

YORKSHIRE DALES NATIONAL PARK AUTHORITY
ACCESS COMMITTEE

11th May 2006

OPEN ACCESS (CROW Act) - UPDATE

Purpose of this report

Members of the Access Committee have asked for an up-date on the effect of open access – one year on. This report summarises what has happened since Commencement, and what actions have been taken by the Authority to date.

Strategic Planning Framework

The information and recommendation(s) contained in this report are consistent with the Authority's statutory purposes and its approved strategic planning framework:

- ***Best Value Performance Plan 2006-7***
Access & Recreation BVPP 32, Implement the Countryside and Rights of Way Act Part 1:
 - (a) Seek the YDAF's advice in producing a comprehensive 'open access' management plan.

Background

Open access commenced in the Yorkshire Dales National Park on the 28th May 2005 and increased available access land from 4% to 62% of the area of the National Park.

Before Commencement the Authority established and developed the new Access and Recreation and Ranger teams and reviewed implementation - this re-structure of existing resources was in direct response to the new responsibilities placed on the Authority by the CROW Act.

We have also implemented the Countryside and Rights of Way Act 2000, as follows:

- a) We made the draft, provisional and Conclusive Maps of open access areas available to the public at three of our offices (Grassington, Bainbridge and DCM Hawes. The Yorkshire Dales Access Forum (YDAF) also made comments on the draft maps).
- b) We implemented a communication strategy which said how we would reach various audiences, and the messages we wished to get across (we consulted the YDAF on this in 18 November 2003, and up-dated the YDAF on progress 2 November 2004).
- c) We are providing signage to help manage implementation of open access on the ground, we produced signs in line with the national guidance (national guidance presented to YDAF 18 November 2003) and we consulted the YDAF on a local - Yorkshire Dales National Park Authority, signing strategy and specific wording in 29 June 2004).

- d) We liaised with over 200 Landowners and farmers to develop access area 'profiles' through 'drop in days' and onsite meetings ahead of the commencement of open access, and attended various meetings eg parish councils, and interest groups.
- e) We procured the national restrictions data management system which is web based, (in accordance with the Regulations), and includes a national central point of contact through the Open Access Contact Centre, and dissemination of information.
- f) With English Nature, we undertook an 'assessment' of the likely effect on the introduction of open access on the habitats and wildlife (including breeding birds) within the National Park. We put in place visitor management tools to ensure any possible effect was minimised.
- g) Having discussed provision of infrastructure with land managers and the YDAF, we agreed the Authority's policy on providing infrastructure, (Access Committee 13 January 2005) and will have provided 60 pieces of infrastructure by end of March 2006.
- h) We trained the Area rangers as 'case workers' to deal with applications for exclusions and restrictions under the CRoW Act. We have dealt with 100% of applications in the time period prescribed by the legislation. We have received a total of 20 applications to date. We have provided regular up-dates to the YDAF on the applications received since November 2004, and consulted the YDAF on long terms restrictions in accordance with the legislation.
- i) We employed 4 seasonal access rangers to help with the management of open access during Summer 2005, having previously consulted the YDAF regarding our approach to wardening and byelaws on Access Land (29 June 2004).
- j) We have completed a training programme to enable existing Dales Volunteers, who wish to, to carry out the warden function set out in CROW Act, and monitor the impact of open access on sites important for nature conservation. A total of over 500 access duties have been completed to date.
- k) We have made information available to existing and potential users through our website, access information points, and leaflets.

Use of Exclusions and Restrictions

During the period 28th May to 31st Dec 2006 the NPA as Relevant Authority received 20 applications for restrictions or exclusions, 2 of which were withdrawn. Of the 18 which have been determined along with discretionary restrictions applications has resulted in the in the following restrictions and exclusions:

Area of National Park Open Access Land with Restrictions – 28 May to 31 Dec 2005

	Ha	% Of Open Access Land
National Park	176,200	
Open Access	109,500	62%
Section 15 land		
5 Year Discretionary Dog Restriction	41,890	38%
28 day discretionary public exclusion	28,430	26%
Exclusion of dogs during calving	90	0.1%
Restriction dogs on leads (grouse moors)	1,490	1.5%
Permanent public exclusion	11	0.01%

Cotterdale Restriction Application

An application for public exclusion over an area of 490 hectares of Abbotside Common and Cotterdale Common for the period 3rd August 2005 to 1st Feb 2006 for the purposes of land management was submitted on the 9th May 2005. The application stated that a direction was needed to prevent: disturbance to the poults during the time they are habituating the land; disturbance to pheasants and partridges prior to and post shoots; distraction to those engaged in the shooting; and undue interruption of the sport.

The Relevant Authority granted two directions:

- Direction 2005050410 excluded the public from the site between the 3rd August and 30th September to allow for birds to habituate to the area.
- Direction 2005060195 excluded the public from the site for a maximum of 30 days from the period between 1st Oct and 1st Feb 2006 in accordance with some specified conditions.

An appeal was made on the 13th July 2005 to the second direction on the grounds that the Relevant Authority did not act in accordance with the application for direction and the applicants representations.

The appeal was dismissed by the Inspector on the 28th March 2006 after following written representation procedures. The Inspector concluded that the appeal was no longer valid as the period of the direction 2005060195 had now ended.

Discretionary Restrictions 1st Jan 06 to 31st Dec 06

The Authority has received a number of notifications of landowners using their 28 day discretionary restrictions over grouse moors in the National Park during May/June 2006. As a result open access land on many grouse moors in the Yorkshire Dales will be closed to the public for the following periods:

15 May – 28 May
30 May – 2 June
5 June – 9 June
12 June – 16 June

The notifications for discretionary restrictions 2006 covers a similar area to those used May 2005 (further information on the exact area will be given at the meeting). Members should note that grouse moor owners in the North Pennines and North York Moors and Northumberland National Parks are using their 28 day discretionary restrictions in a similar, though start dates vary area to area.

Dedication of Open Access Land

The Authority received notification of the first parcel of land dedicated as 'Open Access' land by private individuals. The land is 1.143 hectares in size and known as the Kennel Field , Thornton Rust.

Use of the New Right

Since commencement there has been intensive monitoring, based on observation, to look at whether visitors are taking up their new right and are acting in a responsible manner. The Authority has also evaluated, through face to face interviews, the information provided to and used by users, to ensure it is providing information that gets messages across in the best possible way.

Observations of use (Access Duties)

Access duties are a series of walks designed to spend considerable time close to, or on, open access land. 433 access duties were conducted between 28th May and 30th September across a total of 48 routes spread throughout the National Park. During these duties 4188 people were observed with 71% observed on public rights of way, 17% on other paths/tracks and 12% on open moor on access land. A total of 295 dogs were observed.

One of the most important issues on access land in the Yorkshire Dales is the behaviour of people taking dogs with them on their walk. The table below details the number of dogs seen in relation to open access land and public rights of way.

Table 1: Observations of dogs during access duties May to Sept 2005

	Free-ranging dogs	Dogs off-lead but in close control	Dogs on lead	Totals
On CRoW land with no restriction	6	12	9	27
On CRoW land with a restriction	0	3	3	6
On public rights of way	12	128	122	262
Total number of dogs observed				295

The vast majority of people accompanied by dogs were seen on public rights of way (89% of the total observed) with only 6 dogs observed in areas of restriction (2% of the total observed), and 27 dogs (9% of the total observed) seen on open access land with no restrictions.

In consultation with English Nature, 23 sites were identified where an increase in visitor numbers was predicted, and were known to have high densities of breeding birds and other species. 1356 people were observed at these 23 sites of which 142 people were observed off PROW or recognised tracks with 9 dogs. Compliance by people accompanied by dogs with restrictions and/or schedule 2 of the CRoW Act was high. Out of 66 dogs observed only 3 dogs were classed as free ranging that is being off a lead and not under close control.

Visitor knowledge (questionnaire survey)

A questionnaire survey took place at a number of locations across the Park, with 665 questionnaires being completed between August and the end of October 2005. The locations where the survey took place were the Access Information Point sites which have high visitor numbers, and a locations actually on open access land on the fells. The survey established both demographic and visitor profile information, as well as looking at visitors' knowledge of open access.

The survey found that 87% of respondents had heard of 'open access or the right to roam' and 30% correctly identified the open access symbol. Levels of awareness were higher amongst residents and those living close to the Park, as well as amongst those people interviewed on the fells. For instance 95% of local residents have heard of 'open access or the right to roam' and 53% correctly identified the open access symbol.

Amongst visitors 8% stated that the availability of open access land had influenced their decision to visit the area.

Respondents had a generally good understanding of what can and can not be done on access land, particularly local residents and those interviewed on the fells.

Respondents were also asked whether they had checked for restrictions before their visit, and 7% stated that they had. A more general question was asked of all respondents about where they would look for information on restrictions on open access land. The most common responses given were:

National Park Centre/TIC/Park Information Point	39%
On-site notices	26%
National Park Authority website	23%
National open access website	8%
Open access information boards	7%

Respondents were asked about the reasons why restrictions might be necessary, and gave a variety of responses related to land management and nature conservation. Once again respondents interviewed on the fells and local residents showed higher levels of understanding. For instance, dogs on grouse moors were seen as a point affecting restrictions of open access by far more residents of the Yorkshire Dales (58%), than residents of the Yorkshire Dales Marketing area (32%); the potential day visitor markets (19%); the rest of the UK (17%); and overseas visitors (9%).

Audit Commission report

The Commission conducted an audit of the introduction of the new open access legislation, across the country, during late 2005. The final report is currently being drafted and will be presented to the Local Access Forum and the Access Committee on completion.

Conclusion

At its meeting of the 21st March the Yorkshire Dales Access Forum noted the paper, which has been amended following their comments and advice. In addition the YDAF has agreed to assist in the production of a comprehensive 'open access' management plan, in accordance with Best Value Action 32 (a).

RECOMMENDATION

Members to note report and works completed to date in the implementation of Countryside Rights of Way Act Part 1

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Background documents:

Minute of the YDAF Meeting held on 21 March 2006

21st April 2006