. The Sports Council believes that there should be the appropriate, optimum level of recreation within whatever circumstances exist. We certainly recognise that there may well be some areas where there ought to be less recreation. Let me give you one example. The British

Mountaineering Council does not believe that people ought to be encouraged, in their thousands, to go into the countryside to take part in mountaineering or rock climbing. Its emphasis is on the quality of education of those people who want to go in there anyway, and to provide them with information and opportunities if they so wish. It is not there just to go out and encourage more people. Therefore, do not interpret that quote as meaning that the Sports Council believes that something is good so more of it is better wherever it is. There is a selective, targeted approach based upon the sort of assessment that we have co-operated on here.

T Key (Stratton and Holborow)

In view of the constant reference to the changing scene in agriculture, I wonder whether you plan to update your survey of farmers and landowners? I think your survey was done in 1984 and in view of the present scene I wonder whether it is strictly relevant and whether you might not get a different view today?

H Newby

I certainly agree with you that the current drop in land prices and the uncertainties facing the future, especially among cereal growers, is concentrating many farmers' and landowners' minds at the moment. It would be quite interesting to do it again. You would have to address that question to our sponsors!

The feelings we tapped were generated by the 'gut feeling' that many farmers and landowners had, and by their perceptions of what we have established as 'stereotypes' rather than realities about the nature of the visitors to the countryside. I would not be too optimistic that that percentage would drop very far. It may have dropped a little and it may well drop quite a lot if you seriously begin to discuss with farmers and landowners certain schemes which might put money in their hands. Otherwise, what we are coming across is a 'gut feeling' against outsiders of any kind.

S Walker (ASH (Glasgow))

Could one of the speakers tell me what percentage of your non-users were actually not interested in the countryside. It was a category that Howard defined. Why were they not interested? Was it a lack of information about opportunities or did they not want to participate at all?

R Sidaway

I have not got that information.

J Wheatley

I think the moment has come for us to try to move into an area of debate. To structure this properly I would like to start by identifying a particular area which someone wants to debate and then we will attack that area with some gusto rather than drift over a whole series of

areas. Is there any particular aspect of this report which someone suggests we debate?

C Bonsey (Hampshire County Council)

Can I just try out for size a thought that this whole business of access to the open countryside is a greatly overvalued proposition. Mercifully, we do not all want to do the same things and the user groups are perfectly good at organising where they want to go. Therefore, where is the strength behind the case that everybody should have full access over the countryside? I do not believe that that is desirable or wanted.

J Wheatley

That is a statement of belief. Would anyone like to react to that, one way or the other?

R Arkell (Sunderland Borough Council)

I would have thought that one of the factors is that a large proportion of those seeking access to the countryside do not do so under the auspices of a user group. I do not think that has come through from the research but it is the impression gained. The vast majority of walking is over a short distance, in a family or individual context and is a very domesticated and intimate activity. I think there lies the case for the extension of accessibility. I would agree that the user groups can look after themselves to a great extent.

M Dower (Peak District National Park)

I am very conscious that this is about access to the countryside. The research found that many people walk very locally, repeatedly and in familiar territory and many of them do not walk in the countryside. For me, the obvious conclusion from that is that you should make similar provision in the towns. I think part of the answer to the question that Colin Bonsey has raised is not that there should be full access to all the countryside, but that everybody should have the opportunity for access near their home, whether they are in the town or the countryside.

J Thompson (Essex County Council)

I would like to take up a point that Colin Bonsey raised. It relates to the Recreation 2000 survey results where, if I remember the figures correctly, 4% of the population was quoted as going to country parks; 8% on coastal trips and 18% on long walks. Now, this is a national survey and I wonder if anybody here in the Conference has any comments on its applicability regionally. The Essex situation is that we have 1.8 million visitors to our country parks. Is this 1.8 million visitors really 4% of the total number of trips taken in Essex? Being a coastal county is it really the case that 10% more people go on long walks than visit the coast?

It seems to me that behind these general figures there must be very considerable regional variation and there ought to be a case for

approaching the whole question of access on a regional basis. There might be some considerable justification in saying that different regions have quite different priorities.

J Wheatley

I think there might also be the issue of whether we are talking about visitors or visits.

P Floyd (Oxford County Council)

There must be very large variations even between maritime counties in one part of the country and another. The ordinary person in Sussex who wants a day out in summer will go to the seaside. In Northumberland I would have thought it much more likely that he might well go for a long hike in the Cheviots because the seaside is so cold!

J Worth

Chairman, may I just make one brief response on the statistical point. The evidence from our surveys show that there is remarkably little regional variation in the sense of standard planning regions or Countryside Commission regions. That is not to say that more locally there is not immense variation. Just as in the way Peter Floyd has mentioned so can I agree and disagree with you. I disagree in the sense that the evidence suggests that regional variations are muted. The local variations do exist and exactly in the form that you mentioned.

J Wheatley

Can we come back to the point that Colin Bonsey was making about the extent of the demand for wider access to the countryside?

S Williams (Sports Council for Wales)

Coming back to Colin Bonsey's point, our concern must be that there is growing evidence of pressure on the facilities themselves. Whether we want to allow greater access or not, there are more and more people seeking greater access. It is a realistic point. There is no way that we are going to step backwards and try to limit that in a statutory or any other way. Surely what we need to do is to look at the existing facilities that we have to make sure we do not lose any and to make better access to that which already exists.

J Sumner (Gloucestershire County Council)

In the last year there has been growing evidence that there have been more complaints from visitors to our county about public rights of way being obstructed. I do not know whether it is because we are opening a lot more caravan and picnic sites, but there is no doubt that there are a growing number of complaints from visitors.

We are also getting complaints from farmers and landowners who are opening the caravan sites and opening up land around them so that people staying on the sites have got something to do. Secondly, I think it is very dangerous of any central government or quango agency to

dictate to local government which department will do what. By all means you can put a duty and responsibility onto a local authority but it is up to them to decide. We are all organised in different ways and you should not be party to any form of dictatorship. I think the point you can make is that these activities should be looked at from a more recreational view point. There is no reason why the highways department should not report to the recreation committee on these particular issues. I think those of us in the business would agree, whether it is done by planners, highways departments etc, the thing that really fouls it up is the lack of action by the solicitors. By transferring the functions of planners you will not do much good. Rather, the resources and the political will must come to a total picture. For the hardcore of people who do obstruct the rights of way, the action should be taken, using the political will within the authority, to give it a higher priority in the legal department.

R Garner (National Trust for Scotland)

I was interested in the study in how you bring out the very informal local views about the countryside in general. I wonder if Roger Sidaway might expand a little on one of the points he made. He said that by increasing access, the legal right, you could be reducing accessibility in its more general sense because the landowners feel that unless you are on a prescribed route then you should not be there at all. There seems a conflict in that. Should we be pursuing access extension or should we be playing down the legal premise of access and promoting a much more fluid co-operation in terms of accessibility?

R Sidaway

I think you are referring to the situation in relation to de facto use of land. We have consistently heard from a number of sources about the toleration of a lot of use made of farmed land by people that the farmer recognises and knows.

I accept the point about the risks of disturbing the status quo and I am not surprised at all that you raise it coming from Scotland where the legal situation is different as I have heard such reservations expressed strongly by walking interests. All we can do as researchers is draw attention to the problems and issues. The logical conclusion, which some would advocate, is to rethink the basis of recreational rights and press for legislation. However, you have to bear in mind the serious consideration that you raise and the risks that it entails.

J Bishop (School for Advanced Urban Studies)

We have heard mention of extending opportunities, particularly to disadvantaged groups, including the inner city and non-users, the elderly and disabled. I think there is one group that has not been mentioned and has not figured in all this and I am a little worried about this, ie, children. There is a great danger that if we continue to regularise, organise and control the access we will only succeed in doing what there is already evidence of, ie, continually eroding and reducing childrens opportunities for wide-scale exploration and use of their countryside. The mythology of the countryside as a 'wonderful environment' for children to live in is being exposed by research - it

is a myth. The danger is that we will regularise. We will simply reduce children to nothing more than passive people who tow along behind their adults. Traditional research sees children as people who explore places with adults rather than as free agents in their own right both as local residents and possibly as visitors. Where do children figure in this whole scene?

J Sully

There is the Tayside survey on tourism. There is nothing being done on cost. There is a cost to access. Someone ought to be trying to value the benefit. We had difficulty in trying to get benefit in quantity terms on re-opening the Rochdale canal. We have had a public inquiry on this. No surveys have been done on benefits of this kind for access.

A point on the legal side. This is a throwback to the Countryside Commission. They give grants for wardens and rangers. Why do we not suggest to the Countryside Commission that they give 50% grant for solicitors to help with developing public rights of way?

P Floyd

Chairman, can I respond to this point about solicitors. In my authority we suffered for years from the complaint that solicitors do nothing. This year, with five solicitors available for legal work on rights of way, I asked the district and county to give me ten more cases this summer than they had before. They have not even presented me with a case on which I could say the evidence was inadequate. They simply have not presented me with the cases and nor have the amenity societies. They have bleated on about solicitors for years and we have played it back.

H Newby

I would like to make one or two points and then Roger can follow on. We started by looking at whether we wanted to promote more access to the countryside at all. So far as the research is concerned, we have tried to steer away from making the value judgement of whether or not access is good for you, towards a judgement that increasing opportunities for any member of the public is good for them and all of us. If the opportunities are there and you are expanding the realm of public choice then how people choose is up to them.

We are aware that our sponsors were part of our own objects of study, which may have caused some embarrassment on one or two occasions. We are aware that it is all too tempting for national organisations, in particular, to try to find tidy, administrative solutions to problems such as access. The Countryside Commission and the Sports Council have, for a long time, encouraged the formation of organisations with whom they can then negotiate and who can deliver a membership.

At quite an early stage in the research we recognised that that very process was excluding a not inconsiderable section of the public for whom we had reasonably good evidence that they were being debarred from access to certain facilities that they might otherwise wish

to have used. This was in particular areas and in particular kinds of access up and down the country.

We cannot measure latent demand in any definitive sense - by definition it is latent. However, there is anecdotal and case study evidence to suggest that where the public has been granted an increase in the opportunity for access to the countryside, even over such matters as casual walking in the countryside, then the public has responded in quite large numbers. This suggests there is a latent demand there. I come back to the point that we are in the business of offering the public a choice rather than prescribing to them what they should do.

R Sidaway

I think it is very difficult to continue the debate at a general abstract level. I think we have pointed out to you several times that there are a range of access problems rather than just one single issue. Colin Bonsey is erecting something of a straw man by hinting at access for all. We have not suggested that that kind of blanket policy can be pursued sensibly in the countryside. To that extent, and as the organisers of the Conference have recognised, by organising the series of case studies, we have to take issues on their own merits.

In relation to linear access to land and public rights of way, the kind of comment that Howard has just made about public take-up, where provision is made, is a point that should be well taken. Many public rights at the moment are not exercised, they are neglected and could be revived close to where people live. I think all that evidence points very strongly to more muscle being given to local authorities to execute fully their rights of way functions - by whichever department.

The question of access for all will arise in the rather more defined circumstances of access to open land. Are we talking about access just to rural commons and executing the recommendations of the commons land forum, or should we not consider further public provision on all uncultivated land which was, after all, the provision that was suggested throughout the access bills of the 1880s? In any case, that area of land has probably decreased. Are there other areas of the countryside which offer scarce oases in particular parts of the country such as woodland in private ownership with no public rights attached to them?

There is a whole range of issues which have to be taken through very carefully and explored in their own specific contexts rather than just chase the hare of access to the open countryside for all. That is not what is being suggested.

J Wheatley

I think that is a very appropriate note on which to finish our morning session. I am sure you will want me to thank our two speakers. We have had an excellent launch of the Conference and of this Access Study.

CHANGING CONTEXTS OF ACQUISITION
AND RURAL LIFE

INTRODUCTION

Thomas Huxley

Deputy Director, Countryside Commission for Scotland
and CRRAG Chairman

It is very pleasant to see familiar faces but I think it is equally pleasant to see a number of people who do not normally come to CRRAG Conferences, or have not in recent years. That is much to be welcomed.

Malcolm Bell will be talking about the changing context in agriculture and rural life. He is an ESRC/NERC Research Fellow seconded from the National Farmers' Union. When he worked with the NFU he had much responsibility for co-ordination of land use policy and rural development and was also involved in recreation and conservation policies. He has been a member of the executive and countryside panel of the Greater London and South East Council for Sport and Recreation. He has also been on the advisory committee for the 'Access Study'. Therefore, we have someone who is well able to talk to us on the subject of 'The Changing Context in Agriculture and Rural Life'.

CHANGING CONTEXTS IN AGRICULTURE AND RURAL LIFE

Malcolm Bell

ESRC/NERC Research Fellow in CAP Impact Studies,
seconded from the National Farmers' Union

PERSPECTIVE

The NFU is like the dust; from it I come, and back into it I am absorbed at the end. However, neither they, nor the splendidly titled Institute of Terrestrial Ecology (ITE), can be held responsible for anything in this paper. The views are strictly independent.

This caveat should not lead you to fear some general, speculative paper. I come bearing numbers in abundance; modelling the future of the countryside is an academic growth area and one cannot model without numbers. What we have to do however is pick our way through the excellent work done to find the recreational implications; because recreation is not the driving force.

The Access Study (Centre for Leisure Research, 1986), which is the starting point for this Conference, is firm in its conclusions:

"It has been argued that priorities for access to the countryside are not political issues. Recreation has had low priority in the policies for the countryside and public access has tended to be neglected."

But we live in changing times, so is this position likely to change too? What I wish to argue to you today is:

- (a) Yes, the countryside is likely to change considerably over the next decade.
- (b) Agriculture is in no way the sum total of those changes. The shifts from the metropolitan areas and the altering social/age structure of small towns and villages is likely to continue: including the dramatic differences in income and access to resources.
- (c) On top of this, however, will be trends arising from declining, and different, support for agriculture. These trends can only be properly understood at a European level.
- (d) The dynamics behind these support shifts relate to world food trade, EEC budgetary surpluses and the political embarrassment of unmarketable surpluses in a hungry world. There is little evidence of a fundamental shift of attitude amongst those responsible for farm support decisions. Britain's ministers tend to be isolated, and have different interests from other nations.
- (e) Conservation lobbyists have ridden the tiger of EEC budgetary reform, in Clive Potter's phrase, but it is a dangerous creature. Nonetheless, conservation has a European presence, and within

Britain the political parties are now making obeisance. For a range of reasons, the access lobby has made little impact on this debate.

At present it seems unlikely that countryside recreation is likely to gain significantly, except by spin-offs, from this high potential. Principal reasons include:

- (a) The main policy thrust comes from Brussels where countryside sport means one thing: la chasse. The hunters have a good Euro-lobby, but where is the recreation voice?
- (b) The conservation movement is far more geared up to gain control over marginal land coming to the market, and may wish to exclude many forms of recreation.
- (c) The new potential purchasers of rural land (with a good house) being wooed by land agents at present have City or other urban money. They tend to desire more exclusive proprietary rights than traditional owners.
- (d) In a period of farm impoverishment the access debate could become subsumed under the bigger question of maintaining rural incomes.

The paper will outline ways in which local authorities, in particular, may be able to optimise recreational benefits during the period of change.

WHAT FARMLAND IS SPARE: AND WHERE?

One of the recent fields of punditry in agriculture has been the question of notionally surplus farmland. Fifteen years on, the considered optimism of Edwards and Wibberley's Land Budget appears sounder than the warnings of the land shortage school we associate with the Centre for Agricultural Strategy, Land Decade and Alice Coleman. The tragedy of high density and tower blocks is re-emphasised.

Happily, we now have three well considered studies to replace the generalised assertions about "an area the size of Devon being spare". The studies have been carried out by:

- (a) the agricultural management consultancy Laurence Gould;
- (b) the team at Wye College studying set-aside as a policy instrument, with funding from the Economic and Social Research Council (ESRC);
- (c) a combined group based around the Centre for Agricultural Strategy, including ITE and utilising the Newcastle University model of the Common Agricultural Policy (CAP).

The present author was a member of the third group, but will try to avoid any undue bias in the comparisons. Table 1 sets out the principal conclusions.

TABLE 1. COMPARISON OF STUDIES OF FARMLAND REQUIREMENTS

| | Area studied | Definition employed | At what date | Area range (m ha) | Main estimate (m ha) |
|-------------|------------------------------|--|------------------------------|-------------------|--------------------------------------|
| Wye college | United Kingdom | Area available for other uses | 2000 with sensitivity tests | 1-6 | 3-4 |
| Gould | England Scotland Wales | Surplus to needs | 1990 & 2000 | | 1.1 2.6 |
| Reading | England and Wales | Low gross margin/ area equivalent of the reduction in intensity required | 5 years of various scenarios | 0.2-2.2 | 1.3 (price pressure) 1.9 (quotas) |

Gould's work grew out of an internal seminar first given to the Conservative Party; so it is interesting to note that the idea of spare land capacity was feeding in to senior decision influencing circles back in 1985. The initial study, based principally on trends in production and consumption of foodstuffs, merited further elaboration, and the Nature Conservancy Council assisted Gould to do this. At the same time the funding naturally gave the study a conservation slant. Perhaps if the Countryside Commission and Nature Conservancy Council were integrated -- as the Labour Party appear to be proposing -- the recreational element would also have been present. But, as it is, that aspect has little impact on the rationale for the report, or its findings on key issues: recreation is only mentioned in the context of sporting use.

Gould's approach was to reduce the farmed area to match the anticipated level of demand; sector by sector. They took account of existing and discernible trends in consumption of different products; implicitly abandoning the buying into intervention of produce for which there is no effective demand. Reasonable assumptions were made concerning consumer preference and consumption. Thus, Table 2 illustrates the projections, crop by crop. 'Forage' in particular masks a tremendous range of farm types and conditions. In land use and recreational terms semi-natural moorland grazing and zero-grazed Cheshire plain leys taking 400 kilograms of N per year are different commodities.

In converting production estimates to what is our primary concern -- land -- Gould's used their expertise to bring in some non-trend parameters. For instance, having made a projection of beef and sheep numbers they built in an option assuming a 10% stocking rate reduction "as more extensive grazing systems are adopted". This implies some policy shift for it is interesting to note that their predicted 1990 figure for the ewe breeding flock (14.1 million) is probably surpassed already for the UK, given the continuing comparatively high support levels for

sheep meat. Ministry of Agriculture, Fisheries and Food (Press Release 224/1986) gives a figure of 14.2 million from the provisional June Census data.

TABLE 2 CONSOLIDATED PROJECTIONS FOR YEAR 2000 OF SURPLUS AREAS OF MAJOR CROPS

| Crop | Lower estimate '000 ha | Upper estimate '000 ha |
|--------------|---------------------------|---------------------------|
| Cereals | 900 | 1,100 |
| Forage | 1,400 | 1,555 |
| Potatoes | 30 | 70 |
| Sugar beet | 15 | 30 |
| Oilseed rape | (40) | - |
| Horticulture | 75 | 105 |
| Total | 2,380 | 2,860 |

() denotes increased area of demand.

Taken from 'Changes in Land Use in England, Scotland and Wales 1985-1990 and 2000', Final Report of Lawrence Gould Ltd. to Nature Conservancy Council, February 1986.

The Reading Study was much more of a team effort. I should therefore explain how the ITE came to be involved. The Economic and Social Research Council and the Natural Environment Research Council jointly decided that they should establish a fellowship to look at agriculture, the environment and changing patterns in rural life. It is part of a broader thrust of work that those research councils are doing, particularly the ESRC. They have a number of interesting initiatives on family farming, woodland etc. The work that I have been doing will be given to them at the end and deposited with the Rural Areas Database which Howard Newby is heading. Eventually all the data will be available from this one place.

The Study started when the Department of Environment (DOE) and Development Commission asked a team based around Reading to produce a report on the Countryside Implications of CAP Change. ITE were brought in as part of that team. My Fellowship had placed me with natural scientists at ITE so a happy coincidence occurred and I was able to join the team modelling shifts in the CAP.

One of the 'in' areas of the world at the moment is modelling and modelling of countryside change. I suppose the academic gloss on the old army saying is that if it stands still you count it and if it moves you model it and seek out its internal dynamic. Modelling takes in assumptions. Some assumptions are fundamentally challengeable. There are those who, with some justification, would ask "what crisis"? The EEC has had crises before, the CAP has gone lurching on. Certainly, looked at from the broadest of perspectives something seems to have come along to bail the CAP out each time over the last few years. Sometimes it is something deep and fundamental, ie, a by-election in a German land which has to be won so the Germans save us that year; the French change ministers and that helps; the Green Pound can be devalued and that may keep British farmers going for another year and stave off the coming crisis. This year it appears that it has been a good summer for

tourists in parts of southern Europe, but a bad summer for crops, with poor yields in other parts of the world. This will help to keep prices up.

Even with that staved off, it cannot go on forever. We are into a fundamentally different position because of structural surplus. Structural surplus in itself is not a particularly bad thing. It is better than a structural shortage, but when it comes to changes that may occur, and particularly when they impact on individual parcels of land and individual areas around the community, we are now sure that we have change coming. Some quite striking changes in some areas.

It is a peculiar thing about food. Producing food, partly because it uses the countryside and partly because it is something so close and essential to life, is different. It does bring up different feelings in people rather than the production of televisions and Sony Walkmans etc. Many farmers, as Howard Newby hinted this morning, are committed to the belief that producing food is next to Godliness. They take their brief from Jonathon Swift's phrase from 'Gulliver's Travels'. He said that the man who can make two ears of corn grow where one grew before would deserve better of mankind than a whole race of politicians put together.

To farmers it is simple. If you are producing surplusses you ship them out and give them to those hungry people abroad. Of course, it is not as simple as that with the build up of budgetary cost, especially that cost of intervention buying and storage. There has been an underlying thrust of 2% productivity growth year on year which we have been seeing and will continue to see. Our Dutch colleagues are here, and their University at Wageningen predicted some years ago that there was absolutely no reason why good areas, such as East Anglia, should not go all the way up to 15 tons per hectare wheat yield. If you are getting 10 tons now you are doing well, but there is still plenty of 'theoretical' productivity to come before we reach any biological limits.

Above all, it is a political problem. Not only is it money, but when people are seen starving on one news programme whilst food is seen being destroyed on another obviously that is seen as unacceptable. Something is going to happen. The EEC has signalled that, through its Perspectives on the CAP and A Future for Community Agriculture. I will refer to some of these proposals in a moment.

In a gathering like this it is important to sift out coincidence and causality. Clive Potter from Wye College has talked about the conservation lobby in Britain 'riding the tiger' of EEC budgetary reform. It can be a very dangerous animal. In Brussels, however, the conservationists do have people fighting for them. There is Directorate General VI, which deals with agriculture, and Directorate General XI which deals with environment. There is no-one dealing with recreation. Conservation has managed to get itself into a good lobbying position at an EEC level through some top class people.

There is one minor recreation voice which is very important on the Continent, if not so here - la chasse. When you go to a meeting about broad land use policy then one of the well geared up groups of lobbyists in Brussels are the hunters, shooters and fishers. They have a

very important viewpoint to put forward. They are permanently based in Brussels, continually lobbying and knowing the right people.

When I had difficulty in contacting a particular EEC official, I asked his junior what the problem was. I was told that if I were to ring up and insinuate that I was a Peer and was having a little difficulty with my estate, because the deer were getting out of hand, the official might be prepared to come over and see me fairly quickly.

Conservation has a voice in the drive of this, but recreation has very little indeed. With all due respect to the Countryside Commission, who are in there lobbying, it is not Jeremy Worth I see when I go to Brussels meetings on the reform of the CAP, but his colleagues from the conservation branch. I am sure they brief each other and messages pass between them but at the end of the day conservation is where the thrust is. I am sure there is some genuine commitment from a number of the officials who are actually making policy and putting forward proposals. I am certain there is genuine commitment to pulling agriculture and conservation back together. However, there is much opportunistic feeling as well because the conservationists have started to show, through policies such as Environmentally Sensitive Areas, that they are getting into the debate where it counts - the future of rural life, communities and agricultural support. I discern no fundamental, underlying shift of attitude amongst CAP officials away from a commitment to the Common Agricultural Policy as a mainstay of the Common Market and of rural life throughout Europe. The other nations do not even discuss it. It is only Britain that actually discusses why we ought to support rural areas, with the exception of one or two fringe heretics. It is just 'assumed' amongst other nations.

However, if price cuts have got to come, as indeed they have, then something has to be done about surpluses and this will impact upon the countryside. At the moment, as I am arguing, recreation is marginalised in that discussion so perhaps we can gear ourselves up a little more today to thinking about where the main thrust is going to come.

Of course, we have had some big changes. We already have milk quotas. Milk quotas was a big and dynamic change. A number of dairy farmers looked towards recreation as a saviour. I was involved in a number of cases for farmers who looked around wanting to see what the options were. They had heard all the noises about farm diversification and thought that by bringing the public in they would add value to the farm. In a number of cases it seemed the right road to go down until it got to local planning committee. That is a problem that I would like to return to.

Even with milk quotas we are still over-producing in large measures. The butter mountain has reached a new peak. We are still over-producing in beef. Lobbyists tend not to mention beef because small, reasonable numbers of beef cattle, ambling gently around the green sward is the pastoral scene in the mind. People want that. It is cereals that are always hammered. Cereals are actually a lot closer to world price than the other commodities are. If you really start knocking the prices down, it is beef and dairy products you kick the bottom out of, not cereals. At world prices many British cereal producers could

survive by getting bigger, more efficient and to hell with the hedgerows.

I would like to look at some of the EEC proposals that are coming forward. This is not necessarily because they will all survive and not necessarily because they will all come in within the next year, even though some of them are very interesting indeed, but partly to put you on notice. There are many opportunities for recreation that are there to be seized and there is a different feel about them. We are no longer talking about the underlying thrust being more production. We may be talking about more efficiency, cutting input costs. These are a very different bundle of proposals from those we have seen before.

The ministers, themselves, do not propose prices. That is down to the officials of the Commission. They put the price package together. Therefore, the Commission knows that there will always be somebody with a home interest who is not going to want to see prices lowered. Very few of his fellow ministers agree with Mr Jopling that a price policy is the most sensible way to deal with this overall problem. Those other ministers are looking for different solutions. However, price pressure is going to be part of it, come what may. Prices in the main surplus commodities will continue to fall in real terms. I say they will continue to fall because apart from a very brief boom in the 1970s, the ratchet effect has always been that they fell in real terms. It is just a question of how fast and whether that speed of fall can be beaten by increasing efficiency to keep incomes up. The prediction is that they are going to fall at a level which will not allow people to keep incomes up; if they do not then surpluses will not be cut.

There is likely to be a gradual phasing out of some of the support mechanisms. In terms of what seems commonsense to us in Britain, much of that might not make sense because one of the great hunting areas for the Commission is the British beef support system. Ours is the only system that actually tries to pass some of the advantage on to the consumer by having a variable premium scheme rather than intervention buying. Intervention buying may seem a nonsense but it is a common policy; and the EEC is still committed to imposing that common policy across the whole of Europe.

Therefore, some of the support schemes will change and there are opportunities for gain in that. One gain I have alluded to elsewhere is the gain, which is conservation rather than recreation led, where the minister used the environmental card to good effect to gain an increase in the sheep meat regime for people who have to keep Herdwick sheep in the Lake District; on the basis that they could not gain support until those sheep lambed. Herdwicks do not lamb until a year later than softer land sheep do, and he gained additional support for them for the year in which they would not be lambing. That is extremely advantageous to rural life and to small hill farmers. Conservation was the argument that was used. Recreation hardly comes into it, even if it gains from the retention of open moorland.

There will be a broad thrust in the overall macro policy towards limited payments. The amount of money given will be tied down to so many sheep or cattle per farm or so much of a particular crop. That is something which is popular with other nations whose farms tend to be

smaller. It is one of the other main themes we will always have to bear in mind when a British minister goes to Brussels. He has home pressures to look back to but at the end of the day he also has to deliver the fundamental national interest. It is in Britain's fundamental national interest to keep payments up to 'big' farmers because we have got the big farmers and they have not. No matter what the social equity reasons are, and no matter how right it might look across Europe to re-orientate payments towards the smaller farmer, our ministers are in some difficulty. They may be under political pressure from a number of organisations at home to re-orientate in that way. They are under particular pressure from the broad conservation, anti-EEC lobby to do that. However, it just is not in Britain's fundamental interest to go too low. We got into the splendid position where our newly founded Small Farmers' Association had to lobby our government to oppose EEC proposals in favour of the small farmer because our small farmers' were too big to benefit from the small farmers' proposals put up by the EEC. We are so far out of line on the type and size of holding that we are talking about.

Big, macro changes in the guarantee section of FEOGA, rather than the guidance section, are hard to achieve and are coming through steadily. I will try and pull those out as underlying themes. Where we have got firm proposals is in the guidance section, the 'socio-structural' area. We already had a very big change in the present socio-structural visions, that are now in force in 797/85. For the first time that instrument took away the idea that a farmer, having a plan, must achieve a particular income level tied to overall national incomes at the end. There was considerable evidence that by having to achieve that level it favoured those who already had access to capital, or who already had a number of people on the farm so they could average out those earnings across them. The idea of leaving a farm which can earn as well as you or I can earn may sound excellent. But, small farmers were not getting into those schemes. Therefore, they have already been amended to allow the smaller farmer to come in and keep his income on its existing level or a little better. Consider also the concept of the Environmentally Sensitive Area (ESA), it was initially a nationally funded scheme. Thus, as ESAs were being set up, it did not seem surprising that Britain did not rush to designate large areas of its countryside as ESAs; because Britain would be saying that we continue to make our large scale budget contribution and we, hereby, voluntarily forego a negotiating card. We will pay our budget contributions in, take the VAT off people when they go to the bar tonight, and we will hand it over to the EEC, and instead of going for the maximum return we will, as a nation, also then pay some of our farmers not to improve their land.

It is hardly surprising that the British government is not going to rush into that until it can see a bit of kick back from the EEC for taking those people out of the game. At the end of the day everything we put into intervention is money back in our pocket. They have got it. It is in the Brussels' purse already and it is crude, unpleasant and its countryside effects are not what many of us here would wish to see. They are often not what the farmers who have to carry them out wish to see. However, one way of keeping incomes up, and the way of getting money back for Britain is to make sure that we put in our fair share of over-production.

We are trying to find some way round that, and so the EEC has made proposals. The fundamental proposal, which you may have seen come in for criticism from the House of Lords, is that farmers over 55 should be eligible for a pre-pension scheme. Until such time as their national pension schemes picks them up, which in Britain would be the decade, they could opt in to take a pension of approximately £2,000 per year, it varies depending on their marital status. For that, they have to agree to set their land aside from agricultural production or pass it on to an heir. I will come back to what the heir does later.

Speaking recently in Cirencester, the EEC official was asked to go further and spell out what should happen. He said, "The Commission has looked at these problems together and is contemplating the possibility of a pre-pension scheme. What this might entail would be a pension for farmers in the 55-65 category, supplemented by a per hectare payment which would allow the older farmers to retire from production. The farmland in question would be withdrawn from cultivation and left fallow or it could be assigned to non-agricultural uses such as afforestation, sport or recreation." I suspect he knew he was speaking in Britain so he threw in the other two, rather than hunting and other such ideas.

You are after 'afforestation'. It is a short list but there is a long gap between those words and recreation is a long way behind afforestation in the proposals that they have in mind. If you would like to cast your minds around your areas for 55 year old farmers who you might be able to tease out and get your hands on their land, schemes may come forward. I emphasise that none of this is law at the moment. These are the sorts of topics that ministers are going to discuss this autumn.

If the farmer sets his land aside, the EEC are offering £95 per hectare per year for that period up to his retirement date on top of the pension which varies as to whether he is single or a married man. This ranges from about £1,600 to £2,500. However, for a number of people who are close to that margin now the idea must seem attractive: £95 per hectare per year for 10 years, plus the basic pension for not working and being able to start selling off your capital equipment if you are not farming. The thing that might push people towards this is whether they are in a capital debt position. If you are working for the bank there may be a lot to be said for selling off the equipment, paying off the bank and not working for yourself for a change. I have been out doing field work, and putting these proposals to farmers, and there is certainly considerable interest. The interest is not amongst the high level producers. The land that might be taken out of production is not normally contributing greatly to European food surpluses but some people are certainly interested. The farmer would have to show that he was not using the land, and here there are questions about the conservation value, to which I will refer later.

The second support would be for afforestation. If the farmer specifically puts his land into afforestation then the amount he can receive rises to about £120 per hectare per year and, if he is in the Less Favoured Areas (LFAs), he can continue to draw some sheep support or suckler cow support as if the land was still in production. The idea begins to look more attractive in those areas.

However, many of those farmers might be farming land which, for reasons of amenity and recreation in the hills, one would not want to see afforested. Certainly, when I come on to the type of land which is threatened to go out of production, it is worth noting certain points raised by a paper to be given next week at a large farming and forestry conference. The forestry side say they do not want the lowlands. I will be arguing in a moment that these are the areas which are going to come most under pressure. This paper, to be given by an expert forester, says that forestry does not want heavy clays, the light chalks of Hampshire and elsewhere. What it does want are the valley bottoms in the hills. That is where forestry investment is, and that is where it is already geared up.

If the farm has an heir he is given the option to extensify. This means that instead of coming in with the idea that a 'new broom sweeps clean', new ideas from agricultural college and having to get stuck into the farm to raise an income, he can sign a contract - for six years at least - to extensify (with a reduction in production of about 20%); and gain additional payment which appears to work out at about £64 per hectare per year on top of the payments already going to his father. There are similar proposals for value added.

There is also up to £38,000 per annum available as reimbursement from FEOGA for investing in alternative uses for the land. That certainly includes recreation or tourism proposals. The figures I am giving are the amounts the EEC says it will partly reimburse. The British government could probably raise them, depending on how the final draft came out, but these are the amounts that would be reimbursed from Brussels. There are not that many reasons why the British government would want to go further than that immediately.

There are also proposals that, in the LFAs, instead of the open ended support which we have at present, then compensatory allowances should be limited. They should be widened across enterprises, so they are not paid just on sheep and beef, but there would be support for barley or oats, for example. They would be limited to a position which would only pay up to a given limit on any farm. That limit, only around the £2,000 level, will seem very low in a British context. There are individual flock masters with large flocks on high hills drawing up to five figures in support at present. In the British context they are doing that extremely efficiently but this would limit it down.

It raises a nice point for recreation. People want to see mixed farming and part of this proposal is aimed at bringing back mixed farming in the hills allowing them to grow their own feed. Over the last five or ten years some farmers have gone over completely to grass, because on that grass you then get the stock on which you get your support. However, if you are going to go into something more mixed then that means putting the plough in. It is a nice point to see how footpath users would react to the idea that they get back more mixed farming, but more mixed farming means less grass.

The problem, from the British perspective, is that unless recreation can come in and usefully sweep up any land that might be offered under a scheme like that, and this is certainly something that the Countryside Commission are conscious of on the conservation side,

then what you get by leaving the land might not be as attractive as what you had in the first place. From a wildlife sense, after a few years of ragwort and thistle etc, the land might settle down to something more attractive. The goldfinches can always feed on the thistles the first year. However, to the average person, I suspect the view of that field is just 'mess', 'nasty', 'unpleasant' and 'waste'. That is not going to be too popular unless one can find some other, more positive use for it. Of more concern to me, particularly from an ecological perspective, is the fact that a good deal of the land that might be offered first is land farmed under low input systems by farmers who never really got particularly geared up. This is why they are willing to take this kind of offer to get out. It might appeal to just that type of older farmer whose land is actually rather sensitive, not quite to Site of Special Scientific Interest status, but land that is considerably more flower-rich than that next door and just the land that one does not want to see going out of production. One wants to see it grazed and kept in its particular usage on the Downs etc.

Times have changed and I am sure there are some opportunities for recreation. On top of the EEC proposals we have national additions. Rural Voice estimate that over the last few years about £100 million in grants have been withdrawn, particularly national capital grants for land improvement. There has been a shift of some of those grants towards conservation and energy saving. However, with the exception of the new eligibility of grants for tourism and crafts in LFAs, the thrust is mainly from conservation and not from recreation. Rural Voice also raise the point that simply cutting money from rural areas is not exactly the best thing to do to the poor and others who may be disadvantaged there. We heard this morning about groups who were disadvantaged in their access to recreation. In the countryside there are ample groups who are disadvantaged by living there, and paying above average costs with little opportunity for jobs and housing. Perhaps we ought to think about the wider view to take these things forward. In this context I commend to you some of the papers produced by Rural Voice about seeing this as an overall question and not just as a recreation, conservation or farming perspective on the change we are going to get.

How much land is in some way 'in danger' and what kind of problems may come to it? It is arguable that there should be no real problem, we can always intensify and none of it will go out of production. I do not believe it will just 'fall' out from agriculture. However, note the official policy, so far as there is one, given by the Ministry of Agriculture to the Select Committee on the European Communities. The evidence was only published on 29 July, 1986. Let me explain what a MAFF senior scientist said in reply to the question about whether in the coming circumstances, is it better to de-intensify or take out land? It went like this. "I think on a technical basis it has to be our preferred solution if there is to be less production. We feel that it would be necessary to farm the best land as efficiently as possible, whatever the circumstances. People farming in those sorts of areas will need to stay in business. The United Kingdom needs a reasonable, and reasonably priced, food supply and we feel that the only way this can happen is to continue to farm as efficiently as possible on that land which is farmed. That in a way will lead one to expect that marginal lands will, in effect, drop out of farming, although whether that would

be a result of a deliberate policy decision or a result of the policies is something which I think is open to discussion."

I find that quite striking. Up to now we have been speculating. I did not know, until I read that, that we actually had a statement or Ministry policy at all about what we are doing in these circumstances. I am going to come onto one or two case instances of places where that does not seem to be the line followed. Indeed, higher quality land than we would have seen before, is being released for recreation. You in the audience may have other instances of this shift recently. However, that is the first statement that I have been able to find, where the Ministry is saying they are going to continue to produce in the 12 or 15 best counties and the marginal land may well go to the wall.

Table 1 shows the three studies that we have at national level. They have all been published fairly recently. They are not widely available but obtainable from their sources. Wye College updated the work of Wibberley and Edwards, Agricultural Land Budget, 1971. They took the UK forward to the year 2000. On a broad range they are predicting 3-4 million hectares of land available for other uses by the year 2000. If handling large figures does not immediately mean much to you, one million hectares is Devon and Derbyshire combined. They reached this conclusion by different sensitivity tests, the main sensitivity being what level of UK self-sufficiency in food we go for and how much we continue to increase the efficiency per hectare of the land we are using.

Gould looked not so much at macro indicators and sensitivities in England, Scotland and Wales as at trend extrapolation in the individual commodities in the year 1990 and 2000. They concluded that by 1990 1.9 million hectares will be spare and by the year 2000, 2.6 million hectares.

The study I have been involved with is at Reading. This looked at England and Wales only. We looked at it over a notional five years over a very broad range. We looked at current trends continuing and at absolute free trade. For our main cases we looked at price pressure. With a 15% reduction in cereals and 5% in beef, the model forecast 1.3 million hectares. I emphasise the model because we are calling this 'low gross margin land'. This is land which has problems. I stick by my view that unless there is a firm policy decision to take it out in some way, this land will not go out of production. Its price will drift down to a point at which someone can afford to farm it with lower fixed costs than the person next door. It may be someone who does not even care about paying the money for the land because they have bought for amenity or proprietorial reasons. I think some of the reasons we heard from Howard Newby and Roger Sidaway are quite important in that context.

We found that a 15% price reduction in cereals, far more than is proposed by the Commission at the moment, is still not enough to get down to European self-sufficiency levels. To get that we would have to have quotas and that throws out about 1.9 million hectares which are not needed immediately for public use and they may become 'low gross margin'.

At Reading we based the study on individual parcels of land around the country. This let us deal with one hectare in every 45 hectares around the country. This was ascribed its optimum values and output given its location, soils and climate. The model rearranged them into where production was best under the different scenarios.

The implication of those studies is that, overall, we have got a lowland/grassland/cereal problem. The best land is fine. The good land in Britain, given our comparative reliability of climate, is amongst the best land in the world. It is not going to go out of production. It is certainly not going to go out of production given that it is farmed efficiently, in a political system which allows it to be farmed efficiently.

The LFAs will be protected and buffered by LFA payments. Whatever our national commitment, and I consider that to be high, there is a European commitment which is enormous. LFA payments are not going out of the window. They may change, as we discussed, they may be more targeted towards particular income groups and smaller farmers, but the LFAs will be protected. The only problem for the LFAs is if everybody in the lowlands rushes into sheep and gives them two boom years at the best prices for store lambs ever seen, and then they find that the sheep meat regime is broken by the number of people producing on the lowlands. We do not have a sheep surplus at the moment but we could soon.

There are regional shifts within the overall patterns. We certainly found that, under different scenarios, certainly under quotas, East Anglia and some of that fundamentally good land starts to steal dairying and beef from other areas which would otherwise keep it. Broadly speaking, it is the middle band of England and the edges of Wales, outside the LFAs, which come out as the great losers.

From the scenarios the most land we are throwing out is 2.2 million hectares. However, quite as important is the level of job loss in rural areas, as illustrated below.

| | Prices | Quotas | Free trade |
|-------------------|---------|---------|------------|
| Direct employment | -10,254 | -12,585 | -76,802 |
| Total | -39,503 | -57,457 | -170,452 |

These figures relate to the direct employment on farms, particularly when you take into account the upstream and downstream industries. The evidence, and this is certainly true of milk quotas, is that it is the upstream and downstream industries which have caught the cold rather than the farm itself. In present circumstances, that does not look like a particularly jolly prospect.

Therefore, if recreation can get to grips with some other uses and particularly other positive profitable uses for the countryside, then I think it will be making a great contribution. I think we have to take into account some of the points Howard Newby was making this morning. I see the Development Commission are predicting a doubling in the population of small towns and villages over the next decade. The

counter urban trend will continue. Presumably many of those who will move out will be those who were identified this morning as the 'countryside trippers'. If you enjoy going out to the countryside it will be even better if you can get out and move there.

When those people move out to the countryside they must undergo some kind of mental shift. When you want to go out to the countryside you want facilities, but when you live there you do not want them anywhere near you. When you get out into the countryside to live, you join the NIMBY (Not In My Back Yard) syndrome for many of the countryside proposals that may be in hand.

Unless a farmer has proposals which keep the countryside green, undeveloped and largely exclude the public, then, in my experience over the past few years she/he is likely to run into planning problems with many proposals that will come forward.

There is enormous opportunity for recreation if we, as a nation, are geared up to seize it. One presumes there must be less defence of agricultural land against developments which take it out of production; particularly if those proposals allow for it to be returnable. Over the last three weeks I have been involved with, or heard of a number of cases:

- (a) 170 acres of grade II in Essex - golf course, previous refusal with MAFF objection - objection now withdrawn and the golf course proposal will go ahead.
- (b) 200 acres of grade II land in Powys - Welsh Office Agriculture Department objection withdrawn.
- (c) Restoration in Nottinghamshire - former grade II land going for gravel - now to come back into golf course and leisure park whereas formerly it was coming back for agriculture.

We have had a word at high level in MAFF about this, and certainly the idea that putting land into retrievable uses appears to have some currency. However, this appears to be directly against what is being said by the scientists to the Lords' Committee. On their analysis we hang on to the grade II and III, and it is other land that goes out.

Lower land prices must make opportunity purchasing easier for recreation, subject always to overriding government commitments and the availability of capital, etc.

Farmers themselves may attempt to come into recreation, especially in the hope of keeping their farm income up. However, this appears to run into planning problems. I have been involved with a small dairy farmer in Cornwall, out of business because of milk quotas, who thought he could find something else. He is in a Rural Development Area, in an LFA and he opened the farm to visitors and got a planning refusal. The Inspector allowed it on appeal.

Another example is a green belt farm which had an extremely well run visitor centre. It was a professionally put together proposal but

was refused twice. We took it to appeal and won hands down. We have every expectation that the Secretary of State will give us costs.

At the moment, it is sensible input from MAFF socio-economic people and DOE Inspectors, that are winning these cases. This is certainly the case south of the border, I do not know about the position in Scotland. A number of local planning authorities are not immediately welcoming. I am sure there are many good ones, but I only tend to see the 'hard' cases.

There are bigger cases, ie, a river valley. It is a current issue so I will not go into detail. Here, the idea is to turn an extensive part of it over to a large, water based leisure park. It is not wet at the moment, and it would be helpful if we could extract some valuable gravel from underneath to help it get wet, for one has to fund the park somehow. The private sector will find ways and means of finding uses for some of this land if the right encouraging policies are framed.

A substantial part of policy making, if recreation is going to be involved, has to look at these points that I call 'PRETTIs':

- Payments;
- Reflecting;
- Environmental needs;
- Traditional farming;
- Tolerance of recreation; and
- Integrated rural development.

Here, you actually pay people, like the ESA proposals, to farm in a particular way with particular subsidy. This applies whether the site is an SSSI, specifically on Exmoor or wherever. There are different ways of developing this but there is obviously a big thrust, supported at EEC level, for maintaining rural incomes and helping to keep people in jobs by funding them to farm in particular ways. Recreation has not got a slice of that action at the moment.

One thing that has held up a large number of people in the countryside from diversifying is that they cannot do it under their tenancy arrangements. Already, the Crown Commissioners have written round all their tenants encouraging them to look for diversification options and telling them they will not hold this as a breach of the tenancy agreement.

Under the new Act we now have a Ministerial duty to seek reasonable balances in the countryside. There is clear talk about diversification and a different role for the Ministry, gearing up further on the excellent work that some of its socio-economic advisers have done. It has been referred to earlier as a 'quid pro quo'. It may be that many farmers are now looking for a 'quo pro quid', and if it is more than a quid then all the better! Whether it is being directly paid to maintain footpaths and rights of way, or supported in other ways, we are looking at a very different countryside and different forms of agricultural support. It is at this point where, so far, the recreational voice (with sensible proposals to put forward) is not coming through.

In the precis for this Conference I said that one of the difficulties for recreation was that it 'could' be marginalised or subsumed under the wider debate on rural life. I, personally, would go further than that. I say it should be subsumed under that wider debate. As Brian McLoughlin's work for the DOE has shown, rural areas have enormous disparities of income, far more than urban areas. Rural poverty does exist. The lack of job opportunity clearly does exist in rural areas. That could only get worse by hammering agriculture. If recreation can make a contribution to providing good sound jobs, incomes and maintaining rural life for people, then I feel it will have a vital role to play. That is the wider context, and that is the enormous debate that we should all be involved with over the next five or ten years. We really do not have the leeway to be unduly constrained by the small minded.

ANNEX 1

Members of the Reading Study Team

DR Harvey
 CJ Barr
 M Bell
 RGH Bunce
 D Edwards
 AJ Errington
 JL Jollans
 JH McClintock
 AMM Thompson
 RB Tranter

Under the general direction of Colin Spedding.

Thanks are also due to the many members of Colleges of Agriculture, University Departments, Farm Advisory Services, rural organisations and elsewhere who devoted busy time willingly and unstintingly to help us all by sharing their expertise and steering us on the right lines.

Last, but not least, the author wishes to acknowledge the contribution of the Department of Environment/Development Commission who sponsored and guided the research, and kindly permitted me to draw up this early paper based on the results.

The reports referred to are available as a Full Report, or Summary Report, entitled 'The Countryside Implications of Changes in the CAP', from: Centre for Agricultural Strategy at Reading University.

DISCUSSION

R Graves (Hereford and Worcester County Council)

Can I ask a point of fact? Will the EEC proposals extend to paying landlords' rent if tenant farmers can take land out of production?

M Bell

That is not clear. It is always the problem with EEC proposals when they have to deal with our landlord/tenant system, which does not exist anywhere else. There is a hint towards it and a phrase exists which says that the detailed proposals will allow for tenants to take advantage of the option but it is not clear in what way. The same difficulty arose under the Environmentally Sensitive Area proposals as to what a landlord's position would be.

A Kind (Land Access and Rights Association)

If agricultural land moves over to recreational use what will be the rating position on it?

M Bell

It would be rated.

A Kind

Is that the simple answer?

M Bell

As far as I know. Already one of the problems of farmers diversifying is that they come into a number of systems with which they are unfamiliar. One of these is rates. You only have to move into recreation to a very limited degree before rating authorities feel that it is rateable. The Oxfordshire point-to-point case is the main example. It was only used as a point-to-point course for a couple of days a year and maintained in agricultural use for the rest of the time but it was held to be rateable for that time of the year.

N Gilmour (Institute of Leisure and Amenity Management)

Is there any speculation by landowners and farmers of crops which would not normally be considered within the EEC at the moment. You mentioned forestry. Is there anything else?

M Bell

The Centre for Agricultural Strategy, amongst others, but particularly their publications, look at those alternative land uses which could come forward - borage, llamas, snail farming etc - but nothing else mops up the land. There are a number of proposals at an EEC level, particularly for energy cropping but they tend to favour

warmer climates than ours - Jerusalem artichoke cultivars appear to be amongst the front runners. You can certainly turn cereals into petrol, but it is more expensive than fossil fuel petrol at the moment. Nothing, other than trees, suits the British circumstance.

C Bonsey (Hampshire County Council)

It seems to me that on the prospect of making money on recreation, in this context, so many of the things that have come to my mind will not have much money attached to them. There must be a limit to the number of golf courses and theme parks you can build. Is it really realistic to think that recreation is going to have much money to contribute to the problem?

M Bell

That is something where I would be most interested in the feedback. My position is very clear. I think it is the position that Rural Voice have tended to back. There is no single solution. Organic farming will not do it; nitrogen quotas might help, but there is no single, universal solution to what is coming up. Recreation might have a contribution to make. Insofar as it does, then it will be welcome, but I would be most interested to see if your comment is echoed around the room.

M Evans (Bracknell District Council)

What are the implications on land values overall as a result of this policy?

M Bell

As we have already seen, land values have fallen back substantially, particularly on the less than very best land. In the south west in particular, land prices seemed to have slipped back quite a long way.

Let us take the extreme. Imagine a position with quotas on cereals. This would inevitably mean quotas on beef, even if there is not a quota on beef first. We would then have land which cannot legally produce for sale sugar beet, potatoes, milk, beef, barley or wheat. That land's value, I suspect, will be fairly low. Over the last few years agriculture has been the 'price maker' for farmland across the country as a whole. It has been prepared to bid prices which have since been proved to be economically unreasonable but farmers kept on buying because they could even out their fixed costs across the land.

My suspicion is that the bottom will be put in the market in the immediate future, not by agriculture but by City money and people who are coming out of urban areas and are prepared to buy. I do not know what the south west agents are doing but I have seen papers which are aimed primarily at the City buyer saying, "Why just buy the house and the area around, we can sell you the whole farm, employ someone to work the land for you, but you have rights over the complete 400 acres".

M Lane (ESRC Data Archive (RADP))

It seems to me there might be some cause for concern that agricultural land might change - not for recreational use but for residential use. Is there any thought about controlling this in any way?

M Bell

In the overall debate, doubling the amount of land going to housing makes next to no impact on the size of figures that we are talking about. That is the kind of thing that Mr Waldegrave is being invited to do at the moment. Doubling up from 10 to 20,000 hectares a year does not get to play with the types of figures we are talking about.

However, I know of a number of farmers trapped in urban fringe positions who see this as being the ideal argument for them getting out and releasing the land that, at the moment, remains the effective green belt or the last remaining farm on the outskirts of particular metropolitan areas. In certain cases that may not be particularly good for recreation unless there are lower land values. This is argued by the House Builders Federation. Unless they can put in more play space and more areas in the middle then my economics tells me that if land prices fall in an area of high housing demand the house builder takes a larger share of surplus. I do not actually see house prices falling back simply because land prices fall. It is a battle of who gets the surplus on the value.

M Lane

Is it not that inflexibility of the change of land use that is worrying? It is very difficult to turn back to agricultural land should the need arise in the future.

M Bell

If you give reasonably sized gardens it is arguable that you actually get more value of production out of the gardens than you did out of the farmland in the first place.

M Savani (Sheffield District Council)

I would like to return to the real world from this rather esoteric debate. You are in Sheffield and some of you may have seen the devastation in the east end. Therefore, recognising the deprived areas in the rural community, why do you think the rural areas should escape the devastation that has befallen steel, cutlery or coal industries in the inner city? As we have heard this morning, people are prepared to travel only short distances to recreate, may be only three miles, so why not 'green' the cities with recreational opportunities? Are we going to have devastated city centres with everyone having to travel 20 miles? Finally, if you want to solve the agricultural problem, what about returning to your first theme which was that we need to sit down as a world and talk about balancing out the imbalance between under production and inefficiency in one part of the world, to over production and super efficiency in another part? That is the fundamental issue.

M Bell

I have no reason to cross swords over why rural areas should be protected from what has happened to steel and coal. However, I did not believe it should happen to steel and coal either. I am not particularly pleased about my relations being out of work in Scunthorpe. Coming from a mining family myself, I believe that agriculture, and the balance that has been struck in it between an appropriate role for the state in research and policy, and individual producers to get on with what they can do by better enterprise, has worked extremely successfully. It is better to take your good lessons and broaden them, rather than take the worst things you have done to people and do it to the farmers.

P Beldon (East Sussex County Council)

You mentioned the Ministry of Agriculture policy is for maintaining good agricultural land and intensive farming systems. You also mentioned the Less Favoured Areas. You brought one glimmer of hope to people who like to see the countryside as a place for informal recreation through the Environmentally Sensitive Areas. There are five in England and one in Wales. Is there a long term solution here to increase those areas changing to slightly less intensive uses and carrying on traditional farming systems?

M Bell

There has to be. How much of Britain is available to be farmed in that way is open to dispute. We are really into what the Agricultural Commissioner has called the 'political trick' which, if anything, can solve problems of the CAP.. It is about 'will' and the kind of things that Howard Newby and Roger Sidaway were bringing out this morning. What is culturally and politically possible in Britain? Rationally, it is the ideal way forward. Selling it to the agricultural industry is one of the problems. There has been much debate, particularly in the context of bringing agriculture and conservation back in line, about an emphasis on individual farm plans. To gain your eligibility to support you draw up a voluntary farm plan indicating how you will approach what you will improve, the levels of output etc. It is bureaucratic. It is not a solution one has been looking to see readily adopted by government over the last few years. It sounds Statist, interventionist and tends to bode a return to a free advice service from the Ministry of Agriculture.

T Huxley

I think we should bring this part of the meeting to an end. In a moment I will ask Michael Collins to brief us for the next session. Firstly, I know you will want me to thank Malcolm Bell for his paper and for the way he has answered the questions.

It so happens that yesterday, in taking the train from Glasgow to Sheffield, I spent almost all the time reading the evidence of Sub-committee D of the House of Lords evidence on socio-economic structures. I found the oral evidence from bodies such as MAFF, NFU, National Farmers' Union for Scotland, the Council for the Preservation of Rural England, the Forestry Commission, Countryside Commission etc,

very interesting but somewhat confusing in the sense that people do not all perceive the effect of the proposed structures in quite the same way. We have therefore been fortunate to hear Malcolm Bell's clear presentation of the position.

There is just one point I would like to refer to. What will the land look like if it ceases to be managed? One of Her Lordships pressed very hard on the appearance of motorway verges as a consequence of reduced management. Those of us who travel up and down the M6/M1 do think about the way in which motorway verges look now with thistles etc growing on them. Do we think they look pleasanter or do we see them in a state of ecological change? How will that develop? These are good questions which one can try to think about in the context of what would happen to other land which is not being continuously managed.

THE GREAT WALL

THE CASE STUDIES

CASE STUDY BRIEFING

Michael Collins, Principal Officer, Research and Planning,
The Sports Council

This is basically a briefing section but I would like to make one comment on what Malcolm Bell said about the business of recreation not being represented in the EEC. Access is a social construct. When the EEC was formed, recreation, leisure and outdoor education was seen as culture and the EEC was not about culture, but about economics. Thus, tourism is part of the remit of the EEC and the rest of what we call 'leisure' is within the purview of the Council of Europe. Therefore, sport, arts and other forms of leisure which do not have a say in the European Commission in Brussels are dealt with within a forum in Strasbourg which includes 23 countries stretching from Malta, Cyprus and Turkey up to the Arctic Circle and including Iceland. It does not have political clout. It does have cultural clout but very little money. This division is an issue that the whole of Europe will have to grasp as the leisure industry grows and we believe that it is not just tourism that has an economic manifestation.

Roger Sidaway said at the beginning of the Conference that accessibility is socially constructed. It is a social process and in this study and Conference we want people to look at it as a negotiating, arguing, agreeing and disagreeing process with 'actors' and 'acted upon': main parts, bit players, spear cameras and bystanders trying to get a line in somewhere from the wings.

You have heard one or two phrases which I will remind you of. From Roger Sidaway we heard that four out of five visitors are not sure about their rights. He also explained that access concerns rights that are legal, proprietary and go back, in some cases, to the Doomsday Book. Four out of five of the people that hold land outside corporate ownership do not want to see an extension of public access, at least over cultivated land. That feeling will be even stronger under Malcolm Bell's scenarios for the most efficient areas of land.

We have heard from Howard Newby that our largest recreational resource, 120,000 kilometres of rights of way networks, are often poorly maintained "almost to the margin of neglect". We have heard from Malcolm Bell that maybe the only answer to structural surplus is not an economic answer but a socially and politically constructed answer. PRETTI grants are things that could create jobs, could give people the countryside they desire to go to and to live in.

Thus it is all about political science. If we really believe that, but then we look at access only through our traditional, managerialist and professional approaches, we are living in cloud cuckoo land. The report is about political science. Some groups are informal and outside the political process. Who gets access to what, under what circumstances and for what payment? That is what the workshops are about.

I am asking all delegates to operate as professionals under the same disciplines as I asked the speakers and chairmen to observe, so that Michael Dower has something structurally sensible to report. Each of the case studies, both from within the access study and beyond, raise a number of generic points. There is the issue of who gets access and representation. Are the long established groups the ones who hold the reins? How easy is it for new activities to get in? How do they get in? Why do some get in and others remain knocking on the door? Why do social groups, whole societies and communities, see some activities as acceptable and others as illegitimate, and 'not in my back yard', particularly if they have an engine attached?

We have vested interests in the proper sense of that term. People have invested dynastically in both recreation and agriculture through several generations. They believe their rights go back to Doomsday. You cannot wish those away even with this dramatic scenario of impending economic and land use change.

You have coalitions, some most unusual, forged by circumstance or opportunity. Therefore, on occasions you will find ramblers and farmers on the same side against other groups. In another circumstance you will find farmers and ramblers on different sides of the fence. I do not pick on ramblers as the only example. Almost every one of these various recreation groups would find themselves in different coalitions in different circumstances.

Underlying that, you will find conflicts of values that partly relate to these vested rights. There are culturally and socially constructed views about what the countryside is, what we should do when we get there, what we think about farmers if we are townsmen, and what farmers and landowners think about townsmen. What about the newcomers? A growing number of people, 25-30% of the population, are moving out of towns. What about people who are not farming the land but own it, under a share-cropping system or, as in North America, where millions of acres are bought by people on the East coast and other areas who never see their land but to whom it is very important that they own a bit of America. Are we going to see that situation developing?

Whatever we say there are needs for regulation, in the rules sense, and maintenance of access systems and the management of land and visitors. These themes are common to the six case studies. We hope you will perceive these themes from one to the other as you move. What we ask you to do is to put your experience of differing and varying circumstances under these headings.

ANGLING AND CANOEING: VALUE CONFLICTS AND ADMINISTRATIVE SOLUTIONS

Fred Coalter, Research Director, Centre for Leisure Research

Chaired by Jean Tallantire, Senior Regional Officer,
The Sports Council - Yorkshire and Humberside

Feedback by Sarah Blackledge, Leisure Research Officer,
British Waterways Board

The recent growth in the popularity of canoeing has resulted in increased pressure on water resources and increased potential for conflict. Not only has a rise in absolute numbers led to a more intensive use of waters, but cheaper, lighter and more robust canoes have increased mobility and allowed canoeists to make greater use of previously less accessible stretches of water, which often are not subject to rights of navigation.

Attempts have been made to reduce conflict through such management devices as time or area zoning and canoe registration schemes. A recent consultation document - Time for Change? Managing the Public Rights of Navigation (Sports Council, 1985) - adopted a more radical approach and canvassed procedures for establishing and registering public rights of navigation which had fallen into disuse. While not rejecting the utility of such managerial and legislative approaches, the analysis presented in the case study emphasised the importance of 'the politics of access' - the values and attitudes of the interest groups involved and their varying abilities to secure or maintain access to requisite recreational resources. The importance of this approach lay in the fact that many disputes arose where no legal rights of navigation existed and where the potential for voluntary agreements depended on the values and attitudes of the parties involved. This was recognised by the emphasis placed on "mutual respect and trust" in the 'Statement of Intent', which sought to establish a national code of conduct to form the basis of negotiated local voluntary access arrangements. This initiative was largely undermined by local disputes and disagreements about its status and intent, and the case study was based on an analysis of the differing attitudes underlying these disputes. Although certain factors were specific to the case study area (Yorkshire and Humberside), and involved a minority of canoeists, many of the issues were of wider significance.

The case study compared and contrasted the different attitudes of anglers and canoeists to four major issues: firstly, whether access is a right of property or a right of citizenship; secondly, the importance of organisational representation and control of the activities; thirdly whether payments should be made for access; and finally whether these activities cause a disturbance.

ESTATE RECREATION: THE BEAULIEU ESTATE

Bill Seabrooke, Professor and Head of Department of Surveying,
Portsmouth Polytechnic

Chaired by Colin Bonsey, County Recreation Officer,
Hampshire County Council

Feedback by Jan Fladmark, Assistant Director - Research and
Development, Countryside Commission for Scotland

When the present Lord Montague took over the ownership of the Beaulieu Estate, there was little obvious scope for generating income to meet the major financial liabilities which came with his inheritance. However, the family had developed a strong interest in the development of motoring and the estate had adopted the practice of providing access for the public to Palace House. The seed of the idea for the present recreation enterprise at Beaulieu was a vintage car placed in the entrance lobby of Palace House which attracted more visitor interest than the rest of the contents. From this grew the plan for the National Motor Museum which is the centrepiece for a comprehensive development which includes Palace House itself, the monastic remains and associated exhibition, a shop, a banqueting hall and conference facilities. The main themes are motoring, monastic life on the Estate and, more recently, ship building at Buckler's Hard. About half-a-million visitors go through the turnstiles annually at a charge of the order of £4.50 per adult.

All profits are ploughed back into the estate which has enabled the restoration and development of Buckler's Hard as a visitor attraction. Next on the list, various improvements are planned for Beaulieu village.

The financing, management and marketing of the commercial recreation enterprise is undertaken in the most professional way. The emphasis on commercial recreation is strong but unrestricted free access to land on the estate is discouraged. Commercial success has enabled the Estate to secure a better foundation for long term survival and enables the present owners to pursue less commercial objectives, such as the conservation of its natural and visual amenity and its historic heritage, to serve the needs of local residents and sustain a healthy local economy.

A BETTER DEAL FOR MOTOR SPORTS

Martin Elson, Lecturer, Department of Town Planning,
Oxford Polytechnic

Chaired by Brian Parry, Senior Regional Officer,
The Sports Council - North West

Feedback by Mike Evans, Chief Recreation Officer,
Bracknell District Council

This session contrasted the often erroneous and simplistic image held by countryside interests with the reality of motorsport activity. It utilised the findings of two recently published Sports Council reports which constitute the first national study of the topic.

Emphasising motorcycle sports the paper focused on the changing availability, control and forms of management of land for motor sport. This involved discussion of the organisation of motor sport and the controls operated within it; the relationship of motorsports to other countryside interests; and the response of local authorities and major land holding bodies to motor sports issues.

A number of suggestions for improvements to existing arrangements and attitudes were put forward under the headings more effective participation in decision-making forums; improving the image of motorsports; countering the loss of sites and land; and providing for informal activities.

The roles of trial parks, motor recreation parks, 'rough land' sites, training schemes, and motor sports within rehabilitation projects were also discussed.

MOUNTAIN ACTIVITIES

Robert Aitken, Consultant

Chaired by Patrick Mellor, Director of Leisure and Recreation,
East Lothian District Council

Feedback by John Mackay, Planning Officer - Research,
Countryside Commission for Scotland

Mountain recreation, in its popular forms of walking and climbing, has traditionally occupied a place at the informal, 'free and open' end of the spectrum of access to the countryside. The principle of de facto areal access, established by long usage by a relatively small number of participants on hill ground generally subject to extensive land uses, has been a jealously-guarded tenet of an arcane activity, entry to which was limited to those with the appropriate level of personal motivation and acquired expertise, including an understanding of the terms of access.

The rapid post-war growth of mountain activities, through increased car ownership, outdoor training in schools, and climbers' very effective promotion of their own recreation, has been compounded by a more recent diversification of mountain-based recreation into downhill and cross-country skiing, mountain bikes, trail bikes, four-wheel drive vehicle use, hang-gliding, and other esoteric sports. Three main types of access issue are developing, each representing a facet of a growing dichotomy between quantity and quality in the experience of mountain recreation.

- 1 The de facto access relationship with upland land use is tending to deteriorate, as recreational pressure intensifies on economic activities of decreasing viability, such as hill sheep farming and deer stalking. Undercurrents of broad sectionalism between town and country, lowland and highland, and of quasi-political attitudes over landownership as against the freedom to roam over a perceived common heritage of uncultivated land, serve to sharpen this conflict.
- 2 There is an increasing tendency for areal or spatial access to be restrictively formalised into narrowly defined tracts or into linear access through carparking provision, signposting, and afforestation of lower hill-slopes, as well as by the application of unwieldy legalistic mechanisms such as access agreements and long distance route designation. By established users at least, de jure access provision in the hills is generally perceived as representing a loss rather than a gain on informal access.
- 3 Partly following from the above, the level of physical and ecological impact on the mountain environment is increasing. Since the promotion and formalisation of access is too seldom matched by mechanisms or resources for effective impact management, users increasingly feel that the quality of the mountain environment and their recreation in it is being sacrificed on the altar of a misguided aim at social equity.

RIGHTS OF WAY

Neil Gilmour, Immediate Past President,
Institute of Leisure and Amenity Management

Chaired by Peter Floyd, County Solicitor,
Oxfordshire County Council

Feedback by David Cameron, Regional Planning Officer,
Countryside Commission for Scotland

The introduction to the session was by way of an illustrated talk on the policies and practices developed by one local authority, the South Yorkshire County Council, towards the maintenance of public rights of way and the promotion of access to the countryside generally.

It was shown that even a metropolitan county like South Yorkshire has a large rural area, and thus all the usual problems associated with rights of way issues. The fact that the county also has a large population means that many of the problems are associated with urban fringe situations.

The benefits of virtually all of the services associated with rights of way matters being the responsibility of one committee and managed by one department, particularly one with a recreation remit, was illustrated. This benefit was enhanced by the policy to invite representatives of the user groups to serve on the committee (without voting rights) and by the deliberate policy of both members and officers of the authority to make positive efforts to meet and discuss problems with all sectors of the community having an interest in countryside matters.

Specific mention was made of the 'Adopt-a-Path' scheme whereby individuals or groups were invited to occasionally walk or ride certain paths and report any problems encountered. This scheme was introduced because it was apparent that many problems encountered by the public and brought to the notice of the authority could have been avoided if the paths had been reasonably well used.

An unforeseen bonus of this scheme was the number of manuscripts giving interesting details of the walks associated with their adopted paths which were sent in though they were never requested. Many of these were eventually published by the council. The success of these leaflets prompted the council to engage, with the help of grants from the Countryside Commission, two officers to work-up these guides and also write up several others for publication. These others include bridleway rides and cycleway rides.

Other schemes illustrated were the subsidised special bus services to areas of the countryside only accessible to those with access to a car. The unexpected result of this scheme was that the majority of the users were Old Age Pensioners who, for various reasons, were reluctant to leave the buses and walk. They were content to 'use' the countryside through their eyes.

WEST PENNINE MOORS LOCAL PLAN

Derek Taylor, Head of Environmental Planning,
Lancashire County Council

Chaired by Roy Hickey, Countryside Officer - Access,
Countryside Commission

Feedback by Lindsay Cornish, Principal Research Officer,
Ministry of Agriculture, Fisheries and Food

Covering 90 square miles of moorland on the northern edge of the Manchester conurbation, the West Pennine Moors is one of the most heavily used, and abused, urban fringe areas in the North West of England. Its Local Plan is one of the few instances where the statutory Local Plan system has been used for the preparation of a comprehensive strategy for countryside access and environmental conservation. The exercise is also notable for the joint working it has involved between County and District Councils, the regional Water Authority, Countryside Commission, users, locals and the voluntary sector generally.

The presentation outlined why a Plan was needed, and why the statutory, rather than an informal, approach was chosen. Reference was made to the process of preparation and to the content of the final Plan. The various interests which sought to influence the content of the Plan were described and compared.

Much of the Plan has now been implemented and the nature and extent of this was covered. Particular attention was paid to the arrangements, administrative and financial, which have been established since 1982 to achieve implementation. These include measures for cost-sharing and involving local people and user groups in the process.

The presentation concluded by examining the advantages and disadvantages of the West Pennines approach, looking at how successful it has been in moderating the conflicts between public access and other demands on land, conflicts between eg, visitors and locals, recreation and conservation, access and farming, different forms of recreation. Some tentative conclusions were offered on the applicability of the lessons that have been learned from the West Pennine Moors exercise to other areas.

FEEDBACK FROM THE CASE
STUDIES

INTRODUCTION

Adrian Phillips

Director, Countryside Commission

The first session this morning gives us an opportunity to hear from Michael Dower on the results of the case studies which you participated in yesterday afternoon. I know that after dinner last night Michael was with the case study rapporteurs putting together the story that he is going to unfold this morning.

When I asked the CRRAG Secretary for some notes about the speakers that I was going to introduce, the message came back that as far as Michael Dower was concerned I did not need any notes, I was supposed to know him well enough! Michael is indeed our old friend, and his involvement in countryside, recreation and access matters is of long standing. In the early days he was involved with the London County Council; then he joined the Civic Trust and wrote the seminal book, 'Fourth Wave'. He then worked for the United Nations in Ireland and later settled down in Devon for many years where he was the Director of the Dartington Amenity Research Trust. He settled in Devon but he operated on a national and, indeed, an international scale. Michael has been a member of the English Tourist Board and the Sports Council; the first Chairman of 'Rural Voice'; and a consultant as far afield as Nigeria. Since last year he has been the National Park Officer of the Peak District, on the doorstep of Sheffield.

I think of Michael as the 'guru' of the countryside. He is always worth listening to. He has an inventive, articulate and forward looking mind. He is full of energy. He also has a 'synthetic' mind, not in the disparaging sense of the word, but extremely clever at synthesising and structuring the views and opinions of others. It is principally in that capacity that we will hear from him this morning.

FEEDBACK FROM THE CASE STUDIES

Michael Dower

National Park Officer, Peak District National Park

My job is to synthesise and to attempt to draw key ideas together. I have done so from the plenary discussion, for the sake of the main thread of argument, but mainly from the case studies, as requested, for the raw material. I have done so in the spirit of the stated Conference purpose which is to understand access in the countryside, to discuss practical measures and to take a thought provoking look at the future - without poaching on Lincoln Allison's field.

I am going to do this under four headings. First, I will give a brief and critical preamble. Second, I will look at the problems which emerge from the research and case study discussion. Third, I will describe the solutions or practical measures which are being sought or have been tried and how far they seem to be working. Fourth, I will give the implications for action.

A CRITICAL PREAMBLE

First then, a brief critical preamble about the Study and the Conference. I should emphasise that I am unfamiliar with the study. I have had no time to read even the summary, never mind the main report. I have drawn what I say from what I have heard from the Conference. First, I endorse the timeliness of this subject for this Conference. We have the knowledge gained from the Access Study. We have the 'light' and the emphasis which the national surveys on countryside recreation have thrown on walking and on penetrative recreation through the general countryside. We have the known growth in specialist activities of all kinds which demand access. We have, as Jeremy Worth pointed out, the current policy thinking in related fields, particularly recreation. For example, we have the Common Land Forum, the study of the Rights of Navigation, and Recreation 2000. We also have the ferment of rural policy thinking and agricultural change which Malcolm Bell spelled out to us and with which I find myself heavily involved in in Rural Voice.

Second in this preamble, I warmly welcome the Study. It seems to me a brave attempt to tease out the concepts, the issues and the implications and to gather the facts on a highly variegated and complex issue by general research plus case studies. This is a familiar process in national policy related research.

On first reading and hearing, it seems to me to be absolutely right to apply a political science approach to this subject rather than, for instance, the geographical or mechanistic approaches which have been applied in many earlier recreation studies which have focussed on supply and demand. This has given us the fascinating focus (which we heard about from Howard Newby) on interest groups, their vested interests, their strongly held convictions and values, the conflicts between these values, the coalitions between the groups, the power and

the powerlessness. In a game which has archaic rules, dating back to the Doomsday Book, I found it useful and illuminating.

However, as my third comment in this preamble, I believe there is a real danger, from the intellectual fascination, that understanding the problem can become the end rather than the means. We can easily become boggled by the complexity, or what the Chairman of CRRAG at our late night session referred to as the apparent 'intractability' of some of the problems. It seems to me that as recreation researchers, planners, providers and representatives, we are concerned, focally, with recreational needs and resources and how they can appropriately be linked.

Access needs and demands may be complex and ramified and held by groups who are powerful or powerless. However, they are needs and demands just like those for any other leisure activity. Similarly, access resources may be part of an archaic inheritance of occupational rights of way, common grazing lands etc, or of lands and waters in varying hands, under the control of owners imbued with a sense of rights of property. However, they are still resources just like a golf course or a swimming pool. People either do or do not have access to them. That access is, or is not, general or restricted, priced or unpriced.

Therefore, as well as the political science and the transactional analysis which are vital to understand when seeking the solution as well as the problem, I think we also need to apply some ordinary, social, geographical and planning judgement. I would drive that home by making the only two 'spiky' comments in this appraisal. First, I note the distinction between access and accessibility. Access is said to mean the actual rights; and accessibility to mean how the rights are exercised and the social filters which prevent people from enjoying the access. It is a useful distinction, but I believe it is challengeable on more than semantic grounds. It is as if access were applied by the team to the resource and accessibility to the people. That is a dangerous play on words. The word 'accessible' can only properly be applied to resources, not to people. It is like muddling the words 'credible' and 'credulous'. A fact is credible, a person may be credulous. It seems to me that a resource is either accessible or it is not. It has, or has not, accessibility to the public as a whole or to particular groups. Accessibility is a characteristic of resources and not of people.

Therefore, the accessibility of a resource is the same as saying whether it offers access. I think it is better to keep those terms together and synonymous, as different ways of saying the same thing; and not to apply accessibility to the factors which are germane to people. In my view we are not concerned with peoples' accessibility, because that is the wrong adjective or noun, but with their ability to take part in what has been made accessible. That can be tackled, on that basis, in just the same way that we do with other forms of recreation. That will avoid confusion.

My second 'spiky' comment relates to the remarkable absence of a focus on problems at this Conference so far. Howard Newby and Roger Sidaway described the political dynamics. They talked about the actors, their activities and their feelings about each other. Then they jumped, as I perceived it, straight to the solution, ie. the need for public

intervention, particularly by local authorities, without any focus on the problems which justified the solution. I found it was like watching a Japanese play in which one was dazzled by the ritual and colour, impressed by the obvious villains and heroes, but totally ignorant of the plot until everybody suddenly fell dead! I had rather that same sense from some of the case studies that I heard described last night, in which people had appeared to plunge straight into the solutions without focussing on the problems.

THE PROBLEMS

So, the second part of this talk focusses on what problems appear to emerge from our discussions so far. I will summarise them before I refer to them. They are:

- (a) frustrated demands and needs;
- (b) inequity of opportunity, including some groups disenfranchised;
- (c) conflicts among recreational groups;
- (d) conflicts between recreationists and local residents or resource controllers;
- (e) ineptness, lack of aptness, in the resource;
- (f) inadequacies in resource management and maintenance, leading to other problems.

As presented, the plenary material did not focus on frustrated demands or needs. A growth in activity was demonstrated, but that seems to me to imply that the demand was met rather than frustrated: the people were there, visibly in the countryside, so their needs were met. They were being mopped up in the inherited resources in the countryside. The distinction was drawn between frequent users, occasional users and non-users. The occasional users were described as a marketing opportunity or a threat. The non-users were pointed to as possibly needing intervention or help.

It seems to me that to this subject we must apply our social, professional and political judgement - rather than simply, say, our enthusiasm to use resources which we inherit. We have to decide what indications there are of latent or unsatisfied demand, what needs there are which countryside access can meet - for example, perhaps, riding for the disabled. We have also to be alert to the alternatives which may be available to meet those demands and needs, for example the urban green: a speaker from Sheffield and I both emphasised this point in the plenary discussion.

The case studies did show up some real frustrations particularly among specialist users. I refer, for example, to the canoeists, highlighted as frustrated in the discussion on waterways. Motorsports, in general, seem to be rebuffed by local residents and planners. Motorsports, watersports and riding all lost out in the West Pennines process. Therefore, there is indicative evidence of frustrated demand from the case studies and what we have heard in the plenary sessions. It seems to me that we, as providers and planners, need to be clear in our minds whether those problems do exist and what their nature is before we plunge in to seek solutions.

My second point is equity. It was plain from the description of the political game, that those who are vocal, articulate, long-established and with a good image, tend to be winning out in that game as distinct from those who are less vocal or articulate, who are newer as activities, who are regarded by others as anti-social (such as motorsports) or who have a poor image (what Martin Elson called the 'Brylcream syndrome'). The first question is where are these inequities? Which groups really are disenfranchised? If it is the specialist sports, what options have they got? Is it whole groups of society, ie, the 20% non-users of the countryside? Should we really be troubled by them? If we are concerned, how are we going to correct that inequity, to empower the powerless?

The third problem is conflicts among recreational groups. This point, which is long familiar and we knew about in principle before the Study, emerges clearly from the case studies. One such conflict is between canoeists and anglers. The latter claim prior rights: they claim canoeists disturb the fish and their own peace and quiet: they argue that canoeists should pay as much as the anglers, that any canoe access would represent the beginning of a 'big wedge'. Another example is the perceived conflicts between informal recreation and organised activities, particularly noisy cross-country ones, such as in the West Pennines.

There was a fascinating example from Scotland of conflict between the elite walkers in the wilderness who want no organised facilities and their perception of the mass whom they do not want in their areas. They perceive the mass, partly from research, to only come if there are way-marked routes and other clear cut facilities; and they therefore oppose any such organisation. The elite call in to their aid the concept of carrying capacity and psychological capacity - so that we find ourselves with capacity conflicting with equity.

Then there are conflicts between recreationists and local residents or resource controllers. This was highlighted in the West Pennines, whether conflicts were actual or perceived. There are conflicts between grouse shooting and general access. The impacts of change in the countryside are starting to have an adverse impact on recreation in Scotland, where deer stalking areas are turning over from the use of the laird and his friends to commercial deer stalking and the laird becomes more edgy about the access that he has been winking eyes at for years.

These conflicts among recreationists and between recreationists, local residents and landowners lead to coalitions. We were warned at the beginning that these would arise as a key theme, and indeed this was true of the case studies. Coalitions emerge and shift. Various examples were heard. In some large estates there is a coalition between the Nature Conservancy Council and the landowner, together effectively keeping out the public. In access areas again, the nature conservationists and the landowners may be allies, both uneasy about people coming in: their coalition makes more difficult the forging of further access agreements, as here in the Peak District.

There is an unspoken coalition in Scotland between landowners, the elitist access people and the conservationists against the general access.

We had examples of anglers against canoeists, but then of canoeists and anglers getting together against noisy watersports. In the West Pennines, the local residents, landowners and ramblers were in coalition against noisy sports.

A fifth problem is what I have called the ineptness of the resource. As Roger Sidaway described, our access system, particularly that for walking, riding and cycling, comes from an historical root. Its original purpose was completely different from the recreation of today. For that reason, it is fragmented and discontinuous and not on recreational desire lines. The bridleways, now used for riding, cycling and mountain biking, are not linked up. The whole system does not make any provision, apart from the county roads and the roads used as public paths, for motorsports. Therefore, we simply have an inherited system which is not apt, in many areas, for recreational use.

Finally, among the problems emerging from the case studies and from ones knowledge, we have inadequacies in resource management and maintenance. Roger Sidaway mentioned the 120,000 kilometres of rights of way, many of which are in very poor condition. Many paths, including our long distance routes, are subject to massive damage by the sheer numbers of people who come. The effect of that combination is to damage the recreational experience and to damage the resource. This tends to intensify the conflicts which occur, for example the reactions of the landowners; and causes costs or inefficiency in the use of manpower and money. All of that was confirmed in the case studies.

PRACTICAL SOLUTIONS

To my third main point. What did the case studies show of solutions and experiences in tackling the issues? I should emphasise that I did not attend the case studies, I am summarising at third hand: but I will go through the six case studies and pick out those key, practical points which have been tried and their apparent consequences.

In angling and canoeing there appears to be widespread frustration. The British Canoe Union has managed to negotiate some agreements, for example, on the canals. It is seeking to negotiate more with owners, anglers and others but is finding this extremely difficult. Discontinuities in land ownership and in angling rights make it difficult for them to negotiate access for canoeists to long stretches of water. This is probably why the canals were easier to solve than the rivers. Moreover, there is complaint that the British Canoe Union is only of limited representativeness. Only about 10% of canoeists belong to the British Canoe Union or its affiliated clubs. The agreements which they are forging, for example with the British Waterways Board, are confined to those members. That disenfranchises from that agreement the people who are not members. Thus the British Canoe Union is not truly representing the interests of all canoeists in the process. In places, canoeists are finding it better to stick to informal agreements on permissive access, than to formalise it. This is because the other side is unwilling to give away that much in terms of rights. This is a key point which I will come back to.

The estates case study drew on two major estates, Beaulieu and Goodwood, which have successful visitor enterprises on a very large

scale. These enterprises originated from adversity, ie, the liabilities of the estate, coupled with the opportunity and the entrepreneurial ability of the owner. These massive, evolving enterprises, in which profits have been ploughed back and capital has been put in, are meeting a major recreational demand. They are an important part of the tourist base of their areas providing wet weather facilities, employing many people and putting money into the local economy. However, they do not have much to do with access or with equity. They appear to be running directly counter to unrestricted access to those estates. There is a positive disincentive for the owner who wants to get money out of the pockets of people to allow free access - which casts an illuminating light on what the market can do towards access.

Against that should be set a broader record of the varying attitude of landowners to public access. Some are hostile to access and have actively sought to get footpaths closed down with the result that some rights of way maps, for example, in the Midlands, have sudden wide holes where this has happened. Some landowners are informally reconciled to de facto or permissive access of many different kinds. Others, such as Chatsworth, and I pay tribute to them, are open and generous in the provision of public access. At Chatsworth, for example, they allow generous access to their great park and woods, and we are now in negotiations with them for access to their moors.

Then the motorsports case study showed up the frustrations of a wide and varied group of users. We were told there were 19 different land-based motorsports. This particular family of people does not feel itself to be effective as a pressure group. The case study showed motorsports had lost nearly 30% of its sites in the study area over the last decade, through the action of owners and planning authorities, very often under pressure from local residents; and had been unable to secure sites from landowners or permission from planning authorities in the face of a coalition of opposition. The motorsport group realised that it needed to build its image by focussing on standards, its skills and public relations in the way that waterskiing had done. It needed to solve the problems of noise; and to get close to the 'yobbo' element in its numbers by asking the youth or probation services to help it improve the image and control the anti-social elements. It needed to become familiar with the planning system and landowners etc. It needed, in short, to become a real 'actor' in the Japanese play which I described. However, it was conscious of the danger that if it went public what had been agreed informally would become formal. If it goes formal it becomes visible, becomes open to objection and controls, whereas it may be better to be quiet and informal and act, as Martin Elson said, 'like the gypsies'.

The fourth case study related to mountain activities; and appeared to be heavily illuminated by Scotland, which is just as well after our rather English and Welsh presentations yesterday. They found that low intensity and permissive access which was allowed, indeed hardly preventable in those great areas by the landowners, suited well the elite of wild-land walkers, climbers and mountaineers, whereas it was the formalised provision, such as the West Highland Way, which tended to attract the less confident and adventurous people. The elite, not wishing the mass to invade the hills, wish to discourage the formalised provision. Moreover, they fear that the effect of linear routes would be

to justify closing off the wider access-at-will. The permissive access which is loved and used by the elite minority, may be threatened by any substantial growth in public use, because the landowners see this as going beyond tolerable limits; by the interests associated with commercial rather than family deer stalking; and, classically, by mass afforestation.

In England there were doubts expressed about whether the access agreement procedures, which we in the Peak Park and some other National Parks have successfully used in the past, will be so easily used in the future. The reaction of landowners appears not to be softening but hardening. There has come in, what was described as one of the great new actors, namely the conservation interest, the birdwatchers in particular. They are saying, without adequate scientific proof yet, that public access will be damaging to rare and timid species. I do not think they are being selfish but are saying this on the grounds of wildlife protection. They are putting pressure on us and others to moderate access, not only in access agreements but on our own lands. There is anxiety about the scale of payments which may be needed in future access agreements demanded by landowners, who have become familiar with the scale of payments under management agreements.

Then there is the great issue of common land, which the case study group did not have time to discuss. We have the report of the Common Land Forum. Now the great question is whether we are indeed going to see that long awaited and shamefully delayed second round of common land legislation.

The rights of way case study focussed, in particular, on the South Yorkshire Adopt-a-Path scheme, run by South Yorkshire County Council up to its demise. The impression that comes through to me, at the receiving end of the report, is of an authority determined to tackle its paths. This is a far better attitude than that of many authorities. However, this was from a starting point of its inherited resources: it had a resource and a statutory obligation and it was going to maintain the paths. It was going to involve the community and volunteers in helping it to do so. The demand would follow and would justify the political support. Here is an example, if I may be 'spiky' again, of the problem not being fully stated before the solution was enthusiastically embarked upon. I look forward to being rebuked from the floor. However, South Yorkshire set out to use volunteers as their eyes and ears to show where the work was needed. This is what we do in the Peak District with our ramblers groups. When I go round talking to ramblers' groups, I ask them to be not only eyes and ears but willing to do some work within the context of our schemes and under our rangers' guidance.

In South Yorkshire, the local authority team tackled the work in a determined way using volunteers as eyes and ears but also to help with information and guided walks. Further, in order to look to questions of equity and the disenfranchised groups, they laid on public transport to encourage people to come out into the area. What happened? The bulk of the users of the transport were elderly people who did not walk and who had already paid for their free bus passes so that the bus services ran at a loss. It would be interesting to hear further experience of

that: but I do think we need to think out what problems we are trying to solve in what we do and whether the demands and needs are real and best met by our actions. As I understand it, the local authority teams are continuing in other hands since the demise of the South Yorkshire County Council. The political will in South Yorkshire, its drive, comprehensiveness, and willingness to face up to statutory responsibilities form a strong contrast to the attitudes in some other counties.

Moving to the last case study, the West Pennine Moors Local Plan was, as I understand it, in planning terms a 'subject local plan'. However, it went onwards from planning into management, with proposals for the management of land in a large area of moorland and valleys. Half of this area was owned by the North West Water Authority - a great advantage in terms of action. There was a drawn out process, extending (I am told) over seven years with formal consultations and much participation by local residents. This led to action particularly by the local authorities and the water authority. The discussion group felt that this offered significant advantages to planning and management. It has led to much being done and to greater co-operation between authorities. However, the openness of the process and the strength of the residents' pressure groups (with the formation of the coalition, formal or informal, between the local residents, the landowners and ramblers) meant that walking and informal recreation gained, while other specialist activities lost out. Watersports, motorsports (except motor cycling which got organised) and riding all lost out. This was because they were not organised in the way the coalition was.

The effect of this formal process in the West Pennines has been, in the perception of some of those in the case study at least, the systematic keeping out of those recreation activities to which the local people object. Those specialist activities may actually have fared worse under the formal system than they would with an incremental or informal system: they have reached a permanent rather than temporary impasse. That, in some peoples views, echoes some of the experience of other formal plans. For example, there is deadlock over motorsports in one of the Manchester river valleys. The conclusion must be that if local authorities really intend social equity and intend to be the champion or mediator of minority recreation activities, then they have to consider which process is most likely to succeed.

IMPLICATIONS FOR ACTION

Finally, what does all this imply for our future action? If I had to put it in one phrase it would be that we cease to be spectators and become actors. If we wish to be effective as planners, providers, representatives, managers etc, we must understand the plot, the language and the dynamic: we must know who is powerful and who is powerless. Only then will we know the answer to the three key questions.

The first of these is - when to leave a thing informal and when to become formal? The contrast between informality and formality is a theme which has been running through this discussion, and which appears in so many of the themes. Take, for example, access to moorland, to the hills in Scotland and some of our own hills in England and Wales. I

know, and my colleagues know, that on some of our estates in the Peak District it is best for us to just lie low because the landowners allow that degree of informal access at will which the public needs. If we went to them for formal agreements, the attitudes would harden. We would gain less than we lost. Indeed, we might lose what we have got.

Another example is concession footpaths. One of the reasons why I and others are so worried about the prospect of water authority land disposal or even privatisation, is that many of the water authorities are generous in allowing concessional access either at will or on footpaths. However, they resist the idea of dedicating those footpaths, and the concessional access might not continue under another landowner. Very many other landowners take a similar view. We have got concessional footpaths in the Peak Park which are being used by walkers, climbers, anglers and cyclists. They are not even concessional bridleways but they are being used in these ways. If I try to start formalising them, I shall have the anglers in hot opposition to the others being there.

We heard another example about motorsports. There are places which are invisible, or deliberately held secret from the planners and others, where motorsports are quietly getting on with the job by agreement with owners. They know that if they sought formalised agreements they would have the coalition against them.

Another example is footpath reviews. Some county councils have set in hand formal programmes of footpath diversions and closures, which ended up costing them vast sums. Other authorities just work quietly with landowners, and may agree that a path should be informally re-routed around the headland, leaving the old path across the cornfield still legally there, but not physically insisted upon. My version of that is that we should focus our effort on the maintenance, signposting and publicising of those routes in the system which are useful and let the others just lie. They are still legally there and can be revived if they are needed in future; but we do not go to the trouble of formally closing or diverting if there is no need to do so.

A classic example of when to be formal or when to be informal is provided by the West Pennine Plan. You have to know when to go into formal planning, with consultation and participation processes which get your coalitions going; and when to be more informal, like the procedure which was followed in so many of the Countryside Commission's management experiments. Think of the Urban Fringe Experiment. Here, the plan was never shown. There might have been a plan in the planning authority; but it was kept in the bottom drawer, and the projects officer was out there doing quite tactical reactive things as they occurred to farmers. He, or she, knew what the pattern was that was emerging through each of these actions, incrementally, but there was no formal plan to which coalitions would start reacting.

The second question (which one will know better how to answer if one is a real actor in the play) is when to leave it to the private sector actors, namely the recreational groups, resource controllers and conservationists? One should know when to defend, and allow people to insist upon, historic rights; when to allow newly secured concessions rather than to press them into legal rights; when to nurture, or just let happen, the purchase of rights, for example by canoeists. Private sector

action of such types may meet the general public's need; or it may leave the needs of whole groups unmet. For example, the purchase of access by a non-representative canoe group may attach only to its members, and may disenfranchise the general public user.

One should know when to appeal to the self-interest of the resource controllers. I found impressive the 87% of landowners who did not want any more public access; but equally impressive was that the figure dropped immediately to 70% when money - payment for access - was mentioned. There was a lovely example from Gloucestershire of the caravan site operating farmer who wanted more rights of way in the surrounding area. Attitudes and vested interests are changing with the dynamic in the countryside. It was apt that we heard the description of the rapid and radical changes in the farming industry; and the need for that industry to shift from single purpose to multi-purpose, including recreation, in its thinking and in the national support systems.

Finally, we shall know, if we become actors, the answer to the third question - when must the public bodies intervene? That intervention depends upon political will, which in turn is a factor of the vested interest groups and their power in the political system. What the public bodies can do is to clarify issues, problems and solutions. They can clarify demands and needs - the issues of equity, who is really disenfranchised; what is really inequitable. They can act, where others may not, as the champion and intermediary for the 'ungrouped', for minority interests, for those with a low image, and for the less articulate. They can take direct action, for example where they own land, or through use of the access legislation, or by management agreements. The Countryside Commission can press for the common lands legislation.

To do this they will need resources - but, above all, clarity of mind and a willingness to get into the play.

DISCUSSION

A Phillips (Countryside Commission)

Thank you very much Michael. I think there was a tremendous amount of information in your text and you have drawn it all together in a rich and varied picture of what has been said over the last few days.

N Gilmour (Institute of Leisure and Amenity Management)

Speaking as one of the Case Study speakers, I think I ought to make clear to the group, two issues that Michael touched on. The Adopt-a-Path scheme in South Yorkshire and the setting up of transport facilities to take people into the countryside was a result of identifying the problems. I thought I had made that clear to the group.

The first problem that we identified, which resulted in the Adopt-a-Path scheme, was that the problems that we were getting as an authority seemed, in the main, to be arising from paths which were not being used regularly. We felt that if we could encourage people to use the paths then our problems would lessen. This did prove to be the case. We encouraged people to volunteer to do nothing more than walk or ride the paths and the mere fact that these feet and hooves were going along the paths and keeping them open, reduced our problems enormously. The fact that the volunteers then reported any problems to us was incidental to the original concept of why we wanted them there.

The other problem which we identified was that there was a 60 square mile area in the Peak Park area of South Yorkshire where, unless you had a car, you had no access. Unless you were prepared to set out and start walking about 20 miles from your house, or had a car, there was no access - particularly at weekends. Therefore, it was for that reason that we laid on transport to go out into that area. The unforeseen reaction was that it was the elderly who predominated in the use of the transport.

However, the problem had been quite clearly identified. A magnificent area of the countryside in our county was not accessible to a large proportion of the people within the area.

M Dower

Neil, I do not want to tease and I do not want to extend this debate, nor to underestimate the achievement. I am grateful to South Yorkshire because I inherit part of your efforts. However, your answer tends to confirm what I said. It was your problem rather than the people's problem that led you to tackle the footpaths in that way. You had a maintenance and organisational problem. You did not do it in order to meet stated public needs. You may have generated some latent demand in the process but it was not done in order to meet demand. It is perfectly legitimate to do it that way, as long as you admit that that is the reason why you did it.

N Gilmour

I thought you were saying that we had tried something without having a problem. All I said was that we did have a problem.

D Taylor (Lancashire County Council)

I would like to respond to the points that Michael made on the West Pennines Plan. He said that the minority groups had lost out in the consultation process as a result of coalitions. I fully accept that and acknowledge that that was the case. He then suggested that they had lost out for all time but this is not the case. In the local plan procedure plans are reviewed, which we are about to start to do, and the minority groups have now organised themselves and are going to come forward and make their case much more strongly than before. As a result of the first stage of the plan we have established an intensive system of management facilities on the ground and the area can now, in our view, begin to accept some of these noisy sports and other minority interest groups that lost out in the first round. Therefore, it is not the end of the process for them by any means.

M Dower

What you are saying still implies that the minority groups must put it to the test of a formal process, in this case the review of the plan, in order to get any access to land. If the coalitions, in the opposite direction, are still powerful and if the final arbiters are the local politicians, then the outcome may still be the same. Could you, in retrospect, conceive that they might have a better chance to have their needs met under a less formal process?

D Taylor

Yes, I have to concede that and I did in the session. All I am saying is that it is not the end of the process.

J Ely (Waverly Borough Council)

I would just like to take Michael Dower's thoughts of informal and formal approaches to the countryside a little further. I detect and feel that what is needed is a lot more skill in our staff in the way we perceive problems, ie, the traditional way in which our rangers approach the public when they are in the countryside and the way they undertake estate management. There has got to be a whole new 'revolution' in the way the ranger services etc adapt to the communities' needs and not the perceived needs of the people. That is an exciting prospect. We touched upon it in the motorsports case study yesterday. Getting people out into the community and into the 'belt' in and around an urban area is the crucial way forward. We find that if a right of way is not used we let it lie but we have not got to maintain it to a certain standard. If they are not being used there is a reason for it. There is a great deal of skill that has got to be developed so we can be flexible in the way we approach it in the future.

T Williams (Humberside County Council)

I was wanting to pick up the point that was made about identifying public need. The public are notoriously poor at coming forward and stating what they want or need. The truth of the matter is that most of them do not know what they need. Those who do are usually these minority groups with special interests who are well organised. We hear what they want but we do not hear what the public want.

I was picking up this point in the context of the South Yorkshire buses. I bet the local people did not say they wanted the buses and I would not have expected them to. However, it was not a bad idea was it?

M Savani (Sheffield City Council)

In the last two days we have skirted round some of the access issues. We have identified that the public and local authorities need to get to the unidentified needs. Just because they do not come to the surface or are not presented by vocal pressure groups, does not mean they do not exist. If I can just give a quick example. We have not mentioned black people or ethnic minorities in the last two days. Just because they do not come out to the Peak Park, or wherever, or do motorsports or use the rights of way, does not mean they cannot get out. Many of them are concentrated within the inner cities and may have financial problems. There may be problems of perception etc. There are various other groups. Women are not mentioned. How many of the recreational facilities within the countryside actually make a conscious attempt to get rid of the 'macho' image of some of the activities. How many authorities make creche provisions? Just because some of these things do not appear on the surface does not mean that the latent demand or the needs are not there. I think it is incumbent upon local authorities consciously to seek out those things, and the example of the bus services is a good point. The elderly were not overtly identified but there was a need. They felt they needed to get out for that sort of recreation.

A Phillips

Those are two very sharply contrasting perceptions.

G Preston (Hertfordshire County Council)

Over the last two days the word 'equity' has been mentioned but without examining what it means in practical terms. Most of us here, as planners, are making decisions where we are either passively or actively excluding certain social groups from what we are discussing. Even if it is only putting a stile in, as opposed to a kissing gate, you are excluding most disabled people. I wonder whether we should examine this idea more thoroughly. Can we really cater for everybody in the countryside with provisions that they can all use? Obviously certain groups are in conflict with others. We are trying to work on the basis that they all have an equal right to use that resource. In practice it becomes very difficult to combine certain recreational uses without

actually trying to bring people out who, at the moment and for whatever reason, do not appear to want to use the countryside.

F Coalter (Centre for Leisure Research)

I find myself in a difficult position because both remarks that Michael Dower made about the 'Access Study' related to the presentation yesterday and not to the content of the report. I am walking a very narrow line in responding to you. The criticisms were essentially about my colleagues. However, I would like to say two things about that.

Firstly, the report is issue based and deals with a number of problems in detail. In fact, it deals with many, if not all, of the issues raised by Michael Dower in his presentation.

Secondly, the presentation about access and accessibility issues may have led to some misunderstanding. I think the reason why we used the word 'accessibility' was as a heuristic device to emphasise the relationship between people and resources.

M Dower

Would you tell me what heuristic means?

F Coalter

It is an attempt to tease out relationships between actors. It really was an attempt to situate relationships between a wide ranging number of factors. Therefore, accessibility refers to relationships between people and resources, and not just to those people. It was an attempt to emphasise that one has to look at it in a dynamic and ongoing way.

These are the two points that I would like to make about the access project. I would urge everyone here to read it when it appears. It is an issue and problem based report.

I would just like to make two further points on what has been raised. My first comment is about the West Pennine Moors. You will find that a substantial part of our report is about this area of land. One of the things that disturbed me about that whole area was that you had a situation where user groups were willing to concede public rights for permissive access for themselves. For example, there was an acknowledgement that there were old cart tracks across the moors and that if the Trail Riders Fellowship wished to pursue it, those could be established. However, it might be more convenient if they conceded those rights, in the short term, for permissive rights for their own organisation. I think that that is a very dangerous situation to get into, where organised groups hold and concede public rights. I think that therein lies the issue of equity and the role of the public sector in dealing with those problems and not just leaving them to be dealt with by user groups. As Michael Dower pointed out some user groups are not represented.

I would like to raise a final point and it is my 'spiky' response. Classically, the response to demand in the countryside has been not to cater for it but to control it.

T Key (Stratton and Holborow)

I would like to make a point about estates and Goodwood and Beaulieu. I think they were cited because they are obvious and are big. I practice in Devon and deal with small farms and estates up to 4,000 acres, but many are much smaller single farms. Michael Dower spoke about timeliness and I think this is something which is absolutely right. Now is the time when the owners of farms and estates are looking to find other opportunities. I am very glad to have been at this Conference because I think it is terribly important that we, as land agents, must realise that these opportunities need grasping.

We have heard of leaning on landowners and quiet agreement. I think these terms are very relevant. I think the farmers and landowners need to help us perceive the opportunities. I think that if all those in the local authorities can point to, and help the landowners perceive, opportunities to public access then they will be welcome. Of course, this will not happen in every case but it will in many cases. I think the one thing which you cannot expect is free and general access. However, I will be bringing to the attention of my clients those opportunities which can be of mutual benefit.

R Arkell (Sunderland Borough Council)

I was struck by Michael Dower's point about the need to concentrate on demand and problems and his reference to the South Yorkshire experience. As a planner I am conscious of two kinds of response that we have been making. The first is our acceptance of the fact that time and time again we have found that demand is supply led in so many fields of recreational provision. This is something that we have to grapple with.

Secondly, because there is so much demand in some areas we need to divert some of that into other less attractive areas. I think I am right in saying that this was one of the priorities behind the move towards urban fringe schemes. They were trying to take some of the heat out of the honeypot areas. I know it is only one aspect and I do not know whether you would like to comment on that type of activity.

M Dower

Thank you, that was 'good meaty stuff'.

I accept the retort from Fred Coalter. I emphasised that I had not read the report. I am glad to hear that it is issue based and does articulate problems. I look forward to reading the study including the definition of 'accessibility'. I merely plead that we should not get bogged by language or by concept. We should realise that we are making what are, at root, straightforward decisions about demands, needs and resources.

I accept also Fred Coalter's comment that it is dangerous when organised groups, who speak only for themselves, are willing to concede legal rights. This is where the public bodies must act as intermediaries or representatives of the general interest.

I do not think it is fair comment that demand, when identified, is generally not met but controlled. It seems to me that the great success of the Countryside Commission, the Sports Council, Tourist Board and others over the last 20 years belies that point.

Returning to the earlier comments. Yes, as providers generally, planners, managers, rangers - or whatever we are - we have to get into the action. We have to become more skillful, more perceptive and selective. We have to become more able to choose between what should be tackled informally or left alone, and what has to be tackled formally and head on. We need to be more flexible. We need to be 'in there' and not distanced, bureaucratic, formalised and tackling everything through formal plans and processes. A lot of the answer is being 'in there', understanding how people work and moving them into doing things.

I was asked how does one identify needs? The speaker from Sheffield talked about the ethnic minorities and women. Somebody yesterday talked about children. There was the example of the South Yorkshire buses. We tried to answer this question of identifying needs in the HMSO report, 'Leisure Provision and People's Needs' (Michael Dower et al, HMSO, 1981). Just as you need to be an actor in the game of access, so you need to be in - not above - your communities. You need to use the links that you have got as public officials in those communities.

Let us take the metropolitan authorities as an example. They are unitary authorities who have housing departments, social services and planning departments, community liaison officers, specific ethnic minority officers etc. They ought to be using these people and their links into the community to feel what is happening in the dynamic of the community. They should know there are human needs which may be met in certain ways. There are frustrations in the community. There are needs for companionship in activity, for sociability, excitement or for peace and quiet etc which could or could not be met in certain ways.

Further, if you are local in your communities, rather than distanced in town halls, you can encourage the staff of your leisure facilities and sports centres to get to know people and understand. They should be of the community, rather than for the community and above it. Then you will be linked in with the way that people think.

What does equity mean? This was the next point. Again, I have pleaded elsewhere, and I plead again, we are talking about leisure for all. We are talking about recreation for all, not that all should do the same, but rather that each should have their own opportunities. They should have opportunities where they can get at them, which is another aspect of accessibility. It is what accessibility means to what I call the 'East Anglian school', as in the University of East Anglia studies of accessibility to rural services.

That brings me to the point that two of us made yesterday and which I made again this morning. We do not need to meet all of these needs where it is not apt to meet them. They do not all have to be met in the countryside. Some of them can indeed be met much nearer home, in the towns and urban fringes.

Finally, Mr Key's points about the estates. I am delighted with his reaction. In the reports which I have been writing for Rural Voice we have been saying that now is the time to move from single-purpose farming to multi-purpose farming as an industry and as a nation. We, in the public bodies, have to gear ourselves to that: we have to be offering to farmers and the landowners the help which Mr Key was calling for, namely advice and support which relates not only to food production (through hill livestock compensatory allowances, price guarantees and capital grants) but also a wider range of purposes including recreation and access. We need to offer a more varied menu of support. If we can think through how our offers - access agreements, management agreements, our maintenance of rights of way, provision for specialist activities of all kinds - can be reflected in the menu, then farmers and landowners will be able, where they have suitable resources, to order that part of the menu and reflect that in what they do.

We want something that they can respond to. We do not want something that we, from a distance, think they should do but rather something which we offer to them in a way which is accessible to them. By accessible I mean that it is simple, available and has a human face. We are pleading for national application of the principles which are implicit, for example, in our integrated rural development experiment in the Peak District. Here, the people in the three villages, whatever they need within community, recreation, agricultural, or social and economic development, can get help on the menu from a known person.

If we become actors, if we become available to people, including minority groups, conservationists and landowners and farmers, with a menu of things that they can respond to, then the stimulus and enterprise will come up from them. It will not all rest with us.

DO THE ALL PLAY IN
RIGHT TO THE COURTESY?

INTRODUCTION

Adrian Phillips

A. Director, Countryside Commission

It is a pleasure to introduce Lincoln Allison to you. He will be speaking on whether we all have a right to the countryside. It is said, is it not, that you can understand a person by the books that he reads. It is often said that if you look at the books in somebody's house you will get a good idea what those people are really like. In the case of Lincoln it is a little different. We will understand him by hearing of the books that he has written. I do not have a CV on Lincoln Allison. He is too shy and self-effacing, as you will discover, to want anyone to know about him. However, he would like you to know what he has written!

He has written five books. 'Environmental Planning', subtitled 'a political and philosophical analysis'. Secondly, 'Condition of England', subtitled 'Essays and Impressions'. His third book is 'Right Principles', subtitled 'A Conservative Philosophy of Politics'. The fourth is called 'Terra Mea - Collected Walks', so he is in the access business as well. Therefore, we have someone here who is interested in the environment, impressions of England, writes about politics to the right of centre and is interested in walking in the countryside. Finally, he has edited a book called 'The Politics of Sport'. As well as these books, he has written many articles on travel and walking. He combines an interest in philosophy, politics, recreation and enjoyment of the countryside; he is thus ideally qualified to talk to us about whether or not we all have a right to the countryside.

DO WE ALL HAVE A RIGHT TO THE COUNTRYSIDE?

Lincoln Allison

Lecturer in Politics, Warwick University

I have a number of different interests which bring me here. I would like to focus on two of the aspects that come out of my book titles and firstly as a political philosopher. You are practical people and do not want to know about political philosophy. However, very much of political philosophy is precisely concerned with rights to land. The whole history of the subject is laced with debate about it; the origin of those rights and their distribution. One thinks immediately of Locke's tortuous arguments about property and the legitimacy of the state; or Rousseau's dramatic image of the first man who put a spade in the earth and announced "This is mine", being history's great villain. One thinks of Winstanley, Harrington, the diggers and the levellers in the great left wing tradition of English thought to whom property in land was the crucial social arrangement.

We have seen from the Access Report that it still affects large numbers of people. Eight per cent of the population are at least casual walkers. Thirty five per cent of these are regular walkers. Eighty two per cent of farmers have rights of way across their land.

Property and ownership raise virtually all the questions of political philosophy: rights, justice, liberty, utility etc, whether in an investigation of what they are or in arguments about how they ought to be organised.

Secondly, and this cuts very oddly across any theoretical interests, I come as a professional walker. I have written a large number of articles as a professional walker and have a forthcoming book of collected walks coming out. Many of these pieces were written for 'New Society' and latterly for 'The Countryman' and also for a number of newspapers. I have my own peculiar experience of all the problems I have heard you talk about today. According to the Access Report I am the 'rare, unique and totally exceptional walker'. The way I walk and how I walk is that an editor gives me an Ordnance Survey map and says 'Walk across that lot!' I go on my own, very often ignoring rights of way, in what might be called a 'de facto, permissive' way. I must say that in those contexts, of walking professionally and trying to get from A to B across the land, I have never had any difficulty whatsoever with farmers. I occasionally meet a farmer, when I am stalking across his wheat field, and start chatting. If you are on your own, are middle aged and are carrying a rucksack you are not a threat to farmers. If there were four of you with tattoos I think different questions might be raised.

I am afraid I now come to the boring interlude because I now have to resort to the attitude of a first year law lecturer. I do not really apologise for this because many solicitors have completely forgotten any of the lectures on jurisprudence and the philosophy of law that they went to. I think it is a very important starting point.

When we talk about property rights I want to talk about ownership and what it means. The established legal philosophy is OHM Honoré's account of what he called the 'full liberal model of ownership'. He defines this in a very odd way, "the maximum interest a person can have in a thing". There are 12 parts or incidents in Honoré's full, liberal model of ownership which relate to A (the owner) and X (the thing he owns). Nine of these incidents are rights:

- the right of possession
- right to use
- to manage
- to exclude other people
- the right to the income
- to transfer (including gift, sale and legacy)
- to security (or 'absence of term')
- to destruction
- the right to lend;

There are three consequences which are not rights: execution (possible confiscation to meet legal debt); the prohibition of harmful use; and the liability for consequences, condition and behaviour of the thing owned.

Honoré wants to insist that historically, the full liberal model is a specifically modern concept present in all fully developed legal systems. It is not a thing that goes back into the depths of Roman law. It is not a thing that was present in traditional societies. It is modern in the sense, and this is a specific claim, that the Soviet legal system contains the full liberal model of ownership in exactly the same sense as the American legal system does. The only difference is a different set of political choices about what can be owned. I think that is important because it is going to become clear why I am giving you this rather banal first year law lecture.

Let us consider the relationship between land and the full liberal model of ownership. Looking at the full range of human societies and the sorts of ways they distributed property rights in respect of land, what we have to say is that they generally bear very little relation to the full liberal model. They differ from it in two major ways. Firstly, they have very complex divisions of rights. For example, I think you are probably well familiar that in traditional English rural society, the right to pass, cut wood, graze pigs, hunt in a woodland, all belonged to different sets of people. Second example: even where there was a clear majority interest in a right (there was an owner) there were arrangements which differed markedly from each other and from the full liberal model, including feudal rights, lifetime settlements, manorial rights, commoners' rights, entailment, settlement etc. I have barely scratched the surface here of an immensely complex legal set of arrangements. In terms of the history of law they are vastly more complex than they are in terms of modern law. Of course, in England almost everything that has existed can still be found somewhere, trailing along in a surprising way.

There are very fluid relations between law and custom. Many rights established by custom and convention are taken as the basis of law. In most European legal systems, though not in our own, this is

embodied in a kind of peasants' rights law, that anybody who works land for 20 years can be a freeholder of that land. That is true in most present European societies.

With the full liberal model you can play an interesting game with land. You can take urban land and use, as an example, a chap who owns a listed building in a conservation area with sitting tenants. How does that compare with the full liberal model of ownership? You find it does not. It has almost nothing to do with it. We talk about him as the owner but in terms of a legal model of what ownership is he does not resemble it in more than two or three of the 12 ways.

Of course, land is different and unlike other goods land is fixed. As Trollope said, "It is the only thing which cannot fly away". Secondly, it is in very limited supply. Locke based a very important argument in defence of capitalism, a liberal bourgeois theory of expropriation in the 17th century, on the premise that the world contained infinite land. If you did not like it here, or you did not have enough, said Locke, go over to the vast forests of America. Those vast forests of America, and the way they have been administered, (I am surprised this has not been mentioned a great deal more in this Conference), are going to come into my argument again.

If Locke's argument made any sense in the 17th century, and there are those who argued that it did and others that it did not, then in the 20th century it means nothing at all. The dense populations, the universality of the sovereign state and the spread of freehold have made it irrelevant. In order to get to the vast forests of America you have to have a visa these days! One cannot make or find ones own land. One cannot put together ones labour with a valueless thing and produce land even though, arguably in the defence of capitalism, you can do it for lots of other goods.

Thirdly, land has a long tradition of multiple uses for farming, recreation, passage, movement of animals, fuel and water supply, hunting, minerals etc. Therefore, some aspects of the full liberal model seem conceptually out of place with reference to land. It cannot be destroyed, per se; how can it be possessed, except as a consequence of the rights of management and exclusion? One has some sympathy with those Red Indians, and other hunter/gatherers, who claimed not to understand what Europeans meant when they talked about owning land. Many primitive tribes had no notion of the ownership of land. Of course, that did not exclude the fact that they had notions of property rights - who could hunt, when and where? Who could have the products of that hunting? Who got priority in times of shortage?

There is something odd about owning land in the sense of applying the full liberal model, what legal philosophers mean by ownership, to it. For reasons, both moral and conceptual, most legal systems have not, and do not, recognise ownership of land in this sense. In modern Britain there are hundreds of ways in which owning land is distinguished from the full liberal model. These include:

- (a) the nationalisation of development rights under the 1947 Town and Country Planning Act and all the arrangements that come under that single legal act.

- (b) the existence of a plethora of rights of way and access.
- (c) Crown possession of mineral rights.

If you were to explain them to American lawyers or liberals they would come as a very great shock. They are the sort of ways in which they would argue society cannot, or ought not, be organised.

There is a confused situation of rights. It should be no surprise that people are generally confused about their rights of access. When they think about ownership they apply a full liberal model. They apply what they think about their house, their car and their pen. They know and operate them in this context. They apply that thinking to the problem of access to land. Access does not, cannot and never has, worked on that basis.

Landowners might play on this and ask how would we like them walking all over our gardens? Of course, our answer should be "It is not your garden". We should say it is a completely different kind of thing which historically is not owned in the same way.

This applies to trespass. Trespass is a highly confused notion. To a lawyer I take it that trespass is, by definition, a tort. It is a wrongful entry, just as murder is wrongful killing. It would make no sense to claim a right to trespass. However, as a political theorist I am inclined to assert the existence of a residual right to trespass in English law. In the absence of a criminal law, in respect of most trespass, and the impossibility of civil action without proving damage, there is a right to trespass in that nobody really has any right to stop you!

These legal and conceptual ambiguities are laced with moral ambiguities of the simplest sort. Most people have conflicting values on the subject. We political philosophers tend to have a certain amount of sneaking contempt for political scientists and sociologists and one of our games is to design surveys where we know what the vast majority of people would say. Here are two, and I am famous for my hypothetical surveys which I do not bother to conduct.

Firstly, you go round asking for agreement with the following:

- (a) The law should be tightened up to prevent the invasion of individuals' property and privacy. You ask that, presumably best, in the context of the so-called 'hippy convoy' of earlier in 1986.
- (b) In these days of unemployment and increased leisure people should be allowed to use the countryside for their recreation.

I put my money on 90% agreement to both.

Let us think about the American system. I think there are some important, practical consequences from contemplating this, but I do not mean by direct imitation. I think you have got very little to learn from imitating the American system. However, I think you have a lot to learn from considering it as an important comparison.

The American system is completely different. Take the history of American land. All land in the United States was owned by the Crown and then the State and was specifically allocated as freehold. An almost infinite supply was assumed until virtually the 20th century. Secondly, 35% of the United States land remains publicly owned, including the largest and oldest system of recreational land in the world. Many parts of this, the forestry service, the State parks and National Parks, are far larger than Great Britain. Thirdly, the State reserves the right of eminent domain over such land as it may need, particularly and primarily, for military purposes.

I will now take a short diversion to compare the English and American systems of access to land and I will illustrate the point with two short plays.

Scene 1: Nevada

I take the part of a man walking across Nevada when he meets a landowner in a funny hat, dark glasses driving a pick up truck and carrying a gun.

Man: What the hell do you think you're doing?

Me: Walking.

Man: Listen, you may come from some socialistic country but here in the State of Nevada a man's land is his own.

Me: I wasn't doing any harm.

Man: That's not the point. You've got 86% of Nevada which is publicly owned, to walk on. I am going to take you down to the sherrif and have you fined for trespass.

Me: Merry Christmas to you too!

Footnote: It was Christmas Day.

Conclusion: He did not have me arrested. Some residual notion of absurdity, or possibly right and wrong, prevented him!

Scene 2: Wales

The landowner is wearing a green Barbour but this time is not in a pick up truck but a Landrover and has an English accent.

Man: What do you think you are doing?

Me: Walking.

Man: Do you normally walk all over people's property?

Me: Yes.

Exit man in Landrover, tight lipped!

Like Michael Dower, I was struck by the distinction between access and accessibility. My immediate thought was what, in political terms, we would call theories and problems of liberty. Access is about rights. It is difficult to define because of the difficulties of locating the law and the rights it contains and relating law to custom.

Accessibility is far more complex. It raises all the theoretical problems of the concept of freedom. Freedom can be restrained by the things the State does to you. For example, coercive sanctions (you may

be put in jail); institutions (you might lose your job or lose out in other economic ways by the way you act). It can be restricted by inhibitions (the way you have been taught, trained, socialised, indoctrinated and have a fear of doing certain things).

In all three cases it is ultimately the fear of the subject which prevents people doing anything. The major obstacles to access, for most people, are therefore what I would call inhibitional rather than coercive or institutional.

I approach the land as a middle aged, middle class person who has walked all over England and has talked to a lot of farmers. I am not afraid to go over a barbed wire fence. It is really inhibitions that keep people off much of the land. I have in mind that many paths are unused. That confirms my own personal experience. This year, while walking in Oxfordshire, Worcestershire and Lincolnshire, I have often come to the conclusion that I am the first person to walk there this year. I look for footprints in mud and they are not there. Much land is simply not being used in this way. I will throw some ideas out about what you should do about it.

Such fears tend, of course, to be class-related in almost any sense of social class. People are inhibited in ways that relate to what sociologists call social class.

What rights do we have to the countryside? Firstly, let me say what I am not going to say. I am going to reject fundamentalism as a political philosophy. The fundamentalist tradition of talking about what rights people have is to infer those rights from something that goes beyond the social arrangements that exist, deriving rights logically from the nature of things, typically, from God's will, the nature of man's condition, outside and before the State, and from the nature of human relationships and therefore of citizenship.

This last claim is made, according to the report, by some of the more radical groups claiming access. I have in mind the canoeists. I want to reject fundamentalist claims of this sort associated with Locke and currently with the American philosopher Robert Nozick, on the grounds that they are ultimately mystical and indeterminate. That does not mean that it is not a clever thing to assert them. By asserting them you change the agenda and can establish a custom or practice. It may not be the case that God exists (it may not be the case that you believe God exists) but you can get an awful lot done by invoking Him, even so.

The treatment of rights that I want to confine myself to is one that is both instrumental and prescriptive. It assumes that rights are created and distributed by human practices, including laws, conventions and contracts, and therefore sees the key question as not what rights people have in the nature of things but how should rights be distributed? Let us think about the market. Once this question is asked we then face the reality that some of the forms and conditions of countryside recreation are subject to the price mechanism and some are not.

The situation is entirely parallel to that with medicine. In medicine, most of the conditions governing physical health, are subject to a price mechanism - good food, lack of stress, lack of worry about money, an unpolluted and safe environment, long holidays in the sun, massage, sexual fulfilment. All of these things are bought and sold on the market. It is the same with the countryside - many things have to be bought - transport, equipment, information, a book about walks, a fishing rod etc. Certain facilities have to be bought - shooting, fishing, visiting most country houses and gardens, parking in most car parks. All of these things are put on the market and are bought and sold.

Therefore, markets exist and are established. We can only move things from markets to non-markets in small, incremental ways. I could start this argument by saying that life was all markets, as many economic theorists do, or I could start it by saying that markets were unavoidable. I could start it by saying the market was morally right. All I am saying is that markets exist in the real world. Given that they exist, with our limited resources we need arguments why some things should not be marketed while others should. Here, I think I am getting very close to the core of what I want to say.

I take it that most of us would accept at least a limited, residual category of facilities which should always be available free. This is true for the countryside in the same way that it is for the arts and medicine. Those arguments are, firstly, the aggregate utilitarian argument - activities with great benefits and very low social costs. The best way of providing them is free so everyone can have them. Secondly, the pragmatic argument - the cost of collection criterion. It is far more efficient to make certain things freely available. They could not be efficiently marketed, eg, access to a large moorland. Thirdly, on grounds concerned with justice and particularly the contemporary theory of justice and the Rawlsian theory of what arrangements a rational person would choose. A rational being might well favour making certain kinds of recreation, as compared with medical attention, freely available because any of us might be broke and if we were broke we would wish to reserve some rights for the poor and broke. An important argument seems to be that if I lose my job, my gambles on the stock exchange fail, I can still go for a walk in the countryside even though I have not got any money.

These arguments might be thought to justify a mixed bag of free provision in the arts or medicine. In this field it seems to me that they apply most easily to walking (including walking, scrambling, jogging or orienteering. However, you can only say it very dubiously of climbing or fell walking on the more eroded fells). Only very doubtfully does it seem to apply to anything that goes beyond walking.

Any argument that the state should offer free provision of sporting or recreational facilities, as such, without regard to opportunity cost, must be regarded as absurd and untenable, even though I have sat in meetings where this was assumed. Rights to the countryside involve a complex structure of conflict whether conceived in terms of interest or principles. I would only be repeating what Michael Dower said. We have several kinds of conflict; agriculture against conservation; agriculture against recreation, modern farming and the walker; recreation against conservation, people erosion. We have something that I was always

aware of in principle, and have learned a great deal about in the last 24 hours, recreation versus recreation, ie, fishing versus canoeing; motor cycling versus anything else! We also have conservation versus conservation. I can best define this in the 19th century American terms of ecological conservation, the maintenance of a stable and productive ecosystem, against aesthetic conservation, the preservation of wilderness and beauty of landscape. The ecological conservation was represented by Gilbert Pinchot, who was the head of the forestry service, and the other by John Muir who was instrumental in getting the National Parks established. None of these conflicts are any more real than any other. They are all real, are all important and they all involve values, principles, interests, emotions etc.

State intervention to increase recreation creates all kinds of tensions. Recreation imposes costs in terms of conservation. Different recreational activities, as we know, impose costs in terms of each other. The question is, on what basis should we choose which facilities are to be provided free as of right? Here we get to the very core. It seems to me there are two kinds of theoretical arguments that I know of in social theory to justify this. Firstly, want regarding. The purpose of service provision is to respond to an express demand to give people what they want. I do not talk about needs at all. It seems to me a purely rhetorical word. It is just an emotional way of talking about a demand. Of course, most kinds of want are satisfied through the price mechanism. Why should the State be involved in providing climbing or canoeing facilities as compared with cocaine sniffing or computer gaming facilities? The mere existence of a demand simply cannot possibly answer that question. It is no answer at all. It does not even begin to answer the question. Some other reason must be given for free provision or, more weakly, for subsidy or intervention. Several, including, aggregate utility and efficiency of provision have been widely accepted by all of us.

There is a second kind of justification, and I will call it ideal regarding. This means that the underlying premise is that there is something good for the people in certain activities irrespective of their actual demand for it. Typically, the broadest categories of good are individual development and the quality of community life.

In the field of countryside recreation we are dealing with two kinds of ideal established, in our ideas and policies, by the Victorians. I think they are both unashamedly paternalistic and romantic. The first is sport - a composite of such values as prowess, character building, physical fitness. I have to say that Thomas Arnold's espousing of sport as a virtue did not look upon physical fitness at all. Physical fitness was rather vain and gross to him. It was much more to do with character.

A composite of a sense of achievement, self respect, learning to stand on your own two feet and learning to value yourself, give a paternalistic value to sport. This is not just because a demand exists. We have all lived with compulsory games which are the brutal form of getting people to do sport.

Secondly, the countryside. As a reaction to the unsatisfactory quality of life in Victorian cities, the 'countryside' was extolled in

terms of beauty and the love of nature; peace and solitude; tradition and heritage. The Englishman's countryside was equivalent to the German's forest and the American's wilderness.

A great deal of the Victorian origins of our ideal of the countryside can be summarised by a phrase used by John Stewart Mill in 'Principles of Political Economy'. He wrote about the most important and highest possible goods. He referred to the "solitary contemplation of natural grandeur" and he regarded that as a qualitatively superior activity to many other recreations. In a parallel argument he regarded poetry as intrinsically superior to playing pushpin.

Therefore, the ideal of the countryside is one that is fairly modern and unashamedly urban. The idea of the countryside comes out of the urban romanticism about the countryside. It is different from the mere concept of land. It has nothing to do with the way in which a person, who has been confined to it for the whole of his life, would look upon it as a source of income and nuisance.

Sport and the countryside are ideals which are independent of each other. They may come together in certain contexts (running up fells, skimming over the Thames in a sculling boat) but they can be sharply diverse. To take, what seems to be the limiting case, the use of cars and motor cycles in the countryside may or may not fulfil the argument of sport. Yesterday, I listened to people recognising that motor cycling was a sport in the full sense. All the traditional points associated with sport were there in motor cycling. It may or may not stand in the lineage of arguments and traditions about sport in terms of which we have a paternalistic value for sport.

It does not stand in the tradition of the arguments about the countryside at all. If you look at the origins and development of the countryside and the development of the ideal of the countryside and putting it into policy, nothing could be more antithetical to that than taking a Landrover over the mountains. A hidden agenda has crept into policy. At some stage mere demand has been recognised as an important claim on rights when really the set of claims on rights was not about that. We were not trying to modify it for that reason. We were trying to modify it for much more paternalistic reasons to do with an ideal of the countryside.

Compare motor cycling with fox hunting. Fox hunting represents a sharply contrasting case. I raise it to be provocative because neither the Sports Council nor the Countryside Commission will have anything to do with it. Whatever the case against fox hunting, it can claim to be traditional and be part of the 'beauty' of the countryside. It can claim to be an institution to encourage ecological diversity. I think there is a very powerful argument that foxes exist in the numbers they do because of the history of fox hunting. That does not necessarily tell you what you should do now but it is an important historical argument. However, I think there are further negative claims which can be made against fox hunting. Are we really claiming that the 2,300 foxes killed each year by fox hunts compares with the numbers of creatures killed by the 19 motor recreations? Of course they do not. The arguments against fox hunting are social and moral. It is elitist and, according to a long tradition of political and moral thought, it is morally wrong. I am not

defending fox hunting but I am saying there are certain claims to be established in the countryside which fox hunting has got and none of the motorsports can possibly claim to have.

It is arguable about whether fox hunting is conducive to our ideal of the countryside. Motorsports seem precisely opposed to it, drawing upon that tradition or writing about the countryside. Access for motorsports should be provided on the following conditions:

- (a) on the open market;
- (b) subject to taxation to meet its very high social cost.

Just as smoking is taxed so motor cycling in the countryside should be taxed. When it comes to motor cyclists in the countryside, I can see arguments for subsidising the participants to play computer games, etc, anything which keeps them at home.

Evidence shows that local planning authorities are involved in a very wide range of techniques for providing access. Firstly the direct provision of country parks and freehold ownership. Secondly, information and maintenance of rights of way. I have enjoyed hearing about Adopt-a-Path and the problems it ran into and the successes it has had. Thirdly, liaison and consultations with private/public bodies leaning on them, talking to them etc. Fourthly, access agreements etc. There are a considerable diversity of packages of policy techniques. Reading the access report I was surprised to learn how different the Peak District was from Snowdonia.

Where do we go? This situation could not be changed dramatically. We are talking about fairly small, incremental changes. Secondly, there seem to be strong arguments against clarification and codification of rights in general, the kind that American and German legislators like so much. In many ways we have heard that the system works well. I come as an outsider and not as someone committed to a project. I come as someone who will be able to answer the questions that the public will ask. They may well ask how is it going? I will have to answer that it is going quite well. Many things are being done and many things stand achieved and preserved.

There is much blind eye and informal agreement practice by landowners that Michael Dower was talking about. This would disappear if faced with rights claims. In any case, there is a great cost of codifying complexity. Therefore, I am inclined to feel that the existing institutions are sufficient. Greater access is to be achieved by greater commitment, expenditure and advances on all fronts. I have always wanted to see a narrow belt of purely recreational land within every green belt. I think this would help the farmers and urban dwellers, as was the original purpose of the green belt.

The existing institutions seem sufficient but what they need are more resources put into them. Advances should be made on all fronts rather than radical change in the distribution of rights.

Part of my argument arises from a general scepticism about established rights. When you have established rights in a legal system, you will very often get something which works in the opposite direction

to what you expected. All those wonderful rights in the American Constitution, particularly in the fifth amendment to the Constitution, have played a very large part in making sure that no rich person can be convicted of a crime because the rights, in terms of trials, are so strictly defined and defensible, provided you have got lots of money. Rights have played a very large part in saying that California cannot have a sensible or ecologically sound planning system because the rights of property holders are so strong.

When you make rights absolutely clear you incur all kinds of costs. Very often, this happens without the benefits. For all the rights of free speech in the United States, we still have all kinds of depressing phenomena. Of course, that is even without invoking the old 1936 Soviet Constitution which had every kind of right to free speech, free movement etc, that you could ever imagine. However, Soviet judges did not take any notice of it.

I am generally suspicious of any kind of clarification or establishment of rights in favour of all kinds of arrangements which work, are flexible, negotiated and operate by advancing on different fronts. The problems of achieving this are numerous and most are practical. There do seem to be two kinds of theoretical dilemma which must be dealt with if access and accessibility are going to be increased in an effective and popularly acceptable way.

Firstly, there is clear ambiguity of problems in urban planning between two underlying conceptions of what planners do and what public administrators do. There are ambiguities between the expression of certain values and the process of arbitration between values and interests. Are planners looking at the balance of interests, the balance of principles, of what is going on in society and refereeing the game as in examples described by the political science in the access report, or do they stand for something in themselves? Does anybody involved in running a National Park ask if he is in a long tradition of the preservation of the countryside, and the way in which it is good for the soul, or is he merely trying to referee the conflicts between, for example, canoeists and anglers?

Therefore, your jobs have come into existence because of a paternalistic tradition about the spiritual value of the countryside. They have not come into existence as a kind of political brokerage although people find themselves interpreting the job as such.

There is a potential conflict between the Sports Council and the Countryside Commission to a greater extent than would normally be admitted. Sport and the countryside are strange bedfellows in many ways. Many sporting demands on the countryside are costly, destructive and the prerogative of tiny minorities. Many non-sporting demands (naturalists, artists, bird watchers and romantics generally) seem much closer to the ideal of access to the countryside which has generated the policies and institutions we have actually got.

As all good examinees I will answer the question set. Do we all have a right to the countryside? Yes, but not as sportsmen - perhaps as poets, artists and mystics.

I want to borrow a saying of the late, great John Mackintosh who managed to be, simultaneously, a professor of politics and a member of Parliament, "It is typically English to think you can solve problems by research". Last week I was at an international planning conference in Turin. Planners now realise that they cannot achieve very much with mere technique. The idea that you have got a set of techniques to solve problems, and the right and wrong answers, has been largely abandoned by them, not in favour of anything else, but in favour of neuroses, mental breakdown and hopelessness!

There is a felt need for theory. By and large they choose entirely the wrong kind of theory. They potter about with those total intellectual failures, sociology and political science. They grasp at dotty, vague ideas like neocorporatism and the various varieties of sub-Marxism to try and explain how the world works and how some people get more out of it than others. This is a fact we all knew in the first place.

What their purposes require is not that kind of theory, but genuine philosophy. It is the capacity to consider the purpose of action; to consider the conflicting demands of justice and utility; to ask questions about what values constrain policy, what their objections to policy are etc. I can think of one good reason why, in this felt need for theory, they do not come to philosophy. It can be very imprudent to spell these things out. I have sat and listened to recognisably left-wing contributions to these debates - people working with a left-wing ideal of what their profession is while working for right-wing governments and authorities. Last week I sat and listened to Hungarians and Poles, from environmental planning, totally committed to individualism and the market who were playing the same game with Marxist/Leninist authorities. There is a kind of 'naughtiness' in you professionals that certain kinds of ideological commitment, or pseudo-politics, are exchanged for salaries that were not intended for that purpose in the first place.

People are very often operating in sharp opposition to their official ideology. As far as I am concerned that is part of a pluralistic society. Just as I welcome the fact that there are liberal capitalists doing the planning and administration in Krakow and Budapest, so I welcome the fact that there are left-wingers working for Sheffield Corporation and the Sports Council and many other local authorities.

I think the hidden agenda phenomenon has to be thought about, as it exists among British officials. It is disturbing. It means many people are doing jobs which have no reason. The reason behind the jobs and policies has become transmuted as recruitment has taken place and as time has gone on. That rather general thought comes from somebody who always feels envious of people like you. I have confined myself to being a wandering thinker with no importance and no role. When I meet people who are actually doing things (working for National Parks and local authorities etc.) in what, to me, seem to be important respects; I am tinged with a certain envy. On occasions, now and again, you people actually achieve something!

DISCUSSION

A Phillips (Countryside Commission)

Thank you. I would be putting Michael Collins on the spot if I were to turn immediately and ask how he would reply to Lincoln's answer to the question 'Do we all have a right to the countryside?'. He says yes but not the people represented by the Sports Council.

N Gilmour (ILAM)

I was intrigued by this picture of you walking in Lincolnshire and coming to the 200 acre field where your map showed there was a right of way but nobody else had walked it. What were your views and thoughts? Did you say to yourself that as nobody else wants it but me it is quite right that it should not exist and I will take a detour? Or, did you think you had a right to go across and the local authority should have kept the path open?

L Allison

That is a very interesting question and I came to an answer to it while listening to you yesterday. What do you mean by 'it exists'? It exists so far as I have a map in my hand and I am prepared to argue with the farmer. When I am in that situation I assume the right of way exists, not that there is any physical entity there. Of course, a right is not necessarily embodied in a physical entity, and I go across. In practice you can cross a wheat field by using wheel marks and you do no damage. If the farmer challenges you, you can show him you have respected his crop.

I was in no doubt as to where I stood on your debate yesterday. The idea of phasing out rights of way because they are unused seems entirely pointless. Why would you want to do that? Development may be such that they come to have a function. There must be a few of us 'peculiar' people who do go to a randomly chosen place. Why ever get rid of it? I can see no good reason for getting rid of the right even if you are going to have nothing on the ground.

M Bell (ESRC/NERC and National Farmers' Union)

At the end of the day, is your principle argument against, for example, trail riding on rights of way? Is it the social cost imposed on others, or the 'poetry and pushpin' argument that leads you to that conclusion?

L Allison

The argument about poetry and pushpin, which is where this all goes back to in the history of English ideas, has purchase in the following way. I was not committing myself, but the argument I was putting was that they come straight out of Mill, not Bentham. They come straight out of the idea that poetry is better than pushpin. Poetry, specifically to use Mill's phrase, as "solitary contemplation of natural grandeur", is under threat. The claim I made in the paper is that that

is not where we are coming from, historically, and is not why we have a policy for the countryside. My personal claim is that I am on Mill's side. I will listen to specific arguments. I do not think the conflict is as great as I dramatised it. For example, much of what people want out of the 19 motorsports could be satisfied with no infringement on the countryside. Much of the problem is simply a failure to enforce regulations rather than the demands of the sport. Therefore, the conflict gets minimised the more you look at it but it is still there in principle. It is still important to establish why we are making provision in the countryside for people to drive motor vehicles around it when we conceived the countryside as a retreat from modern life and getting away from machinery, smoke and noise.

M Dower (Peak District National Park)

I want to take you back on your logic one step further and remind ourselves that the rights of way that we are now using for recreation, and the common lands that we are thinking of using, were created not for recreation but for everyday, occupational access. They were created for the cottager to get to his farm for work, or for the old lady to get to church. They had a functional activity within the community. Bearing in mind that that was their origin, why should it be any more logical that they should be turned into rights for modern walking rather than be used for motor cycling? What I am driving towards is why should you then suggest that it is correct to encourage free (unpriced) access by right for walkers as distinct from charged access for motor cyclists?

This point leads me towards a practical point. Despite the fact that we inherit these things and have subtly transmuted them, over the years, from occupational to recreational use, it would seem to me to be perfectly logical for the farmer to be paid for having those rights going across his land. The provision of access along linear routes, or at will, could be part of the menu that I described at the end of what I said. We are beginning to raise those kind of ideas in the present debate. Even if you do not start paying the man for the basic right, because that would be to give up something that we have already inherited, you might pay the man for the maintenance of the physical hardware upon which we are dependent to exercise the right. It might be perfectly logical and a way of reconciling the farmer to the existence of this activity and, incidentally, providing him with the income which the reduction in food production support is withdrawing from him. How do you react to that as a philosopher?

L Allison

The rights of way were created for a different purpose, although it is a similar purpose, getting from A to B, and only the reasons differ. That is a gift of history but there are many things that we treat in this way. The British monarchy did not begin as a grand, rather classy 'soap opera'. It started as a device for ruling the country and establishing legitimacy.

We are very good at transforming institutions rather than codifying them or establishing new ones. It does not seem to matter why you have got the footpaths, the fact is you have got them as an

established institution. I am talking about enthusiasm coming from government and quangos in order to maintain and extend etc and put resources into the footpath system. Why are we doing that? My modest claim is that we are doing that because of an ideal of the countryside which is precisely anti-urban and to do with peace and quiet. Therefore, it is quite different to encourage walkers, quite apart from any arguments about whether there is a tradition or not. In terms of environmental damage horse riding can be a lot messier than motorbikes and cause all sorts of problems. However, that has the advantage of tradition but I would not like to see horses on footpaths.

If no right of way exists and you want to create one for a recreational purpose, as a state official, then you are initially thinking of the market. You are buying something from the farmer and that is the way we would normally operate in other fields. The farmer would rightly feel unjustly done by if he was not treated that way in this field. However, if you are lucky enough to have the right existing already, as this great gift of 120,000 kilometres, then use it. You have got a free resource and you do not have to pay for it. Why pay for something you do not have to pay for?

M Dower

I must say it is amusing to me to find a sceptical philosopher embracing a combination of historical accident and romantic philosophy to justify a line of action.

L Allison

I went short of justifying that. I said that is why we have introduced these policies and brought in a completely separate criterion at this stage. Some process ought to take place. If we are going to have a Recreation Act that says "Her Majesty's Government commits itself to seeing the countryside as an enormous resource for sport" then I would be rather happier than if there was no control or accountability and it changed from one purpose to another.

J Worth (Countryside Commission)

I was rather intrigued at your dismissal of the idea of codifying rights. If we take something like the Commons Registration Act you can see very clearly that in setting down those rights the remainder are automatically excluded in some form or another. One has certainly seen that argument raised about the issue of registering rights of navigation, which is a current live issue.

If we look at rights of way, as under the 1949 Act, there has been, on the part of many practitioners, a heart felt sigh that without it goodness knows how difficult it would have been during post-war agricultural change to hold on to anything. This poses the question, is codification always wrong or unwise, because of equal and opposite reaction? Or, is it a matter of tactics and a matter for getting it right in the legislation? How much 'grey' is there in the picture you painted, which was very black and white?

L Allison

I made the dramatic case against any kind of codification. I certainly would not commit myself that it is always better to leave the existing vague arrangements and not to codify them. It was merely a word of warning against trying to codify, rather than to get them all set down. It is intuitive. You can image that if you own land and people are doing things with it and will get an established right put down on paper, backing it up with some legal process, you would be much less happy.

As a general piece of psychology I usually give an example. The next time you are arrested or held by an East German policeman, I would suggest that you will do a lot better as somebody who never claims a right. For example, if you say, "of course, I'm sure you are within your rights and I've done something wrong but would you explain it?", it is better psychology. It is far better than standing up and saying "I've 'as much right to be here as you have, mate".

I did a piece on the Cledwyn Hills, an area of outstanding natural beauty. They had the most immensely vague case of a piece of land where the manorial rights were sold to a Leeds property company, who sold them to another property company who then sold them to the old Denbighshire County Council, 24 hours before it came Clwyd, who then made it into a country park. At some point manorial rights had become freehold. Nobody seemed to know what was going on.

An unreformed and uncodified system of property rights is going to produce daft anomalies like that but it does have some advantages.

J Nash (Lake District National Park)

I wonder what your views are on the prospect, which appears to be rearing its head again, of a general freedom to roam on common land? Will this lead to landowners answering that as you have got the freedom to roam on the common, keep off my land? In Sweden you have always had that general freedom to roam on nearly all land. Property rights in Sweden do not give you any right to tell people to keep off your land. In this country we seem to have the different attitude that you have not got a right unless it is specifically granted. We have got this uneasy truce over the countryside as a whole, such that if you are discreet you can get away with it. Once they become codified, but only over certain areas, what are the implications for access to the rest of the country?

L Allison

The American situation illustrates what you are talking about. If you ever invade anybody's property in America they can tell you how many millions of acres of publicly owned, recreational land there are for you to visit. Therefore, the more you invest in it and the more you create very clear rights then the more you are going to threaten other kinds of claim. Did you strictly mean commons?

J Nash

I was referring to commons and what would happen if we do get a change in legislation and a right of access to commons.

L Allison

Correct me if I am wrong, but commons are rather complicated. There are some with very limited rights.

J Nash

On some urban commons you have got a right of access anyway. There are certain other commons with rights of access for various other reasons. However, to the majority there is no right of access, there is merely a tradition of access, for example, the Lake District. Here there are large areas of land adjoining commons, which are not common land, often continuous from it and often not fenced off from it. It is used at will by the public just as the common land is. If the right of access is codified on the common land, what are the implications for access to the adjoining land? Does the owner say the rights extend to a certain point and no further?

L Allison

In practice he does. Owners of adjoining land are happy to say that. I have heard that reported many times.

A Phillips

Can I put the question back to you. As I understood the situation in the Lake District which, by some curious accident of history, used to be an Urban District, most of the common land is land over which there is, under the 1920 Act, a right of public access. So is there the sort of problem that you are talking about?

J Nash

There could be. You are right in that the large area of the central Lake District, in what was the former Lakes Urban District, has a right of access under the 1925 Law of Property Act. There are also areas, such as the commons in the Hawswater catchment where access rights were granted in the Manchester Corporation Act, 1919. There are many areas of other common land where there has always been a tradition of access and that is maintained largely through ownership by people such as the National Trust. There are large areas around the periphery which are still rough fell land which are freehold land. They are not common land but are used in the same way. Already there are rumblings in one or two of those areas by landowners who are getting increasing pressure from walkers. If you have a right of access to common land there is a risk that those owners will turn round and say that the rights are now clear so keep off my land.

P Sedgewick (Bolton Metropolitan Borough Council and BMC)

I can reinforce that point using motor bikers as an example. In part of our urban fringe, it is pretty explicit that the police, ranger service and local authority will not take much action against bikers on rough country until there are facilities to which they can be directed. Fortunately, for the bikers there are no facilities so they still have relatively wide access.

L Allison

In terms of solutions, that confirms what I have to say about putting resources into a project. By doing it at the lowest possible cost, in terms of the countryside, that would make me happy. I do not particularly want to stop them but I think they are a threat to an important value.

J Worth

I would like to come back on a slightly different tack on the codification point. Many of the arguments that we are talking about apply to people who own land themselves and therefore have to reconcile those demands on the countryside themselves without particular reference to Acts of Parliament. The problem that has been encountered since the war is that there are a variety of statutory agencies where a decision is based on what the remit says. For many years the Commission laboured under the misapprehension that Section 11 of the 1968 Act actually applied to a variety of public agencies. However, when these agencies were questioned about it they said they had never heard of it and then proceeded to argue that it did not apply to them. I am just wondering if the balance of advantage, in terms of stating and clarifying objectives, especially for recreation which is a light use over a large area of land, would be better served by legislative alteration in terms of reference to people like water authorities, Ministry of Agriculture, Fisheries and Food etc, rather than being left, as it were, to customer practice.

L Allison

I suppose the easy answer would be to say that I am not in a position to answer that question because there are certain details involved. Are you saying that it sounds something like the amenity clause, except in respect of recreation?

J Worth

Section 11 of the 1968 Act said that all public agencies had to have regard to the desirability of conserving the countryside. It was as vaguely worded as that. On the other hand, within that vague wording, you could do all sorts of things if you so wished.

L Allison

You are saying we could have a recreational clause to go with that. For example, the North West Water Authority, on whose property I

recently stayed, seemed to behave very well. I say this from my own experience and from what I have heard here.

J Worth

However, we can also show you water authorities which, under the same legislation, do almost nothing. I am just wondering whether there are advantages towards pushing the legislation in a more detailed fashion.

L Allison

I think that is a complex judgement which I cannot be expected to make on the basis of my argument. I have an open mind. What I was putting was a caution against taking the codification too far. I stick to that argument while keeping an open mind about whether the project you have mentioned would be for the overall advantage or not.

A Phillips

Michael Collins, you have had 20 minutes to think about your reply to Lincoln Allison's challenge.

M Collins

I was responsible, along with Jeremy Worth, for inviting Lincoln Allison to talk to us. Obviously, what I say now is my immediate, personal reaction to his ideas.

I am grateful that he did not duck the bottom line and that he put it starkly and sharply in black and white. You will not be surprised that in seeing sport and countryside values as conflicting, I do not go as far as he does but I do think we are talking about the pressures of a changing society versus a long aesthetic tradition. It is a tradition that many people have valued. However, my first point is, where did that tradition start and will it continue? Did it start as a populist idea about what the English countryside was about? From my understanding, I would say it did not. However, it has become espoused as a populist idea. In the 20th and 21st centuries, is the countryside image going to continue to centre around these same matters? I think we are coming to a time when counter urbanisation is bringing new sorts of people, with new sorts of occupations, seeking to prove a range of activities in their leisure hours. They are going to bring this sport/countryside issue into much sharper focus. Whereas sport was for the purpose of 'character building' in the 19th century, in the 20th century it has been for recreation, and in the 21st may well be increasingly for gaining and sustaining fitness. Fitness was an excuse for government intervention that was too late and too little in the 1930s, but, by popular market appeal now, it is increasingly becoming a chosen activity of many individuals. They are no longer in occupations which keep them fit through manual labour. An increasing proportion of the population are unfit through sedentary work. This trend will continue to be demonstrated in the next few years.

Counter urbanisation and the change in lifestyle are going to bring some very strong pressures and counter points on these two

traditions. Therefore, I have to say that elitist or populist, traditional or contemporary, we are going to have to reassess the philosophical basis Lincoln Allison refers to. It is no use tinkering down on the ground with management action until you have thought those things through and debated the philosophy, the 'why' of action, rather than the 'how'.

I do think it makes a good end to this Conference. I would take some issue with the degree to which Lincoln Allison would say no sportsman, particularly if he is mounted, in front, behind or on top of an engine, has a right to the countryside. It is in that changing tradition that we have to look at other things. It is interesting that everyone is talking about motor cyclists but the right of navigation, which was an occupational right to ship wood, grain and coal, is an indivisible right. You cannot specify the sort of boat use as you can specify the sort of traffic on highways by statute and regulation. There, you do have, once established, a right which does constrain the full liberal model of riparian ownership, and subsidiary rights which can be bought and sold.

I am dubious about the value of an act, as suggested by Centre for Leisure Research or Jeremy Worth, because of the codification consequences. Whatever the hatching out of such an act in political terms, the powerful people, whoever they happen to be now or in the future, will tend to get their way.

If everybody, from the prime minister right down to the parish clerk and individual villager and townsman, does not get to grips with these issues of differing sets of values then we shall have a very confused situation, and yet more litigation between individuals and landowners, and yet more quite expensive and not very effective management action on the ground.

My second point is about putting in resources. The change in the rural economic base is coming, and the change in urban economic base which is already with us, will come together in geographical terms where people are moving out into the countryside. I think this requires national agencies to think not just about helping groups and local authorities, but also about helping individuals to turn recreation into an activity which is economic as well as cultural. We should seek to do this by negotiation which respects both the citizens' rights and the property owners' rights, though sometimes it may not be possible to do both.

Finally, we have been talking about the full liberal model of land ownership in different countries. We have heard fleeting allusions to overseas situations and I have only had fleeting glances at them. I am grateful to Lincoln Allison for clarifying one point for me. What I have been reading about for the last 20 years on North American wilderness recreation, and the coalition between the law of compulsory purchase (eminent domain) for the aesthetic purpose of retaining genuine 'wilderness' and for the instrumental purpose of nature conservation, is not mirrored in Britain. Such wilderness no longer exists even in the highlands of Scotland. Our concept of countryside is of a heavily farmed, managed and modified countryside. It is a landscape and topography which is cultural and human as well as physical. Therefore,

we have always tended to equate 'rural' with 'countryside'. If these other changes that I have been talking about are going to happen, then, by the same token, are 'countryside' and 'rural' going to be synonymous in the future? More people will be moving out of towns, the mobility of a proportion of them sustained by their jobs. What will be for the mass? What will be for the cultural elite? What will be solitary and what will be social? Individual sports form tiny minorities but if you add them all up they are much larger than the poets and the contemplators of solitude.

L Allison

The casual walker and the tourist is inspired by some notion of the artistic quality of the countryside.

M Collins

That has been adopted popularly.

L Allison

I agree that the world is changing and things are going to be needed for new purposes. I see a contradiction in my argument. I suggest we are very good at adapting old institutions for new purposes and then I criticise you for doing so. Fair enough, all I am doing is recommending a little clarity. I did not disagree with very much that you said. I think we both want to put it on the agenda and get it discussed properly. I do not mean in terms of sociological accounts of what people do but in terms of the values that are at stake and what the government ought to be doing. There should be an honest debate.

I am a little shocked by something that you referred to. I am talking about the lack of comparative elements in the considerations and debates in general. I have just come from an international conference in Turin and you have to be comparative and talk about how you would do it there. Comparisons are a cheap and nice way of learning things. Rather than setting up huge research projects, a little feedback, which can be mutual and by treaty (ie, what the Dutch or Swedes do) would get a lot further than sociology.

T Williams (Humberside County Council)

I would say that the right we have, and exercise on rights of way, is the right to pass and re-pass. It does not say there is any need to establish the reason for passing or re-passing. It is a legitimate use of the highway for recreational or sporting purposes.

Another point that arose from an earlier answer was the question of whether or not we should pay to establish rights of way. When we did some research on particular paths to find out whether they were paths or not, and having gone back to the enclosure awards and found no mention of them we were sometimes lucky enough to find mention of them in the tythes. They are usually recorded as being a relaxation of the tythes because there is a public right of way over that particular piece of land. Therefore, somebody is getting a tax relief because he has got a public right of way over land which is in his ownership.

I have spoken to farmers about who has got rights and whether landowners respect or dispute public rights. Once upon a time you held your land by the strength of your right hand. If you were very strong you held a lot of it. People do not want to have to defend land in that way nowadays. It has become so much more sophisticated and sometimes the richest people are not the strongest. Therefore they would like to have the protection of the law and the society which recognises their legal ownership of land. By the same token, what they own is not the land per se, but the land subject to certain rights. Those rights are protected by the same law that they wish to invoke to protect their ownership. Therefore, there has to be a level of mutual respect between landowners and countryside walkers.

L Allison

I do not dissent from anything you have said.

Mr Bell

One point which Lincoln touched on, and then did not build on in his argument, stimulated me to look at what I value in the countryside. He threw in culture, history and tradition as values but did not pick them up. One thing that I fear about codification, whenever it comes up, is that you impose a uniform structure on the vastness, detail and interest of history. When one does research on individual footpaths it is often extremely hard to get them to fit into the pattern of the 1949 Act and highways legislation. A path in Wales was being claimed as a bridleway and was being used for taking chickens to market. When we got back to the original dedication we found that "this shall be dedicated as a footpath but chickens and pregnant women may ride". That is how I personally want to see that right of way remain. I find that a fascinating and historical nuance of my country. I do not want to change it so it has to be as a bridleway or footpath. I want it to be a path on which pregnant women and chickens may ride.

L Allison

That is what we like about the countryside and that is what we fear about being told that "this is a footpath, under the 1949 Footpath Act, subsection 16, paragraph 14 with specification" etc, etc.

M Dower

As long as they do not ride on motorbikes!

G Preston (Hertfordshire County Council)

There is a point I would like to make. I think that because we have not clearly thought out the philosophy of what we are doing, by codifying and promoting recreational facilities within the countryside, what we seem to end up doing is putting 50 more people on one path rather than what we should be doing, which is putting one more person on 50 paths. We seem to end up concentrating people in areas. I feel we should be spreading them over a wider area. Most of the policies I am involved in end up doing the opposite. We create the problem, for both

the landowners and the users, of too great a usage for too small an area.

L Allison

When I go out for my walks it is clear that nobody has been on some of the paths for a very long time. Why are these paths not used? The main source of information is the OS maps which you can find in any bookshop for £2.75 and if you really want to go you go. It seems to me that the institutional constraints are very limited. People feel inhibited about cutting into deep countryside. Maybe you have to accept that that is not really what they want. There are very few people who actually want to do that. Some of the paths are very obscure: you have to go on three footpaths before you get to the fourth.

A Phillips

I do not think we should overrate the ability of people to read maps.

R Garner (National Trust for Scotland)

I wanted to ask a question about compensation and suing. It has been mentioned as a slight drawback to formalising and codifying access. Comparing it with the American experience and legislation brings it into sharper relief for the future. I learned the other day that the American National Parks Service has an item in its budget, running to millions of dollars, for meeting claims where people have fallen on stony paths etc. I just wondered whether Lincoln Allison felt the American obsession for suing might spread across the Atlantic and pose a serious problem for providers of access?

L Allison

Every institution in America has a liability insurance. I spent the early hours of yesterday morning hearing about the horror stories from Harvard. In order to take a job at Harvard they insist you must take out \$2 million sexual harassment damages insurance. The insurance will not continue to cover you as a male member of the faculty if you persist in shutting your door when there are women in the room. It sounds silly but that is true and is disturbing people a great deal.

This is invading English law. It is already with us in medicine, which it never used to be. I can see it being a problem. Some of it is cultural and we can expect the contagion not to spread. I cannot see English universities having the problems that American universities do. Nor do I see English landowners being faced with the problem in the same way. However, of course American National Parks have liability insurance. Every American institution has liability insurance. It will happen here.

D Cameron (Countryside Commission for Scotland)

Can I ask you about the difference between wants and needs? In your talk you dismissed them as being the same thing and then went on to define the difference between a want and a need. You referred to

cocaine sniffing. There was an inference that it would not be acceptable and therefore, although it may be wanted it was not the sort of thing that was a good need. In our rights of way discussion yesterday somebody asked why we do not ask the public what they want? Neil Gilmour retorted that until they have tried it they do not know what they want. Who is going to determine what a local authority should be providing for the public? Should they be providing what they want or what somebody thinks they need? This is a philosophical and religious point.

L Allison

When Neil Gilmour said that, I thought that he may be a man who spends his time organising footpaths but he is a natural philosopher at heart! It was the correct answer. I think I have given you the wrong impression. I specifically rejected the notion of need. I know of no coherent account in political philosophy of what a need is as opposed to a want. You could say it is something you need in order to survive but some people do not want to survive, they want to commit suicide. In the very common medical cases they want the plug to be pulled. I do not think there is any meaning of need. It is just a way of trying rhetorically to dress up a want.

I did not mean to imply that with cocaine. I am in favour of the complete legalisation of all drugs. There are two arguments. There is the fundamentalist argument that nobody has the right to prevent me from taking drugs. However, there is a very powerful, pragmatic argument which is now growing and will win during the 1990s that as a utilitarian calculation it just does not make any sense. It is far too costly. We achieve nothing by criminalising the use of drugs. We fail to stop people taking them. There are better ways of stopping it.

You took the wrong implication. Having become an addict of cocaine you have a need for it in a strong, ordinary sense that we would understand. The broader question is that you do not respond to what people want but you make judgements about it. As public officials we are not operating as officials of profit making, market oriented companies. We invoke the concept of need without any reflection of what that means. Within English culture, public officials act on a general, utilitarian judgement about what is best for people; what is going to give them most of what they want, bearing in mind that very often simple lack of acquaintance with the options means that what they feel they want is not what they would want if you offered them some more opportunities and activities. If you are a liberal utilitarian you say you are doing it in order to organise things so that people will get what they want, although you are not going to give the people what they want immediately because, by the very nature in which society has been organised, they are not acquainted with enough things. Grass skiing was a particular example.

P Sedgewick (Bolton Metropolitan Borough Council and BMC)

I think we are being a little complacent about this question of whether there is a need to codify rights or not. My perception is that the whole concensus of the use of the countryside that we are talking about has changed dramatically. It has changed through a complete

restructuring of the ownership of the countryside, the agencies and their attitudes. It has changed because of the increasing pressures by new sports, conservation and greater participation. There is a much greater awareness of the issues.

All of these factors are changing that original consensus. The thing that strikes me most of all, and has hardly surfaced in the debate today, is the fact that this change is going on apace. There is a tremendous loss in value of agricultural land. Land, the size of large counties, is dropping out of production. The fact is that landowners increasingly are going to be trying to get money back and looking at the rights we assume.

If we leave here thinking that everything is all right, we do not need to codify rights, that will make things worse. I think that is taking an historical view and I do not think it is looking forward to what seems to me to be very likely to happen:

L Allison

I think you have got a powerful argument there. I think you could do it by historical analogy. You might say you can have informal practices for so long but there comes a point when the tensions of conflicts of interest are so powerful you have to legislate. It is the only thing that will avoid punch ups etc. I am sure we could find examples where that process has come to a head and reluctantly produced legislation in the end.

I am not saying I am here to make the legislators say exactly what should be done. I was really counselling the traditional, historical and political philosophy cautions against codification. That is not to preclude circumstances in which it would become the best option. It would be nice to retain some of the advantages of informality by not changing the right of way structure but specifically going for the sporting things. That sounds a happier option than a fully fledged, codified set of rights like you have in America or Germany.

A Phillips

I think we have to bring this session to a close. Many thanks Lincoln for a very stimulating 90 minutes. You have left us with a lot to think about.

CLOSING REMARKS

CLOSING REMARKS

Adrian Phillips

Director, Countryside Commission

I regret I was not here yesterday. When Michael Dower told me of the discussions you had, I felt it must have been a very interesting session indeed.

According to the literature, there have been three aims to this Conference. The first was the chance to gain a new understanding about access to the countryside, who goes, how it is controlled and where the conflicts are. This was covered by the presentation from Roger Sidaway and Roger Newby covering the Centre for Leisure Research study. The second aim was to discuss practical measures dealing with current access situations and the case studies covered this.

The final aim was a thought provoking look into the future. I do not think that that has actually come out quite so strongly from the structure of the Conference and I am certainly not going to attempt to use the few minutes available now to give you a thought provoking look into the future. I think that would imply a long and well argued case.

But I do want to put a fairly modest proposition before you in these closing remarks: the proposition is that access issues are going to grow in importance over the next few years, very much as conservation issues have grown in importance over the past few years. I would see this trend happening in three ways: in expanding political attention given to access problems (both nationally and locally); in expanding the extent and range of the policy debate on access (drawing in more related areas just as we have been talking about this morning); and more action of a practical kind on the ground (finding practical solutions to the real problems).

I think there are six reasons why that trend is likely to engulf us and take up more of our time as people concerned with recreation, access and countryside matters. The first reason is that agencies like the Countryside Commission and the Sports Council are going to give these subjects more prominence.

For example, the ongoing impact of the Access Charter and the Ploughing Code. When we originally conceived of the Access Charter as a response to the requirements in the 1981 Act that the Countryside Commission should tell people of their rights in the countryside, we were warned that the effect of putting the Access Charter out would lead to greater demand for rights of way in the countryside and put the providers of rights of way, and particularly the highway authorities, under pressures that they had hitherto been spared. Our reaction to that argument was 'too bad'. If the effect of publicising the access charter is to make people alive to their rights and want to exercise their rights with more confidence, and that in turn leads to pressures upon the highway authorities to raise the profile given to the subject, so much the better. The Access Charter will continue to be promoted by

the Countryside Commission over the next few years and alongside it will be a modest effort to deal with one intractable problem - the ploughing of rights of way. The Ploughing Code has been put across as a joint Countryside Commission/Ministry of Agriculture, Fisheries and Food message to farmers.

Then there is the question of the Common Land Forum. I gather this was referred to several times yesterday. The forum's report was published last week. It sets out a three pronged strategy for dealing with the 1.5 million acres of common land. It will provide protection for common land for all time, stopping the progressive, 'salami' tactics of deregistration (five commons have been deregistered while the Common Land Forum was sitting). The strategy will also provide for a general right of access for the quiet enjoyment of common land and it will couple that with arrangements for management regimes, not only to manage the recreation but also to ensure protection for the traditional rights of agriculture and so on which take place on common land.

It seems to me that the three legs of the Common Land Forum's report - protection, access and management - illustrate well a point made in the Centre for Leisure Research report that access issues cannot be handled in isolation. The traditional cry that we need access by right to common land, without regard to management, explains why we have not had second stage common land legislation. The "disgraceful delay", as Michael Dower described it, has been because the proponents of access have not seen the need to present and argue their case more subtly and to provide a certain amount of give and take with those who have traditional rights of access over common land.

The Common Land Forum report has been published. We are reasonably confident that we shall get some sort of early commitment from government to consult on legislation based upon that report. Certainly, the Countryside Commission is publicly committed to pressing government for that and will play an active role in seeking to persuade Parliament, once the process gets underway, to make sure that the Bill is the right Bill. We are confident that we shall get all party support in that connection.

The third project in which we are involved is 'Recreation 2000'. It is a public debate which was launched this year and is forcing all of us to confront policy questions. The discussion document, of which several thousand copies went out in the course of the summer (we are now collating the replies) reveals a great deal of interest on the question of access right across the spectrum in local authorities, recreation users, conservation organisations, farming bodies etc. Early next year we shall be issuing a consultation paper which embodies our thinking on the results of the discussion exercise that has been going on this year and draws in the lessons learnt from the Centre for Leisure Research report etc. It will set forth our proposals for the role which the Countryside Commission can play in the field of recreation and access in the countryside. No prizes for guessing that access issues will form a large and prominent feature of our consultation paper. Many of the questions that you have raised today about codification, of rights and the role of the farmer etc as a manager, will be addressed in the consultation paper. Taking into account what Lincoln Allison said earlier I should like to say publicly that we will continue to work very

closely with the Sports Council on this and I have no doubt that our policy proposals, when they go out, will have been harmonised with those of our friends in the Sports Council.

The fourth thing that we shall be doing, and is bound to have the effect of raising more interest to access, is greater attention to the role that rural communities can play in looking after their own rights of way system at a local level. We have initiated an experimental programme, 'Community Action for Rural Environment', which will provide encouragement at parish level for action to deal with rights of way and local environmental issues. I hope this will be backed up by grants.

As a side thought, I think it is important that we take account of the rural population in our discussion of access issues. By many measures, the numbers involved are actually increasing. The number of people who are living in a situation where they can play a direct part in improving and managing rights of way in the countryside on their doorstep is increasing. The number of people who are articulate and able to express their views is also increasing.

Therefore, the first reason for expecting more attention to be given to access issues is the role which agencies, such as the Sports Council and the Countryside Commission, can play in keeping and focussing public attention on access matters.

The second reason is because financial resources are scarce. A delegate, who was the Footpath Officer for a county not very far away from Cheltenham, told me in the bar last night, that he was able to give a "bigger bang for his buck". A county surveyor had told him that it is very difficult to see the results of £2 million being spent on roads. The consumer appreciation is marginal. However, £100,000 being spent on the footpath system does have an appreciable, tangible impact on local public opinion. At times when so many of our county councils are 'hung' and different political groups are trying to show that they provide a good service for the local community, this could be quite an influential argument in ensuring that the modest resources necessary are made available.

Secondly, in this connection, access, at least insofar as it is a question of making legal rights available (turning 'access', as it were, into 'accessibility') is relatively cheap. It does not involve land purchase and therefore, in the broad spectrum of recreation provision, it is a comparatively cheap method of providing recreation opportunities.

Thirdly, there is the close link between access to the countryside and the countryside management approach which the Countryside Commission has developed and many more people have become involved in over the last ten years. One thing I disputed in the red document was the Centre for Leisure Research's implied rationale for countryside management work by the Countryside Commission. It said that this was a response to financial stringency. I do not think that this is so. The Commission's reasons for developing countryside management were rather different: we believed that we should not confine our policy interests to particular sites in the countryside, but should deal rather with the countryside as a whole. In fact, countryside management was fashioned

as a means of getting our influence into the countryside at large. Whatever the case, the fact is that countryside management is a low cost approach in which access looms large.

The third reason for thinking access will become more important is one that has certainly been in the back of your minds this morning. I wish I had heard Malcolm Bell. I gather it was an excellent and illuminating talk. Everyone said it was one of the clearest expositions of the current problems facing farming that they had heard. I understand he argued that recreation and access are really rather marginal factors in the great agricultural debate and almost a non-issue in the thinking of people in Brussels. I would agree. From the documents we have seen from the European Commission there is no evidence that this consideration is there at all.

However, I think there are some very strong and powerful links between the current crisis and predicaments facing farming and the access concerns of this Conference. Firstly, there is the search for alternative sources of income. Nobody is suggesting that access to the countryside is a bonanza for farmers, but there are opportunities and I think the most important thing is that the changed economic outlook for agriculture is a spur to enterprise in the farming economy. It is a spur to look at the possibilities of creating income and wealth from other sources than merely growing food. It may be of a very modest kind such as the creation of camping barns on farms etc. I would hope that planning authorities, in their role as those who control development, would have a reasonably relaxed and imaginative approach to these opportunities.

Secondly, there is a linkage because, as somebody said just before the end of the discussion following Lincoln Allison, land prices are falling fast. They are already down at least one-third and no doubt they will go down further. Bodies like the National Trust are now thinking of a much more ambitious land acquisition programme which will provide for new opportunities of access that would not have been available at the much higher land prices which prevailed just a few years ago.

Thirdly, we already see some limited use of agricultural support for access purposes. It is a very small thing but it struck me as being very important and has not been picked up: when the recent reshaping of Agricultural Development and Advisory Service grants was published about a year ago it included, for the first time, the possibility that Ministry of Agriculture, Fisheries and Food would pay grants towards recreation provision on farms - stiles, bridges etc. That was opening the door. I think the Commission can claim some credit for getting the door opened. My Chairman has floated much more ambitious ideas about paying farmers to manage footpaths. We have taken up this idea this morning. The proposition has its attractions but it also has lots of difficulties built into it. No-one should think it is an easy option. The discussion on rights that we have just had has illuminated some of the difficulties that underlie it. It has also raised some of the important questions about what are the roles of local government, Agricultural Development and Advisory Service etc. Do not let us forget that Agricultural Development and Advisory Service now has a specific duty,

amongst other things, to provide or ensure a balanced provision for recreation and access to the countryside.

But, I think there is an overarching argument which goes further than that. If income support is to be given to farmers in times of surpluses then, to quote the 'Access Study' report, "it is essential to ensure that public access is accepted as a valid land use to be incorporated in any strategies for the future rural land". If it turns out to be difficult to get that message across in Brussels, as I believe it will, I hope, and I think the Countryside Commission would hope, that our own government would do everything it could, within the rather broader constraints of the Treaty of Rome, to make sure that recreation and access is built in to the new agricultural policies designed to deal with problems of surpluses.

These are the sorts of problems which appear on the agenda of the Countryside Policy Review Panel which the Commission set up earlier this year and upon which Alan Patmore sits. It looks at the ways, in which the changed prospects for agriculture can be used to the benefit of the conservation, recreation and access purposes with which most of us in this room are associated in one way or another.

The fourth reason for thinking that access is going to rise in importance is because of its links with tourism. Tourism is in strong political favour. I imagine that Michael Dower must find it a very different scene now, than when he was in the English Tourist Board. Tourism just cannot do wrong. It receives political support from the very highest circles. One of the major trends in tourism is towards special interest holidays. We, in Britain, can offer such holidays based upon our rural heritage. Already, the British Tourist Authority have produced a leaflet for foreign consumption on walking in Britain which I hope will be translated into more languages. This is an early sign that access to the British countryside is a marketable tourist product of international importance which can be used to provide additional wealth to the British economy as a whole. That, in turn, will justify greater public sector funding and action.

The fifth reason is because of the links between access and programmes of job creation. Providing and managing access is labour intensive and relatively unskilled work. Hence its appeal to Manpower Services Commission, Community Programmes and its place in the Farming and Countryside Initiative. No doubt it will also figure large in the package of schemes promoted through UK 2000, the Richard Branson initiative. The irony for many of us who are more concerned with the management of the rights of way system on a day to day basis is that we find manpower available to us on a scale undreamed of five years ago because 3.5 million people are unemployed. In a curious way we are the 'fortunate' beneficiaries of a national tragedy. It is, though, almost frightening that so much of the practical work done on the rights of way system is dependent upon the existence of a large supply of Manpower Services Commission work; we know, from previous experience, that Manpower Services Commission can change its priorities quite quickly. There is an element of risk in this and we would be foolish to ignore it. However, I see no prospects, whatever the outcome of the next election, that job creation programmes will be abandoned in the near future. As long as job creation programmes are in being, I should have

thought that access to the countryside is one of the most desirable areas for those to be directed. It is labour intensive. It is not highly skilled. It is not particularly controversial. It does have clear public benefits and it does not displace other people who are in paid jobs.

The sixth reason is perhaps the most obvious one of all. This is because of public expectations and demands. Our surveys show an increasingly confident, better informed and demanding countryside visiting public. They are often ready to become involved at a practical level, whether it be in survey work, maintenance of footpaths etc. They are the consumers who, in this field, as elsewhere, can articulate their demands. They are the people who are pushing access issues up the agenda of local and national politics. The sorts of conflicts we have been discussing over the last hour this morning have political implications. The mere existence of these conflicts will draw more politicians at the local and national level into understanding the importance of access issues in the countryside.

My conclusion, therefore, is that the subject which you have been discussing over the last few days is on the up and up. We need precisely that improved understanding of the issues to which the first part of your agenda was directed and we need to develop and exchange experiences on the practical solutions to the problems upon which the second part of your agenda has focussed.

CONCLUSION

Thomas Huxley

CRRAG Chairman

May I start my concluding remarks by asking you to thank Sheffield University for the quality of the food. We shall write to the University and say it was very satisfactory. At previous CRRAG Conferences we have not always been so well fed.

May I thank our Chairmen: John Wheatley for the first session and Adrian Phillips for our final session plus his very useful concluding remarks. Thanks are also due to those who chaired the case studies: Jean Tallentire, Colin Bonsey, Brian Parry, Patrick Mellor, Peter Floyd and Roy Hickey. I was going to leave it at that, but having sat in at the session last night which Michael Dower led and having seen the amount of work done by the rapporteurs, I would like to remind you who they were and to include them in our thanks: Sarah Blackledge (who took over at the last moment from Bob Hall), Jan Fladmark, Mike Evans, John Mackay, David Cameron and Lindsay Cornish.

Always at these CRRAG Conferences we are served very well by Janssen Services who speedily produce the report. We want to thank Mick Hallam, Sally Danes and Cheryl Boulter who will be turning round our Conference proceedings very fast and getting drafts back to speakers.

Behind those who you have seen running the Conference there have been the services provided by Hilary Talbot-Ponsonby, the Secretary of CRRAG, and her two assistants, Petula JohnLewis of the School for Advanced Urban Studies and Robin Gray of the British Waterways Board. I would like you to give an individual thanks to Hilary and her team because they have done a marvellous job.

Last of all I would like you to thank Michael Collins and Jeremy Worth who, I believe, have ensured that this has been one of the most successful CRRAG Conferences that we have mounted in recent years. They put in a great deal of thought, not only into the organisation of this Conference but also into the running of it, and we are very grateful to them for their contribution.

Next year's Conference will be about recreation and wildlife. We think there are a number of points arising from the Conference just ended which lead on to bringing in the wildlife component of countryside in the context of recreation. We hope that is going to be an exciting subject for next year. With that, thank you all very much for attending and safe journey home.

CRRAG Conference 1986: Attendance

R Aitken (Speaker), Consultant

L Allison (Speaker), Lecturer in Politics, Warwick University

R Arkell, Assistant Director/Architecture & Planning,
Sunderland Borough Council

T Beckers, Werkgroep Recreatic (Netherlands)

P Beldon, South Downs Conservation Officer, East Sussex County Council

D Bell, Area Recreation Officer, North Warwickshire Borough Council

M Bell (Speaker), Research Fellow - ESRC/NERC and National Farmers' Union

P Bennell, Lancashire County Council

A Biddle, Countryside Officer, Suffolk Coastal District Council

B Bide, Senior Rights of Way Officer, Hampshire County Council

J Bishop, Lecturer School for Advanced Urban Studies

S Blackledge, Leisure Research Officer, British Waterways Board

C Bonsey, County Recreation Officer, Hampshire County Council

C Boulter, Recording Personnel, Janssen Services

J Bownes, Senior Planning Officer, Sheffield City Council

M Brogan, Councillor, Strathclyde Regional Council

D Bromley, Director of Leisure Services, Bedfordshire County Council

R Butler, Heritage Coast Officer, Devon County Council

D Cameron, Regional Planning Officer, Countryside Commission for Scotland

D Carpenter, Senior Officer, Sports Development, Sports Council Headquarters,
London

G Carver, Deputy Chief Leisure and Tourism Officer, Arun District Council

J Clegg, Countryside Recreation Officer, Joint Countryside Unit, Wakefield

F Coalter (Speaker), Research Director, Centre for Leisure Research

M Collins (Speaker), Principal Officer - Research,
Sports Council Headquarters, London

P Cooke, Senior Planning Officer, Dorset County Council

L Cornish, Principal Research Officer, MAFF

L Crowe, Countryside Recreation Officer, Rotherham Borough Council

S Danes, Recording Personnel, Janssen Services

P Darnton, Senior Technical Assistant - Footpaths, Cheshire County Council

A Dayus, Senior Assistant Manager, Worcester City Council

D Dixon, Assistant County Recreation Officer, Hampshire County Council

P Donnelly, Councillor, Strathclyde Regional Council

M Dower (Speaker), National Park Officer, Peak District National Park

A Dyer, Countryside Officer, Highland Regional Council

M Elson (Speaker), Lecturer, Department of Planning, Oxford Polytechnic

J Ely, Countryside Officer, Waverley Borough Council

D Emery, Senior Planning Assistant - Footpaths, Staffordshire County Council

M Evans, Chief Recreation Officer, Bracknell District Council

J Fladmark, Assistant Director - Research and Development, Countryside Commission for Scotland

P Floyd, County Solicitor, Oxford County Council

M Foulger, Head Ranger, Leeds City Council

R Garner, Planning and Research Officer, National Trust for Scotland

M Gibson, Footpaths Officer, Barnsley Metropolitan Borough Council

N Gilmour (Speaker), Immediate Past President, ILAM

J Gittins, Assistant Director (Countryside), Cheshire County Council

S Glyptis, Lecturer, Loughborough University of Technology

B Granger-Jones, Chief Amenities Officer, Elmbridge Borough Council

R Graves, Countryside Officer, Hereford and Worcester County Council

R Gray, Conference Aide, British Waterways Board

D Groome, Lecturer, The University, Manchester

M Guy, Project Officer, West Glamorgan County Council

M Hallam, Recording Personnel, Janssen Services

T Hams, Principal Planning Officer, Derbyshire County Council

P Hardwicke, County Councillor, Gwent County Council

M Hawkey, Senior Planner - Countryside and Conservation,
Cornwall County Council

D Herbert, Sports Council for Wales

T Heselton, Aylesbury Vale District Council

R Hickey, Countryside Officer/Access, Countryside Commission

N Holliday, Countryside Officer, Countryside Commission

A Howitt, Regional Officer, Sports Council - West Midlands

G Hughes, Regional Officer, Sports Council - Northern Region

T Huxley (Chairman), Chairman of CRRAG, and Deputy Director,
Countryside Commission for Scotland

A Inder, Planning Officer, Hampshire County Council

M Ingham, Valuation & Access Officer, Peak Park Joint Planning Board

J Irvine, Principal Planner, Strathclyde Regional Council

P JohnLewis, CRRAG Assistant, School for Advance Urban Studies

C Jones, Chairman, Leisure Services Committee, Gwent County Council

H Jones, Footpaths Assistant, Peak Park Joint Planning Board

S Jones, Projects Officer, Nottinghamshire County Council

T Key, Partner, Stratton & Holborow

A Kind, Principal Officer (LARA), Land Access & Rights Association

G King, Countryside and Recreation Team Leader, Norfolk County Council

K Kingston, Regional Socio Economic Adviser (ADAS), MAFF

C Kirk, Lancashire County Council

R Kite, Group Engineer, Sheffield City Council

B Kydd, Footpaths Officer, Doncaster Metropolitan Borough Council

M Lane, Senior Research Officer, ESRC Data Archive, (RADP)

A Lee, Executive Officer, The British Horse Society

M Letcher, Head of Public Rights of Way, Cornwall County Council

P Llewellyn, Lancashire County Council

J Lonsdale, Access and Recreation Officer, Yorkshire Dales National Park

N MacFarlane, Head of Estates, Strathclyde Regional Council

G MacQuarrie, Chief Warden (Medlock Valley),
Oldham Metropolitan Borough Council

J Mackay, Planning Officer (Research), Countryside Commission for Scotland

M Masterman, Consultant, Leeds

A Mattingly, Director, Ramblers' Association

W McDermott, Assistant National Park Officer,
Peak Park Joint Planning Board

A McFadyan, Councillor, Oldham Metropolitan Borough Council

P Mellor, Director of Leisure and Recreation, East Lothian District Council

R Mills, Parish Liaison Officer, Devon County Council

M Murphy, Councillor, Sunderland Borough Council

S Murtagh, Divisional Planning Officer, Avon County Council

J Nash, Senior Planning Officer, Lake District National Park

H Newby (Speaker), Professor of Sociology, University of Essex

K Nield, Assistant Chief Planner, Blaenau Gwent Borough Council

A Niven, Recreation Officer, Tonbridge and Malling Borough Council

I Olsson, Section Engineer, Doncaster Metropolitan Borough Council

B Parry, Senior Regional Officer, Sports Council - North West

K Pennyfather, Countryside Officer, Countryside Commission

A Phillips (Chairman), Director, Countryside Commission

G Preston, Rights of Way Officer, Hertfordshire County Council

K Price, Recreation Manager, Bristol City Council

W Reavie, Deputy Principal - Countryside and Wildlife, DOE NI - Conservation Division

I Rennick, Researcher, Centre for Leisure Research

T Robinson, South West Region, Countryside Commission

Clir Robison, Planning and Development Committee, Strathclyde Regional Council

P Rogerson, Research Officer, Sports Council Headquarters

M Savani, Deputy Chairman - Recreation Committee, Sheffield City Council

P Scott, Research Director, Centre for Leisure Research

W Seabrooke (Speaker), Head of Department of Surveying, Portsmouth Polytechnic

P Sedgewick, Project Leader, Planning Department, Bolton Metropolitan Borough Council and BMC

J Shearman, Senior Research Officer, ESRC Data Archive, University of Essex

R Sidaway (Speaker), Director, Centre for Leisure Research

J Skelton, PhD Student (Land Management), University of Reading

M Starrett, Projects Officer (Countryside), Lothian Regional Council

A Sturkey, Planning Officer, Cyngor Dosbarth Dwyfor

J Sully, Senior Lecturer, School of Accounting and Economics, Leeds Polytechnic

J Sumner, Footpaths Officer, Gloucestershire County Council

H Talbot-Ponsonby, CRRAG Secretary, School for Advanced Urban Studies

J Tallentire, Senior Regional Officer, Sports Council - Yorkshire and Humberside

D Taylor (Speaker), Head of Environmental Planning, Lancashire County Council

J Thompson, Recreational Land Management Officer, Essex County Council

D Topsfield, Chartered Surveyor, MAFF

J Van der Voet, Agricultural University (Netherlands)

N Walford, Senior Research Officer, ESRC Data Archive, University of Essex

S Walker, Head of Tourism and Recreation Services, ASH (Glasgow)

A Waterhouse, Lecturer, Land Use and Recreation, Northumberland College

J Wheatley (Chairman), Director General, The Sports Council
(London Headquarters)

G White, Countryside Section, Suffolk County Planning

D Wightman, Countryside Officer, Leicestershire County Council

S Williams, Sports Council for Wales

T Williams, Principal Engineer, Humberside County Council

P Wilson, Planning Officer, Basingstoke and Dean Borough Council

M Windsor, Acting Assistant Director - Countryside,
Nottinghamshire County Council

M Woods, Countryside Officer, Rotherham Metropolitan Borough Council

J Worth (Speaker), Head of Recreation and Access Policy,
Countryside Commission