

# Part I of the Countryside and Rights of Way Act 2000:

## Access to the countryside

### 1. Introduction

1.1 Part I of the Countryside and Rights of Way Act 2000 (the Act) will give the public a new right to enjoy and walk freely over more than 800,000 hectares of open country (mountain, moor, heath and down) and registered common land in England. The Forestry Commission and other landowners are dedicating further large areas of land for access in the same way, often in perpetuity. The Act fulfils a commitment in the Government's 1997 election manifesto and is rooted in a campaign from the nineteenth century for people to wander the mountains and moors of Britain at will. The Act also applies to Wales.

1.2 This circular deals mainly with the vital role of local highway authorities and National Park authorities in England as "access authorities" in managing public access to the new access land. The advice on wardens applies to district councils too. This circular also explains the legislative background and contains advice to all local authorities in England on dedication of land and on the provision of information about the new right.

### 2. Legislative background

#### General

2.1 The new right of access under Part I of the Act is being brought into force progressively on a region-by-region basis. Regulations have been made on detailed procedures, including the mapping of open country and registered common land; restrictions and exclusions of access; dedication of land; and the establishment of local access forums<sup>1</sup>. The new right of access commenced in the South East and Lower North West of England on 19 September 2004, with the right of access commencing in all other areas in England by the end of 2005<sup>2</sup>. Dedication of other land for access

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<sup>1</sup> Details of the main regulations are available at [www.defra.gov.uk/wildlife-countryside/cl/accessopen.htm](http://www.defra.gov.uk/wildlife-countryside/cl/accessopen.htm). Copies of the regulations are published by The Stationery Office and may be obtained at: [www.legislation.hmsso.gov.uk/stat.htm](http://www.legislation.hmsso.gov.uk/stat.htm)

<sup>2</sup> Details for commencement in each region are on the Countryside Agency's website [www.countrysideaccess.gov.uk](http://www.countrysideaccess.gov.uk) and are also set out in Defra's News Release ref 163/04 of 29 April 2004 which is available at <http://defra/news/2004/040429c.htm>

(section 16) will significantly increase the areas of land, particularly woodland, to which the new rights will apply. Defra (the Department for Environment, Food and Rural Affairs) will also consider whether to extend the right of access to coastal land in England once it has implemented the right of access to open country and registered common land.

## **Access land**

2.2 Access land under the Act comprises open country and registered common land shown on the conclusive maps and land dedicated under section 16 of the Act. Access land does not include land which currently falls into one of the categories of excepted land described in Schedule 1 to the Act; such categories include land covered by buildings, land used as a park or garden, and land used for the purposes of a golf course, racecourse or aerodrome. Nor does access land include land shown on the conclusive maps but accessible to the public under certain other legislation listed in section 15 (1) of the Act.

## **Access authorities**

2.3 Each local highway authority, already responsible for public rights of way, is an access authority under the Act except for access land in a National Park, where the access authority is the National Park authority. The Act includes powers for access authorities to make byelaws (section 17), appoint wardens (section 18) and to erect and maintain notices indicating boundaries etc (section 19) in respect of access land in their areas. Access authorities may also negotiate agreements (section 35) with a landowner or occupier to provide means of access and undertake the necessary works themselves if such agreements cannot be reached.

2.4 A summary of access authorities' powers and duties under the Act is set out in DETR circular 04/2001<sup>3</sup>. This circular provides further guidance to access authorities in England on their powers under the Act and on other aspects of the new right of access, including restrictions. It updates and replaces guidance issued by Defra in its letter of 22 July 2003<sup>4</sup>.

## **3. Dedication**

3.1 All local authorities should consider making use of the new powers of dedication in the Act. Section 16 provides freehold owners of land, or leaseholders whose leases have at least 90 years left to run, with the opportunity to voluntarily dedicate their land for public access – whether or not the land is shown on the conclusive map as open country or registered common land. The result is that people may enjoy access to land as a statutory right and continue to do so even if it is sold. Dedication of land may also result in the right of access being extended in a particular area to people other than walkers, for example horse riders. The Forestry Commission is dedicating its entire freehold estate of over 180,000 hectares.

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<sup>3</sup> Available at [www.defra.gov.uk/wildlife-countryside/cl/circular/](http://www.defra.gov.uk/wildlife-countryside/cl/circular/)

<sup>4</sup> Part I of the Countryside and Rights of Way Act 2000; Functions of Access Authorities; 22 July 2003 and available at [www.defra.gov.uk/wildlife-countryside/cl/dclfin.pdf](http://www.defra.gov.uk/wildlife-countryside/cl/dclfin.pdf)

3.2 Defra has issued a guidance note<sup>5</sup> on the steps to make a dedication of land as set out in the dedication regulations<sup>6</sup>. It includes specific guidance for local authorities considering dedication of their own estate. Local authorities do not have to seek the Secretary of State's consent for making a dedication but should follow the process outlined in the guidance. As the act of dedication will have a long-term or, in many cases, a permanent effect, authorities are recommended to take legal advice before dedicating any of their land so that they are fully informed about the implications. Where a dedication of land is made, the person making the dedication is required to send a copy of the dedication instrument to the access authority within 28 days beginning with the date on which the dedication is made. A copy of the dedication instrument must also be sent to the Countryside Agency's Open Access Contact Centre.

3.3 Land that is dedicated will normally be subject to the same general restrictions as apply to other access land and applications for local restrictions can be made in the same way as for any other access land. Access authorities should include any dedicated land in their plans to implement access arrangements locally.

## **4. Importance of access authorities**

4.1 The Government is keen to ensure that the benefits of greater access to the countryside are realised fully. More opportunities for outdoor recreation should improve people's physical health and sense of well-being, bring better public understanding of the countryside, and increase income for rural areas through greater spending by visitors. At the same time, the rights and needs of walkers must be balanced against the needs of land managers and others. Realising the full potential of the new right and striking an appropriate balance between walkers and others requires action by access authorities.

4.2 Access authorities have the local presence, knowledge and understanding of countryside recreation to be closely involved, where appropriate, in day-to-day practical management of public access on access land in co-operation with the landowner or occupier. They have extensive experience and expertise in managing recreational access alongside nature conservation, heritage preservation, and sporting and commercial interests. In many instances, they have complementary responsibilities in transport, leisure, and economic development. For this reason, the Government has given access authorities the powers that will enable them to plan and co-ordinate new arrangements for the access rights at a local level. It is essential that they use these powers effectively.

4.3 This circular sets out access authorities' roles in promoting access, including the provision of information; planning access arrangements; and managing access.

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<sup>5</sup> The guidance note on dedication of land issued by Defra is available at [www.defra.gov.uk/wildlife-countryside/cl/guidance-crow.pdf](http://www.defra.gov.uk/wildlife-countryside/cl/guidance-crow.pdf). It can also be ordered free of charge from Defra Publications- tel; 08451 556000 quoting reference PB9253.

<sup>6</sup> The Access to the Countryside (Dedication of Land) (England) Regulations 2003 [SI 2003 No. 2004]

## **5. Promotion of access, including the provision of information**

### **General**

5.1 The new right of access will provide people with major new opportunities for open-air recreation on foot. For its full potential to be realised, access authorities should consider access land as an integral part of the range of informal recreational facilities within their area. They and other local authorities should consider how best to promote understanding of the new access rights. This is likely to include use of the authorities' own specialist staff and services, such as education officers, publicity and educational material, and information and study centres.

### **Nationally available information**

5.2 Nationally, information about the location of access land, including land available for access under the Act, will be available on the Countryside Agency's website [www.countrysideaccess.gov.uk](http://www.countrysideaccess.gov.uk) shortly before commencement of the new right in each of the eight mapping areas. The website also includes information about any restrictions and exclusions of access that are in force. Ordnance Survey is revising its Explorer series of maps to provide clear information on the location and extent of land that is available for public access, including access land. Ordnance Survey is issuing maps as close as possible to the time when land is open for access in each of the eight mapping areas. Access authorities and other local authorities are encouraged to make information available on their websites (see paragraph 5.5) or to make a cross-reference to the Agency's website.

### **Statutory maps of access land**

5.3 Local authorities and National Park authorities have a statutory role in making maps available for inspection as they are produced by the Countryside Agency in stages as set out in the Act. The Agency is required to send authorities reduced scale conclusive maps for any access land in their area as soon as reasonably practicable after their issue.

5.4 In the case of a provisional map, all local authorities and National Park authorities are required to retain the reduced scale map for the period for which it remains current, so that it may be made available for inspection and copied. In the case of conclusive maps, county councils, councils exercising the functions of county councils and London boroughs are required to retain the reduced scale conclusive map permanently. District councils (other than those exercising county council functions) and National Park authorities are required to retain the reduced scale conclusive map only for the period for which it remains current. Local authorities should make these maps available on demand for the public to inspect. However, local authorities should note that the maps being promoted for most types of public use are the Ordnance Survey Explorer series of maps and the access maps on the Countryside Agency's website [www.countrysideaccess.gov.uk](http://www.countrysideaccess.gov.uk) - the latter because they will be only source of up to date information about restrictions and exclusions.

## Local maps

5.5 Apart from this statutory role, access authorities have a part to play in making other, more user-friendly, maps of access land available for the public. The Countryside Agency is producing digital maps of access land for display on its website [www.countrysideaccess.gov.uk](http://www.countrysideaccess.gov.uk). These digital datasets provide a better guide to where the public have access than the conclusive maps. The website maps will include under a yellow wash most types of excepted land under Schedule 1 to the Act where they coincide with open country and registered common land but will omit, as will the Ordnance Survey Explorer series of maps, racecourses, aerodromes and military byelaw land. In due course the datasets will include areas of land with existing access rights and land dedicated under section 16 of the Act. The Agency will make this information available<sup>7</sup> to enable authorities to produce their own maps in accordance with appropriate Ordnance Survey licence agreements.

## Local 'on site' information and signs

5.6 Access authorities should take a lead role in the provision and management of appropriate 'on site' information and signs. They can use their powers under section 19 of the Act to erect and maintain notices to do this. This will be an important way of providing information to clarify the extent and boundaries of any new access land, to inform the public about any local exclusions or restrictions to the right of access and about the new rights and responsibilities, including the Countryside Code. Notices may also provide information, where required, to influence the behaviour of visitors in areas with high nature conservation interest or to minimise potential hazards to the public, provided they do not contain misleading information likely to deter the public from exercising the new right (section 14 of the Act). Access authorities may meet, or contribute toward, the cost of such notices provided by anyone, though they are not obliged to do so. Before erecting any notice on access land the access authority should consult the owner or occupier of that land, if it is reasonably practicable to do so.

5.7 It will not be necessary or desirable to place signs on every parcel of access land. Access authorities will need to strike a balance between providing information and the impact of signs on the landscape. They should therefore carefully consider the need and benefits of any sign or notices before using them. Access authorities are also encouraged to define the location of "access information points" as part of the planning process, and to use the new access symbol to clarify the boundaries of access land on the ground. The Countryside Agency has issued detailed guidance for access authorities about how signs, including the new access symbol, can be used to implement the right of access introduced by the Act.<sup>8</sup>

5.8 More information on the ways in which access authorities can use their powers under section 19 is set out in Annex A.

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<sup>7</sup> Data can be obtained from the countryside access learning network through the Countryside Agency website [www.countrysideaccess.gov.uk](http://www.countrysideaccess.gov.uk)

<sup>8</sup> The Countryside Agency issued in July 2004: "Signs on access land in England – Guidance for access authorities". A separate leaflet was published for landowners "Signs on access land in England – Guidance for land managers". These are both available on [www.countrysideaccess.gov.uk](http://www.countrysideaccess.gov.uk).

## **6. Planning for access**

### **General**

6.1 Access authorities should start planning as early as possible so that they are prepared when the new right of access comes into force in their area. This will help maximise the social and economic benefits that the new right of access will bring.

6.2 In many areas, the introduction of the new right of access may require little additional work on the ground. In other areas, for example where use may be high or where there are vulnerable and important areas for nature conservation, access authorities should take action to facilitate the new right of access while protecting especially sensitive areas. In facilitating the new right of access, authorities are encouraged to make use of their existing powers (for example, powers to manage access under the Highways Act 1980) as well as new powers under the Act. Facilitation may include the provision of information and putting practical infrastructure in place.

### **Local access forums**

6.3 When planning the new access arrangements, access authorities should take into account the advice of their local access forum, which should be actively involved in providing advice about the management of public access on access land. Local highway authorities, National Park authorities and the Broads Authority are required under section 94 of the Act to establish forums for their area. The local access forum regulations<sup>9</sup>, which came into force on 7 August 2002, contain detailed provisions concerning the establishment, membership and administration of forums. More generally, forums should be able to bring the differing interests and views of local stakeholders to the attention of the access authority. Access authorities must consult their forums before making byelaws or appointing wardens and should explain their decisions if they do not act in accordance with the forums' advice.

### **Partnership**

6.4 In addition to working with local access forums, access authorities are encouraged, both now and in the longer term, to work in partnership and in co-operation with landowners and managers and those other agencies and persons with an interest in the new rights such as Tourist Boards and Tourist Information Centres, the Rural Development Service, and local and national amenity societies.

### **Restrictions and exclusions of access**

6.5 Access authorities have an important part to play in providing advice and information on restrictions and exclusions. The Act includes a number of general restrictions on people using access land, including restrictions on dogs, which are based on best practice in areas where people already have rights to walk freely without

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<sup>9</sup> The Local Access Forums (England) Regulations 2002 [SI 2002 No. 1836]. Guidance on the role of local access forums was issued by Defra on 14 November 2002 and is available at [www.defra.gov.uk/wildlife-countryside/cl/accessopen.htm#localaccess](http://www.defra.gov.uk/wildlife-countryside/cl/accessopen.htm#localaccess)

necessarily following specified footpaths. In addition, access land will not always be available to the public to walk on. Land owners (and tenants) may exclude or restrict access for any reason for up to 28 days a year subject to prior notification. There are also provisions to make further restrictions on access, where necessary, for reasons of land management, nature conservation or heritage preservation, fire prevention and to avoid danger to the public. Directions to restrict access for defence or national security purposes may also be made. Restrictions or exclusions under the Act have no effect on public rights of way or other access rights not derived under the Act.

6.6 The access authority should, where appropriate, advise land managers on how to use informal approaches to managing public access, rather than formally excluding or restricting access to land through the restrictions system. In many cases, avoiding statutory restrictions is likely to be in the public interest by keeping more access land available. Where this is the case, authorities should provide landowners and occupiers with practical management support. Authorities may wish to discuss such cases with the local access forum where it is practicable to do so.

6.7 The function of determining applications for restrictions and exclusions of access falls to the relevant authorities, which are the Countryside Agency, National Park authorities within National Parks, and the Forestry Commission for any woodland which has been dedicated for access. The Secretary of State determines whether to give directions for restrictions on grounds of defence or national security. Relevant authorities are required to administer the restrictions system in accordance with the Act and the restriction regulations<sup>10</sup>.

6.8 Although not required to consult the access authority, a relevant authority may wish to do so where it has received an application for a direction, or has received information that leads it to believe a restriction might be required. Whether or not such consultation takes place, an access authority will be sent a copy, or notified (as appropriate), of any direction to restrict or exclude access given by a relevant authority. Access authorities should aim to develop positive relationships with relevant authorities since the actions of one will clearly impinge on the powers of the other.

6.9 The Countryside Agency's Open Access Contact Centre, which administers restrictions on behalf of relevant authorities, will inform access authorities about restrictions in their area. Access authorities are best placed to inform the public about restrictions following a direction which has been given by a relevant authority without application on grounds of public safety, prevention of fire, and nature conservation or heritage preservation. Access authorities are encouraged to use their wide ranging powers under section 19 of the Act to erect and maintain notices (see paragraph 5.6), when informing the public about restrictions, and will be provided with tailored site notices to facilitate this.

6.10 Land managers are normally best placed to inform the public about discretionary restrictions or restrictions on land management grounds though access authorities may sometimes be able to help. Access authorities are recommended to monitor the effectiveness of land managers' information to the public to see when help or guidance may be useful.

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<sup>10</sup> The Access to the Countryside (Exclusions and Restrictions) (England) Regulations 2003 [SI 2003 No 2713]

6.11 The system for restrictions and exclusions is described in more detail in Annex B.

## **Byelaws**

6.12 Powers under section 17 of the Act enable access authorities to make byelaws to preserve order, to prevent damage to or on access land and to avoid undue interference with enjoyment of the land by others. Byelaws may be made which affect all or part of the access land in the access authority's area. The powers apply to access land only and may not interfere with the exercise of any public right of way, with other statutory functions carried out on the land, or with the running of a telecommunications code system.

6.13 In most cases, the general restrictions which are set out in Schedule 2 to the Act and which people must observe when exercising their right of access should be sufficient to ensure that people using the new rights behave in a responsible way. For this reason the powers to use byelaws should only be used as a last resort, when all other means to address a problem concerning management of access have failed, such as efforts by the authority's own specialist countryside staff. Proposals for byelaws should impose as few controls as possible. Any application for approval of byelaws will need to demonstrate how other measures have failed and explain why the authority considers the introduction of the byelaw is the only way to resolve the problem.

6.14 Before making byelaws, the access authority must consult the Countryside Agency and any local access forum established for the area to which the byelaws relate. In addition to consulting forums, authorities may also wish to consider consulting other organisations they consider appropriate, for example neighbouring authorities, including town and parish councils and their associations, user groups, landowner or land management organisations, English Heritage and English Nature. Individual landowners, including the Ministry of Defence, which has its own byelaw-making powers, should also be consulted, as appropriate.

6.15 Authorities should submit byelaws to the Secretary of State for confirmation<sup>11</sup>. Once confirmed, byelaws may be enforced by any county, district or parish council in whose area the affected land lies, as well as by the access authority which made the byelaws.

## **7. Managing access**

### **Means of access**

#### ***General***

7.1 Access authorities have a wide range of powers to secure or improve the public's "means of access"<sup>12</sup> to access land. These powers may only be used on access land, which section 34 defines, in this context, not to include any land from which the public has been excluded either indefinitely or for a specified period of which at least six months

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<sup>11</sup> Guidance is available on the Defra website at <http://defra/wildlife-countryside/issues/byelaws/guidance-notes.pdf>

<sup>12</sup> The term "means of access" is defined in section 34 of the Act.

remain unexpired. The extent and need for the means of access will vary depending on the local context. Some of the new access land will require little or no new means of access as it will be accessible from public highways, including rights of way. Other areas may require new means of access, such as gates or stiles, to make it easier for the public to use access land or to protect the interests of the landowner or occupier.

## ***Planning***

7.2 The Government expects access authorities to assess the likely requirement for new means of access before the new right of access comes into force in their area. In doing so they should aim for a balance between ensuring sufficient means of access to enable a reasonable level of public use of the new rights while keeping the requirement for new infrastructure to a minimum. This will vary from area to area and authorities should assess where to put most resources in developing their plans. These 'priority areas' will include potentially sensitive conservation areas, areas with potentially high visitor use and areas where there are particular public safety and liability issues.

7.3 Access authorities are encouraged to liaise with the appropriate advisory body or organisation which can provide expertise and advice in developing their plans. They may also wish to consult the local access forum at an early stage as to what might be needed. This is not a statutory requirement, but the forum is likely to have a particular interest and will be able to provide valuable expertise to the authority.

7.4 Access authorities must consider the particular needs of people who have limited mobility. They must therefore consider any potential legal obligations under the Disability Discrimination Act 1995 when developing their plans for signage since that Act may affect the types of access furniture that the authority will be able to install or grant aid.

## ***Agreements***

7.5 Access authorities may enter into an agreement under section 35 of the Act with a landowner or occupier where they consider that an existing means of access needs to be opened up, improved, repaired or maintained, or a new means of access needs to be constructed. They may also make an agreement with an owner or occupier which imposes a restriction on the destruction, removal, stopping-up or alteration of an existing means of access, or on doing anything which would impede public access. Defra will issue a model agreement which authorities may wish to adapt to their particular circumstances.

7.6 Access authorities may agree to do and pay for the work themselves. Alternatively, the owner or occupier may do the work, and the access authority may meet all or some of the costs of the owner or occupier in doing so, but it is not obliged to do so. Some changes will benefit the owner or occupier, such as replacement of a faulty gate. In all cases, authorities should ensure the work undertaken meets normal standards required for public use.

7.7 Section 36 of the Act enables access authorities to undertake the work where an owner or occupier fails to abide by an agreement and they may recover the owner or occupier's contribution towards the costs set out in the agreement. Where owners or occupiers have failed to observe a restriction (as explained in paragraph 7.5 above), authorities may serve a notice requiring them to undertake any remedial work. If this

notice is not complied with, authorities may undertake the work themselves and recover the costs of doing so.

### ***Notices***

7.8 The absence of an agreement should not prevent an access authority from providing a means of access, particularly in those priority areas described in paragraph 7.2. If a means of access is considered necessary, an authority may serve a notice under section 37 of the Act on the owner or occupier, stating its intention to carry out the necessary work. Serving a notice should be used as a last resort and access authorities should seek to resolve any dispute wherever possible before serving such a notice. They should make all realistic efforts to reach an agreement and allow a reasonable time for this. Where an agreement cannot be reached and a notice is served, the owner or occupier may appeal to the Secretary of State against the notice.

### ***Maintenance***

7.9 Once installed, access authorities are recommended to take steps to ensure that means of access, such as gates and stiles, are kept in good repair. An agreement under section 35 of the Act may be used for this purpose whereby the owner or occupier or the access authority agree to maintain the means of access to access land on such terms as may be specified in the agreement.

### ***Obstructions***

7.10 Access authorities can take action on obstructions by serving notices under section 36 of the Act. Where an owner or occupier has failed to comply with two or more notices served by an authority within the preceding thirty-six months, it may seek an order from a magistrates' court, under section 39 of the Act, to remove any obstruction, such as a permanently locked gate and to keep the means of access clear. Authorities may enter the land for the purposes of determining whether an offence has been committed and, if the magistrates' court order is not complied with, they may remove any such obstruction at the expense of the offender. Authorities are recommended to keep the local access forum informed where they have sought a magistrates' order.

### ***False or misleading notices***

7.11 Section 14 of the Act makes it an offence for any person to place or maintain, on or near access land, or on or near a way leading to any access land, a notice containing any false or misleading information likely to deter the public from exercising their rights of access. The Act gives access authorities powers of entry in relation to section 14 and, where authorities are aware of a possible infringement of section 14, they should adopt a fair and transparent procedure for resolving the issue. They should allow reasonable time for an agreement to be reached, depending on the individual circumstances, before deciding to impose a solution on the landowner or occupier. Prosecution should be a last resort.

## **Wardens**

7.12 An access authority or district council may appoint wardens in respect of access land for a number of purposes set out in section 18 of the Act, including securing compliance with byelaws and any restriction or exclusion of access imposed under the Act. Wardens may also be appointed to advise and assist users of access land and owners of such land, and to carry out other duties in relation to that land which the authority appointing them may determine. The powers to appoint wardens came into force across England on 19 September 2004 although wardens may only enter access land to exercise any function conferred on them under the Act.

7.13 The vast majority of people visiting the countryside behave in a responsible manner and normally it will not be necessary for access authorities to appoint wardens to secure compliance with the general restrictions on the right of access. However, wardens can bring local benefits by facilitating face-to-face communication with land managers or people exercising the new right of access and could, for example, provide the public with information about local access and wider countryside issues. They may also have a broader role, which might, for example, include monitoring the use of access rights or the condition of natural and heritage features.

7.14 The access authority must consult the local access forum for the area for which any warden may be appointed before the authority first decides to appoint wardens, and from time to time thereafter about their decision to do so. Authorities should also liaise with district councils and neighbouring authorities regarding the appointment of wardens. District councils are not required to consult any forum before appointing wardens but should involve the access authority and any forum as a matter of best practice. The forum will then know of any proposals to appoint wardens from both the authority and district council and will be able to give informed advice on the need for wardens in their area.

## **8. Legislation relating to public places**

8.1 A variety of legislation affects what can be done in public places. During the passage of the Bill concerns were raised that allowing some of this legislation to apply to land covered by the Act would put unfair burdens on landowners and occupiers whose land becomes a public place for the first time. Following consultation in February 2004 the Government has decided not to introduce regulations at this time on public places legislation under section 42 of the Act. Land to which there is a right of access under the Act will automatically become a public place for the purposes of any other legislation which is concerned with things done (or omitted to be done) in public places or places to which the public have access.

8.2 Access authorities will not face any new duties as a result of this decision, but they may receive queries from some landowners about how the law applies to them. In these cases, authorities should clarify that existing legislation relating to public places applies to CROW access land in the same way as it currently applies to other public places. The Government will issue guidance for landowners, and for enforcement authorities, to explain the implications of this decision.

# Annex A

## Local Information and Signage

### 1. Introduction

1.1 This annex describes the ways in which access authorities can use their powers under section 19 of the Act to erect and maintain notices. The Countryside Agency has issued detailed guidance for access authorities in England about how signs, including the new access symbol, can be used to implement the right of access introduced by the Act.<sup>13</sup>

### 2. Planning local signage requirements

2.1 Access authorities are encouraged to plan carefully the local requirements for messages about access land in consultation with landowners and other interested parties, and take into account access for all groups of people. They should help landowners or occupiers with the necessary signs to manage their business in conjunction with the new right of access, particularly when landowners are undertaking informal management of access land. Authorities should ask the local access forum for their views about local requirements as the forum will provide a useful way of consulting different interests in their area. This will help the authority finalise their plans, improve the effectiveness of signs and reduce the impact of signs on the landscape. Some messages might be better communicated in leaflets or general publicity at visitor centres or public buildings, or through ranger or warden services if available.

### 3. Access information points

3.1 Access authorities are encouraged to define the location of 'access information points' as part of the planning process. Access information points are places where the public can find up-to-date information about access land in the locality. They will be publicised on Ordnance Survey Explorer maps and on maps of access land on the Countryside Agency's website [www.countrysideaccess.gov.uk](http://www.countrysideaccess.gov.uk).

3.2 As access information points will be widely publicised, it is important that they conform to common criteria. All access information points should:

- a. provide long-term information about access land (and other types of access where relevant), including its location, generally on a map, and people's rights and responsibilities;
- b. provide short-term information, for example about restrictions;
- c. include contacts for further information;
- d. be available for the public to view 24 hours a day; and

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<sup>13</sup> The Countryside Agency issued in July 2004: "Signs on access land in England – Guidance for access authorities". A separate leaflet was published for landowners "Signs on access land in England – Guidance for land managers". These are both available on [www.countrysideaccess.gov.uk](http://www.countrysideaccess.gov.uk).

e. be made of durable materials, well-maintained and kept up-to-date.

3.3 Access authorities should arrange to publicise the location of access information points that meet these criteria, once they are in place, on Ordnance Survey Explorer maps and the Countryside Agency's website. The guidance for access authorities about the use of signs on access land, referred to in paragraph 1.1, sets out the process for submitting the details of access information points to the Ordnance Survey and the Countryside Agency.

#### **4. Use of the access symbol**

4.1 The new access symbol (developed by the Countryside Agency and the Countryside Council for Wales) is a useful way of clarifying the boundaries of access land on the ground. In some cases it may be the only sign required. The purpose of the symbol is to provide the public with a consistent and easily recognisable sign, which has minimum impact on the landscape. Access authorities are free to use the access symbol in conjunction with other signs on access land. A negative access symbol has also been developed and should only be used when the public are leaving an area of access land to enter land that has no access at all. Private landowners are encouraged to contact access authorities directly if they want to use the symbol on their land. The Agency's signage guidance gives more detailed information on the use of the access symbol and negative access symbol.

#### **5. Signs with other messages**

5.1 Access authorities are encouraged to use their powers to work with landowners and managers and other interested parties where other messages are required, for example in land management, public safety or nature conservation interests. The Countryside Code provides a good basis for developing these.

# Annex B

## Restrictions and exclusions of access

### 1. Consultations and notifications

1.1 Regulation 11 of the restriction regulations<sup>14</sup> requires the relevant authority to send the access authority a copy of any direction given under section 24 or 25 (where the direction has been applied for). The relevant authority must also notify the access authority of any direction given under section 25 which was not the subject of an application and of any direction given under section 26. The Secretary of State must notify the access authority where a direction for defence or national security purposes is made under section 28 of the Act. This will be the Secretary of State for Defence for defence directions and the Home Secretary for national security directions.

1.2 Where a relevant authority receives an application for a direction for a restriction, or receives information that leads it to believe a restriction might be required, it may wish to discuss the issues with the landowner or manager with the aim of seeking the best management solution for the site. The relevant authority may wish to consult the access authority on such options, wherever possible, as this will enable the access authority to be aware of all issues on access land in their area. The relevant authority is not required to notify the access authority about any discretionary restrictions under section 22 of the Act. It is required to do so for discretionary restrictions under section 23 which restrict access with dogs on grouse moors or in connection with lambing.

1.3 Relevant authorities are required to consult local access forums about proposed long-term directions that would or might exclude or restrict access for more than six months continuously or for an indefinite period. The relevant authority must supply the forum with a copy of the application form and information regarding the nature and purpose of the proposed direction. The relevant authority must also send the access authority a copy of the notice which it has published about the application. Further, within five years of the date of any long-term direction (as described in section 27(3) of the Act), the relevant authority must review that direction, and in such cases it must send the access authority a copy of the notice inviting representations on any such review. The Secretary of State is also required to review directions made for the purposes of defence or national security. Any views given by the forum on an application for a direction, or a review of a direction, should be taken into account by the relevant authority (or the Secretary of State as appropriate) before it makes its decision on the application or review.

### 2. Management of restrictions

2.1 The local management of restrictions will vary according to the context of the restriction and local conditions. Depending on the nature of the restriction, the landowner or occupier may need to take steps to manage the restriction and to inform the public of it. For restrictions or exclusions that the land manager has not sought (for example for public safety, fire prevention, nature conservation or heritage preservation purposes), the landowner or occupier will generally not be responsible for managing the restriction,

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<sup>14</sup> Access to the Countryside (Exclusions and Restrictions) (England) Regulations 2003 [SI 2003 No 2713]

though they may be willing to contribute in some cases, for example, where erecting a sign would help make a hazard more obvious to the public. Access authorities are expected to use their powers to undertake the local practical management of such restrictions.

2.2. The Countryside Agency has issued a “Land managers’ guidance pack” which includes guidance for land managers about statutory restrictions on access land, on positive management techniques, occupiers’ liability and on signage. The Agency has also published guidance, approved by the Secretary of State under section 33 of the Act, on the discharge of the functions of relevant authorities in relation to local exclusions or restrictions of access rights in England. Both the Land manager’s guidance pack and the relevant authorities’ guidance can be viewed on the Agency’s website [www.countrysideaccess.gov.uk](http://www.countrysideaccess.gov.uk). The Agency’s publication “Signs on access land in England – Guidance for access authorities” gives details of how the Open Access Contact Centre will notify access authorities about restrictions in their area.

This circular is being sent to the following:

- The Chief Executive of all local authorities in England
- The National Park Officer of the National Park authorities in England
- The Chief Executive of The Broads Authority

Enquiries about this guidance should be addressed to:

Countryside (Recreation and Landscape) Division  
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2, The Square  
Bristol BS1 6EB  
Tel: 0117 372 8204  
Email: [access@defra.gsi.gov.uk](mailto:access@defra.gsi.gov.uk)

Other information on access may be obtained from:

Countryside Agency Open Access Contact Centre  
PO Box 725, Belfast BT1 3YL  
Tel: 0845 100 3298  
[www.countrysideaccess.gov.uk](http://www.countrysideaccess.gov.uk)  
Email: [openaccess@countryside.gov.uk](mailto:openaccess@countryside.gov.uk)

English Heritage  
Fortress House , 23 Savile Row  
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Environmental Support Team  
Defence Estates  
Land Warfare Centre  
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