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To: The Chief Executive of all local authorities in England  
The National Park Officer of the National Park  
authorities in England  
The Chief Executive of the Broads Authority  
All local access forum secretaries in England  
All members of the National Countryside Access Forum

Date: 7 March 2005

**From the Minister for Rural Affairs and Local Environment Quality**

The Rt Hon Alun Michael MP

Dear Sir/Madam,

**Access to Open Country**

The new right of access to open country under the Countryside and Rights of Way Act 2000 (The CROW Act) became a reality in the first two areas of England last September and represents a landmark in English social history. By the end of December 2005, walkers will have new rights of access to around 3,200 square miles (800,000 hectares) of open country and registered common land England; 6.5% of the total land area of the country will be newly opened for access.

The Act also allows land owners to dedicate land for access so as to give the same rights of access to their land in perpetuity. The Forestry Commission will be leading the way through the dedication of 180,000 hectares.

People have been campaigning for over a hundred years for a right such as this. We pledged in 1999 that we would legislate to give people greater freedom to explore our open countryside - we are now delivering on this promise.

Now that the new right of access is well on the way to being introduced across England I would like to take the opportunity to update you on progress and let you know about future plans to ensure that everyone should have good opportunities to enjoy the natural environment.

### **Progress on access to open country**

The new right of access was commenced in the South East and the lower North West on 19 September and in the Southern Central area on 14 December 2004. The right has been welcomed enthusiastically by walkers and information about the new right, and about the responsibilities of walkers, has been well publicised in both the national and local press. There have been no serious conflicts between users of the new right and landowners or those who live and work in rural areas. I believe that that this is largely due to the careful balance that was built into the CROW Act as well as the partnership working between this Department, the Countryside Agency, Local Authorities, National Park Authorities and all of our partners. All of these have worked together to ensure that the public understand their rights and responsibilities and that the supporting infrastructure, including the restrictions system, was up and running in time for the regional commencements.

We can now look forward to the commencement of the new right in the rest of England over the course of this year. On 28 May the upper North West and North East of the country will be open for walkers to enjoy. We will be taking the opportunity to promote the importance of nature conservation issues and the responsible access message set out in the Countryside Code. The good work done recently in producing the Moorland Code, together with the Moorland Access Advisory Group, on which both the Moorland Association and English Nature sit, will be particularly relevant given the large amount of moorland which will be newly accessible in these areas. A map showing the planned commencement dates for each area is attached

### **Next Steps**

As we said in Defra's five year strategy (Delivering the Essentials of Life), now that the major extension of rights of access to open country set out in the Act is on course for implementation later this year, we can take action on other priorities. We are starting work on further measures to achieve our aim that everyone should have good opportunities to enjoy the natural environment. I would like to take this opportunity to set out how we intend to carry this forward and to invite comments and suggestions on our plans.

### **Access to the coast**

Action to improve access to coastal land will be our first priority. The importance which we attach to this work is indicated by the fact that the Act contains powers for the Secretary of State, by order, to amend the definition of "open country" to include coastal land. I am putting in hand work to explore all of the options as there are choices about how to achieve the desired outcome. Any decision will be preceded by full public consultation which will set out the facts, a range of options, and the costs and benefits associated with each. Our aim is to provide more access which will really benefit people and allow them to get out and enjoy our wonderful coastline, while taking full account of nature conservation issues.

As a first step I have asked the Countryside Agency to undertake factfinding work to build up a detailed picture of current access provision. This will draw on existing datasets, any relevant published research, and existing expertise and experience internally and within

partner and stakeholder organisations. To start this work off, the Agency has circulated a questionnaire to all coastal local authorities to gather information on current access, perceptions of problems and opportunities. They will also undertake a number of case studies focussing on a number of different coastal situations. I have asked them to complete this work by the early summer. This will allow officials to draw up a public consultation paper by the end of the year.

### **Access to woodlands**

The government took advice from the Forestry Commissioners in 1999 on whether the new right of access should include access to woodland. The Commissioners did not propose a statutory right of access, but recommended a number of other measures to improve access opportunities including new incentives to encourage landowners to provide access to woodland, a targeted strategy to create new opportunities where there is a high demand for access and recreation and applying the new power of dedication to woodlands managed by the Commission.

The Forestry Commission has been pursuing these policies including piloting a new approach to grant support in the form of the Woodland Welcome scheme, creation of over 7,000 hectares of new woodland access in social regeneration priority areas, work with Community Forests and green infrastructure planning. It is also in the process of dedicating all of its freehold estate for access using the mechanism provided under section 16 of the Act.

As well as dedicating its freehold estate, the Forestry Commission will seek to extend access by asking permission of its lessors to dedicate land it holds on lease for access. I hope Forestry Commission lessors will support what may often be a formalisation of existing access arrangements by giving the Forestry Commission their permission to dedicate.

I have therefore asked the Forestry Commission to report to me on progress on these initiatives and on whether any further action is required, whether legislative or otherwise, to ensure that access to good quality woodland is available to all.

### **Access for all**

Our five year strategy stresses the importance of ensuring that everyone should have good opportunities to enjoy the natural environment. At our request, the Countryside Agency is working to understand better the barriers to disabled people, black and minority ethnic people, people who live in inner city areas, and young people visiting the countryside less often than others and what can be done to help them discover for themselves the enjoyment to be had from being in attractive surroundings in the outdoors. As one who took inner city youngsters into the National Parks during my career as a youth worker I know that these visits can be enormously important events – remembered with great affection - but often not followed up in later life. We are now seeing more black and asian visitors to the Parks and the Mosaic project has made a significant contribution but we are still only scratching the surface.

We will draw on the findings of the review to develop actions to improve opportunities for those who at the moment are not able to fully take advantage of the benefits the natural environment has to offer.

### **Conclusion**

I hope that you will share my pleasure in seeing the new right of access roll out across England. It would not have been possible to deliver this new right so effectively and with so few problems without the commitment and support of MPs for the legislation, followed by the help and support of many of our partners and stakeholders. The cooperation of farmers and landowners has been significant in making open access a success and while critical voices have sometimes commanded attention in the Press, most now acknowledge the vital role of access in making a major contribution to the rural economy. I have set out above the sorts of initiatives we are now looking at to ensure that everyone has good opportunities to enjoy the natural environment. I would be pleased to receive any comments or suggestions which you might have on these.

Yours faithfully,

A handwritten signature in black ink that reads "Steve Michael". The signature is written in a cursive style with a long, sweeping underline that extends to the right.