

*'Is the Honeypot Overflowing?'*  
*How much recreation can we have?*

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CRN is a network which:

- covers the British Isles
- gives easy access to information on countryside and related recreation matters
- reaches organisations and individuals in the public, private and voluntary sectors
- networks thousands of interested people

The Network helps the work of agencies and individuals in three areas:

### Research:

to encourage co-operation between members in identifying and promoting the need for research related to countryside recreation, to encourage joint ventures in undertaking research, and to disseminate information about members' recreation programmes.

### Liaison:

to promote information exchange relating to countryside recreation, and to foster general debate about relevant trends and issues.

### Good Practice:

to spread information to develop best practice through training and professional development in provision for and management of countryside recreation.

The Countryside Recreation Network is committed to exchanging and spreading information to develop best policy and practice in countryside recreation.

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## THE OVERFLOWING HONEYPOT – IS THERE A PROBLEM, OR IS THERE NOT?

By *Kate Ashbrook,*  
*Open Spaces Society Ramblers Association*

Various speakers have referred to the changes which have occurred since 1949. Of all the benefits given by the National Parks and Access to the Countryside Act 1981, access to open country has been a dismal failure. The only place where access agreements under the 1949 Act have been introduced on any scale is in the Peak District National Park. Now the Peak is the one national park advocating access legislation because it knows that it will not achieve access to the remaining 50 percent of moorland in the park by voluntary means.

The 1949 Act gave us national parks, national nature reserves, areas of outstanding natural beauty and definitive maps of rights of way. None of them is perfect, but at least they all exist in law. Access to open country does not.

Are there too many people in the countryside? Not at all, it's just that sometimes too many of them are in one place. Legislation giving access to open country will help to spread the load.

Of course management of access is important, but what does it mean? Landowners refer to managed access, meaning access which they can control, i.e. they can put us where they want us and keep us out of places where they don't want us, which covers a very large area of land. They don't want us around when they or their keepers plan to poison birds of prey or gas fox cubs for instance. So beware the term 'managed access'.

We see the term 'managed access' as meaning encouraging but not directing people to walk in some places and not in others if there is a good reason for this, e.g. by placing a pile of brush across a non-definitive track which crosses a particular nesting site, so that people generally do not follow it at the sensitive time of year.

There is very little evidence of conflict with nature conservation. The Ramblers commissioned Roger Sidaway to write a report, *Birds and Walkers*, in 1990 and he concluded that any conflict which did occur was occasional, and generally related

to specific species at specific times. There was no case for a general ban in order to protect a particular species.

Giving people a right to walk in particular areas gives them an interest in the land. They see and learn about wildlife and its habitats and they then care about their protection. This is recognised by the Wildlife Trusts for instance who give a high degree of access to their reserves.

People need to know where they can go and what they can do. A Countryside Commission survey in 1988 showed that 88 per cent of people will not go where a path is not obvious on the ground, even though they have a right to do so. Permissive paths and permissive access are of little value because they can be taken away at any time and do not give people the confidence they need to enjoy themselves in the countryside. The Country Landowners' Association's access register is all permissive, and is certainly not permanent. It has only been introduced to try to dissuade the government from introducing access legislation.

People do want to have access close to their homes too. Many open spaces are being lost, because public access is not guaranteed and they have no protection in law. It is also very difficult to register land as 'new' town and village greens, although we hope that a case in the House of Lords next year will reopen that opportunity.

It was argued earlier that we needed to know about the supply of and demand for public access. I don't agree. People may want access to be provided not because they want to use it but because they want to know it's there. Certainly the Ramblers' independent National Opinion Poll in the summer showed that 85 per cent of the population wanted access legislation, but we can guess that those 85 per cent are unlikely to want to exercise that right.

Where there is already legal access, it generally works well. In some areas there is legal access over national nature reserves (Ashted Common in Surrey, a legal-access common close to London, was recently designated a national nature reserve). The more access we have, the less it is concentrated, which is to the general good.

## THE OVERFLOWING HONEYPOT – IS THERE A PROBLEM, OR IS THERE NOT?

*By Stuart Housden,  
The RSPB*

RSPB's interests bridge many aspects of the countryside recreation debate:

- as a landowner, managing some 150 reserves in the UK totalling 102,800 ha
- as a conservation body, seeking to conserve wildlife and wildlife habitats from damaging impacts;
- as a body promoting public interest in the countryside, providing opportunities for people, and especially our million members, to experience wildlife.

The RSPB's starting point is straightforward: a key objective is to encourage public interest in birds through increasing awareness of their place in nature. As one mechanism for this, we have expressed general support for increasing access opportunities in the countryside; we are more likely to build support for biodiversity conservation objectives if people can experience wildlife in natural surroundings.

Public interest in wildlife can also be converted into tangible benefits to rural communities, through the hospitality industries and other goods and services. Careful marketing can enhance rural development potential associated with green tourism. For example:

- The Kite Country project in mid-Wales attracted 147,000 visits in 1995/96, generating expenditure of some £2.9 million and providing 114 full-time equivalent jobs in an area of low wages and high unemployment.
- Visitors to the osprey nest site at the RSPB's Abernethy Forest – Loch Garten reserve spend £1.7 million annually in the local economy supporting an estimated 87 jobs. Since they returned in 1954, Strathspey's ospreys have attracted some two million visitors.
- Between 50 – 60,000 people visit the peregrine viewpoint at Symond Yat, Gloucestershire, spending money on local goods and services.

But equally, we think that it is important that recreation in all its forms does not harm the wildlife resource of the countryside. The very resource which, in many cases, people have come to enjoy. A precautionary approach needs to be adopted.

The RSPB acknowledges that some areas of wildlife are more important to biodiversity conservation than others. We seek to protect the best areas, and encourage developers towards less important areas. Conflict can arise when this does not occur.

Open country habitats contain land of the highest biodiversity value. A significant area is classified as a Special Protection Area (SPA) under the EU Birds Directive or a Special Area of Conservation (SAC) under the EU Habitats Directive. While measures to enhance recreation on, and enjoyment of, such land may be possible (and, if so, should be encouraged), they have to be consistent with the requirements of the Directives. These requirements include a rule that Member States must take appropriate steps, in such areas, to avoid the deterioration of natural habitats and populations of species, as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant to the objectives of the Directive. Several of these areas could be better managed in terms of access.

For recreational activities requiring built development or 'noisy' activities requiring planning permission, it is for local planning authorities to determine the balance between the conservation interest of the land concerned and the recreational interest.

Recreation-related built development can pose a significant threat to important bird areas, some 13% of our planning casework in 1996 (a decline from 27% in 1989) concerns recreation/tourism developments. These are of course in addition to more omni-present threats, such as agriculture, roads, land-use changes, etc.

In Scotland, one recent development proposal (the Cairngorm funicular) has highlighted the problems that can occur in trying to reconcile these conservation requirements with the general desire for responsible access and tourism. However, it has also shown – in the view of the NGOs concerned – that these problems can be resolved by dialogue, although it is important that this dialogue takes place early on (i.e. before the choice of development options are narrowed) and includes all interests.

At Cairn Gorm, we were faced with a development proposal affecting an SPA/SAC supported by the local authority and Enterprise Agency. The proposal plans to attract 4 – 5 times as many visitors as currently reach the summit of Cairn Gorm – a number which is already causing damage to the sensitive montane habitats. Faced with this,

SNH initially objected, and was supported by all of Scotland's NGOs, including those representing access interests.

Despite acknowledging that they felt this was not the best development for Cairngorms and that alternatives were available, SNH eventually felt compelled to accept the project when presented with a Visitor Management Plan that (it is claimed) will keep all visitors within a "closed system". While this is wholly at odds with accepted principles of visitor management (e.g. interpretation at the edges of sensitive areas, long walk in, etc) and with their own policy on access, SNH felt that, if the legal conservation requirements were met (a point that was disputed), they had no choice but to accept the scheme.

The approach contrasts with the efforts of the NGOs to find a win-win-win solution: that is, a development option that meets the needs of the skiing/tourism industry, of conservation and of access/recreation. For years, we urged the relevant agencies to explore alternatives but to no avail and, eventually, we published our own proposal which was supported by all NGOs and some business interests, but not unfortunately the crucial grant-giving bodies.

At the same time, all interests in the Cairngorm were discussing through a Tourism Management Programme better ways to manage visitors. However, while good progress was being made with widespread agreement between conservation and mountaineering interests, as this related to the current (non-funicular) situation, it was knocked totally off track by what was perceived as the unilateral approval of the new Visitor Management regime (i.e. a scheme that was conceived by agencies in order to permit a controversial development, rather than one that arose from consensus building).

While the funicular raises questions concerning the damage and disturbance that arise from walking in a sensitive area – it is, in practice, walking that originates from and is concentrated by a built development, namely the high level access point. Disturbance from quiet recreation not linked to such a high profile visitor attraction, including walking, is perceived in some quarters as having a significant impact on wildlife, especially ground nesting birds. However, few research studies have been carried out to test this hypothesis in any habitats – particularly open country. Adequate studies would be difficult to design and costly to implement because the studies would have to be on a large scale and conducted over a long time period.

Most scientific studies that exist have addressed the disturbance of birds within waterside habitats. Adverse impacts are well established in terms of disturbance to

coastal high tide waterfowl roosts, breeding birds associated with rivers and lake margins and breeding tern colonies on beaches. For dispersed species in terrestrial habitats, less data is available. Walking has been shown to affect nesting densities of golden plover which breed in heavily disturbed upland areas, although weather effects were also significant. For many habitats, the associated risks of fire and disturbance are likely to be greater than direct disturbance by walkers *per se*. The distribution of Golden Eagles also seems to be affected by disturbance in some areas.

The most significant impacts on wildlife may be from indirect effects of recreation which impact on habitat management:

- construction of buildings and infrastructure;
- difficulties of grazing downland and heathland;
- problems of undertaking legal heather burning; and
- legal predator control for sporting management.

Some difficulties are real; others perceived, but if they cause an owner to cease management that is of benefit to conservation the effect will be the same.

It is of concern to us that the Government has not prepared an environmental assessment of its proposals for access to open country in England and Wales. Indeed, an access audit hasn't been done: it is therefore difficult to judge whether the Government's proposals constitute an unwelcome threat to sensitive wildlife habitats, or provide a welcome tool-kit to address current access problems and enhance access management.

But to return to the question – 'Is there a problem?' Yes, there is, but only in some places and for some habitats. Heathland close to urban areas is a case in point – key areas are now being degraded by excessive use, often associated with daily recreational use such as dog walking, with attendant problems of dog waste and eutrophication, fire and erosion. What ever the framework for the future, access arrangements need to provide for changing circumstances. Pressures on heathland in southern England can be expected to increase markedly should Government house building targets for the home counties be met. Much of our casework load in Southern England relates to the problem of surrounding heath land with housing to such a degree that the inevitable, and understandable, access to the heaths degrades its wildlife interest. This underlines the need not necessarily for restrictions, but for a well managed approach.

And as human demands of the countryside increase, it is clear that there will have to be some constraints on recreational use, specific to particular places in space or time, if the resource people wish to enjoy is not to be irreparably harmed. In particular:

- Inappropriate recreational developments or activities which harm wildlife sites should be resisted so as to preserve the "long walk in".
- In principle, opportunities for the public to enjoy quiet recreation in the countryside should be enhanced, especially in areas where such impact is minimal.

On freedom to roam, we acknowledge that there are differences in access legislation and different traditions in different parts of Britain.

For England and Wales, the RSPB has expressed the view that the most secure way from a biodiversity perspective, would be to deliver access through a programmed extension to the public rights of way network. But if the Government continues to wish to provide access on an area basis, then we think this should be done on a statutory basis as it offers explicit safeguards for wildlife, including permanent or temporary closure of especially sensitive sites.

We also note that voluntary access agreements can also be effective in protecting wildlife. In particular, the British Mountaineering Council (BMC) have been effective in providing a system for devising and advertising practical arrangements for protecting sensitive sites holding cliff nesting birds (especially birds of prey and seabirds) from climbing disturbance in the breeding season.

In Scotland, we acknowledge the traditional, but *de facto*, right to roam that exists (and has now been acknowledged and accepted by all parties in the access forum). Based on our Cairngorms experience, we warmly welcome the approach taken by the Government to identify and promote solutions to these issues through consensus building in the Access Forum. In this forum, all interested parties (including NGOs<sup>1</sup>) have been involved and all the issues debated in a way that each 'side' understands the 'bottom-line' of the other parties and ways are found to identify and construct consensus.

As a result, the recently published recommendations of the Access Forum are:

- To secure a right of access to land and water, exercised responsibly, for informal recreation and passage; and

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<sup>1</sup> RSPB input has been via the RA, MCoS and SCAC representatives maintaining good contacts with the rest of us through SWCL; it was decided this was sufficient, given our priorities/available resources and that the Forum was coming/has come up with acceptable ideas.

- the balance achieved by the “exercised responsibly” will be underpinned by restrictions in the case of safety (e.g. railways, quarries, etc.) and privacy (e.g. curtilage of dwelling houses) and constraints under a recognised Scottish Countryside Code to cover the needs of conservation or land management. In most cases, such constraints will be limited in time or space and implemented by agreement reached through discussion (but, of course, as a ‘backstop’ the powers to make bye-laws under, for instance, the regulations implementing the European Directives remain if agreement cannot be reached).

An illustration of how this might work is the RSPB’s Abernethy Forest Reserve; here it is our general policy to permit access throughout, although in practice most visitors use the tracks and paths. However, in particularly sensitive areas (e.g. around the Osprey nest at Loch Garten) access is controlled – both for the protection of the birds and to allow visitors close views of the nest from the hide without risk of other people causing disturbance. In this case, the reasons for the constraints have been explained and are understood and are thus widely accepted and respected. This underlines the need to build consensus and win mutual respect. Incidentally, at Abernethy we have carried out our deer management programme (which includes culls far greater than that carried out on ‘traditional’ estates) without ever having to introduce any access restriction to permit culling.

## Conclusion

The RSPB aims to encourage public interest in birds and biodiversity through increasing awareness of their place in nature. As one mechanism for this, we have expressed general support for increasing access opportunities in the countryside: we are more likely to build support for biodiversity conservation objectives if people can experience wildlife in natural surroundings.

This access, however, needs to be balanced with the needs to protect wildlife from damage and disturbance from too many people. Recent developments in Scotland have illustrated both good ways to achieve this (the Access Forum) and bad, and probably ineffective, ways to achieve it (the Cairn Gorm funicular).

In a crowded island ‘backstop’ measures will be necessary to protect some areas from development and disturbance. This should involve a managed approach to protect a certain resource and if necessary ration its availability to the public. At present the occasions that require this approach are rare, but a legal framework is required to address them.

# OVERCOMING CHALLENGES.....THROUGH MEDIATION

By Roger Sidaway,  
*Research & Policy Consultant*

## Introduction

I have been asked to provide pointers on how we can work together to resolve conflicts. I therefore want to consider whether more innovative approaches to conflict resolution, such as environmental mediation as developed in the United States, could be more widely applied in the UK. I have also been asked to give examples of good practice and will draw on the guide to Consensus Building in Rural Development, recently published by the Scottish Office<sup>1</sup> which uses the Access Forum in Scotland and the Peak District Access Consultative Group as case studies.

But firstly I want to reflect on points that have been made during earlier presentations. I think it is important to place conflict in context. Rather than necessarily seeing conflict as a managerial problem, we should also see it as an essential part of social change. Political debate is healthy and necessary as we broker ideas and consider alternatives. Whilst professionals may have their reasons for taking issues out of politics, I believe that in a democratic society important issues should be debated, such debate only gets out of hand when rhetoric becomes inflammatory, positions become entrenched and in effect communication breaks down. What happens when we get to that point is crucial and mediation, as I will explain, provides one way out of the morass. All too often, however, one is tempted to improvise with no clear strategy and as this appears to be the exception rather than the rule, I am tempted to re-title my presentation 'Muddling through or Mediation'. Perhaps I am too influenced by a comment of an American mediator who told me that he gets all his work from "failed participation exercises".

## Mediation as a Form of Conflict Resolution

As with any innovation from overseas, there is always the temptation to reject its careful consideration by claiming "It won't work here..." or "We're doing it already...". I have more sympathy for the second response having recently been advised of

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<sup>1</sup> Sidaway, R. (1998a) *Good Practice in Rural Development No. 5: Consensus Building*, The Scottish Office Central Research Unit, Edinburgh, 35pp.

historical precedents in Scotland<sup>2</sup>. Mediation is in essence a negotiation and most countryside managers spend much of their working day in negotiation of one form or another. We were given welcome examples earlier this afternoon of how collaborative management has dealt with the potential problems arising from the impacts of off-road vehicles or cliff-climbing on nesting birds. These were successful negotiations in which the assistance of a neutral third party - the mediator - was not required because someone took an early initiative to get the parties around the table before a major conflict occurred.

I emphasise an early initiative, as prevention is better than cure. Negotiation skills, when geared to consensus building, can be used more effectively to prevent conflict, rather than attempt to resolve it by mediating in the tricky later stages, although I will concentrate on the role of mediation in this presentation. Consensus building has been defined as

*'a collaborative approach to making a decision in which the interested parties identify common ground and work voluntarily towards finding a mutually acceptable solution to a contentious problem<sup>3</sup>.'*

It is distinctive from other forms of reaching a decision in that:

- decisions are reached by consent, rather than majority voting and each party holds the power of veto;
- everyone with an interest, and who is prepared to co-operate, is party to the decision; and
- a deliberate process of decision-making is constructed to achieve and to maintain consensus, this means in practice that procedures are agreed in advance which secure fairness, allow open expression and build trust.

As these procedures differ markedly from those of conventional committee working, the role of the neutral, independent facilitator in helping the group reach a decision, becomes crucial. Indeed the whole process, particularly who is to be involved and when, needs to be tailor-made to the circumstances of each situation. In my experience,

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<sup>2</sup>Under Scottish mediaeval law, dispute could be resolved in the feudal and ecclesiast courts, by arbitration or by reference to an 'amicable compositor' the equivalent of a mediator. See Hunter, RLC (1987) *The Law of Arbitration in Scotland*, T&T Clark Ltd., Edinburgh, pp 27-31.

<sup>3</sup> Environmental Council (1995) Memorandum to House of Commons Environment Committee, *Session 1994-5 Fourth Report: The Environmental Impact of Leisure Activities*, Volume III, Appendices, HMSO, London, pp92-93.

what distinguishes the American approach is the professionalism which they bring to selecting an appropriate process. Hence my remark about muddling through.

A consensus building process has to be based on clarity, balance and openness when considering:

- the terms of reference of the exercise;
- the accountability of representatives, as well as who should be represented;
- the influence the exercise will have on official decision-making;
- open access to information; and
- openness in decision-making, particularly relations with the media.

Exactly how these principles are applied is explained in the guide that I mentioned earlier but some indication of the questions that have to be considered is given in Figure 1.

<i>Terms of reference and agenda</i>	<ul style="list-style-type: none"> <li>• Is there agreement on the purpose and form of the exercise?</li> <li>• Is the agenda balanced to cover the full range of issues or is it pre-empted by a policy or proposition made by powerful interests?</li> </ul>
<i>Communities and Representation</i>	<ul style="list-style-type: none"> <li>• Are all the relevant communities of interest represented?</li> <li>• Is the representation of interests evenly balanced at each level of decision-making?</li> </ul>
<i>Accountability of representatives</i>	<ul style="list-style-type: none"> <li>• How accountable are the representatives to their interest groups?</li> </ul>
<i>Influence on decision-making</i>	<ul style="list-style-type: none"> <li>• Who holds the power to determine and/or execute decisions and do they welcome participation?</li> <li>• Has authority been delegated to the group to influence or determine policy?</li> </ul>
<i>Information</i>	<ul style="list-style-type: none"> <li>• Is information freely available to all interests?</li> <li>• How objective is the information, i.e. has it been gathered by independent sources?</li> <li>• Is the information coverage of issues evenly balanced?</li> </ul>
<i>Openness of and involvement in decision-making</i>	<ul style="list-style-type: none"> <li>• Are all phases of the process open to all interest groups?</li> <li>• What is their degree of involvement in each phase?</li> </ul>

<sup>4</sup> Sources: Sidaway, R. and van der Voet, H. (1993) *Getting on Speaking Terms: Resolving Conflicts between Recreation and Nature in Coastal Zone Areas of the Netherlands, Literature Study and Case Study Analysis*, Centre for Recreation, Wageningen Agricultural University, Wageningen, 113pp; and Bryden, J. Watson, D. Storey, C. and van Alphen, J. (1997) *Community Involvement and Rural Policy*, Scottish Office Central Research Unit, Edinburgh, 86pp.

These conditions for consensus can be used in a number of ways. As well as being used as a checklist to design a process of decision-making or to analyse the likelihood that an existing process will reach an amicable agreement, they can be used to analyse good practice. This is illustrated in the two examples that are described later.

Consensus building is not a universal panacea. Problems can arise due to mishandling of the media or if there are uneven inputs from different partners. Consensus may be difficult to sustain over time, particularly if the group fails to adapt to new events and to introduce new partners or if organisations have a high turnover of personnel. The pros and cons of consensus building are summarised in Figure 2.

<p><b>Advantages</b></p> <ul style="list-style-type: none"><li>• Increased understanding of the issues involved.</li><li>• The voluntary and less formal procedures allow the parties to explore the problem and consider a range of possible solutions.</li><li>• Improved relationships between the interested parties make it more likely that they trust each other and less likely that they disagree in the future.</li><li>• The interested parties have greater commitment to and control of the outcome.</li><li>• There are savings in time and money, over the longer term.</li></ul>
<p><b>Limitations and Constraints</b></p> <ul style="list-style-type: none"><li>• Deeply held beliefs are non-negotiable and consensus may be difficult to obtain.</li><li>• The informal process can be manipulated by markedly more powerful parties.</li><li>• The interests of the less powerful need to be safeguarded by legally binding procedures.</li><li>• Lack of formal organisation may preclude some interests from being represented in negotiations.</li><li>• Reaching consensus is time consuming and may be difficult to sustain overtime.</li></ul>

### Conflict Resolution Case Studies

I will now draw on two examples from the Scottish Office Good Practice Guide which are particularly relevant to CRN and our discussions today. Both cover a similar conflict, albeit in different contexts. The first example describes the work of the Access Forum in Scotland. The second example focuses on work of the Access Consultative Group in the Peak District National Park.

#### The Access Forum

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<sup>5</sup> Source: Sidaway, 1998a.

The origins of the Access Forum lie in a local agreement - the Letterewe Accord - and an initiative by the former Countryside Commission for Scotland which has been developed by Scottish Natural Heritage (SNH). Previously there had been no formal way in which the key interests could come together to debate the main issues of upland access and to exchange views on each other's concerns. Following a preliminary meeting in 1994, the initial work of the Forum concentrated on access to open hill ground, hoping that dialogue could lead to useful joint working. Subsequently, a second group has been formed to consider access to water.

The key elements of the Forum's remit are:

- to provide liaison between the main interest groups in access for open air recreation;
- to debate and, where possible, to seek solutions to broad issues of principle and good practice in access, leaving specific access cases to be resolved locally; and
- to work with a commitment to try to resolve the major access issues through dialogue.

Membership of the Forum has been limited to a small number of bodies with a central role in access, the limitation on membership serving:

- to facilitate effective working and open dialogue;
- to maintain an even balance between the three main sectors of land-owning, recreation and the public bodies with a role in facilitating access. No one group should feel that it is in the minority; and
- to involve representative groups, which can consult within their own constituencies.

The groups are chaired by a Board member of SNH, which provides the secretariat of the open hill group, while the Scottish Sports Council services the water group. Each group meets about four times a year with sub-groups, which may involve other bodies, considering detailed items.

The achievements of the Forum to date have been:

- the signing of the *Concordat on Access to Scotland's Hills and Mountains* in 1996. This respects the interests of both landowners and recreation users of the hills and registers their common interests in the natural beauty and special qualities of the hills;

- a trial 'hillphone' service and leaflets providing messages about stalking intentions on a limited number of estates, combined with surveys of hill walkers' activities and attitudes;
- standard wording for signs to be used by Deer Management Groups and estates;
- a code for hill users and an advisory booklet, *Care for the Hills*, on recreation use with minimum impact;
- the preparation of policy papers; and most recently
- advice to government on potential legislation by the Scottish Parliament based on an agreement within the Forum on a right of access to land and water, exercised responsibly, for informal recreation and passage<sup>6</sup>.

Using the conditions described earlier, it is possible to recognise the points of good practice, within the Access Forum's work.

- *Balanced agenda*: the principles agreed within the *Concordat* respected the major interests.
- *Representation* was limited to ease decision-making but with an open process of reporting back which provided accountability.
- *Influence*: the emphasis in the terms of reference on the development of national policy has led to agreement within the Forum on advice to government on future legislation.
- *Information*: has been widely circulated on its discussions.

#### The Peak District Access Consultative Group<sup>7</sup>

The present phase of this long standing dispute concerns the possible effects of public access to open country on grouse shooting and the breeding populations of upland waders. The feasibility of establishing an Access Consultative Group (ACG) was investigated on behalf of the Peak Park Joint Planning Board in a series of pre-negotiation meetings

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<sup>6</sup> Access Forum (1998) *Access to the Countryside: the Access Forum's Advice*, Scottish Natural Heritage, Edinburgh, 57pp.

<sup>7</sup> Summarised from Sidaway, R. (1998b) Access Management by Local Consensus, *Rights of Way Law Review* January 1998, 13.1, pages 7-12. Copies were distributed to delegates with the agreement of the publishers.

between an independent researcher and the individual stakeholders. These considered the remit of the ACG, its size and composition and the procedures under which it might operate. A report was widely circulated by the Board, resulting in agreement that the Group should have nine members: three 'representing' each of the land-owning, access and conservation interests, and hold monthly meetings under a set of agreed ground rules with the researcher acting as mediator.

The ACG met on six occasions and submitted an agreed report to the Board which set out a series of underlying principles for access management planning. It recommended that a programme of access management plans should be prepared, using a voluntary and collaborative approach, linked to the renegotiation of access agreements and the search for voluntary agreements on new areas<sup>6</sup>.

In the opinion of the participants, the strengths of the consensus building approach were its inclusiveness, that it had been fair, and that it had enabled personal relationships to develop. The main weakness was the apparently long timescale, and there needed to be clearer arrangements about how other interested organisations could become involved, and on reporting back to member organisations during negotiations.

Although the process was undoubtedly time consuming, this was the first occasion in which representatives of all three interests had worked together. Consensus building with an independent mediator appears to have succeeded where conventional committee working might not have done.

The points of good practice illustrated in this example were:

- *Balanced agenda*: the agenda focused on common ground, future procedures and the agreement reached on a process of Access Management Planning which respected the interests of access, moorland management, and wildlife conservation.
- *Representation* was deliberately balanced between the major interests but limited to ease decision-making with an open process of reporting back which provided *accountability*.

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<sup>6</sup> The implementation of these recommendations was complicated in part by the renegotiation of the existing access agreements but it now appears that the first access management plan will be prepared shortly.

- *Information* was made freely available between the ACG members during the negotiations.

My purpose in describing these examples is to demonstrate the merits of following the principles of consensus building. The achievements of the Access Forum have been impressive. Having initially secured a *Concordat on Access to Scotland's Hills and Mountains*, it has now gone on to secure an agreement on the right of access, which is likely to provide the basis for legislation in Scotland. In procedural terms it has worked intuitively and much has depended on the commitment of its chairmen and support staff proving that in the right circumstances consensus can be reached without mediation.

In contrast, the Peak District ACG provides one of the few examples in Britain of a mediated negotiation deliberately following consensus building principles. An independent mediator was employed to develop a staged negotiation strategy and bring the parties into discussions. The merit of this approach is the emphasis it places on advanced preparation. This replicative approach could prove to be of direct relevance to future access legislation in Britain, where local negotiations might be required within the statutory framework to manage public access in environmentally sensitive situations. In these situations the following guidelines will prove highly relevant.

#### Guidelines for Good Practice in Conflict Resolution<sup>9</sup>

##### Stage I: Pre-negotiation

- *securing neutrality in initiating negotiations*: assessing the situation and the neutrality of those involved, deciding whether an independent mediator is needed to assess the likelihood of agreement.
- *choosing a mediator*: who is neutral, experienced and trusted by all the parties.
- *deciding on a negotiation strategy*: ensuring that all parties discuss the form that the negotiation might take and who should be involved.
- *deciding clear ground rules in advance*: ensuring that everyone is treated equally and their position is respected and the role of the representative is understood.

##### Stage II: Negotiation

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<sup>9</sup> Source: Sidaway, 1998a.

- *undertaking negotiations*: treating information as a common resource, understanding each others' interests, building trust and agreeing a common goal.

Stage III: Post-negotiation

- *implementing agreements*: considering the enforcement and monitoring of the outcome.

# THREE MEN IN A BOAT

*By Aitken Clark, Chief Executive, Broads Authority*

## Introduction

Julian Huxley, the eminent biologist, writing from Paris in 1946, said he could not imagine a list of National Parks in Britain which did not include the Broads. His view did not prevail. The Broads were considered to be too complex for orthodox National Park management and protection.

It was not until 1976, following the alarming report on the degradation of the Broads ecosystem by the Nature Conservancy Council in 1965, that the Countryside Commission challenged the local authorities in Norfolk and Suffolk to provide proper management for the Broads, in order to halt, and if possible reverse their deterioration. The response led to the formation of the Broads Authority (first model) on an experimental basis, to be reviewed by the Countryside Commission in 1983. The Authority moved at a fast pace to prepare a rational research and experimental management based programme of restoration which could be practically implemented. The culmination of the progress of the Authority, was its transformation by an Act of Parliament in March 1988, to a statutory authority with legislation designed to fit its particular set of environmental needs, and with the full status of a National Park. The Broads executive area benefits from ESA designation, a protection title which was developed from the prototype 'Broads Grazing Marsh Conservation Scheme'. This scheme was applied to the Broads as a means of protecting the distinctive Broads grazing marshes, through conservation led farming supported and paid for by MAFF to a management prescription agreed with the Broads Authority - rather than payments for profit foregone which was the main policy instrument for landscape protection in National Parks.

## Key Broads Issues

The Broads are Britain's most important wetland with over 200 kilometres of navigable rivers and broads. Like all wetland areas it has been exploited in a sustainable way for hundreds of years, but more recently the signs of over-exploitation have become very evident. In 1978 the Broads Authority was confronted by a number of problems, declining water quality, congestion of the waterways, erosion of the river banks and the loss of landscape quality through intensification of agricultural practices on the grazing marshes

and neglect in the waterlogged reed and sedge fens. The first priority was therefore to develop a policy framework for addressing these issues and where insufficient information was available on the causes of the problems to initiate a comprehensive research programme. One of the issues, the conversion of the grazing marshes to arable, was too pressing to await the development of the policy document, the Broads Plan, and therefore policy had to evolve rapidly as a crisis on Halvergate Marshes unfolded.

The Authority's determination to seek to protect the whole of the traditionally managed grazing marshes rather than particular important areas gave rise to a new approach in landscape protection. The Countryside Commission and the Ministry of Agriculture jointly promoted the Broads Grazing Marsh Conservation Scheme which supported traditional grazing practices that are compatible with conservation. The successful experiment was the blueprint for the Environmentally Sensitive Area model which was later introduced to the Broads and a number of other sites throughout the country.

Policy formulation in other areas was more considered, the pace dictated by the need to carefully unravel the complexity of the water quality and bank erosion problems. After 20 years of investigation and research, involving universities from the UK and the European mainland and collaborative partnerships with the Environment Agency and the water industry, a major restoration programme was established and implemented. The culmination of this restoration effort is currently focused on Barton Broad which is the second largest shallow lake in the Broads complex. Entitled 'Clearwater 2000, this multifaceted project is in the final stages of completion and is on target to meet a June 2000 deadline. The project will provide significant recreation benefits plus a major increase in the area available for sailing, both cruising and competition. It has involved the removal of 300,000 cubic metres of phosphorus layer sediment from the lake and depositing the oozy mud in a vast terrace of bunded compartments on several fields adjacent to the lake, reached by pipelines extending more than a kilometre from the lake. The topsoil which forms the bunds is spread over the compartments when dry thus returning the field to productive agricultural use. A Freshwater Ecology Centre and Interpretive Visitor Centre, areas on the fringe of the lake demonstrating biomanipulation to establish aquatic plant and animal life restoration, access walkways and a restored island feature in the lake are included in the portfolio of practical features in the programme which is funded with the support of the Millennium Commission.

Conflict resolution was demonstrated in the move from intensive agriculture to conservation led farming described earlier. Incentives through the ESA model were critical to the success of the programme. Such incentives are not readily available for recreation and tourism,

where it is necessary to modify the use of the shallow lake system to encourage environmentally friendly boating. In my presentation, I showed some slides of a range of small projects which demonstrate sustainable forms of tourism. These projects were intended to be catalysts to encourage much wider application of the ideas.

### **Conflict Case Study**

Water-skiing on the Broads was considered to be intrusive of other waterspace users and unacceptable on safety grounds. These conclusions were reached by an expert panel including water-skiing representatives from local and national levels. Cessation of water-skiing on the Broads was recently decided by the Authority. However, the Authority is now working with water-skiing representatives in an urgent search for suitable alternative waterspace, near to the Broads area. The search findings will be reviewed in a year's time.

The conference focused on access and 'right to roam' issues. Access to waterspace requires special consideration and a particular portfolio of initiatives.

# THREE MEN IN A BOAT 'IN THE BOW WITH THE NATIONAL TRUST'

*By Jo Burgon,  
The National Trust*

## Abstract

60% of the National Trust's land holdings are within protected landscapes. The Trust welcomes an estimated 50 million visitors annually to its coast and countryside properties. Over 40 recreational activities take place on Trust properties. Access is not just about physical use of land but also about the opportunity to learn and discover; to gaze and wonder; to get involved and to contribute to the well being of the environment. The paper will examine some of the issues the Trust is facing in meeting its responsibilities for access and conservation covering examples of practice and experience in access and conservation management. These include improving our understanding of the environmental and conservation needs of the countryside; responding to the demands for new forms of access; liaising with recreational interest groups; finding solutions; and creating opportunities for extending access for all. The Trust is also seeking to develop and work with transport initiatives which will enable new forms of access into the countryside.

The boat is pretty full but there is space for a few more if we squeeze up a bit and anyway whose dog is this?

## 1 Public enjoyment of Protected Landscapes

*'Rest and a complete change, the overstrain on our brains has produced a general depression throughout the system. Change of scene, and the absence of the necessity for thought, will restore the mental equilibrium'*

In one year (1948) over 5000 bottles were picked up on Box Hill and after August Bank Holiday, 2cwt of tins and 34 bucketful of broken glass were cleared. A nation seeking rest and complete change and some 'absence of the necessity for thought'? Writing in the book to celebrate the Trust's 50th Anniversary in 1945, Ivor Brown in the chapter on the 'National Trust and National Parks' saw the Trust's function as keeping the despoilers out and to let

the enjoyers in. 'It sought to shut the gate on the unruly vandal and to open them for the decent citizen'.

He goes on to describe a beauty spot – our honeypot – as a single feature or nook which contains the most conventional ingredients of picture postcard picturesqueness: item – one mountain with peak; item – one lake with waterfall; item – one islet with trees, and then concentrates all the intention of the visitor on this corner. The beauty spot may be a blessing. It masses together in one agglomeration of hotels, cafes, petrol pumps, memento shops, booths and what you will, all those who like beauty spots but are completely bored by beauty. These latter have neither the will nor the vigour to wander far afield and so the more active people, who have a larger vision and affection for the country, can rely upon finding comparative solitude at no more than half a mile from the little hive of 'tourism' where the beauty-spotting drones are blissfully 'swarming'.

Brown continues 'The moors round Buxton are within sixty miles of half the population of England..... This is not only an obvious danger to rural Derbyshire: it is a chance to serve the vital needs of this huge population in the promised age of popular leisure and of holidays for all. The strip of mountain between Sheffield and Manchester urban groupings is narrow and in places tightly held against ramblers. Access here is an acute problem and strong measures ie National Park legislation may be required in order to get it. The need is plain and paramount.'

Brown concludes: 'British social policy will have to strike a balance between use of land for recreation and use for production. There is not the slightest reason why access to mountains and maintenance of landscape beauty should impede the old rural occupations and industries, if control be wise.'

'National Park Commissioners will have to face the great and ever growing challenge from the cheapness and efficiency of mechanized transport by air, land, water. This transport is both the boon and the peril of a leisured democracy. A National Park must never be just a national car park but it must not be controlled by the well intentioned medievalists who shiver at the sight of a loaded motor-coach.'

'I conceive it is essential to all rural policy that there shall still be some places which you cannot reach or escape from by just ringing up a taxi, places only won by walking, climbing and facing of hardship, even of risk. The National Parks, like the National Trust, will be stern guardians of this wilderness and its devotees, while no less generously providing the easier amenities for others who lack physique or inclination for the summits and cannot face the austerities and severities of a holiday spent wholly afoot'.

I have quoted extensively, as many of the resonances of over 50 years ago, and this was written 4 years before the 1949 Act, seem to ring true today. The challenges facing access to protected landscapes today have not fundamentally changed. This is not necessarily a surprise as many of the values society places on these landscapes today are the same as those when National Parks and AONBs came into being. In many respects some of the issues have been brought into sharper focus -- not least the effects of intensification of agricultural production on landscapes and ecology and the changing patterns and types of visiting.

So where have we got to 50 years on? And in particular where has the National Trust got to and does it deserve to be in this boat and my claim to be in the bow?

The Trust's recent acquisition of part of the Snowdon Massif and in particular the public's response in raising over £4 million for its purchase, raises once again the issue of the need for the type of protective ownership, practised by the Trust, in protected landscapes.

60% of NT land is within protected landscapes with extensive ownership in the Lake District, Peak District and Snowdonia. Some argue the Trust has enough and that the size of the Trust in some areas is too dominant. The Snowdons of this world are infrequent but smaller acquisitions in protected landscape areas continue often to fill in the pieces of the jigsaw around existing ownerships. Even the Snowdon acquisition adjoins existing Trust ownership. The purposes of the Trust and National Parks and AONBs are of course very similar; the partnership between Park Authorities, and more recently with AONB/Heritage Coast projects, is strengthening and there are greater levels of cooperation and more joint initiatives. So that the Trust's responsibilities as a conservation and access land owner and manager can assist in meeting National Park/AONB objectives. This is not the time to argue the whys and wherefores of protective ownership, suffice it to say that the investment the Trust is now making into conservation and access work in the countryside -- some £35 million last year -- is a major contribution to meeting the needs of people's enjoyment and appreciation of protected landscapes.

## 2      **Is the current provision for countryside enjoyment adequate?**

This is rather difficult to answer as people's expectations and demands change. There are certainly many more opportunities available. The way in which the countryside is promoted as a destination for a wide range of activities -- for active and passive for holidays, short breaks, day trips -- has changed considerably. The packaging of the countryside destination as 'a commodity' is stronger. But so are the opportunities to plan

and discover the delights of the great outdoors on individual terms to find personal freedom and space. The countryside continues to provide many contrasts to satisfy a variety of different needs.

My definition of access may help consider the adequacy of the current provision:

- Physical
- Visual
- Intellectual
- Participatory

The principle of 'access for all' takes on a new meaning when you look at the ways in which people can find contrasting and new opportunities:

- to be passive or active;
- to gain an awareness and understanding through interpretation and formal and informal education programmes; and
- to contribute through volunteering in the conservation of the countryside.

All this is done in people's leisure time – their choice.

On the provision of space there are always calls for more: cyclists and horse-riders wanting more routes; demands for routes that are safe and segregated from traffic or other users; demand for use of water and access to water's edge; adventure areas for local kids to ride their bikes, etc.

As a provider, the Trust has improved its understanding of the range and nature of activities that take place on its properties. This may sound odd but there are many Trust properties which have a limited coverage by local staff. However coverage has improved considerably in recent years so that it becomes possible to plan for access with a better understanding of needs.

The Trust's review of access in 1995 resulting in the report 'Open Countryside' has helped lay the foundation in managing access alongside and in conjunction with the Trust's conservation responsibilities.

There is a developing and improving dialogue with representative organisations at a national and local level where we can gain a better understanding of the needs of specific activities and where we can raise some of the issues facing us as a provider of space. For example we have held a workshops on climbing and cycling for Trust staff in conjunction with the BMC and CTC respectively. Local representation on land management/user groups

is another important means of keeping in touch and looking at opportunities for improving provision for specific interests.

The state of the nation's physical and mental well-being are an important part of the Government's health and social agenda. The countryside is seen to be an important place where exercise, rest, refreshment and renewal should happen. As providers of space are we doing enough and if not what more should we be doing?

The continuation of opening up the rights of way network must remain a priority; it is the principal means for access and enjoyment of the countryside. The development of the Explorer series maps by Ordnance Survey is significant in making access information more easily accessible – sales have surprised OS. The Internet will also become increasingly important as an information source on countryside access.

There is still the issue of improving access from town to country and vice versa – the provision of public transport. The North York Moors Moorsbus has made considerable strides in creating new opportunities, bringing both new audiences and encouraging existing countryside visitors to change their mode of transport.

The Trust has been running a number of community initiatives around the country with the specific aim of helping new audiences gain access to the countryside, as well as providing transport. There is a strengthening community education programme organised at a local level and over 37,000 volunteers give their time to help the Trust's work in a huge variety of ways at its properties and offices.

### 3 What are the current concerns in regard to areas of conflict between user groups?

Managing access in a way that maintains diversity of choice and experience is of course not without its challenges. How much intervention should a site manager undertake? How laissez faire can managers be?

There are the obvious tensions between different interest groups with which we are familiar. Where the needs of different groups can clash with the needs of others – horses and walkers; cyclists with horses; off-road vehicles with walkers; canoeists and anglers. The list can go on. But increasingly management solutions are being found to address these types of conflict. They are very localised and require a willingness of all parties to cooperate to find a satisfactory outcome. The familiar attributes which should help us to

include: developing dialogue; consulting; sharing good practice; getting into the listening mode; keeping an open mind; and thinking laterally.

There are the cumulative impacts that large numbers of people can make on eroding some of the qualities of a site through overcrowding; physical erosion and erosion of the senses of tranquillity, solitude and remoteness. Degrees of intrusion affecting the contrasts of the experience which can disappear.

There is a real challenge to ensure local distinctiveness and the characteristics of the landscape are respected or even enhanced when undertaking practical access management tasks. Specifications should be influenced by the individuality of the place.

Quieter periods of the year are becoming a thing of the past in some places – a fine snowy February weekend can be as busy, if not busier, than an August Bank Holiday!

For example, Devils Dyke car park on the South Downs just north of Brighton has capacity for 160 cars. It is full to overflowing most weekends of the year with 480 cars visiting the car park in an hour during Easter Monday in 1997.

The support and involvement of local communities in managing access is increasingly important; the provision of facilities; the impact on local services; the issues of congestion are all factors that require local consultation and involvement. The Trust is improving its local consultation processes. We increasingly recognise the need to work with local communities and with our farm tenants in meeting the needs of access, realising the economic opportunities that countryside recreation can bring to communities, tenants and the Trust, as well as involving the local community in helping resolve conflicts of interest between user groups.

There will always be a need to be watchful of new recreational activities e.g. countryside coastering. As equipment, such as the mountain bike, becomes more sophisticated and skill levels rise then new variations of established recreational activities such as cycling and climbing emerge. These themselves can create new dilemmas both for the representative organisations and the site manager, e.g. bolted climbs on previously unbolted crags, which is linked to the development of sports climbing and the growth in indoor climbing walls.

The honeypot appeared to be pretty busy in 1945. The honeypot is as busy as ever with swarms that now come for longer, do a greater variety of activities, go further afield and being encouraged to do so. New swarms are also being encouraged to visit; the means of getting to the pot are changing with the development of public transport links. The local workers are ready to exploit the visiting swarms. The pot can continue to thrive and provide as part of the policies and programmes for a sustainable countryside; in fact the future of the countryside may become more dependent on the fortunes and influences of honeypots.

So what would I like to see?

- access and recreation being a force for good for the future well-being of the countryside;
- the access for all principle is upheld;
- new opportunities for countryside access are sought in closer partnership between user and provider;
- the rights of way network properly resourced and maintained as the principal means of access for walkers and horseriders, with further routes being developed for cyclists to enjoy safe and quiet roads where cycling can be promoted as leisure travel.
- free ranging access being secured to open country in a way that can be integrated with other land uses and interests.
- clear and real choices of modes of travel being developed to encourage new types of accessibility to the countryside.

*'Well we have had a pleasant trip, and my hearty thanks for it to old Father Thames -- but I think we did well to chuck it when we did. Here's to Three Men well out of a Boat!'*

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# INSTRUMENTS OF CHANGE - FUNDING COUNTRYSIDE ACCESS BY MAKING THE 'POLLUTERS' PAY.

*By Colin Beard, Sheffield Hallam University*

## **Introduction**

Financial instruments, rather than regulatory instruments, are often regarded as relatively easy mechanisms to apply as a tool to influence visitor behaviour. The idea of making polluters pay is a fundamental market principle espoused in government environmental policy. However access to the vast majority of British countryside at the point of use is, and has been, mostly free; by both tradition and practice. Pressure is being steadily exerted from governments to examine the possibility of generating revenue from countryside users; from informal access and from specific activities and facilities. The countryside is indeed a large recreational arena, but the management costs are currently perceived as not being provided by the consumers. However the public are already making some contribution towards access costs in their current taxes.

This paper is written as a follow up to the conference workshop in Buxton. The workshop was concerned with funding access work, and the sessions took a close look at such issues as who is the so called 'polluter', what should they pay, and for what purpose?

My brief as workshop facilitator was to focus on the theme of 'making the polluter pay' and the questions posed for me in my brief were:

- How do you get visitors to pay for management work needed to minimise visitor impact?
- How are economic charges used to influence people's activities?

## **Group process and facilitation**

The conference participants had many years of practical experience of countryside access issues, and had much to contribute to this debate. Participants were encouraged to question the assumptions that surround the notion that access to the countryside can be relatively easily treated as a 'commodity', to be manipulated by simple financial market forces, and thus facilitate the polluter payments.

This was a participative workshop with the group split into 4 teams. Each team was given a briefing sheet that contained a number of key questions as well as providing basic

underpinning knowledge. Teams chose to focus on a key question for discussion (e.g. who are the polluters? what is the nature of the pollution?) and presented their conclusions in a plenary session. Plenary notes were taken to support the development of this paper and many thanks go to the people who contributed. The main areas of discussion are summarised below:

As a group we were unsure as to the proportion of public taxes that are allocated towards access management costs. What we do know is that is likely to be small compared to the subsidisation or revenue losses from tax breaks given to other industries. At budget time for example we are a nation focused on the media interpretations of personal taxation rates, NHS charges, and the price of cigarettes, tobacco and drink. We have learnt to tolerate greater personal contributions to our dental care, our glasses and our prescriptions - so why not access to the countryside?

Charges for access can be seen as inequitable because of the discriminatory nature against, for example, poorer people, who are less able to enjoy their own countryside heritage. However some argue that given that the costs and benefits from countryside leisure activities are not equally distributed within the community at large, charging schemes may also offer mechanisms to redress the existing imbalance. The debate examined allocative efficiency and distributive justice.

In order to apply financial instruments to countryside access a functional 'market' is required. The workshop considered the principles of trade in this market and we asked ourselves:

- are we clear who the so called 'polluters' are?
- who are the key 'actors' in the market and what are the trading principles?
- why we want some people to pay and not others?
- how much does access management actually cost?
- who is going to pay and when?

What do we mean by access 'pollution' and who are the 'polluters'?

We examined what makes a person a 'polluter', and the nature of that pollution. We concluded that in fact everyone was a polluter, whether they be outdoor leisure equipment manufacturers or a local dogwalker. Polluters clearly include visitors, tourists and locals. The workshop brief included the phrase 'making visitors pay' but in many locations all people were visitors. We attempted to clarify what is meant by a 'visitor', or a 'tourist', or

a 'local' - and found it difficult to establish clear defining parameters. All the terms were associated with a greater or lesser degree of 'indigenous belonging'.

The term 'local' is usually interpreted as people living in an area, but many people may have worked in an area for many years but cannot reside in an area where designated status has elevated house prices and generated an element of exclusivity. Some landowners or financial institutions buy property for investment and do not reside at such locations and thus are sometimes perceived as dysfunctional 'locals'. The term 'user' might be more appropriate, but in general we felt that in future our definitions should be made clearer.

The group attempted to classify the nature of pollution and whether it was:

- physical pollution (natural or man made structures)
- cultural pollution
- visual pollution

In turn these could be considered as:

- permanent or temporary pollution
- direct or indirect to the location

The above six items allow us to form a grid or matrix to examine in more detail the nature of access 'pollution'.

Figure 1: Towards a simple classification of access pollution

	physical:man-made	physical: natural	visual	cultural
permanent				
temporary				
indirect				
direct				

Whilst quiet enjoyment of the countryside, particularly in the form of walking, was provided for in rights of way law, recreational access is a more 'fuzzy grey area'. It was felt that more research was needed on consumer demand and market provision. A number of individuals supported the view that some countryside research may be fundamentally flawed; it is frequently claimed that walking is the most 'popular' activity that most people enjoyed at sites simply because they were 'out walking'. Researchers have often made such erroneous conclusions and have failed to establish what participants might have preferred to do had they been offered a wider choice, or have not taken into account

the fact that in many locations walking is all that is allowed or tolerated. The group also felt that good economic data on the value of the outdoor leisure industries is scarce.

### **What are we making polluters pay for and who will profit from these access charges?**

To make the matter more complex in deciding who should charge or pay, whether it be visitor, tourist or locals, there is also a lack of market knowledge concerning who is consuming access, who is buying access and who is selling and who will profit from access? The categories are not always clear cut.

This lead to questions such as:

'Should those who profit from countryside access, as part of their portfolio of commercial 'products', also be asked to pay for associated maintenance or management costs? '

The full publicly funded costs for open access agreements with landowners are rarely published as they are deemed confidential, but it is well known that landowner agents argue for inclusive costs for maintenance when the price is agreed: these might include dry-stone wall repair or disturbance of stock for example. *So would the polluters, if asked to pay directly for access, be paying for this cost twice or even three times over?*

The group considered the guiding tenets used for example by the British Mountaineering Council in that they are in principle against paying for climbing but will pay for or contribute to goods and services or maintenance. It was felt that access, for quiet enjoyment of the countryside on rights of way or open access land, should in principle remain free and as of right, but that goods or services should be paid for, as should noisy and more formal forms of recreation or sport.

With rights also came responsibilities but in general, public money in the form of taxation, should continue to fund quiet informal recreation on public access land. The more commercial, organised, equipment intensive or noisy recreational activities were more difficult to form generalisations about with regard to paying and charging for access costs, but it was felt that such activities might be better left less regulated by market interventions.

The Countryside Commission in 1998 asked the government for £150 million over five years to fund the meeting of the National Rights of Way Targets. The government argue that rights of way costs are included in grants provided to Highway Authorities and the government are opposed to ring fencing parts of this for rights of way. The group considered

the comparatively preferential financial arrangements for other industries. Agriculture is an industry that is currently a heavily subsidised industry, requiring large sums of UK and European public funding. We considered for example the Petroleum Revenue Tax which allowed Shell to claim tax relief of 50-70% of the decommissioning costs of £12 million to dispose of the Brent Spar Oil Platform into the sea and that this burden falls largely on the taxpayer. These sums of money were compared to the government allocation of public funds towards contribution to the costs of running the National Parks, or to fund access. The political nature of distributing public taxation money meant that access might remain a low priority unless the importance of countryside access to people is better understood or promoted differently.

The political nature associated with decisions that governments make in allocating public funds are also demonstrated in Figure 1. below. Whatever the decision it can be seen to have different political perspective, so that perspective A might be perceived as more aligned with traditional Conservative views.

Figure 1: Some political perspectives on the funding of access.

<p>Political Perspective A</p> <p>When the landowner is contracted to manage access land and receives appropriate fees</p> <p>The landowner is compensated for site access</p> <p>The landowner is given management costs to support access</p> <p>Cross-compliance is used in funding schemes to gain land access</p> <p>Compulsory legal access agreements with compensation</p> <p>Landowners bear costs of maintaining legal access rights from their own profits from the land as a commodity</p> <p>Political Perspective B</p>
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In attempting to define the broader purpose of making polluters pay we can see that maintenance costs can also be variously used to:

- change behaviour
- generate capital investment funds
- generate profit
- allocate compensation

### Voluntary, public and private sector roles.

One option then might be to expect some access maintenance cost to be borne by industries selling a service or product that directly or indirectly profits from open access land or rights of way. If a horse riding club profits from bridleway usage then should the club contribute towards repair and maintenance? If an outdoor centre uses public access for activities then should they pay for its maintenance? Would this apply to charities? If the Royal Society for the Protection of Birds (R.S.P.B.) profits from nature that they do not own i.e. rare birds such as the Red Kite or Osprey, what proportion of money should be fed back into the maintenance of public access that is used to direct and draw so many people, members and non-members, to the area to see such natural phenomena and spend money on R.S.P.B. services and facilities? If the 'Bridlington Belle' makes money from boat trips to sea to view the R.S.P.B. puffins, and profits from the sale of goods on board, should the private owners return a percentage of funds to the protection of the resource and the access to it? Researchers in Canada for example report that around 17,000 birdwatchers visit the Point Pelee National Park to see the spring migration providing a revenue estimated at \$6.3 million in 1987. So should the visitors spend more to pay for access to Point Pelee or should the people who profit from Point Pelee visitors contribute towards access management? This serves to highlight the need for clarity of the roles and functions of the key actors in the access market.

### Profit, incentives and disincentives

In 1995 research suggested that the total revenue from car parks linked to countryside access is estimated to be between £500,000 and £750,000, but much is absorbed in capital costs, collection costs and maintenance. However in the early 90's it is known that the Lake District National Park alone received an income of £200,000 from car parking as a result of people arriving to see the natural and non-natural attractions. The Peak National Park has a voluntary donations ticket machine next to the car park ticket machine in some places and so accesses two sources of funding. But many workshop participants told stories of National Parks and other local government agencies being penalised by a subsequent reduction in national government funding when they demonstrate their own entrepreneurial initiative. Public sector organisations continually seek to emulate many private sector practices in terms of efficiency gains and effectiveness indicators, but the public sector has trouble in recognising and distributing the key incentives and disincentives that underpin the private sector market functions.

### How much will it cost?

Value for money and best practice, competitive tendering and other initiatives now demand transparency in the market. So do we need to know how much we pay per foot of footpath? No one really seems to know the answer at present; 'footpath value' was a difficult debate. Current payment rates under the Countryside Stewardship Scheme are 15p per metre per year for footpaths, 30p per metre per year for bridleways and a £150 per year base payment for each agreement. The agreements run for 10 years. On a more local basis a 1991 promotional video by Buckinghamshire County Council engineers department refers to a figure of 30p per head spent on rights of way compared to £7 per year on urban parks. At a national level, the Countryside Commission estimated in 1990-91 that local authorities spent £26.5 million on rights of way in England and Wales; the equivalent of 66p per head of population. That same year local authorities spent £388 million (£9.66 per head) on swimming pools and sports centres and £502 million (£15.50 per head) on parks and open spaces. Some participants argued that it is futile to try to cost footpaths as the variables are considerable; others disagreed suggesting that if we do not cost the product or service how can we determine the charge to the polluter?

### So how could funds be collected?

The merits and disadvantages of car park charges, taxes, and voluntary donations were discussed and the session examined the roles played out by many of the market stakeholders such as the Countryside Commission, National Park Authorities, voluntary/charitable organisations, rights of way officers, and landowners. Collection mechanisms were classified into direct (e.g. for a specific activity) or indirect charging (e.g. car parking) and into:

- Taxation
- Commercial charges
- Permits
- Extra levies
- Subsidies
- Tax exemptions
- Voluntary donations
- Voluntary opt out

People expressed concerns over the possibilities of access pollution being paid for by multiple payment by some consumers: double or triple payments could be possible. We also considered the differing commercial benefits that are accrued by public, private and

voluntary sector organisations from direct or indirect access usage. As polluters, should charities be treated differentially in terms of their contribution towards access maintenance? Our belief was that any chosen solution will depend on political alignments.

## Conclusion

In conclusion there is a need to recognise the political dimension associated with decisions to use any financial market intervention as an instrument of change. We were concerned that there might be duplication of payments towards access costs and felt that allocative efficiency and distributive justice were key tenets. We were not highly influenced by the degree of indigenous belonging in terms of assessing who the polluters were: polluters included both direct and indirect users. There was a clear desire to hold onto other tenets, rights and policies that offered the continuing central public taxation support of quiet informal recreational, though this term had ambiguity. On the other hand more intensive commercial sports might be left to the ravages of the less regulated market. The differing roles of public, private and voluntary sectors in using and managing access were highlighted and we questioned their relationship with and interpretation of 'profit', and their use of market incentives and disincentives. The influence of the significantly dysfunctional nature of the agricultural markets on countryside access was also noted.

We felt that we do need more data on the outdoor leisure industry and that hasty decisions regarding the direct charging of 'polluters' for access, might later prove to be an error of judgement. Market trading principles, we concluded, are in need of clarification so as to guide any future best practice.

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# THE IMPACT OF RECREATIONAL TRAVEL IN THE COUNTRYSIDE

*By Colin Speakman,  
Transport for Leisure*

## Environmental Impacts

Leisure travel to and within the countryside has a significant impact on the environment and those who live there. All forms of transport – whether car, bus, coach, train, foot, cycle – have an environmental impact. But by far the largest in terms of countryside recreation is the private car. Around 85% of all leisure journeys in the countryside (91% in most National Parks<sup>1</sup>) are by private car.

The environmental impact of cars, whether stationary or being driven, are the single greatest negative impact of recreation in the countryside. This encompasses the following:

- visual impact of parked and moving vehicles on otherwise unspoiled landscapes, villages and towns;
- noise and loss of tranquility;
- danger to other road users, especially to vulnerable road users such as walkers, cyclists and horse riders, as well as wildlife;
- congestion and disruption; and
- the impact of poisonous emissions, resulting in acid rain, ground level ozone and greenhouse gases.

It is wrong to dismiss such impact as insignificant. Leisure journeys may be longer and at faster speeds than many commuter trips, and form part of a car dependent lifestyle which is now a major threat to the rural environment. A 100km car journey, in a 1.6 litre family car, in typical mixed driving conditions (eg a trip from Manchester to the Peak District) produces 15.8g of carbon dioxides, 944g of carbon monoxide, 230g of nitrogen oxides, 150g of volatile organic compounds<sup>2</sup>, the latter two combining to produce ground level ozones and acid rain. Both have impacts on health – for drivers and non drivers alike.

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<sup>1</sup> Countryside Commission (1996) *Visitors to National Parks* Countryside Commission, Cheltenham

<sup>2</sup> Howard, D. (1992) in *Countrygoer News* 2.

Though forecasts of traffic growth made in the late 1980s to justify the road programme have been scaled down, predicted growth in rural areas is still a massive 65% by 2031, though at least one leading traffic forecaster has suggested leisure traffic may grow far faster than this<sup>3</sup>. Growth in traffic pollution is now the fastest source of production of greenhouse and other gases in the UK atmosphere, and a major source of concern to the Royal Commission on Environmental Pollution, who in their two recent reports on Transport and the Environment in 1994 and 1997, have urged fundamental changes in how we travel.

In particular the Royal Commission suggest the need for everyone, at some time in their lives, to change their lifestyles:

*Changes in lifestyle have an important role to play in creating a sustainable transport system for the UK. They need to embrace not only greater resort to walking and cycling, but far-reaching changes in the way people perceive and use other modes of transport. New lifestyles cannot be imposed by governments. It is not likely they could be brought about solely by education or persuasion, or by other promotional methods, on a sufficient scale to resolve the present basic dilemma of present transport policies. Greener lifestyles will have to spread over a period of time. They will have more appeal to people at certain periods of their lives, and may be taken up more readily in some areas of the country than others. Their eventual success will depend on the action taken by central and local government to provide frameworks within which individual choices can be exercised in an environmentally responsible way.<sup>4</sup>*

"Frameworks within which individual choices can be made" is also a core concept of the Transport White Paper A New Deal for Transport: Better for Everyone (cm 3950). The keynote of the White Paper is Partnership and it offers a number of proposals and action points at a national, regional, local and personal level which are relevant to everyone here today. Key issues include reducing social exclusion by better funding for local bus and train services, preparing and implementing local Transport Plans in ways which reflect the Government's new priorities and regional transport strategies, integrating transport services with other services such as health, education and social welfare.

Countryside recreation provision is one such service which is also a major generator of traffic. Even seemingly benign activities such as walking and cycling have an impact and can generate traffic, especially if the car is used by walkers and cyclists to access

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<sup>3</sup> Goodwin, P. (1997) *Proceedings to the Rural Traffic Getting it Right Conference*, Countryside Commission, Barbican Centre, October 1997.

<sup>4</sup> Royal Commission on Environmental Pollution (1994) *18th Report: Transport and the Environment* (par 6.43), HMSO.

the countryside. A recent environmental impact study of the Camel Trail in Cornwall, suggested that 81% of users arrive by car, generating 769 car journeys per day<sup>5</sup>.

### Changing the culture

The car culture, a way of life built around the constant, immediate availability of the private car, is part of the reality of a majority of people living in both rural and urban Britain in the late 20th century. This has profound social, economic and environmental consequences, not fully understood, and partly explains why those who are car dependent often fail to perceive the damage to themselves and to the well-being others, as well as the wider environment, their addiction causes. This is explored in some detail, in a cultural and historic context, by Mark Liniado in his paper *Car Culture and Countryside Change*.<sup>6</sup>

There is no one simple solution to the problems of recreational traffic in the countryside, rather than a series of solutions which depend, as the Royal Commission and the White Paper clearly suggest, on a fundamental change of culture.

First is better traffic management, reducing the speed and volume of private car traffic in the countryside – that of local people as well as visitors – using engineering and psychological techniques such as traffic calming, gateways and police cameras. Park and ride schemes, with parking controls and pricing mechanisms which can both alter behaviour and at the same time raise funds to pay for the costs of management and of alternative transport. At the same time those green travel alternatives, walking, cycling and public transport – those "frameworks of choice" – need to be firmly in place.

### Experiment -- and sharing experience

What is needed is constant experiment, and the development of new ideas and best practice, in terms of imaginative, well-marketed public transport projects that offer real choice. Truly integrated bus and rail schemes which are no more expensive than the marginal cost of using a car, and actually offer more choice in terms of linear walks, access to safe cycling and walking routes need to be developed and effectively promoted.

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<sup>5</sup> TR&IN (1998) *Environmental Assessment Study for the Bodmin and Wenford Railway*, TR&IN, Huddersfield.

<sup>6</sup> Liniado, M. (1996) *Car Culture and Countryside Change* The National Trust, Cirencester.

Britain and indeed mainland Europe, have some outstanding examples of imaginative schemes which are now beginning to make a challenge and to change the car culture. National Parks, those "Greenprints for the Future" as Malcolm MacEwan so graphically described them<sup>7</sup>, are testbeds for this new thinking, as should every one of our AONBs, Heritage Coasts, Community Forests, and even Country Parks.

You can see outstanding examples of the new car-free thinking in The Peak District, the Lake District, the North York Moors, Dartmoor, Brecon Beacons and elsewhere. The same is true in many mainland European countries such as Germany and Holland, and even former Eastern block countries such as the Czech Republic and Poland.

Everyone in countryside management needs to work closely with their colleagues in local authority highway, transport and tourism departments to achieve common goals. Rather than constantly re-inventing the sustainable recreational transport wheel, we also need, on a national and international -- especially European -- level to share ideas, experience and best practice, learn from success, and avoid the pitfalls suffered by others. It's a gradual process, but the countryside, where most people first become aware of the major environmental threats that face our civilisation, is in the front line of this process of change.

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<sup>7</sup> MacEwan, A. and MacEwan, M. (1987) *Greenprints for the Countryside: the story of Britain's National Parks* Allen & Unwin, London.

# RECREATION AND THE NATURE EXPERIENCE IN OUR TOWNS

*By Nick Radford, English Nature*

## Introduction

Urban and urban fringe areas contain a variety of accessible natural greenspaces with significant wildlife value. Some of the best sites hold wildlife of national or international importance. However, recreational demand is often highest in areas near to where people live and work. This workshop sought to describe the urban wildlife resource and then examined some of the recreational demands and pressures on urban greenspace. Finally, techniques for avoiding or reducing possible conflicts were discussed.

## What do we mean by accessible natural greenspace

English Nature has the following definition of accessible natural greenspaces in urban areas.

*"Land, water and geological features which have been naturally colonised by plants and animals and which are accessible on foot to large numbers of residents".*

There are four main types of greenspaces in urban areas.

- remnants of natural systems (woods, lakes, rivers);
- agricultural land (arable land, pastures, hedges);
- private gardens and public parks;
- habitats which develop on disused urban and industrial sites.

The true wildlife value of these sites is only now being fully appreciated. They are particularly important, ecologically, for the following reasons:

- urban areas are often less affected by agricultural intensification (e.g. chemical use and the loss of structural variety such as hedgerows and wetland);
- continuing habitat loss in the wider countryside means that urban sites are becoming comparatively more important;

- urban sites are still under-recorded and under-researched;
- urban sites can contain unique assemblages of species;
- the influence of urbanisation on wildlife will become even more significant, in the long term;
- urban wildlife sites can make a large contribution to local distinctiveness, assemblages of plants and animals are often linked to an area's cultural or economic history.

The habitats which develop spontaneously on disused urban and industrial sites are often of the most interest to ecologists. These 'urban commons' also have wider appeal as areas of colour, change and unpredictability in an otherwise sterile landscape. These habitats, which include tipped land, railway sidings, quarries and even buildings and hard surfaces, offer great opportunities to illustrate and explain ecological complexities such as succession and colonisation.

Why should we concern ourselves with providing accessible natural greenspaces in urban areas?

- a. Central government guidance (PPG9, 1994) clearly highlights the importance of urban wildlife sites and suggests they should be given weight in the land use planning process.

*"Many urban sites for nature conservation have an enhanced local importance as a consequence of the relative lack of wildlife sites in built-up areas".*

*"Many sites of local nature conservation importance are given designations by local authorities and by local conservation organisations. These sites are important to local communities, often affording people the only opportunity of direct contact with nature, especially in urban areas".*

Most local authorities are already acting on this advice through programmes such as site designation (e.g. Local Nature Reserve), the production of Local Biodiversity Action Plans and the identification and protection of 'green corridors' through built up areas.

- b. Everyday contact with nature is important for well being and quality of life. Research undertaken for English Nature (Rohde and Kendle, 1994) concluded that there is scientific evidence that contact with nature can enhance human

well-being through the five areas of psychological functioning which were experienced: emotion, cognition, behaviour, development and social interaction.

- c. It was felt that everyone should be able to enjoy regular contact with nature, in safety, and without having to make any special effort or journey to do so. 90% of our population live in towns or cities and for many people – particularly the old and very young – urban sites may provide their only contact with the natural world.

Many factors influence the amount of use a site gets. Distance from home is one, but if people are cut off from a site by a busy road, for example, or if they feel uncomfortable using it, then it is not 'accessible'. Site managers must consider the needs of the whole community. User groups might include mothers with toddlers, old people or people feeling threatened by racial abuse amongst many others.

- d. As explained previously urban and urban fringe greenspace can make a significant contribution to biodiversity.
- e. A wide variety of subjects from the national curriculum can be linked with outdoor study. Sites within easy reach of schools can be used for outings and various types of field study.
- f. Through the fostering of an appreciation of nature on people's doorsteps, popular political backing is created for the positive conservation of wildlife habitats everywhere else. It is only through regular contact with nature that it can be made relevant to people's lives.

#### What do people want from natural greenspace in urban areas

Many people are ambivalent about nature and wildlife habitats. Others have particular needs or requirements which may conflict with other potential site users. To complicate matters further the various objectives of those who may loosely be described as 'providers' of urban natural greenspace are again varied and diverse.

An initial attempt at identifying some 'user' and 'provider' groups along with their particular requirements or objectives was made. This was seen as a useful step in developing a more strategic approach to provision of natural greenspace.

## PROVIDERS

conservationists  
planners  
land owners  
tenants  
agencies  
local authorities

## USERS

sports clubs  
conservationists  
dog walkers  
bird watchers  
anglers  
schools  
motorbikers  
old people  
young people  
parents  
allotment holders  
wildlife  
disabled groups  
ethnic groups

The 'needs' of just two potential user groups were examined.

### CHILDREN

wilderness  
climbing facilities  
water and trees  
freedom  
self discovery  
physical challenge  
fun  
something to excite the imagination

### PARENTS

safety  
lack of dogs  
dog walking  
high visibility  
clean  
peace and quiet  
refreshments  
staff/wardens  
seating

We went on to examine the possible objectives of a local authority as a provider of natural greenspace.

- low cost maintenance
- health and safety
- value for money
- biodiversity
- part of green link/wedge or corridor

The exercise clearly illustrated the many, varied and sometimes contradictory needs of different interest groups.

This immediately suggested that a variety of provision is required including perhaps dedicated play areas, nature reserves and fostering a generally held perception that the site is being cared for in some way (managed neglect?). Some of the objectives could be achieved through zonation of the site – both in space and time.

**English Nature's targets for the provision of accessible natural greenspace in urban areas**

*English Nature recommends that people living in towns and cities should have:*

- an accessible natural greenspace less than 300 metres (in a straight line) from home;
- Statutory Local Nature Reserves provided at a minimum level of one hectare per thousand population;
- at least one accessible 20 hectare site within 2 kilometres of home; one accessible 100 hectare site within 5 kilometres of home; and one accessible 500 hectare site within 10 kilometres of home.

In some areas this will be hard to achieve in the short term, but it should be a long term aim.

These targets are based on the findings of English Nature research (Harrison *et al.* 1995). The reports recommendation that all patches of greenspace should be surveyed and that the definition is all inclusive are departures for the norm as far as open space planning goes. The 300m distance is based as normal, healthy adult behaviour. Very little work has been done on children's actual range behaviour although evidence suggests that this has contracted over the past 15 years probably due to fears over crime and traffic. It should be remembered that different social groups have different expectations placed on them. For example, adult women almost always feel the need to visit greenspace in company and as a consequence of racial harassment it is reported that a single family group is no longer felt to be a safe sized unit.

**The potential disadvantages to wildlife from increased recreational pressure.**

- a. Disturbance to fauna, especially birds.
- b. Erosion of soil and trampling of sensitive and fragile vegetation along 'desire lines'.
- c. Increased risk of fire and vandalism.
- d. More opportunities for people to carry out damaging activities such as the removal of wild plants, wild bird eggs, fossils and specimens.

- e. A reluctance by owner/occupiers to graze land owing to walkers' dogs not being under sufficient control, leading to disruption or abandonment of necessary forms of land management.
- f. Inadvertent damage to/removal of old trees by owner/occupiers concerned about health and safety implications.

**Possible ways of reducing the negative impacts of increased recreation.**

a. Getting people to care more for their local sites through a programme of community involvement is usually an essential part of a successful project. This is a large and complex area of work but tried and tested techniques for getting locals more involved include the following:

- consultation exercises;
- running events such as tree dressing, arts and crafts, drama projects, creation of murals and site surveys;
- providing guided walks, leaflets and signs;
- employing local wardens;
- explaining wider environmental benefits of natural greenspace (e.g. better air quality); and
- making sites safe, attractive and fun to visit.
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b. Zonation through space and time has already been mentioned. For example on urban waterbodies sailing could be limited to less sensitive parts of the site or, perhaps to the summer months if the wildlife interest is for wintering birds.

It is important that more people are encouraged to use, cherish and enjoy their local natural greenspaces. Among the possible benefits of doing so is the chance of reducing visitor pressure on 'honeypot' or sensitive sites. Research has shown that one of the main reasons people feel uncomfortable using greenspaces is often an unfounded fear of crime.

To end the workshop some techniques for reducing crime and the fear of crime were listed:

- increased wardening;
- giving the site a cared for, 'managed' appearance;
- repairing vandalism and removing graffiti immediately;
- reducing the opportunities for vandalism;
- reporting positive stories in media;
- reduce entrapment spots/ improving sitelines; and
- improving lighting.

## Conclusion

There is no substitute for experiencing the real thing. If nature conservation is to be a relevant and important part of people's lives, there must be opportunities for everyone to have regular contact with wildlife and natural habitats.

Accessible natural greenspace in our towns can provide some of these opportunities. While too much visitor pressure can result in damage to the very things we are trying to conserve, many habitats are surprisingly resilient. With just a little management quite small areas of greenspace can provide a range of wildlife experiences and valuable education possibilities.

Finally, environmentalists must always remember that they need the involvement, action and support of as many people as possible if conservation is to succeed.

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