

Natural England Open Access Annual Monitoring Report 2006



This is the first Annual Monitoring Report on the effect of the new public open access rights that came into effect in 2004 and 2005 under the Countryside and Rights of Way Act 2000 (CROW). These rights typically allow people to walk freely over areas of registered common land or open country (mountain, moor, heath or down).

Although the Act made provision for local restrictions on access where necessary, the Report shows that at most times of year, 99% of eligible land remains open for public use. Despite linear rights of way being a more familiar way to enjoy the countryside, two thirds of the visitors to this land had heard of open access rights.

The report summarises a series of studies undertaken under this monitoring programme, and sets a baseline against which the findings of future monitoring work can be compared.

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1. Introduction

This is the first Natural England Annual Monitoring Report on Open Access. The report summarises the main findings of the National Open Access Monitoring Programme for the calendar year of 2006. The 2006 data is a baseline for future years' reports.

The implementation of Part 1 of the Countryside and Rights of Way Act 2000 (CROW) created with effect from 2004/5 new public rights of open access over mapped areas of registered common land and open country (mountain, moor, heath and down) throughout England. Natural England (and previously The Countryside Agency) set up a National Open Access Monitoring Programme to help identify the level of take up, use and impacts of these new rights.

This National Programme will:

- allow changes over time in use of the new rights, and in patterns and levels of recreational activity, to be monitored;
- develop strategies for tracking the use of the new rights over the longer term;
- encourage local monitoring, by demonstrating best practice;
- provide early warning of any potential adverse impacts, so that suitable access management measures can be put in place; and
- help inform future guidance to land managers, user groups, access authorities and other interested parties.

2. Implementation of CROW Part 1

The new access rights were introduced under a phased regional rollout between September 2004 and October 2005. In total, there are now over a million hectares of open access land in England where people are not confined to public rights of way. Of this one million hectares:

- Over 200,000 hectares is 'section 15 land', where the public already had a right of access prior to CROW, often including 'higher rights' such as horse-riding.
- Well over half of the area falls within Sites of Special Scientific Interest (SSSIs).
- Almost 150, 000 has been voluntarily dedicated by the Forestry Commission and other landowners permanent open access.

These new rights are subject to a range of national conditions of use under CROW Schedule 2. For example dogs must be kept on a short fixed lead during the breeding bird season (1st March – 31st July), and in the vicinity of livestock. Certain areas also have local exclusions or restrictions for nature conservation, land management, fire prevention, public safety or other reasons. But most access land is open to the public for all or most of the time.

Details of the location of CROW access land and whether there are any restrictions in place are displayed on the www.countrysideaccess.gov.uk website.

3. Natural England's National Monitoring Programme

The National Open Access Monitoring Programme contains the following elements:

- National On Site Visitor Monitoring Survey
- Local On Site Visitor Monitoring
- Upland Breeding Bird Survey
- Land Manager Survey
- Monitoring Statutory Restrictions

We summarise below the findings from each of these, and in addition relevant findings from the England Leisure Visits Survey. This is not formally part of the Open Access Monitoring Programme, but included in 2005 an Open Access Booster Survey.

3.1 National On Site Visitor Monitoring Survey

The National On Site Visitor Survey was originally developed and piloted in 2005. Based on the recommendations from that pilot study, the national 3 year Survey commenced in 2006.

The main objectives of the Survey are to gain a better understanding of:

- who is visiting access land;
- the use, and changes in levels and patterns of use, of access land;
- visitor awareness of their new CROW rights and responsibilities;
- visitor behaviour;
- visitor satisfaction and experience;
- the potential impacts on sites with nature conservation value;
- the effectiveness of different forms of statutory restriction; and
- the effectiveness of the Access Management Grant Scheme (AMGS);

The Survey covered 32 open access sites. 26 were chosen by a stratified random sampling approach, and a further 6 selected for specific nature conservation or land management reasons. This Survey does not include sites within National Parks (see Section 3.3: Monitoring within National Parks). The fieldwork was undertaken in the summer months of 2006, to coincide with the main walking season and the end of the breeding bird season.

The Survey method was by interview questionnaire and direct observation. There was an average of 3 survey days' effort per site, typically weekend days to maximise the interview rate. Interviews were mainly focused at entry points to access land. Observations were taken at 30 minute intervals throughout the day.

Completion of Year One (2006) has confirmed that the survey methodology is fit for purpose. A sufficiently large sample of data was collected to allow visitors to be profiled and the interview and observation data has shown the patterns of use on open access land. A review exercise has recommended some technical improvements for subsequent years, including boosting interview numbers on new areas of CROW access land, and on larger busier sites.

Summary of key findings from National On-Site Visitor Monitoring Survey 2006

1. Information about the visitor

- There were four main types of users visiting CROW access land:
 - **serious walkers** - likely to be new visitors to large remote upland sites, travelling more than 10 miles to the site in groups of 2 or more;
 - **amblers** – typically travelling more than 10 miles to rural sites, staying less than 2 hours and in groups of 2 or more;
 - **dog walkers**¹ – as likely to be alone as in a group, visiting small or medium urban, lowland sites, weekly or more often, staying for less than 1 hour, and travelling less than 2 miles in order to exercise their dog; and
 - **other users** (non-walkers) – prime reason for being at the site was to do something other than walk (e.g. picnic, sight seeing), typically visiting large or medium upland remote sites, in groups of 2 or more and staying for less than one hour.
- The data shows that those visiting open access land are more likely to be male, older/retired, white and in good general health than the general population of England:

¹ Other types of user were sometimes accompanied by a dog, but dog walking was not their prime reason for visiting the site.

- male visitors : two-thirds of users, compared with 48% of general population;
- aged 55+: 46% of users, compared with a third of general population;
- retired: 28% of users, compared with 14% of general population;
- white: 99.3% of users, compared with 91% of general population;
- people with a limiting long term illness: 7% of users, compared with 18% of general population.

This demographic profile is broadly consistent with that found in other countryside visitor surveys, and is similar regardless of the site characteristics.

- 31% of the visitors surveyed were amblers and 31% were dog walkers. Serious walkers and other users each made up 19% of the visitors surveyed.
- Dog walkers visited the survey sites more frequently than other visitor types.

2. Levels and patterns of use

- The sites which received the highest number of visitors were those:
 - with access prior to CROW commencement (eg section 15 land);
 - with attractive features e.g. views, attractive scenery, landscape, pleasant area, and/or wildlife interest
 - with close proximity to populated areas.



Canford Heath – Dorset



Bowland Fells – Lancashire

- Some two-fifths of visitors stayed entirely on public rights of way during their visit. There were no significant demographic differences between those who went off rights of way and those who stayed on them.
- A visitor index was used to measure how access patterns differed on sites with new CROW rights, sites where access was previously tolerated, and sites that had existing access rights prior to CROW commencement:
 - The 'Average visitor index' column indicates whether the site is heavily visited or not: the higher the index number, the heavier the use.
 - The 'Open access index' column indicates whether visitors walked off public rights of way or not: the higher the index number, the less they kept to public rights of way.

Type of site	Average visitor index	Open access index
New CROW access land	1.0	1.6
Access previously tolerated	2.0	4.0
Rights prior to CROW commencement	2.7	3.0

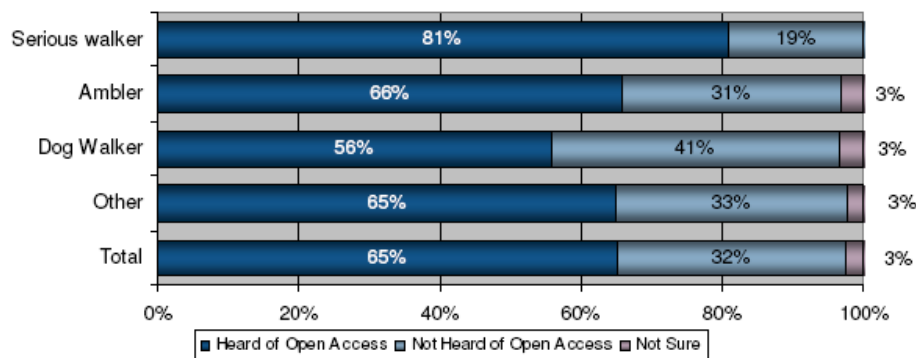
(Index range used in each case: 1 to 5)

- The table suggests that although people were using the right of open access in 2006, shortly after commencement, this was more likely to happen on land where access had previously been tolerated than on either areas where there was a completely new right, or areas where there had been rights prior to CROW commencement.

3. Visitor awareness of the new right of access

- Overall, almost two thirds of visitors interviewed had heard of “open access”. This varied between those who were serious walkers (81%) and dog walkers (56%).

Fig: 1 Awareness of Open Access



Question 3.1 Have you heard of Open Access? Base: All respondents (449 with response)

- But not all of those recognising the term associated it with the recent change in legislation.
- Three quarters of visitors to open access land had prior knowledge of the site. A further 13% had heard of it by word of mouth, from family or friends. The percentage of people finding out about a site by other means – including leaflets, maps, or websites - was extremely low.
- Only 44% of those interviewed thought that further **information** would have been useful prior to their visit. Their limited preferences were for:
 - printed maps (22%)
 - local path signage (22%)
 - interpretation boards/maps on site, in relation to wildlife and history of the site (17%)
 - printed guides or route information (13%)
 - online maps (10%)
- The type of **publicity** they thought might be most useful in influencing their future visits to access land was local newspapers, quoted by 36% of those interviewed – followed by the internet (7%), and national TV, local TV and the national press (5% each).

4. Visitor behaviour on site

- Over a third of the visitors interviewed were accompanied by one or more dogs – though for serious walkers the figure was only one in five. The Survey asked these people what were the issues to be aware of when walking a dog in the countryside. Almost two-thirds mentioned either controlling the dog, or picking up dog faeces after it. Half mentioned risks to other people, to livestock, or to wildlife/birds – though this proportion was closer to two-thirds among the serious walkers.
- The Survey also tested why they brought their dog to the site. Almost half gave the reason that they were able to let it run off the lead, though only around one in five of all the dogs

observed was roaming freely away from public rights of way.

5. Visitor satisfaction and experience of use

- The ability to reach the site was considered good or very good by 80% of visitors to open access land. Of those who experienced difficulty, almost half cited lack of clear signage as the main issue. 14% mentioned lack of suitable crossing points in walls or fences.
- The vast majority (95%) of visitors were satisfied with their visit to open access land - 71% very satisfied. Serious walkers were most likely, and dog walkers least likely, to be very satisfied.

3.2 Local On Site Visitor Monitoring

3.2.1 The Monitoring Toolkit

To complement the National On site Visitor Survey, Natural England developed a Monitoring Toolkit for local partner organisations to use as a basis for capturing visitor information on access land at the local site level.

This monitoring approach has been designed to be fully compatible with the national survey. The information gathered will help provide a better understanding of key issues, such as whether positive access management techniques have been successful in managing possible conflicts on sites with nature conservation, public safety or land management concerns, and how the role of statutory restrictions has complemented such management in appropriate cases.

Natural England is working closely with National Parks and local access authorities (county councils and equivalent) to adopt this consistent approach to monitoring on open access land. Funding and training for access authorities is being made available in 2007/08 through Natural England's Access Management Grant Scheme (AMGS) to help them to integrate this monitoring work within existing ranger or volunteer warden services.

Ten access authorities have bid to use the toolkit in 2007, including the following projects:

- The North Pennines AONB is coordinating an integrated monitoring survey of the whole AONB in partnership with Cumbria, Durham and Northumberland County Councils.
- Dorset County Council is carrying out a similar partnership project, working with the Dorset Urban Heaths Project.

Natural England will collate the results from such initiatives and combine them with the results of the National On Site Visitor Monitoring Survey, to boost the sample size and further improve understanding of public use of open access land. The first information will be available for inclusion in the 2007 Monitoring Report, to be published in 2008..

3.2.2 Local on-site monitoring to assess any CROW impacts on nature conservation sites

A Nature Conservation Assessment and Review Process (NCARP) was developed and implemented prior to the commencement of CROW to assess the potential impact of the new rights of access on wildlife and biodiversity. The process focused particularly on designated sites with newly mapped access land. The joint aim of English Nature and the Countryside Agency under this process was to identify and implement the least restrictive option in access terms, while enabling the relevant authority to decide on the cases where some type of legal restriction of the CROW access rights was necessary in order to protect important wildlife or habitats.

In its role as CROW relevant authority for all of England outside the national parks², Natural England is currently reviewing the decisions taken during that original process in order to ensure that the restrictions or positive access management put in place then are still appropriate and adequate to protect the species or habitat in question.

A methodology has been developed for this review process, and will include collecting valuable information on any impacts which have occurred on nature conservation sites since the access rights came into force, particularly in relation to any changes in levels or patterns of access use arising from their introduction.

The local on site Visitor Monitoring Toolkit has also been designed to help inform this process. The results will allow relevant authorities to understand whether the present mix of positive access management and statutory restrictions is proving effective in protecting important nature conservation sites.

3.2.3 Local On-site Monitoring by Other Relevant Authorities

Many national park authorities have their own visitor monitoring programmes. To avoid duplication, the Natural England National On-Site Visitor Monitoring Survey has focused on land outside of the National Parks. The following is a brief summary of current open access monitoring activity by other relevant authorities:

Yorkshire Dales National Park Authority has carried out detailed visitor monitoring on open access land since 2005, giving good baseline data as the basis for future monitoring.

The New Forest National Park Authority has not carried out monitoring because there is very little new open access land. The land mapped under CROW is largely common land that was already subject to open access rights - often with higher rights than walking, such as horse riding.

The Peak District National Park Authority has not carried out any visitor monitoring to date.

The Lake District National Park Authority commissioned a telephone survey of landowners and tenants which found that 97% of respondents were aware of the CROW rights, and approximately a fifth have actively sought advice on the subject from the National Park. The National Park is to begin surveys of visitors to key open access land sites, using the Monitoring Toolkit, in 2007.

Northumberland National Park Authority has used volunteers to carry out informal monitoring of visitors with dogs on access land and visitor use on SSSI sites identified as potentially being at risk. A more formal visitor survey is being carried out in 2007 across the whole of the National Park.

Exmoor National Park Authority carried out monitoring in 2006 on 4 key sites where English Nature was concerned about dogs disturbing ground nesting birds, particularly snipe. The survey indicated that there was no need for closures. Exmoor National Park Authority hopes to use the same methodology in 2008, to find out if the situation has changed.

Dartmoor National Park Authority carried out observation monitoring at 15 sites where potential nature conservation concerns were identified. The monitoring has now been reduced to just two sites where there are restrictions in place. The Park is potentially going to adopt the use of the Monitoring Toolkit in future monitoring activity.

The North York Moors National Park Authority has undertaken some monitoring of open access use, especially in the first year after commencement. They used a standard proforma to report sightings of people using open access and the presence and behaviour of dogs. The observations

² The Forestry Commission is normally the relevant authority for any areas of woodland subject to CROW access rights – usually land voluntarily dedicated by its owner.

were carried out by voluntary wardens and national park staff, with moorland gamekeepers also encouraged to submit observations. The Authority is considering using the monitoring toolkit in 2008.

Visitor monitoring on Forestry Commission sites

The Forestry Commission undertake extensive visitor monitoring on their sites. Information about this can be viewed at: <http://www.forestry.gov.uk/forestry/kiirn-5ldhc7>

The Forestry Commission in Wales is considering using the monitoring toolkit.

3.3 Upland Breeding Bird Survey

The Upland Breeding Bird Survey (UBBS) is an extension to the national volunteer-based Breeding Bird Survey (BBS) coordinated by the British Trust for Ornithology (BTO) since 1994. The aim of the UBBS is to monitor whether the introduction of the CROW rights has any influence on upland breeding bird populations. Monitoring the populations of particular bird species provides a good indicator of general environmental condition of the landscape and its constituent habitats.

Upland areas were chosen for enhanced study because the existing baseline data over the previous ten years was much more extensive for these areas. The extension in coverage was decided upon in order to be certain of detecting any significant bird population changes.

A successful pilot UBBS project was developed with BTO in 2006 that extended the coverage of the existing BBS onto new areas of upland CROW access land and more than doubled the existing BBS coverage on upland access land.

During the pilot survey it became clear that the research had similar monitoring aims to another Natural England project to monitor upland breeding birds across the UK's Special Protection Areas (SPAs). In order to avoid duplication it was decided that the two areas of work should be fully integrated for the first full scale survey in 2007. The survey now forms a substantial element of the Action for Birds in England programme funded jointly by RSPB and Natural England. The intention is to conduct annual monitoring on these sites.

It has been designed to be a full integrated survey to meet the following objectives:

- to develop an 'upland bird index' which will contribute to reporting on the condition of designated sites meeting favourable condition;
- to identify any early signs of significant impacts arising from open access; and
- potentially to be used in the future to assess the success of agri-environment schemes.

The first full scale UBBS has now been completed for 2007: surveys were undertaken between April and June, and analysis is underway. The results will be incorporated in the Open Access Access Annual Monitoring Report 2007 to be published in 2008.

A key recommendation from the pilot is to develop a visitor monitoring plan to align visitor monitoring to the UBBS. Linking the findings of this survey to monitoring of visitor patterns will help to ensure that any significant changes in bird populations can be correlated with the public access position, and that further investigation into any linkages can then be conducted and, if necessary, appropriate measures developed to manage access.

3.4 Land Manager Survey (planned from 2008)

Work will begin during 2008-09 on a Land Manager Survey to:

- monitor and identify specific impacts on land managers and owners as a result of CROW;

- track changes in awareness and understanding of the new access arrangements; and
- keep track of changing attitudes towards public access.

3.5 Monitoring Statutory Restrictions

As indicated at the start of this Report:

- the new access rights are subject to a range of national conditions of use, for example those under CROW schedule 2; and
- certain areas also have local exclusions or restrictions for nature conservation, land management, fire prevention, public safety or other reasons.

As lead relevant authority, Natural England monitors all English local restrictions throughout the year. A summary of the key findings for 2006 follows.

Summary of key findings of Monitoring Statutory Restrictions (2006):

- The area of CROW access land available for people without a dog in 2006 was stable and predictable at most times of the year, varying between 727,000 and 729,000 hectares, or 99% of the total restrictable³ area of land with CROW access rights. Graph 2 summarises the area of land available for open air recreation in 2006.

Graph 2: Area of CROW access land available for open-air recreation (excluding Forestry Commission estate)



- Restrictions on dog walkers were more wide-ranging and, where they occurred, more constant through the year. The great majority of these were on grouse moors that exclude people with dogs all year round, as CROW section 23 allows them to do. As a result the graph shows little variation between the minimum and maximum area open to dog walkers, as depicted by the red and blue lines. The actual area of access land available under CROW to people who took a dog varied between 494,000 and 498,000 hectares, or about two-thirds of the total restrictable area of land with CROW access rights.
- During May or June 2006, many grouse estates excluded people completely for 28 days, which occupiers are entitled to do for that number of days per year under CROW section 22. This

³ Restrictions cannot be placed on section 15 land (land with pre-existing open access rights that apply instead of CROW rights).

exclusion was intended to prevent any impacts from visitors on the nesting and rearing success of the red grouse populations that are managed by commercial shooting estates.

- Restrictions for fire prevention reasons are driven by the natural fluctuations in weather and other conditions that determine whether exceptional conditions are present for the purposes of CROW section 25. During July and August 2006, fire prevention-related exclusions were activated by relevant authorities because of such exceptional conditions. Their practice of giving 'outline directions' well ahead of such conditions arising enabled them to react promptly to exceptionality once it arose.
- There was a significant decline in 2006 in the numbers of applications for land management or public safety directions, compared to the previous two years. This suggests that most land managers who perceived the need for restrictions made applications prior to or soon after the commencement of CROW access rights in each area; and that those who did not are finding in practice that they do not require legal restrictions as a result of the creation of the new rights.
- During 2006, the budget of the Access Management Grant Scheme (which supports access authorities in managing the introduction of CROW rights) was reduced. There was a concern that this might cause an increase in the number of applications for restriction, particularly for public safety reasons, but analysis of the restrictions made during 2006 indicates that in practice the reduction in funding did not affect the number of restrictions granted for public safety. Most safety-related applications for restriction were made and determined ahead of the commencement of the CROW access rights. For 2007-08, Natural England has allocated £450,000 from its grant-in-aid to fund access authority spending through the AMGS.
- Only 1.5% of access land is legally restricted for nature conservation reasons. Such restrictions as exist for this purpose are usually seasonal, and may only affect certain types of use. The emphasis placed by relevant authorities and access authorities on using positive management techniques where necessary has minimised reliance on access restrictions for this purpose. |

3.6 England Leisure Visits Survey 2005 (Ref: England Leisure Visits: Report of the 2005 Survey, Natural England)

The England Leisure Visits Survey (ELVS) 2005 has provided some useful baseline data about the volume and extent of participation in trips to open access land.

The ELVS was led and co-ordinated by The Countryside Agency (now Natural England) and sponsored by a consortium of national agencies with an interest in recreation and tourism in England. The Survey was carried out between February 2005 and January 2006 through computer assisted telephone interviews, conducted across all geographic regions within England with residents aged 16 and over.

The main aim of the survey was to provide information on the:

- extent of participation in leisure visits by the adult population;
- estimated total number of leisure visits and their economic value;
- activities undertaken on visits;
- destinations visited;
- time spent at the destination;
- method of transport and distance travelled; and
- number of people involved in visits.

Following commencement of the new rights of access under the Countryside and Rights of Way Act 2000, the ELVS also collected detailed information on trips to open access land.

As the fieldwork for the ELVS was carried out early in the lifetime of the new rights (and in some cases before the rights were introduced in some regions), it is important to note that the information collected in the 2005 survey represents only a first picture of use of CROW access land, against which to monitor future change.

Summary of key findings from English Leisure Visitor Survey (2005):

- Information about the visitor to open access land:
 - People visiting open access land are more likely than the general population to be male, over 45, classified as a 'wealthy achiever', in a car owning household, white, and without a disability.
 - In 2005, leisure visits from home to open access land involved an average round trip distance of just under 30 miles, and trips lasted an average of 3.75 hours.
 - The car was the main form of transport for two-thirds of trips to open access land.
 - Most leisure visits were made in the company of other people. Average party size was 3.71 people, with less than a quarter of trips involving people on their own.

- Volume and extent of participation in trips to open access land:
 - In the 12 month period of the survey, there were an estimated 18.6 million leisure visits to open access land in England. When trips made during a holiday in England are added, there were 21.2 million visits to open access land in total.
 - Visiting open access land is a year-round activity: two out of five visits were in autumn or winter.
 - 22% of visitors roamed across open access land away from any footpaths.

- Activities undertaken:
 - The most common activities undertaken on leisure visits to open access land fell into the category of walking, hill walking and rambling. This accounted for 10.7 million trips, of which dog walking produced approximately a third.
 - Of the visitors who listed dog walking as their main activity, 7% had kept their dog on the lead at all times while a further 9% had kept it on a lead in the vicinity of livestock. The majority had not kept their dog on a lead at all.

- Visitor Awareness:
 - Two-thirds of leisure trips to open access land did not involve any awareness by the respondent that it was open access land, even when prompted. Only 4% of such trips were identified by the respondent without any prompting as being to open access land.
 - Nearly 90% of visitors to open access land said that they would definitely visit in the next year.

- Value of Leisure Visits to open access land:
 - Expenditure during the 18.6 million trips which included a visit to open access land was £197 million – an average of over £10 per trip.

4. References

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