



National Audit Office

**DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL
AFFAIRS AND THE COUNTRYSIDE AGENCY**

The right of access to open countryside

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SUMMARY AND RECOMMENDATIONS



1 The introduction of 'open access' enables the public to walk across large areas of countryside without being restricted to footpaths. The new right of public access, often referred to as the 'right to roam',¹ applies to 865,000 hectares (6.5 per cent) of land in England and covers mountains, moors, heaths, downs and registered common land. The right includes walking, bird watching and climbing, but does not permit camping, hunting or organised games without the landowner's permission (see paragraph 1.1 and Appendix 1).

2 The Countryside Agency (the Agency)², in conjunction with the Department for Environment, Food and Rural Affairs (the Department), introduced open access on an area by area basis between September 2004 and October 2005, ahead of the Department's public service agreement target of December 2005. The open access project has been a unique exercise, and achieving this deadline involved addressing landowners' concerns about what land would be included and what impact it would have on their businesses (such as farming and shooting). This report provides an early assessment of whether the project has been successful in opening up land to public access in practice and what more can be done to enable the public to use this new right. Our main sources of evidence include 79 site visits to access land, 'mystery shopping' exercises at tourist information centres and of the Agency's telephone helpline, a review of the countryside access website, and focus group discussions with stakeholders (see paragraphs 1.2, 1.8-1.9 and Appendix 2).

3 Open access has only been in place for a short period and it remains early to measure take-up. We encountered few other walkers during many of our site tests, although this might reflect the timing of our visits. The first main test of usage is likely to be in the summer holidays in 2006 when demand should be higher. The Agency has commissioned a survey to measure usage, which will include information about the demographic, socio-economic and ethnic groupings of users (paragraph 1.5).

4 The Agency, the Department and access authorities³ have had some success in raising general awareness of open access through media campaigns, leaflets and events. Polling conducted by a market research firm for the Agency in 2005 indicated that 53 per cent of those surveyed had heard of the right to roam and 31 per cent of open access, an increase of 10 per cent on similar polling a year earlier (paragraph 2.3).

1 The new right was established by the Countryside and Rights of Way Act 2000.

2 From October 2006, the Countryside Agency will cease to exist and its responsibilities for open access will transfer to its successor body Natural England.

3 Access authorities are national park authorities and local highway authorities.

5 The Agency spent £52.6 million implementing the open access programme, compared to an estimate of £28 million, and once all other costs are included, total central government expenditure to the end of March 2006 amounted to some £69 million.⁴ Ongoing running costs are expected to be £13 million in 2006-07. The Agency did not pilot test implementation as they believed this would add two years to the timescale and would not enable them to complete the project by 2005, although they did not adequately assess the risks of foregoing pilot testing. As a result, the Agency underestimated the work involved in determining what qualified as mountain, moor, heath and down, and how to map it. The Agency tightened up its project management procedures in 2003 by introducing additional project planning, training relevant staff in project management and establishing proper reporting and monitoring arrangements (paragraphs 1.6-1.7 and Appendix 3).

Overall conclusion

6 The right of access was successfully introduced two months ahead of target and in nearly all the sites that we tested, we were able to gain access and walk across such land without obstruction. Increasing familiarity with the new arrangements, and improved information on how to find and use access land, will encourage people to exercise their rights and should increase the benefits of the initiative over time. The benefits cannot be easily quantified in financial terms, however, and so it is difficult to establish to what extent the outcome justified the costs incurred. The costs were much higher than estimated, largely because the Agency had not anticipated the scale of the work involved and because of an absence of adequate project management at the outset.

Our findings in more detail

7 Ordnance Survey updated and revised the majority of their maps in sufficient time to make clear where new open access rights exist. The Ordnance Survey maps provide the definitive source of information on where to find open access land and could not be printed until the Agency finalised the statutory map in each area. All 69 of the Ordnance Survey Explorer series maps covering the first four of the eight areas open to access (representing 70 per cent of total access land in England) were issued when the right came into effect in these areas. In total 100 of the 232 updated maps (43 per cent) were released in time for the commencement of open access in each area and the remainder were available within two to six months of the relevant date (paragraph 2.2).

8 At 1 November 2005 over 99 per cent of access land was open without restrictions to people without dogs. There were restrictions on 25 per cent of access land to exclude people with dogs, to protect wildlife or heritage sites, for example, or to protect grouse moors (paragraph 3.12).

9 Most tourist information centres had some information leaflets about open access available, and two thirds of those we visited were able to answer our questions about open access. On occasion, when expressly asked about walking on new access land, staff advised walking on established routes or paths but this may reflect a broader impression that it may take some time for the concept of open access to establish itself in the public's mind (paragraphs 2.17-2.21).

10 The Agency's telephone helpline is primarily intended as an information source for land managers, but some leaflets also advertise it as a public helpline, which could result in some confusion. When we tested the helpline, the staff referred us to the countryside access website (paragraphs 2.11-2.14).

⁴ The other costs include the Department's own project costs and its funding of mapping appeals and access works in national parks. Financial information separating costs pre- and post-commencement of the new right was not readily available and so the cost figures to the end of March 2006 include some ongoing costs such as monitoring and restrictions processing costs.

11 The countryside access website⁵ is a comprehensive source of up-to-date information about access land, and the difficulties in searching and viewing information when we examined the website in November 2005 had begun to improve by the time we examined it again in April 2006. In our initial testing of the website, we found it difficult to determine where we could walk because the online maps of access land lacked recognisable detail and we could not differentiate between those restrictions applicable to everyone and those only for people with dogs. The Agency had begun to improve the website at the time of our testing and by April 2006 had upgraded the quality of the maps and how restrictions are shown. In both November 2005 and April 2006, two thirds of the 58 searches we carried out took us to the maps we wanted without difficulty but the remaining searches did not, partly because some places share a similar name or because the search function did not recognise certain place names (paragraphs 2.7-2.10).

12 Without adequate public transport links it is difficult for people from inner cities and those on low incomes to make use of open access land. Although we travelled by car and were able to park near each of the sites we visited, 20 per cent of the sites were accessible by bus or train. Some access authorities, such as the Peak District National Park Authority, had negotiated with neighbouring city councils to change or introduce weekend bus routes to improve transport links to access land. Many of the sites we visited did not offer toilet facilities, and the initial implementation of open access did not include plans to install such facilities (paragraph 3.2).

13 We gained access to land easily in 95 per cent of our visits but at remaining sites we came across impassable walls or gates. We were also able to walk across land without obstruction in over 90 per cent of cases. Work to improve access has been most successful when driven by people's actual needs, for example by providing gates where people otherwise climb fences or walls, and such an approach can minimise the risk that increased access will harm sensitive landscape or landowners' ability to manage their land (paragraphs 3.3-3.5).

14 At most sites we visited signs clearly indicated access land, although at 27 per cent of sites there were no signs when some would have been helpful. In four places we visited, outdated signs could cause confusion. When restrictions on access apply it is generally clear where people cannot go, but we found inconsistencies between information from the online maps and signs on the ground about dog restrictions, with eight sites we visited imposing rules on dogs when no restrictions existed according to the online maps (paragraphs 3.8-3.18).

15 It is too early to judge the effects of open access on vulnerable sites and land management practices. Preparatory work has taken place to anticipate and prevent harm but monitoring will be important to show how effective restrictions and other measures have been in minimising potential damage. Insufficient restrictions could lead to environmental damage; too many could unnecessarily prevent access to walkers. The Agency has a monitoring programme in place to address these risks (paragraph 3.14).

5 The website's address is www.countrysideaccess.gov.uk.



RECOMMENDATIONS⁶

- a Countryside access website:** The Agency should regularly review usage and feedback of its countryside access website to confirm that the information is easy to search, view and navigate.
- b Telephone helpline:** The Agency should either clarify the scope of the service offered to the public by its helpline or stop advertising (and advise third parties to stop advertising) the telephone number as a public helpline.
- c Tourist information centres:** The Agency should target specific guidance to tourist information centre staff, to enable them to respond to people's queries about using their new right and to encourage them to display leaflets and other material about open access.
- d Dogs and access land:** The Agency should encourage access authorities (national park authorities and local highway authorities) to make signs specifying dog-related rules on access land clear, consistent and accurate.
- e Increasing opportunities for the public to use the right of access:** The Agency should encourage access authorities to explore with their neighbouring councils the cost-effectiveness of diverting weekend bus services past open access land in order to enable people on low incomes and from urban areas to use their new right.
- f Applying lessons learned:** The Agency should pilot test any work required for its ten-year review of access land maps in order to develop accurate estimates of the likely cost.

⁶ References to 'the Agency' in the recommendations will apply to Natural England when that body takes over responsibilities for open access from the Countryside Agency on 1 October 2006.

PART ONE

A new right to walk on open country



1.1 From 2005, walkers are no longer restricted to existing footpaths and now have the right to walk across large areas of the English countryside. The right of access enables the public to walk or climb on the access land, but excludes other activities such as camping, cycling, hunting or fishing (see Appendix 1). This right of access, popularly known as the ‘right to roam’, was introduced by the Countryside and Rights of Way Act 2000 and enables the public to walk across designated mountains, moors, heaths, downs and registered common land without having to keep to specified footpaths.⁷ Some 936,000 hectares is now classified as access land, of which 865,000 hectares (estimated by the Agency as 6.5 per cent of all land in England) is in practice open to the public.⁸ Around 733,000 hectares of this is newly accessible land to which no statutory right of access previously existed. **Figure 1 overleaf** shows some of the places in England where the new right of access applies.

The right of access to open country and registered common land is successfully in place across all of England

1.2 The Department for Environment, Food and Rural Affairs (the Department) had a public service agreement target to open up public access to mountain, moor, heath and down and registered common land by the end of 2005. It met this commitment by implementing the right of access on an area by area basis. As **Figure 2 on page 9** shows, the South East and Lower North West of England were the first areas to commence access in September 2004, with the final areas (the East and West of England) opening in October 2005.

⁷ All references to the ‘new right’ and ‘the right of access to open countryside’ in this report refer to the right of access as defined by the 2000 Act.

⁸ The total amount of land mapped as access land is 935,685 hectares, but 70,563 hectares of this is not open to the public – for example because it is subject to military byelaws or because it is ‘excepted’ from open access under the 2000 Act (e.g. parks, gardens and golf courses).

1 Examples of access land where the new right of access applies



Forest of Bowland, Lancashire: Vast tracts of moorland in the Forest of Bowland were newly opened for public access in September 2004. As well as offering challenging walking, Bowland's upland heather moorland and blanket bog habitat supports numerous bird species including the endangered hen harrier.



Henroost, Dartmoor: In contrast to much of Dartmoor, which was already accessible to the public, the Henroost track had been closed to walkers for years until open access commenced in August 2005. The route now provides a new access opportunity whereby the public can more readily walk to a variety of interesting features, including old mine works, stone crosses and ancient settlements.



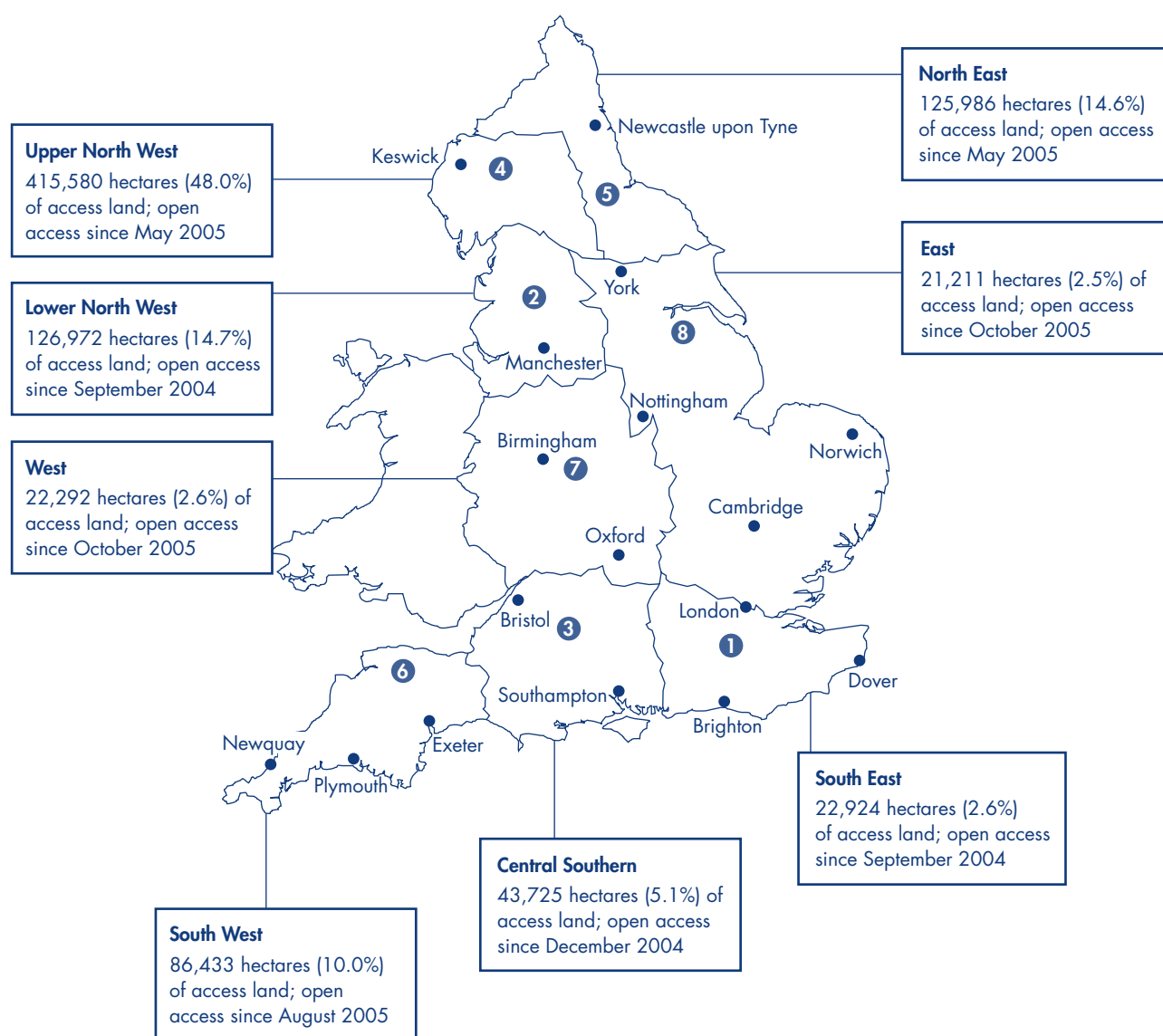
Pen-y-ghent, Yorkshire Dales: One of the 'Three Peaks' of Yorkshire, Pen-y-ghent has spectacular views as well as dramatic cliffs and escarpments, caves and potholes. Previously, walkers could use the long-distance Pennine Way path to go over Pen-y-ghent, but the public is now free to explore off-path.



'Dragon's Back' Hills, Peak District: The 'Dragon's Back' comprises five hills in the White Peak area of the Peak District National Park. They were opened for public access in September 2004 and have become a popular walking destination as they provide excellent views of the surrounding countryside.

Source: National Audit Office. Photographs courtesy of Countryside Agency and Ramblers' Association

2 Areas of access land in England¹



Source: Countryside Agency

NOTE

¹ This map is based upon Ordnance Survey material. © Crown Copyright. All rights reserved. The Countryside Agency, Licence No. 100018881. 2006.

1.3 Much of the work to implement the new right has been carried out by the Countryside Agency (the Agency)⁹. The Agency is responsible for the mapping of access land, dealing with restrictions on access land outside national parks and dedicated woodland, and communicating information to the public about the new right. Other bodies have been involved in various aspects of implementation:

- The **Planning Inspectorate** conducted the appeals process for the mapping of access land, and also hears appeals against decisions relating to restrictions on access.
- At the local level, **access authorities** (national park authorities and local highway authorities¹⁰) are responsible for undertaking work on the ground to enable people to get access to land that has opened. They also have a role in publicising where people can exercise their new right locally, for instance through signs and information leaflets.
- **National park authorities** are responsible for dealing with restrictions on access land applying within their boundaries.
- The **Forestry Commission**¹¹ is responsible for dealing with restrictions on land which has been dedicated for access and which is wholly or predominantly woodland. This includes land within national parks.

1.4 **Figure 3** outlines the core processes for the implementation of open access. Landowners and land managers have had a major stake in the implementation and running of open access. Securing access to private land was not straightforward. The Agency had to deal with 3,173 appeals from landowners objecting to new access rights applying on their land, resulting in a 2.4 per cent reduction in the amount of land originally mapped as open country or registered common land. Although there may be residual concerns among landowners about the potential harm increased public access could cause,

the Agency and access authorities have worked with landowners and tenants to try to ensure they can continue to farm and manage their land with minimal disruption (e.g. some access authority officers have worked with landowners to put in entry points and paths that direct walkers away from sensitive land).

1.5 Open access has only been in place for a short period of time, and it is therefore very early to judge the extent to which people are taking up their new right of access. We encountered few other walkers during many of our site visits (although this may partly reflect the timing of our visits). The first main test will come in the summer holidays in 2006. The usage picture will become clearer once the results of the Agency's in-depth survey research on uptake of access rights become available in mid-2006. The survey will include information about the demographic, socio-economic and ethnic groupings of users.

Open access had cost £69 million by March 2006

1.6 The actual cost of the open access programme (from 1999-00 to 2005-06) to central government was approximately £69 million, which equates to around £74 for each hectare of access land (see **Figure 4 on page 12**).¹² The total of £69 million to March 2006 represents mainly implementation costs, but as financial information separating costs pre- and post-commencement of the new right was not readily available, the costs will include some ongoing costs for monitoring restrictions in those areas that had opened earlier in 2005.¹³ Ongoing running costs (including restrictions processing, access works implementation and monitoring) are expected to amount to £13 million in 2006-07. The ongoing costs do not take account of the statutory requirement for the Agency to review the maps every ten years.

⁹ From October 2006, the Countryside Agency will cease to exist and its responsibilities for open access will transfer to its successor body Natural England.

¹⁰ All local highway authorities with open access responsibilities under the 2000 Act are local authorities, and for simplicity are referred to as 'local authorities' throughout this report.

¹¹ The Forestry Commission has voluntarily agreed to designate certain areas of woodland as access land under a process called 'dedication' and is responsible for dealing with any restrictions on dedicated woodland.

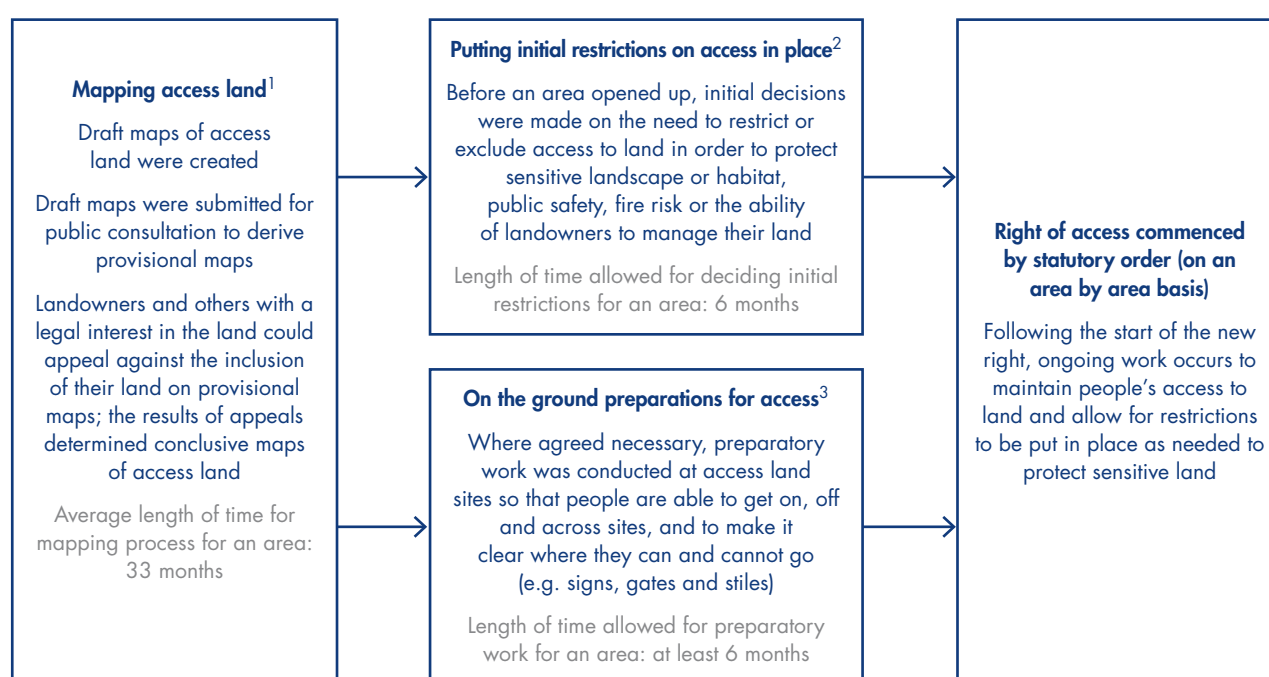
¹² £74 per hectare of access land is given by dividing £69 million by the 936,000 hectares of all land classified as access land.

¹³ Our calculation of the total cost of open access implementation excludes any costs incurred by local authorities for access management work beyond those funded by central government grant through the access management grant scheme. The Agency confirmed that grants to landowners totalled less than £5,000, and a grant of some £30,000 was made to a wildlife trust.

1.7 In December 2000, the Agency estimated that the total cost for its work to implement the new right would be £28 million,¹⁴ but out-turn amounted to £52.6 million. The increase partly reflected the difficulties of estimating the cost of a one-off project, and because the Agency did not pilot test implementation. The Agency had estimated that pilot testing would have delayed implementation by two years, which would have made it impossible to meet the public service agreement target of December 2005. The Agency did not, however, adequately assess the

risks of foregoing pilot testing. As a result, the Agency underestimated the work involved in determining what qualified as mountain, moor, heath and down, and how to map it (see Appendix 3).¹⁵ The Agency introduced a number of changes in 2003 to improve its project management and, having conducted several reviews to determine why costs increased, assured us it has learned the lessons so that it will keep a tighter control of spending when it is obliged to review the maps within ten years of the commencement of open access.

3 Processes required before the right of access came into effect in each area



Source: National Audit Office, based on information from the Countryside Agency

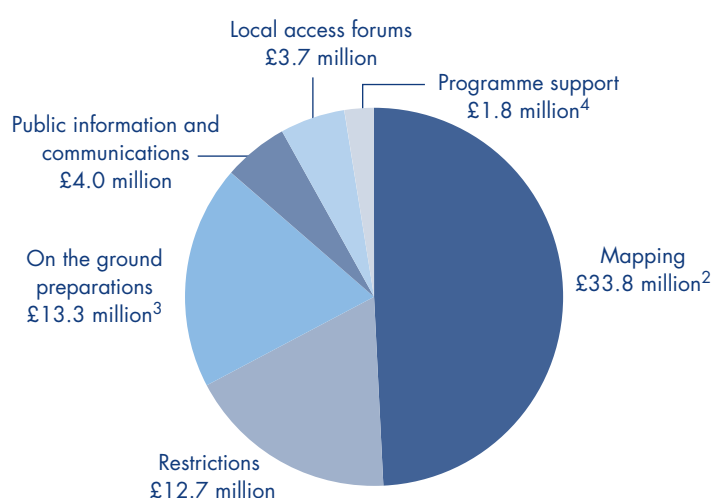
NOTES

- 1 Most of the mapping work was carried out by contractors (Black & Veatch). Appeals on mapping were conducted by the Planning Inspectorate.
- 2 An open access contact centre (set up and operated by IBM for the Agency) performs a range of tasks, including receiving and processing restrictions applications and notifications for approval by the relevant authority; updating online information about restrictions; and running the telephone helpline. These functions are interrelated and as a result the IBM contract does not specify the separate costs of the different functions.
- 3 On the ground preparations, including on-site signage, are made by access authorities.

¹⁴ House of Lords debates, 15 July 2004, col. 160WA; House of Commons debates, 21 February 2005, col. 50W.

¹⁵ Additional reasons the Agency cited for the overspend were: poor data quality that led to problems with the accuracy of maps for the South East, which had to be redone; technical challenges involved in creating interactive online maps for public consultation; changes to the original mapping procedures agreed between the Agency and the Department that were introduced by regulations issued after the mapping contract was let; and a larger than anticipated number of responses to the public consultation, especially in the Lower North West.

4 Total spending on open access was largely for mapping, restrictions and on the ground preparations¹



Source: National Audit Office analysis of financial data from Countryside Agency and Department for Environment, Food and Rural Affairs

NOTES

- 1 This chart covers open access costs incurred by the Agency, the Department, national park authorities, the Planning Inspectorate and the Forestry Commission.
- 2 Mapping costs are primarily the cost of creating access land maps, plus appeals and dedications (whereby landowners voluntarily agree to designate land they own as access land, where it does not otherwise meet the definition of access land), and identification of access land to which other statutory rights of access already exist.
- 3 Costs for on the ground preparations relate largely to expenditure by national park authorities and central government grants to local authorities for work to enable people to gain access to access land.
- 4 Programme support costs refer to costs associated with managing the overall open access project, including legal advice and contract costs for programme and project management support.

How we approached this review

1.8 The true test of the new right is whether walkers can use it. Now that open access is fully implemented and the Agency has already learned the lessons from this stage, our review focused on whether the public can find out about and use their new right. This is the first time new access land has been tested from a user's perspective.

1.9 We considered whether the public could find out information about what and where new access land is available, before their visits; once there, whether it is clear where they can (and cannot) go; and whether people can actually get on, off and across the land. In order to test these aspects, we visited 79 sites, tested public information sources, held five focus groups of local stakeholders and interviewed access officers from local authorities and national park authorities. Full details of our methodology are contained in Appendix 2.

PART TWO

Finding out where the new right applies



2.1 Open access is likely to take some time to become well-established in people's minds as it is a new approach to walking in the countryside – both because it affords walkers the freedom to go off footpaths and also because it is on land that was for the most part previously out of bounds. When people try to find out where they can go it is important that the necessary information is readily available and user-friendly. We tested the following public information sources to find out how well they conveyed information about enjoying the right of access: the countryside access website, the telephone helpline and tourist information centres.

General information and awareness

2.2 In order to use the new right of access, walkers first need to find out where they can go and if there are any current restrictions on access. An obvious starting point for many walkers is the Ordnance Survey Explorer map series (1:25,000 scale or 4cm to 1km) which cover the whole of Great Britain. Updated Ordnance Survey maps now show access land, indicated as yellow areas on the Ordnance Survey Explorer series maps. Ordnance Survey faced a very tight timeframe to revise its maps, as it had to wait for access land to be finalised before it could update its own maps. Nevertheless, 100 of the 232 updated maps (43 per cent) were released in time for the commencement of open access in each area. The remainder were available within two to six months of the relevant date. All 69 of the Ordnance Survey maps covering the first four of the eight areas to open for access (representing 70 per cent of total access land in England) were issued at commencement of the new right in each area.

2.3 The Agency, the Department and access authorities have sought to raise general awareness of open access through media campaigns, producing and distributing information leaflets, and holding events while open access was launched in each mapping area. Polling conducted for the Agency¹⁶ indicates some success in raising awareness: in 2005, 53 per cent of those surveyed had heard of the 'right to roam' and 31 per cent of 'open access' – in both cases a 10 per cent increase on levels of awareness in 2004.

Countryside access website

www.countrysideaccess.gov.uk is the only comprehensive source of public information about access land

2.4 The Agency maintains a dedicated public website for information about exercising open access rights, at www.countrysideaccess.gov.uk. It contains open access walking maps, the updated Countryside Code and other information on using the new right of access responsibly. The website allows users to view maps of open access land and to get information on restrictions. Getting all of this information online was a significant technical achievement, but more importantly from a user point of view it allows the public to find out all the information needed for visiting access land in one place. Although updated Ordnance Survey maps show access land, they do not give information on restrictions. Restrictions can change day by day, so looking on the website ensures that people have the most up-to-date information on restrictions.

16 By market research firm TNS.

2.5 Between its launch in July 2004 and December 2005, the countryside access website received some 290,000 unique visitors to the site. The most popular parts of the website are the Countryside Code pages and the access land maps. The website cost £94,000 to set up and until December 2005 had ongoing monthly running costs of £1,800.

2.6 The open access walking maps allow users to look at Ordnance Survey map data online, with open access land and restricted land highlighted in yellow and red respectively. From the maps users are able to get more detailed information about the extent and duration of restrictions. The website also explains the exact conditions of particular restrictions, such as whether people with dogs are allowed, and the reason why (for example, nature conservation reasons or fire prevention).

The Agency is improving the online maps to make them more user-friendly

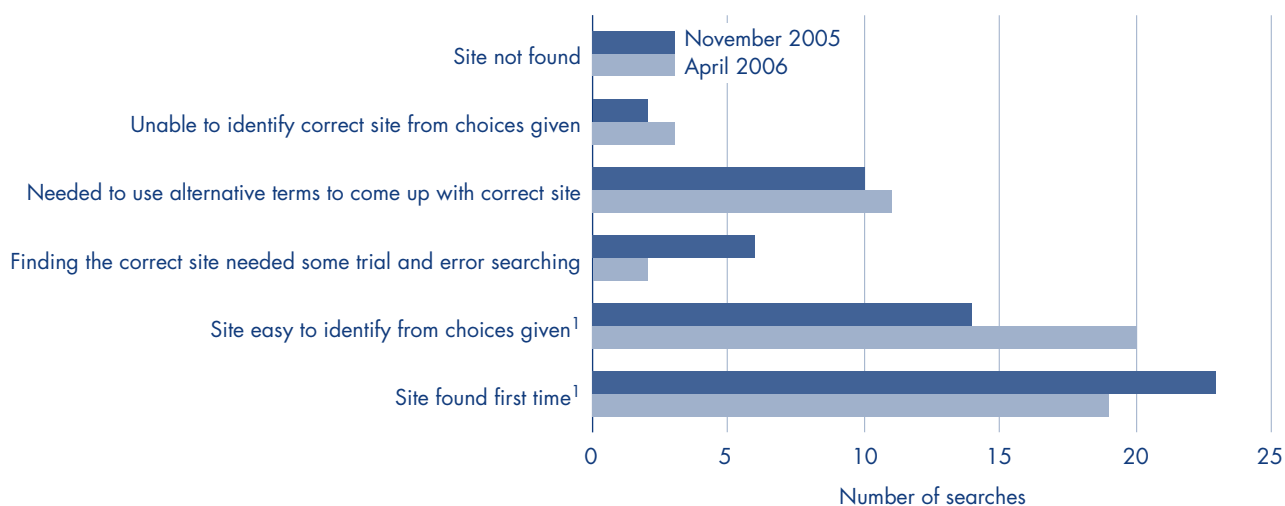
2.7 The Agency envisaged that the website would be the key source of up-to-date information for restrictions on access. The stakeholders we contacted, however, had found the website confusing and difficult to use. We

tested the usability of the website in November 2005 and April 2006 by searching for the access land sites that we visited. For each site, we entered the locally accepted name into the search function to check if it returned the area that we visited and if it could tell us about any restrictions on access.

2.8 Our November 2005 testing found that of 58 searches carried out, in 37 cases (64 per cent) we were able to find without difficulty the map of the site we wanted. By contrast, 21 searches resulted in a response that did not lead us easily to the relevant online map. When we retested in April 2006, we found a slight improvement in the search function: 39 of the 58 searches (67 per cent) returned results where we could find the relevant map easily, whilst in 19 searches it remained relatively difficult to find the map we were after (see Figure 5).

2.9 In many of the searches, difficulties arose because, where there are a number of places that share a similar name, the search function offered us several alternatives but without enough information in the results to allow us to choose the correct one. For instance, the term 'Langden' returns Langden Br, Langden Brook, Langden Castle and Langden Head. In other cases we

5 In a third of cases it was difficult to find sites using the website's search function



Source: National Audit Office

NOTE

¹ For the two categories where we could find the relevant map easily, it should be noted that 'Site found first time' will not always represent a better result than 'Site easy to identify from choices given'. A range of choices can mean that a user will be able to identify with greater specificity the relevant map for the location sought.

found that the search function did not recognise common misspellings or required trial and error searching with a number of alternative possible names. For instance, 'Pen-y-ghent' is recognised, but not 'Pen y ghent'. In contrast, abbreviations are sometimes recognised but not the full version of place names; for example 'Grizedale Br' is recognised, but not 'Grizedale Bridge'. We understand the Agency relies on the OS 1:50,000 gazetteer for over 200,000 records of landmarks, such as hills, forests and valleys. The Agency confirmed it had explored the possibility of building a specialised search facility that would recognise common misspellings and abbreviations, but concluded this would not be cost-effective.

2.10 In addition to difficulties with the search function, our November 2005 testing also found that when we viewed higher level maps – the sort needed to plan a walk – we frequently could not see enough distinguishing features to identify locations. This was particularly the case where the map depicted rural areas with few towns or major roads to aid identification. All restricted areas were shown in solid red – maps did not distinguish between restrictions affecting people and those only affecting people with dogs. In many cases the relevant restrictions were only dog exclusions on grouse moors, but the solid red colouring made it appear that walkers were not allowed. Since then, and confirmed by our retesting in April 2006, the Agency has improved the online maps by adding Ordnance Survey map detail, allowing users to more easily identify the region they are viewing (**Figure 6**). It has also differentiated restrictions that affect people with dogs by showing these areas in red stripe rather than solid red on the online maps.

6

A lack of detail in larger maps previously hindered route planning, but revised online maps with Ordnance Survey map detail are now easier to understand

Online maps of Kinder Scout, Derbyshire, returned from our searches of the www.countrysideaccess.gov.uk website



November 2005



April 2006¹

Source: National Audit Office examination of the Countryside Agency's website

NOTE

¹ The revised online maps of access land are based on Ordnance Survey material © Crown Copyright. All rights reserved. The Countryside Agency, Licence No.100018881. 2006.

Telephone helpline

2.11 The Agency established a telephone helpline in January 2004 principally to serve as a contact point for landowners when they notify or apply for restrictions. It is staffed by around eight people, although staff also work on other tasks such as processing restrictions. The number for the helpline is also advertised in the Countryside Code leaflet, in local information leaflets about open access, on national park authority websites and on large information boards at access land sites, however, as a number for the general public to call for advice.¹⁷

2.12 Between its inception in January 2004 and December 2005, the helpline received 11,162 calls – an average of 465 per month. The Agency could not give us an exact breakdown of how many of these calls were from the public and how many were from landowners, but we understand from the Agency and helpline staff that most calls received are from landowners.

The helpline is a poor source of information for walkers about access land

2.13 We rang the telephone helpline to enquire about the regions we planned to visit. We limited the number of calls we made to five because we did not want our helpline testing to skew how helpline staff dealt with calls, given the low number of calls thought to be received from the general public. Our questions centred on where we could go and any restrictions on access (**Figure 7** sets out the questions we asked helpline staff).

2.14 We found that helpline staff could not give us authoritative and up-to-date information about access land and restrictions over the phone, and instead referred us to the countryside access website. Whilst this advice is reasonable, it does assume the caller can access the internet. In only one case did a helpline operator suggest contacting the applicable national park authority; in others, we had to ask specifically whether tourist offices or national park authorities would have relevant information.

7

Questions we asked telephone helpline staff about using the new right

- Can you tell me what areas of land we can go on to use our new right of access?
- Can you tell me if there are any places where access is restricted?
- We don't have internet access and can't check the website – where else can we find out in advance where we can and can't go?
- Will tourist offices or national park authorities know about places we can and can't go?
- Will there be signs on the ground about where we can and can't go?

Source: National Audit Office

Tourist information centres

2.15 Tourist information centres are convenient places for people to get information about local open access areas. Survey research conducted for the Agency¹⁸ found that in 2004 around a quarter of those surveyed would visit their local tourist office for information on the countryside. Most centres are usually operated by local authorities, though regional tourist boards and other organisations such as national park authorities run some centres and others rely on volunteers from the local community. Centres have leaflets about local attractions and activities, and staff can provide advice on where to go and what to do locally.

2.16 We tested how easy it was to find out about open access rights at 23 tourist information centres in the regions where we made site visits to access land. Without revealing our identity or visit purpose, we examined how well centres provided general information about open access as well as local leaflets about open access in a particular locality.

¹⁷ The helpline number is 0845 100 3298.

¹⁸ By market research company TNS.

Most tourist information centres had some information leaflets about open access available

2.17 Figure 8 shows examples of the key leaflets we looked for in the centres we visited. We saw the Countryside Code leaflet at 13 of the 23 centres we visited (57 per cent). The Agency's 'Countryside access and the new right' leaflet – which, unlike the Countryside Code leaflet, is specifically about using your open access rights – was less common: we found it at seven of the 23 centres (30 per cent).

2.18 Almost all tourist information centres (93 per cent) surveyed in research conducted for the Agency¹⁹ said there was a need for local/regional leaflets about open access. Of the 23 centres we visited, 17 (74 per cent) had information available about opportunities to use the right of access locally, such as local information leaflets, feature articles in local tourist newspapers or books about local walks on access land. Over a quarter of centres (six), however, were not displaying local material.

8 Examples of leaflets available at tourist information centres



Source: Yorkshire Dales National Park Authority/Countryside Agency

¹⁹ Vector Research, *Research into suitable information provision for tourist information centres*, February 2006.

Nearly two thirds of tourist information centre staff were able to answer questions about open access, but others were unaware of the new right

2.19 During our visits to tourist information centres, we asked staff a series of questions about using our open access rights locally. The responses ranged considerably, with some staff demonstrating extensive knowledge about open access whilst others did not seem aware of the new right, even when asked outright about it. **Figure 9** sets out the key questions we asked centre staff.

9 Sample questions we asked tourist information centre staff about using the new right

- Can you tell me what the right to roam actually means – what can I do now that I couldn't do before?
- Do you know of any new land that's opened up in the area that I could go for a walk on?
- What can and can't I do – e.g. can I ride a bike? Can I have a picnic there?
- How will I know it's access land when I get there?
- I've got a dog – can he come with me?
- Will I be stopped from going on access land for any other reason?

Source: National Audit Office

2.20 At 14 of the 21 staffed centres (67 per cent), we got at least basic or reasonable answers to our questions about where we could go to walk on new access land in the local area, and what we could and couldn't do on access land.²⁰ Staff at 11 centres (52 per cent) were able to explain restrictions on access (particularly those relating to dogs), albeit with large variation in levels of knowledge.²¹ Interestingly, much of the advice we were given on restrictions appeared to draw on prior or local knowledge, such as general rules relating to dogs in the countryside or exclusions on access to grouse moors during shoots, rather than a specific awareness of restrictions relating to open access.

2.21 In some cases, when expressly asked about walking on new access land, staff advised walking on established routes or paths. This probably reflects the broader observation that it will take some time for the concept of open access to establish itself in the public's mind. However, about half of information centre staff (at 11 out of the 21 staffed centres) suggested the revised Ordnance Survey maps with access land marked yellow as an invaluable guide to where people can exercise their new right.

2.22 The Agency is aware of the need for specific information and training geared towards tourist information centre staff on what open access involves. Recent research for the Agency on centres' information needs²² is being used to develop relevant guidance; for example, 79 per cent of centres said they would like a briefing note on how to use the countryside access website's online maps of access land.

20 Two of the centres we tested did not have any staff. Our findings broadly correspond with research conducted for the Agency by Vector Research on tourist information centres and open access. This research found that 45 per cent of centres surveyed said their staff were fully informed about how the public could use their new right, and 37 per cent about where new access land could be found in their locality. Awareness was higher in rural centres and those near large amounts of access land, both of which characterised the tourist information centres we visited.

21 Ten of the staffed centres could not answer our questions about restrictions.

22 Vector Research, *Research into suitable information provision for tourist information centres*, February 2006.

PART THREE

Walking on access land



3.1 To make use of new open access rights, the public need to be able to locate and then physically get onto and across access land. We visited sites in areas around England where open access was in place, in order to test whether we could actually get access to access land. We also considered, once on site, whether it was clear where access land is and whether any restrictions on where we could go or what we could do were clear.

Getting on, off and across access land

3.2 We were able to park a car at each of the sites we visited, either at car parks or on roadsides. For people without a car, we found that 20 per cent of sites were accessible by public transport (mainly bus). Many of the sites with public transport access were in the Peak District: the Peak District National Park Authority had negotiated with neighbouring councils to divert or introduce weekend bus services past sites of open access land. Many of the sites we visited did not offer toilet facilities, and the initial implementation of open access did not include plans to install such facilities.

For sites we visited, it was generally possible to get onto and across access land easily

3.3 We found that at 70 of the 74 applicable sites (around 95 per cent) we could gain access to land without difficulty.²³ At the remaining four sites, we had problems gaining access due to impassable walls or gates. Physical barriers to access could also prevent access across sites, although our testing did not indicate that this was a widespread problem. At 59 of the 65 sites (91 per cent) where we walked across access land, there was nothing to prevent us from doing so freely. Five sites had obstacles to access in the form of walls or barbed wire fences (**Case example 1 overleaf** gives examples of these). These barriers appeared to predate open access, however, and the access authorities confirmed that they had already improved or would consider improving access (e.g. by putting in a gate). In one case we could see an 'island' of access land, but could not reach it as it was surrounded by private land and did not have a path leading to it. The relevant national park authority confirmed that it is negotiating access to this land, but that it regarded the landowner's demands for financial compensation to be unreasonable.

²³ Applicable sites in this context means those with distinct entry points where people can get onto access land; the other five sites in our sample were expanses of moorland that formed part of a longer route through access land with access points at the beginning and end of the route.

CASE EXAMPLE 1

Physical barriers to access we experienced during our site testing



At Shoulsbarrow Castle in Exmoor, barbed wire fences and a gully prevented us from walking freely across this new access land. Although access points may have been available, they were not readily apparent.



Similarly, an impassable wall topped with barbed wire barred our progress at Gardom's Edge in the Peak District.

Source: National Audit Office

Work to enable access to access land has worked well when guided by the public's access needs

3.4 Much of the work to make it easier to get onto access land was done as part of the implementation of the new right. Nevertheless, maintaining adequate access is an ongoing responsibility for access authorities. One of the main functions of local access forums (**Figure 10**) is to help access authorities identify what work is required to improve access and thereby enable people to enjoy their new right.

3.5 We found that work to improve access worked well when driven by people's actual access needs – where they want to go and how they want to get there. **Case example 2** is a good illustration of work responsive to how people want to use access land, while also providing a solution that met the concerns of the landowner about property damage. It demonstrates that responsive access works can minimise the risk that increased access will harm sensitive landscape or landowners' ability to manage their land.

3.6 Some sections of the public have particular access needs (although this is a broader issue about how certain social groups access the countryside generally, rather than one just affecting open access). The Agency is conducting a 'diversity review' to investigate how to encourage people with disabilities, ethnic minorities, those living in inner cities and young people to participate in outdoor recreation.²⁴ Individual access authorities have responded to such access requirements on open access land by implementing specific measures. For example, Lancashire County Council offers those with limited mobility the use of all-terrain electric buggies at one of its sites.

²⁴ This work will result in a diversity action plan to increase the participation of currently underrepresented groups in outdoor recreation. As part of its diversity review, the Agency has published research on countryside visits by black and ethnic minority communities and guidance on improving access opportunities for people with disabilities.

10 Local access forums advise on improving access locally

Local access forums advise local highway authorities and national park authorities on open air recreation, including improving open access in their particular localities. There are 81 forums in England, most of which were set up in 2002 or 2003 (each access authority had a statutory duty under the Countryside and Rights of Way Act to establish a local access forum for its local area). Forum members represent different interests such as landowners and managers, walkers, other recreational users and additional local interests such as nature conservation and tourism. Forums must be consulted on certain matters including long-term restrictions on access. Over and above this, the forums bring together a range of sometimes divergent interests and enable them to influence how open access is implemented locally.

Source: National Audit Office

CASE EXAMPLE 2

Access points at Parkhouse Hill, Peak District



Walkers may want to enter or exit sites of access land at places where there are no existing entry points, perhaps because they want to get to an interesting feature or take a shortcut. At Parkhouse Hill in the Peak District, people were cutting across new access land and climbing over fences in order to get to an existing footpath. The national park authority negotiated with the landowner to put in two new access points in the fence where people were climbing over it. As well as preventing damage being done to the fence, this responded to how people are actually using their open access rights to link up with existing rights of way.

Source: National Audit Office. Photograph courtesy of the Peak District National Park Authority

Signs to show where the new right applies

3.7 Signs telling people how to find local access land vary from simple discs with the 'brown person' open access symbol to detailed information boards with maps of access land locations (**Figure 11** and **Figure 12** respectively). Access authorities decide whether access land signs are required, where they should be and their format and content. In doing so, they take into account the views of landowners, English Nature or other relevant parties and aim to balance the need to inform the public about new access land against the desire to avoid the 'visual pollution' that signs can bring to open country. In positioning signs, access authorities seek to erect signs appropriate for the particular location. For instance, the larger information signs in Figure 12 overleaf tend to be found in places like car parks at popular sites or near tourist information centres, where they will be seen by many people and where they will not intrude on views of open country.

11 Thirteen per cent of the public recognises the 'brown person' symbol

The Agency introduced the 'brown person' open access symbol in July 2004. On signs and discs in the countryside, it signifies land where the public can exercise new open access rights.

Survey research conducted by TNS for the Agency in 2005 found that 13 per cent of those polled recognised the open access symbol. Previous polling in 2004 indicated an 11 per cent recognition rate.



Source: Countryside Agency

12 Open access signs vary across England

Signs indicating access land vary from comprehensive information boards to simple 'brown person' symbols, depending on what access authorities determine is required at the particular site.



Source: National Audit Office

At most sites we visited, signs clearly indicate where access land is

3.8 Overall, we found that we could tell from signs on the ground where the newly opened access land was located. Our site testing showed that of the 71 sites where signs were needed to indicate locations of access land,²⁵ 52 (73 per cent) had appropriate and accurate signs. This left 19 sites (27 per cent) that had no access land signs where the extent or status of open access land was unclear and where, in our view and in accordance with the Agency's guidance,²⁶ a sign would have been helpful.

3.9 Areas that have been open for longer had higher levels of useful signage about access land: 40 out of 48 sites in the Upper and Lower North West (83 per cent) had sufficient open access signs. In certain parts of the South West, there was much less signage. Our site testing found that almost half (11 out of 23, or 48 per cent) of South West sites did not have any signs about access land. On these sites, it was impossible to tell on the ground, without an Ordnance Survey map, that they were open access sites. Many sites in the South West, however, had pre-existing access and, as our site testing was conducted immediately after the South West opened for access in August 2005, the signage had not been erected or updated.

²⁵ The total number of sites was 79, but eight sites did not require signs because they were, for example, in the middle of a large moor.

²⁶ Countryside Agency, *Signs on access land in England: Guidance for access authorities*, July 2004.

In some places outdated or missing signs may cause confusion about where people can go

3.10 At four out of the 79 sites (5 per cent), we found instances of out-of-date signs that could confuse the public. Some of these old signs, which appeared to pre-date the introduction of open access, stated that there was no public access or no right of way across land that had actually been opened for access (see [Case example 3](#)). Stakeholder groups in some areas also suggested that some landowners may have removed open access signs and left up outdated restriction signs after the applicable period had passed. Another source of potential confusion can occur at the boundaries between access and non-access land (e.g. where walkers must continue on a linear right of way after coming off access land). In at least three cases, we found that the transition point was not clearly or correctly marked to signify a change in access rights. In one case, in Dartmoor, the access authority confirmed that monitoring of how the particular site has been used has since led to additional signs being provided.

CASE EXAMPLE 3

Misleading sign at Whitfield Moor, North Pennines



This sign suggested land at Whitfield Moor was off-limits when, in fact, it was open for access. Other signs 50 metres away correctly indicated that the moor is access land.

Source: National Audit Office

Showing where access is restricted

3.11 Formal restrictions on access may be put in place to protect against the harm that increased access could cause to sensitive landscape or wildlife habitat, public safety or the ability of landowners to manage their land. The number of restrictions varies over time, as most formal restrictions are time-limited and some are seasonal. There are three main types of restrictions:

- **Restrictions applied to protect certain interests.** In general, these restrictions apply for a limited time period depending on the particular circumstances; they may be for a few days or last over six months.²⁷ Generally the Agency, the relevant national park authority or the Forestry Commission decides whether access should be restricted, on a case by case basis and with reference to statutory guidance. For land management, fire prevention and public safety restrictions, the landowner or others with a legal interest in the land can apply to the Agency, national park authority or Forestry Commission to restrict access. Fire prevention and public safety restrictions can also be introduced directly by the Agency, national park authority or Forestry Commission without a landowner having to apply for them. Restrictions for nature conservation or heritage preservation (see [Case example 4 overleaf](#)) are decided by the Agency, national park authority or Forestry Commission on advice from English Nature or English Heritage; landowners cannot apply for these restrictions.
- **Discretionary restrictions.** Landowners have the discretion to exclude or restrict access for any reason for up to 28 days in a calendar year (these cannot be applied on certain days of the year such as bank holidays). Landowners do not have to apply for this type of restriction, but are simply required to notify the open access contact centre of when and where the discretionary restriction takes effect.
- **Dog restrictions for grouse moor management and lambing.** Landowners have the ability to exclude people with dogs from grouse moors or lambing enclosures. Grouse moor dog bans can apply for up to five years at a time, while those for lambing apply for periods of up to six weeks in any calendar year. As with discretionary restrictions, landowners have to notify the open access contact centre of when and where the dog exclusion is in place.

27 In limited circumstances, access may be restricted indefinitely.

CASE EXAMPLE 4

Protecting sugar limestone at Widdybank Fell, County Durham



Widdybank Fell in County Durham has several areas of very sensitive habitat, including sugar limestone grassland. Sugar limestone crumbles easily and is highly prone to erosion. Because the erosion process is hastened by people walking on this vulnerable habitat, access to areas of sugar limestone is excluded.

Source: National Audit Office. Photograph courtesy of English Nature

3.12 Restrictions may exclude access to land entirely, or put particular conditions on people going onto access land. Over 99 per cent of access land was open to people without dogs in November 2005 (see [Figure 13](#)). Out of the 234,000 hectares, or 27 per cent of access land, with restricted access, around 215,000 hectares was grouse moorland not accessible to people with dogs.

3.13 In addition to formal restrictions, other measures to safeguard sensitive land and habitat have been introduced. These measures try to manage public access in order to minimise harm that could arise from increased public access. Of the 22 sites we visited with nature conservation interest, five had formal restrictions on access but 16 had less formal measures in place to reconcile access with conservation concerns, such as managing access by encouraging people to use certain routes.²⁸

3.14 It is too early yet to judge the effects of open access on vulnerable sites and land management practices. Preparatory work has taken place to anticipate and prevent harm, but monitoring will be important to show how effective restrictions and other measures have been at minimising potential harm. The Agency is undertaking a comprehensive monitoring programme that will evaluate usage levels, the actual availability of access land (the amount of land not affected by restrictions) and the impacts of open access on sensitive land, wildlife and land management.

Where restrictions on access apply, it is generally clear where people cannot go

3.15 Of the sites we visited, 29 (around 37 per cent) had some type of restriction on them as this was one of the criteria on which we selected our sample. Of the sites with restrictions, 23 had accurate signs clearly indicating where the public could not go and the time period of the restriction. Of the other sites, five had no restrictions signs and one had a confusing sign which did not make clear that the public was not allowed.

²⁸ The remaining site had no protective measures in place at the time of our visit, even though identified by English Nature as a sensitive habitat during critical seasons of the year. We understand from English Nature that the fencing and signage work necessary was completed in February 2006, before the sensitive period from March to July.

3.16 Nearly all the signs we saw conveyed the basic information about the relevant restriction, but some were clearer than others. We found that signs produced by access authorities, which differ from area to area, were well-designed and informative. Signs erected by landowners tended to be the restrictions notices produced by the open access contact centre. These notices were small (A4 size) and not as easy to understand as access authorities' signs, largely because the maps used in the notices to show

where restrictions applied were abstract and covered too large an area. A number of the landowners we consulted raised concerns that people would not understand where restrictions applied and would not comply with them. As a result, the Agency has redesigned its restrictions notices so that maps of restricted areas are overlaid onto Ordnance Survey map detail showing landscape features to enable people to orient themselves.

13 Most restrictions on access land in England at 1 November 2005 affected people with dogs

	Area of access land affected (hectares) ¹	Total access land affected (%) ²
Restrictions entirely excluding access to people	5,177	0.6
Restrictions allowing people access but applying certain conditions (e.g. on where people can go)	1,262	0.1
Restrictions excluding access to people with dogs	215,223	24.9
Restrictions allowing access for people with dogs but applying certain conditions (e.g. dogs to be on leads)	12,195	1.4

Source: Countryside Agency

NOTES

1 Figures in this table are for definite restrictions that were in place at 1 November 2005. It does not include figures for 'outline directions', which are restrictions that have been approved but which do not apply until they are activated in response to certain circumstances, (e.g. outline directions for fire prevention restrictions, which only become active if the fire risk index reaches a trigger level of exceptional fire risk).

2 Percentages in this table are given by the amount of land affected by the particular type of restriction, divided by the total amount of access land open to the public (865,122 hectares).

The variety of rules applying to dogs on access land could result in public confusion and non-compliance

3.17 Stakeholders consider the control of dogs to be the single biggest potential problem on access land and in the countryside generally. Several different rules about dogs on access land apply in different circumstances (Figure 14). The variety of rules is potentially very confusing for the public and could result in non-compliance. In turn, this could mean that dogs could cause damage to sensitive areas and pose a nuisance to livestock and wildlife.

3.18 Almost a third of the sites we visited (25) had dog restrictions on them. Most of these sites were in northern England, where long-term dog bans on grouse moorland are quite common. At 22 of these sites, signs made it clear that dogs were excluded or had to be on leads (Figure 15); the remaining three did not have signs but should have had them. We also found inconsistencies between information from the online maps and signs on the ground about dog restrictions. At eight sites, there were signs stipulating rules about dogs (no dogs or that dogs had to be on leads) when there were no dog-related restrictions according to the online maps. In some cases, the signs may have pre-dated the open access programme.

3.19 Given the variety of rules that apply to dogs on access land, and the possible harm that dogs could cause to vulnerable wildlife or livestock, dogs should be a priority for public information campaigns about open access. The 'You and your dog in the countryside' leaflet (Figure 15) is targeted specifically at dog owners and sets out the rules relating to dogs on access land. Stakeholders we spoke to, however, were concerned that the message about dogs and access land is diluted by the extent of other information it contains about dog ownership. Signs on the ground convey the rules applying to dogs more directly, and it is therefore important to have clear, consistent and accurate signs at particular sites as needed.

14 There are a number of rules affecting dogs on access land and in the countryside

Under the Countryside and Rights of Way Act 2000, on access land:

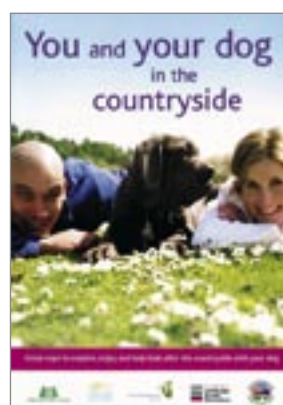
- Dogs must be on leads of no more than two metres between 1 March and 31 July and at all times when there are livestock nearby.
- Land managers may exclude people with dogs from grouse moors for up to five years and from lambing enclosures for up to six weeks during the lambing season.
- Restrictions to protect sensitive habitat, wildlife, livestock or landowners' freedom to manage land can specify conditions about dogs.

On land which is not open access land, the following rules can also apply:

- On rights of way dogs must be under close control.
- Land subject to access agreements negotiated prior to open access may require dogs to be kept on leads at all times.

Source: Department for Environment, Food and Rural Affairs/ Countryside Agency

15 Efforts have been made to communicate information about dogs on access land



Source: Countryside Agency, Kennel Club and English Nature/ National Audit Office

APPENDIX ONE

What the new right allows on access land

The new right of access allows most recreational activities on access land that are carried out on foot, including:

- Walking
- Bird watching
- Climbing
- Running
- Dog walking (subject to any restrictions on access for people with dogs)

Unless otherwise permitted on land designated as access land (by law or with the landowner's consent), the new right does not allow:²⁹

- Camping
- Cycling, horse riding or driving a vehicle (except mobility scooters and buggies)
- Taking part in organised games or commercial activities
- Swimming or using boats or windsurfers in non-tidal rivers or lakes
- Hang gliding or paragliding
- Hunting, shooting, fishing and other activities that involve killing or taking animals, birds or fish
- Removal of anything from the area (including stones, fallen wood or plants)
- Lighting of fires

29 A complete list of proscribed activities on access land is contained in Schedule 2 of the Countryside and Rights of Way Act 2000.

APPENDIX TWO

Methodology

- 1

Our primary research focus was to establish whether open access had been implemented so that the public can enjoy the new right of access to open countryside. This involved answering two questions:

a

Can people find out information before visiting about where they can go to enjoy their right of access?

b

Once there, can they easily tell where to go, and can they actually get onto and across access land?

To answer these questions, we used the following methods.

Site testing

- 2

We made site visits to a total of 79 sites of access land in England (see **Figure 16** for the detailed breakdown of the number and types of sites we visited). The locations that we visited were drawn from three of the eight geographical areas that the Agency used to map access land:

a

Lower North West: Peak District and Forest of Bowland. The Lower North West has been open for the longest amount of time (since September 2004) and has the second largest proportion of access land (14.7 per cent).

b

South West: Dartmoor, Exmoor and Bodmin Moor. The South West area opened for access in August 2005, during our fieldwork, and has a relatively significant proportion of access land (10 per cent).

c

Upper North West: Yorkshire Dales and North Pennines. The Upper North West has the largest share of access land in England (48 per cent), and has been open for access since May 2005.

- 3

At sites in these regions, we tested how easy it was to find out where we could and could not go (e.g. by checking whether there were signs to indicate access land and any restrictions on access). We also considered the accessibility of land, in terms of whether we could get onto access land and across it reasonably freely.

16 Number and type of sites visited	
Total number of sites visited	79
Number of sites where we walked across a significant proportion of access land at the site	65
Number of sites visited with nature conservation interest	22
Number of sites visited with restrictions on access	29
Of those sites with restrictions on access, number with restrictions relating to dogs	25
Source: National Audit Office	

Public information testing

4 We tested the following sources for finding out information about using the right of access:

- a Website.** There is a website devoted to informing the public about their right of access and where it applies. For all of the sites we visited, we undertook testing of whether the website could tell us that it was access land and whether there were any restrictions on access at those sites.
- b Telephone helpline.** We rang the open access telephone helpline prior to our site testing in the areas we visited. We asked helpline operators whether they could tell us about locations of access land in the regions we were to visit, and whether there were any restrictions on access.
- c Tourist information centres.** We conducted 'mystery shopping' of 23 tourist information centres in the areas where we did our site testing. We checked the availability of leaflets and other information on open access. In the 21 tourist information centres that were staffed, we asked staff a series of specific questions about using the right of access in the local area.

Focus groups of stakeholders

5 We ran five focus groups of local stakeholders in the regions where we conducted our site testing: the Peak District, the Forest of Bowland, Dartmoor/Exmoor, the Yorkshire Dales and the North Pennines. We asked focus group participants for their views on their experiences and expectations of open access. Participants were invited to provide perspectives from the point of view of landowners, walkers, other recreation interests and nature conservation interests.

Interviews with access officers

6 We interviewed seven local and national park authority officers responsible for implementing open access in our site testing regions. From these interviews, we established how access officers had responded to the task of implementing the right of access on the ground.

APPENDIX THREE

The Agency has learned lessons from the cost overruns in implementing open access

1 The implementation of open access has cost the Countryside Agency £52.6 million, compared to an estimate in December 2000 of £28 million. Much of the difference was due to an underestimate of the work required early in the project and by 2003 the Agency had tightened up its project management to monitor costs more effectively.

2 There have been a number of reviews into the implementation of open access and why costs increased. In 2003, the Environment, Food and Rural Affairs Select Committee published a report on the implementation of the Countryside and Rights of Way Act which noted among its conclusions the Government's acknowledgement that it had underestimated the size of the mapping exercise. In May 2003, at the request of the Agency Board, the Agency's Audit and Risk Management Committee invited Internal Audit to undertake a review of progress. The Internal Audit report, which covered the period April 1999 to June 2003, was considered by the Audit and Risk Management Committee in December 2003 together with the Agency's management response. In May 2004 the Agency's Chief Executive wrote to the Permanent Secretary of the Department for Environment, Food and Rural Affairs outlining the findings of these reviews. In November 2005 the Agency's project team undertook a post-implementation review, and the Department confirmed that the Office of Government Commerce is due to undertake a review in late 2006.

3 This appendix draws upon these existing reports to determine the reasons for the increased costs and what the Agency has done to improve procedures and performance.

In deciding to deliver the project on time, the Agency did not assess the risks of underestimating costs

4 In order to meet its commitment to implement open access before the end of 2005, the Agency took a number of short cuts early on in the project which significantly increased the difficulty of estimating the cost. In particular:

- **The absence of pilot testing, such as in one area of the country, contributed to an underestimate of the work involved.** The Agency had anticipated that they could rely on existing data to prepare draft maps. In practice the existing information did not prove as reliable as envisaged and the Agency had to commission aerial photography and site visits. The volume of representations from landowners was much higher than anticipated and the Agency had to provide greater numbers of maps (free of charge) than predicted. The consultation process consequently proved more complex than envisaged and involved large volumes of correspondence.
- **The main contract for the mapping exercise was poorly drafted and let before the Agency could be confident about what the work required.** Invitations to tender were sent out in August 2000 and the contract to Black & Veatch for the mapping work agreed in January 2001. The Countryside and Rights of Way Act received Royal Assent on 30th November 2000, but the secondary legislation on mapping did not come into force until November 2001. The internal audit report noted that the Treasury Solicitor had identified in July 2000

that the proposed contract effectively included an open-ended commitment to pay the contractor at the quoted day rates until completion of the work. The contract did include a break clause, however, and it allowed new lump sum fees to be negotiated. The original value of the contract was £4.1 million plus £1.2 million contingencies (excluding VAT) and by December 2002 changes in the scope of the work had caused it to rise to an estimated £20.6 million. The contract with Black & Veatch was subsequently renegotiated with expert advice from the Office of Government Commerce to an anticipated £18.5 million and the work was finally completed at a cost of £16 million (excluding VAT).

5 The Agency's post-implementation review recognised that many of the lessons learned would have been identified at the outset if the introduction of open access had been pilot tested. The Agency believed at the time that pilot testing was not a practical option, however, as they estimate it would have added two years to the project and could not be accommodated within the public service agreement deadline of December 2005. The post-implementation review confirmed that if similar circumstances arose on another project, the Senior Reporting Officer and the Project Board would make a properly informed choice based on the risks to time, cost and quality identified in the risk register. The basis of the decision would then be formally recorded.

The Agency did not adequately manage the inherent risks of the open access programme at the outset

6 There was insufficient management of the project at the outset in order to monitor spending sufficiently, review potential risks and to maintain adequate control of progress. The Agency instigated an Open Access Project Board in January 2003, but the work and costs had already increased well above the December 2000 estimate. The Audit and Risk Management Committee recognised the decision by the Agency to combine the role of Principal Finance Officer and principal champion for the project under one person to be an error of judgment and contrary to accepted practice. This failure was compounded by the Agency's Management Board receiving no specific written reports on progress between October 2001 and April 2003.

7 The Chief Executive at the time acknowledged the shortcomings above, which he believed were due to the culture of the organisation and an absence of professional procurement expertise. He acknowledged that, as Accounting Officer, he should have demanded more explicit formal reports from the director responsible.

8 The Agency tightened up its project and risk management of the open access programme in February 2003 when the Open Access Project Board agreed to revise its project management procedures by April 2003 and develop a risk register. The Agency developed a detailed project plan, introduced improved project management arrangements and a revised management reporting structure whereby the Programme Director regularly reported progress to the Board. Staff attended project management courses and the Agency put in place a project support manager with relevant experience and qualifications. The Agency also invited the Office of Government Commerce to assist in re-negotiating existing contracts and adopted Gateway review procedures.