

# Natural England Open Access Annual Monitoring Report 2007





This is the second Annual Monitoring Report on the effect of the 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).

The report shows that the vast majority of visitors were satisfied with their visit to access land.

This report summarises the second year of a three year monitoring programme. Once the programme is complete, detailed comparisons will be made with the findings from years one and three.

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#### 1. Introduction

This is the second 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 2007.

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:

- allows changes over time in use of the new rights, and in patterns and levels of recreational activity, to be monitored;
- allows strategies to be developed for tracking the use of the new rights over the longer term;
- encourages local monitoring, by demonstrating best practice;
- provides early warning of any potential adverse impacts, so that suitable access management measures can be put in place; and
- o helps inform future guidance.

# 2. Implementation of CROW Part 1

The access rights were rolled out across England 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:

- 193,450 hectares are '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 hectares has been voluntarily dedicated by the Forestry Commission and other landowners for 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 (1<sup>st</sup> March – 31<sup>st</sup> 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
- o Upland Breeding Bird Survey
- Monitoring Statutory Restrictions

# 3.1 National On-Site Visitor Monitoring Survey Overview

The National On-Site Visitor Survey was originally developed and piloted in 2005 by Ask For Research. Based on the recommendations from that pilot study, the national 3 year survey, carried out by Faber Mounsell, commenced in 2006.

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

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

A review exercise carried out after the year 1 survey in 2006 recommended some technical improvements for subsequent years, including boosting interview numbers on new areas of CROW access land, and on larger and busier sites. Survey effort was therefore increased from 3 to 7 days effort on those sites selected. There have also been some minor additions/amendments to data collection with the interview questionnaire now also investigating links between health, exercise, and the reasons for visiting access land. Questions on understanding of the term "right to roam" in comparison with "open access" were also included in the National Survey.

In 2007, results from the local monitoring programme (see section 3.2) were incorporated into the national survey to improve survey robustness. The findings of the local and national surveys are therefore reported together in section 3.3.

In 2007 the survey therefore covered 66 open access sites, compared to 32 surveyed in 2006. The survey can be broken down into three distinct sampling approaches: 26 national monitoring sites chosen by a stratified random sampling approach; 6 monitoring sites selected for specific nature conservation or land management reasons; and, in a change to the 2006 methodology, a further 34 local monitoring sites chosen by the local authority (against criteria drawn up by Natural England) for their nature conservation and land management qualities (see section 3.2.1: The Monitoring Toolkit). This National Survey does not include sites within National Parks (see Section 3.2.3: Local On-site Monitoring by other relevant authorities)

# 3.2 Local On-Site Visitor Monitoring Overview

# 3.2.1 The Monitoring Toolkit

To complement the National On-Site Visitor Survey, Natural England has 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 helps to 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 have been 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.

Eight access authorities used the toolkit in 2007, including the following:

- 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.
- Shropshire County Council, Lancashire County Council and Suffolk County Council.

As noted in section 3.1, Natural England has collated the results from such initiatives and combined 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.

# 3.2.2 Local On-site Monitoring to Assess any CROW Impacts on Nature Conservation Sites

A Nature Conservation Assessment and Review Process was developed and implemented by the Countryside Agency and English Nature 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 aim was to identify and implement the least restrictive option that would give such sites appropriate protection. This process has enabled the relevant authority to decide on the cases where some type of legal restriction of the CROW access rights or positive access management is necessary in order to protect important wildlife or habitats.

In its role as CROW relevant authority for all of England outside the national parks<sup>1</sup>, 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 are still appropriate and adequate to protect the species or habitat in question and that any additional need to amend restrictions or management is addressed

A methodology has been developed for this review process, and includes 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 Natural England staff to understand whether the present

<sup>&</sup>lt;sup>1</sup> 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.

mix of positive access management and statutory restrictions is proving effective in protecting important nature conservation sites. Natural England is using the results of the monitoring toolkit, together with results from other national sample sites for reassessments of need for restrictions on specific sites of nature conservation concern.

# 3.2.3 Local On-site Monitoring by Other Relevant Authorities

Some 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 are some examples of 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.

**Northumberland National Park Authority** has used volunteers to carry out informal monitoring of visitors on access land. The Authority has also undertaken formal monitoring on five SSSI sites identified as potentially being at risk.

**Dartmoor National Park Authority** carried out observation monitoring at West Dart, recording usage by people with and without dogs.

The North York Moors National Park Authority did not carry out a significant level of monitoring in 2007. In March 2008 it launched a new programme of monitoring through voluntary rangers and this is planned to run to the end of the year. Voluntary rangers are observing and reporting visitor numbers, types of recreational activity, number and level of control of dogs.

#### **Visitor monitoring on Forestry Commission sites**

The Forestry Commission undertake extensive visitor monitoring on their sites. Information about this can be viewed at: <a href="http://www.forestry.gov.uk/forestry/kirn-5ldhc7">http://www.forestry.gov.uk/forestry/kirn-5ldhc7</a> The Forestry Commission in Wales is considering using the monitoring toolkit.

#### 3.3 On-Site Visitor Monitoring Survey Findings

The majority of the fieldwork was undertaken in the summer months of 2007 (16/06/07 to 14/10/2007), to coincide with the main walking season and the end of the breeding bird season. The fieldwork for the local monitoring sites extended into the winter period (05/07/2007 to 28/2/2007). Figure 1 shows the location of the national and local survey sites.

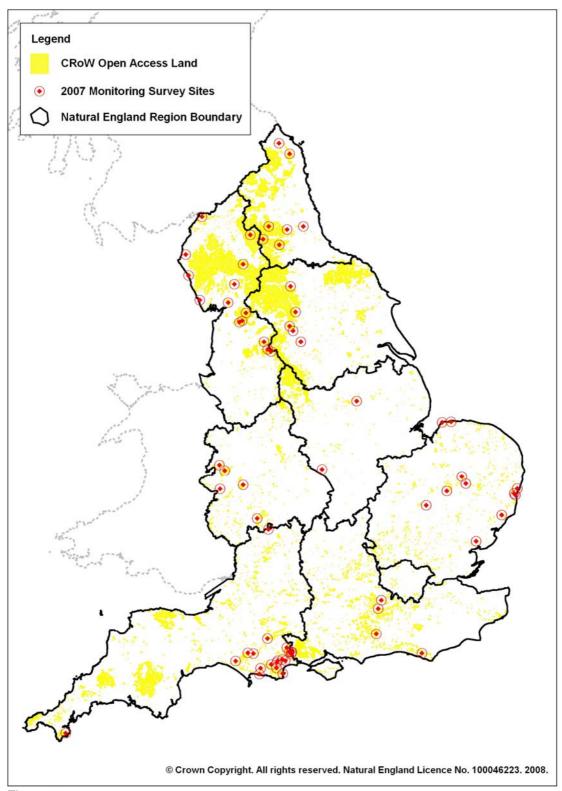


Figure 1

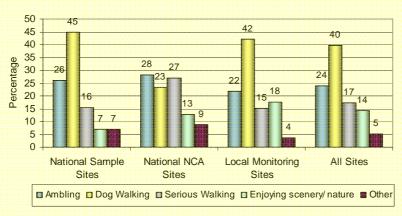
The survey method was by interview questionnaire and direct observation. Survey days were usually weekend days or bank holidays to maximise the interview rate. Interviews were mainly focused at entry points to access land. In a change to the 2006 methodology, observations were taken at 60, rather than 30 minute intervals throughout the day.

# Summary of key findings from On-Site Visitor Monitoring Survey 2007

#### 1. Information about the visitor

- There were five main types of users visiting CROW access land:
  - serious walkers are more likely to visit upland, rural or remote, and large sites, typically travelling more than 5 miles to get to the site;
  - o **amblers** are more likely to visit upland, rural, and large sites, typically travelling more than 5 miles to get to the site in groups of 2 or more;
  - dog walkers<sup>2</sup> are more likely to visit lowland, urban, and small or medium sites, typically visiting the same site more than once per week;
  - enjoying the scenery are slightly more likely to visit lowland, remote, and large sites, most likely during the summer months. They are typically less active than the other groups once on site; and
  - other users (non-walkers) prime reason for being at the site was to do something other than walk (e.g. picnic). Equally likely to visit lowland and upland sites, equally likely to visit remote, rural and urban sites, and slightly more likely to visit large sites. Other users are more likely to visit in the summer, with the purpose of the visit often dictated by the activities possible on site i.e. climbing and jogging.
- Figure 2 shows that 24% of visitors to open access land were amblers, 40% were dog walkers, 17% were serious walkers, 4% were enjoying the scenery and 5% were categorised as 'other'.

Figure 2: Main reason for visit to open access land



Base: National Sample Sites= 451; National NCA Sites 305; Local Monitor Sites=1074; All Sites=1830

 $<sup>^{\</sup>rm 2}$  Other types of user were sometimes accompanied by a dog, but dog walking was not their prime reason for visiting the site

- The survey data shows that those visiting open access land are not representative of the general population of England, as they are more likely to be older, male, retired, of a higher social grouping, white and in better general health:
  - Male visitors: 57% compared with 48% in the general population;
  - o Retired: 33% compared with 14% of the general population;
  - Socio-Economic Grouping: only 4% in group D<sup>3</sup> compared with around 19% in the general population, and 65% in groups A/B/C1 compared with 43% in the general population;
  - Ethnic Grouping: White British: 97% compared with 91% of the general population; and
  - People with a limiting long term illness: 11% compared with 18% of the general population.

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

- Dog walkers visited the survey sites more frequently than other visitor types. The
  high frequency of visits by dog walkers means that they make more than half of all
  visits to open access land. Dog walkers' use of access land is not seasonal and is
  likely to be consistent across the year.
- At national sample sites, 90% of people said that the need to get exercise featured in their decision to visit the countryside, either to some extent (33%) or to a large extent (57%).
- However the need to get exercise was more likely to feature in the decision of those who had a limiting or long term illness or disability than those who did not

# 2. Levels and patterns of use

- The sites which received the highest number of visitors were those:
  - o with access prior to CROW commencement (e.g. section 15 land);
  - with attractive features e.g. views, attractive scenery, landscape, pleasant area, and geological interest
  - o with close proximity to populated areas
  - with common land status.
- The visitor interviews suggested that 8% of the total visit time used open access land which was not on any path or track, a further 35% of the visit time was spent on paths or tracks which were not public rights of way (PROW) and 57% of time was spent using PROW.

However, observation data tells a different story, with 51% of total visit time spent on unlock access land which is not on any path or track. 8% spent on tracks that were not PROW and 41% of their visit spent using PROW.

C2-

<sup>&</sup>lt;sup>3</sup> Socio-economic grades A- Higher Managerial/professional B-Intermediate managerial C1 Supervisory/clerical Skilled Manual D- Semi/unskilled E Casual/low grade

It should be noted that every site contained open access land but some sites contained no PROW or tracks that are not PROW.

- 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 2006	Open access index 2006	Average visitor index 2007	Open access index 2007
New CROW access	1.0	1.6	1.2	1.2
Access previously tolerated	2.0	4.0	2.2	2.8
Rights prior to CROW	2.7	3.0	2.6	2.6
commencement				

<sup>\*</sup> index range used in each case: 1-5

Index Range 0 to 5 (for VI, 0= no use, 1=low use, 5 = high use; for OAI 0=no off-PROW use, 5=very heavy off-PROW use)

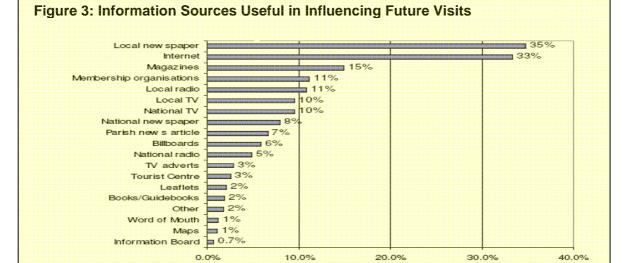
• The table suggests that although people were using the right of open access in 2006, shortly after commencement of the access rights, this was more likely to happen on land where access had previously been tolerated than on either areas where there was a completely new right, or areas where there had been rights prior to CROW commencement. In 2007, access users still favoured open access land on which access had previously been tolerated or where rights existed prior to commencement of CROW. However the weight of use of all three categories remains broadly consistent between 2006 and 2007.

The table suggests that people were less likely to leave PROW in 2007 than they were in 2006.

# 3. Visitor awareness of the new right of access

- Overall, approximately three-quarters of visitors interviewed had heard of "open access".
- This varied between those who were serious walkers and dog walkers. On national sample sites, 83% of serious walkers and 74% of dog walkers had heard of "open access". On national nature conservation assessment sites 94% of serious walkers and 68% of dog walkers had heard of open access. On local monitoring sites 87% of serious walkers had heard of "open access" as opposed to 51% of dog walkers.

- But not all of those recognising the term associated it with the recent change in legislation, with only 54% recognising the following statement as true: "People can walk across mapped open access land without the need to stick to public rights of way".
- However, in 2007 the understanding of the meaning of the legislation had improved slightly from 2006.
- Recognition of the open access symbol is low; only a quarter of visitors had seen the sign before being shown it in the interview. Recognition is highest amongst serious walkers, but is still low within this group.
- When asked what the open access symbol represented, the term 'open access' was
  the most common response. 60% of people correctly identified the sign at national
  nature conservation assessment sites, and a third at national sample sites. However,
  almost half of respondents at national sample sites did not know what the sign
  meant
- 65% of visitors to open access land had prior knowledge of the site. Only 11% were aware of the site through promotional materials, for them the most commonly used material was guidebooks (57%). Dog walkers were most likely to have prior knowledge of the site. Serious walkers and other visitors were most likely to have discovered the site by looking on a printed map.
- 47% of those interviewed thought that further information would have been useful prior to their visit. Serious walkers being the most likely to say this, and dog walkers the least likely. Those visiting upland sites were most likely to have found more information useful, and those visiting urban sites, least likely. Their limited preferences were for:
  - o printed maps (3%)
  - weather forecast (5%)
  - o information on the wildlife of the site (6%)
  - information of the history of the site (4%)
  - o printed guides or route information (10%)
  - o online maps (5%)
- The type of publicity visitors thought might be most useful in influencing their future visits to access land was local newspapers, quoted by 35% of those interviewed followed by the internet (33%), magazines (15%), membership organisations (11%) and local radio (11%). See figure 3.



# 4. Visitor behaviour

- Across all sites surveyed, around one in six visitors were accompanied by one or more dogs.
- Only 10% of dog walkers keep their dogs on a lead at all times, and 11% say they
  never have their dog on a lead. Almost twice the proportion of those with dogs at
  nature conservation monitoring sites would use leads, compared with the national
  sample sites.
- A third of dog walkers said that they would use a lead in the presence of livestock, and two fifths said that they use a lead in the presence of other dogs. Only 6% mentioned proximity of wild birds (9% at National nature conservation assessment sites), and a similar proportion during the bird breeding season.
- Only 5% said they would use a lead if information explained why they should. This figure rose to 12% at national nature conservation assessment sites.
- There is a greater tendency for dog owners to let their dog off-lead and greater reluctance to put it on a lead when at coastal sites.
- The Survey also tested why people brought their dog to the site. Almost two-thirds gave the reason that they were able to let their dog run off the lead. Indeed, of the dogs observed on open access land at all sites, only a quarter were on leads.
- Almost three quarters of visitors arrived by car or van, while almost a quarter walked all the way. Only a small proportion used public transport (see figure 4).



- 75% very satisfied. Dog walkers were most likely, and serious walkers/amblers least likely, to be very satisfied.
- The ability to reach the site was considered 'poor' or 'very poor' by 6% of visitors to open access land.

# 3.4 Initial comparisons with 2006 survey findings

As the scope of the survey has increased in 2007 to include additional survey effort at some sites and the integration of data from local monitoring, it is not yet possible to undertake detailed analysis and draw comparisons with year 1 data. Drawing conclusions from trends will take place following the completion of the three year programme. However in the interim some headline comparisons are detailed below.

# Headline comparisons between findings from year 1 (2006) and year 2 (2007)

- In 2007, almost three-quarters of visitors had heard of 'open access' an increase from almost two-thirds in 2006.
- In 2007 one in six visitors were accompanied by one or more dogs, compared to more than one in three in 2006.
- In 2006 and 2007, 95% of visitors were satisfied with their visit to open access land.
- In both 2006 and 2007, three-quarters of visitors said that they had prior knowledge of the site that they visited.

- 94% of visitors had no problem finding and accessing sites in 2007. In 2006, 80% of visitors said their ability to reach the site was good or very good.
- In both 2006 and 2007, visitors to access land are more likely to be male, older/retired, white and in good general health than the general population of England.

# 3.5 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.

During a 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 UBBS survey now forms a substantial element of the Action for Birds in England programme funded jointly by RSPB and Natural England.

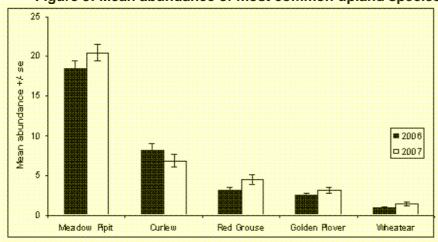
The UBBS has been designed to be a fully integrated survey to meet the following long term objectives:

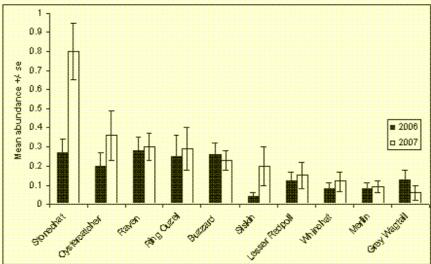
- to develop an 'upland bird index' which will contribute to reporting on the condition of designated sites meeting favourable condition;
- to identify any early signs of significant impacts arising from open access;
- potentially to be used in the future to assess the success of agri-environment schemes; and
- to improve our capacity to monitor upland bird species, including changes in key bird populations on CROW access land in England.

The first full scale UBBS was successfully completed in 2007, with the surveys undertaken between April and June. The area of open access land surveyed increased from 106 km² in 2006 to 228 km² in 2007.

# Summary of key findings of the Uplands Breeding Bird Survey 2007

Figure 5: Mean abundance of most common upland species





Figures 5 shows the mean abundance of fifteen of the most abundant upland species in 2006 and 2007. The results are presented in two graphs because of the differences in scale. These species were found in between 5% and 88% of all squares surveyed. A total of 92 species were recorded.

Across the 106 km<sup>2</sup> of CROW access land surveyed in both 2006 and 2007:

- Significant increases in occurrence and abundance in three species –
   Stonechat, Blackbird and Carrion Crow were recorded.
- Significant increases in abundance of Red Grouse, Golden Plover, Wheatear and Snipe were recorded.
- However the survey revealed a significant decline in occurrence of Rook.

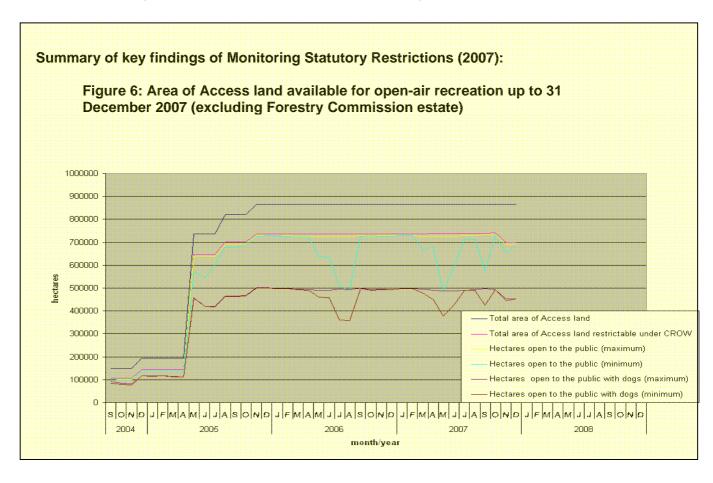
- As most key upland species numbers remained stable or showed an increase this suggests that at this early stage implementation of CROW access has not had a significant detrimental effect on upland species.
- Before any effect of CROW access on upland bird species can be fully understood, several more years of survey is required. Species occurrences and abundance can be affected by other variables such as agricultural practices, resulting in fluctuations in numbers from year to year.

# 3.6 Monitoring Statutory Restrictions

As indicated at the start of this report:

- the 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 collects statistics about all English local restrictions throughout the year. A summary of the key findings for 2007 follows.



- Some 700,000 hectares of CROW access land were available at the end of 2007. This figure is lower than previously given because we have been able to identify more areas of section 15 land that are subject to pre-existing 'higher' rights of access and therefore not subject to CROW rights.
- The area of CROW access land available for people who do not take dogs onto the land remained stable and predictable in 2007, averaging 730,000 hectares or about 99% of the total restrictable area of land within CROW access rights. This figure reduced to 690,300 hectares at the end of the calendar year after removing newly identified section 15 land from the total available restrictable area of land.
- There was significantly less CROW access land available for people with dogs for whom restrictions were more wide-ranging and, where they occurred, more constant through the year. The great majority were on grouse moors, where people with dogs are typically excluded all year round under CROW section 23. 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 453,000 and 493,000 hectares, or 67% of the total restrictable area of land with CROW access rights.
- During May or June 2007, 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 exclusion was typically stated to be in order 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 March, April, May, September and November 2007, fire prevention-related exclusions were activated because of such exceptional conditions. The relevant authorities' practice of giving 'outline directions' well ahead of such conditions arising enabled restrictions to be invoked promptly once exceptionality arose.
- In 2007 the numbers of new applications for land management or public safety directions continued to decline. This was consistent with the pattern observed in the previous year. 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.
- Under 1% of access land is legally restricted for nature conservation reasons at any one time to people using their right of access without dogs. This increases to a maximum of 1.25% at certain times of the year for people who wish to take dogs onto the land. Restrictions 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 has minimised reliance on access restrictions for this purpose.

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