



**PROSPECTS FOR A VOLUNTARY SOLUTION  
TO INCREASING ACCESS TO THE OPEN  
COUNTRYSIDE**

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## **Abstract**

The recent government Green Paper on access to the open countryside has stated that unless clear evidence is provided that the voluntary extension of public access to open land is feasible, legislation will be drawn up to enforce a statutory right to roam over large areas of open land in England and Wales. These proposals have provoked considerable debate in the media and have led the Country Landowners Association to devise its own proposals for increasing access through voluntary mechanisms. One existing mechanism for creating additional countryside access is through voluntary access agreements under agri-environment schemes. This study examines the attitudes of farmers and land managers to these agreements and discusses the lessons which can be learnt regarding the development and operation of future initiatives which hope to provide additional access on a voluntary basis. While it is shown that there is an overall willingness among many land managers to help in improving current levels of access there are significant numbers who reject the notion of allowing additional access to their land. It is also revealed that the current operation of voluntary access agreements has had little success in establishing the kind of coherent targeting strategy required under any national initiative to increase access through voluntary means.

## **Introduction**

An important role of countryside management is to provide opportunities to the general public for the quiet enjoyment of agricultural and other land for walking, sightseeing and other recreational activities. A recent study carried out on behalf of the Country Landowners Association (CLA) shows that in England and Wales the public has access to some three million hectares of land and to 210,000 miles of footpaths and bridleways (CLA, 1998). Of this total, the CLA study estimates that access to 1.8 million hectares and 62,000 miles of paths is through informal arrangements with no written agreement, with access to a further 600,000 hectares and 5,600 miles of paths through written agreements.

Informal recreation in the countryside is popular and a recent survey estimated that of the estimated 1.3 billion day visits to the British Countryside, 770 million involved a walk or ramble (Social and Community Planning Research, 1997). Despite a popular belief that the demand for countryside access has continued to increase since 1945, there is surprisingly little evidence to suggest that this is the case; indeed a number of authors (e.g. Patmore, 1989) have suggested that the post-war increase in the demand for countryside recreation has tailed off in the last 20 years. Others, however, have argued that participation in countryside recreation will continue to rise and that demand will continue to increase (see Martin and Mason, 1993; Curry, 1997).

There are a variety of explanations of why there is such enthusiasm for countryside access in Britain, in comparison with other countries. It may be a response to the high population densities in towns. Equally plausible is an historical shortage of access dating back to the withdrawal of traditional access rights during the Parliamentary enclosures of the eighteenth and

nineteenth centuries. Whatever the explanation there is a substantial debate now under way concerning access and the need for wider access to the countryside. Substantial access rights already exist in Britain and they include some common grazings as well as areas subject to various types of access agreement and many thousands of miles of traditional linear rights of way. Management of this system is an important function which is mainly devolved to local government, individual landowners and various countryside agencies.

Traditions of *de facto* access over open countryside still persist in a number of areas, though many such rights have been eroded over the years. The desire to restore some of these rights of access in the countryside has been an ambition of a number of commentators and activists, and while there is little hard evidence to support the need for a public right to roam over open countryside, various authors (e.g. Pearlman and Pearlman, 1996) have argued that media interest in the issue captures the flavour of a strong perceived need for such access. One high profile aspect of the access debate concerns the compatibility of some form of ‘right to roam’ over the British countryside with the ingrained systems of property rights and cultural values. This debate has been crystallised by a recent Green Paper on access to open countryside (Department of Environment, Transport and the Regions, 1998), which among other proposals suggests that there may be a case for introducing a statutory right to roam over certain areas of open land.

An alternative to the implementation of a statutory right to roam across open countryside would be through an increase in the number and quality of voluntary access agreements. Substantial areas of access are already provided under voluntary agreements, mostly without payment to the landholder. The principle of paying landowners for access agreements has been established over a number of years. Its continuing importance is

manifested by the development of access agreements associated with the various agri-environment schemes run by MAFF. These access agreements relate to enclosed land rather than open land and represent a potentially important source of additional countryside access in areas with little current provision.

Land managers' attitudes towards the possibility of such voluntary agreements will play a crucial role in determining whether or not the government is forced to legislate to increase access to open countryside. The CLA are vigorously promoting the voluntary approach through their Access 2000 initiative which aims to secure substantial net increases in countryside access through such methods. They have also produced a study arguing that a statutory right to roam would be unsustainable and that the voluntary approach to increasing access would avoid problems of dissent and legal challenge, while at the same time preserving the traditional framework of property rights (CLA, 1998).

In the next section proposals for a statutory right to roam are briefly reviewed, along with the CLA's counter arguments supporting a voluntary rather than statutory approach. Next, the current range of agri-environment access schemes is outlined, followed by a report of the results of a major survey of land managers eligible for agri-environment access schemes. This is complemented by the findings of a series of semi-structured discussions with MAFF project officers involved in the implementation of the access schemes. Following this, the results of two focus groups which investigated farmers' and land owners' attitudes towards access are discussed, giving further insights into the debate over access.

### **Increasing Public Access to the Open Countryside**

In February 1998, the Department of the Environment, Transport and the Regions (DETR) and the Welsh Office produced a consultation paper entitled 'Access to the Open Countryside in England and Wales'. In this paper the Government proposed to extend public access to the open countryside either through voluntary means or, failing this, through the creation of a statutory right of access.

The proposals concern the 8% to 12% of the land area of England and Wales that could be defined as mountain, moorland, heathland, downland or registered common land. Increased access to other areas of open countryside, such as cliffs and foreshore, woodland and watersides may also be considered but will not be given the same priority as the more open and wilder land in the aforementioned categories. It was proposed that the Countryside Commission and the Countryside Council for Wales should make recommendations on how the public and landholders may identify access land, along with advice on how it should be defined.

The proposals state that landowners and tenants should not be eligible for general compensation for access to their land. This is based on the presumptions that participation in countryside recreation will not immediately increase as a result of the proposals, merely spread across more land, and that recreationist will cause little additional damage to walls, fences and land. Similarly, as the proposals do not extend to agricultural land other than that used for extensive grazing, or to developed land, it is argued that the effects on production are likely to be small.

The CLA's counter arguments to the suggestion of a statutory right to roam are described in their proposals for a "National Voluntary Access Framework" and rely on a number of mechanisms for increasing public access (CLA, 1998). These include legislation to allow the negotiation of

linear routes through ‘Open Country Permanent Path Agreements’ with local highway authorities, and assurances that land owners should be able to negotiate open access through ‘Open Country Permitted Access Agreements’ with a variety of bodies. They propose that in parallel to the other proposed mechanisms, such Permitted Access Agreements could also be delivered through agri-environment schemes. The CLA are particularly concerned that future negotiations relating to agricultural policy, particularly over the proposals for Agenda 2000, incorporate provisions for farmers to be paid for the management of land for public access and other leisure uses.

The CLA’s proposals to develop existing agri-environment access schemes include provision for land managers to undertake an ‘Access Assessment’ as part of the application process and a removal of existing criteria for eligibility which excludes mountain, moor, heath, down and registered common land which do not lie in targeted landscape types (for the Countryside Stewardship Scheme), or designated areas (for the ESA scheme). Grant aid would be sought for Access Assessments and the CLA envisage an increase in the availability of grant aid for associated capital expenditure, e.g. for signs and map boards. The CLA also require a change in the schemes so that the Government indemnifies owners against liability claims rather than the agreement holders having to arrange their own liability cover.

In addition the CLA suggests that the Countryside Commission (CC) and Countryside Council for Wales (CCW) develop and implement ‘Experimental National Permitted Access Agreement Schemes’, targeting sites on the basis of ‘a national demand and priority for secure access.’ The scheme would be funded by a government grant though there is little indication of whether it would involve payments to landowners, or how the funds would be raised.

Other mechanisms for increasing public access put forward by the CLA include increasing the power of local authorities to enter into Permitted Access Agreements and improving provision through charitable trusts. This would entail the willing involvement of bodies, such as the Woodland Trust and National Trust, and the possible formation of a 'Countryside Access Trust' which would enter into agreements with landowners to manage public access on their land.

### **Agri-Environment Access Schemes**

At present, three agri-environment schemes in England provide additional access to the countryside. They are the Environmentally Sensitive Areas (ESA) Scheme, the Countryside Access Scheme (CAS) and the Countryside Stewardship Scheme (CSS). These schemes were launched in 1987, 1994 and 1996 (in an expanded form) respectively as part of the UK's agri-environment programme. The schemes are all operated by MAFF, though Countryside Stewardship was originated by the Countryside Commission in the early 1990s. Participation in all schemes is voluntary and for a limited period of time (normally five or ten years): annual payments and various grants for capital works are available for those who enter agreements.

The Countryside Access Scheme is concerned solely with issues of access aiming to encourage farmers to provide public access to land set aside under the Arable Area Payments Scheme. Both Countryside Stewardship and the Environmentally Sensitive Areas schemes are designed to secure wider environmental benefits of which provision of new and improved opportunities for access is one.

All of the schemes aim to provide additional opportunities for public access to the countryside for the purposes of quiet recreation and enjoyment. Such



access should be located close to public roads, rights of way or settlements. Agreements generally cover sites near to, or incorporating, a feature of landscape, historical or wildlife interest, or vantage points. Some are situated on the outskirts of towns, others are in deep countryside. New access is sometimes targeted to link existing rights of way or to provide a new circular walk. Access to cyclists, horse riders, educational establishments and disabled people may be provided at some sites.

While uptake of access agreements has been uneven geographically (see Tables A1 to A3 in the Appendix), CSS has proved the most successful scheme to date in this respect with 1,216 agreements by March 1998 compared with 129 for CAS and only 52 for ESA. Geographic differences may be partly explained by patterns of existing access and the amount of land available for access agreements under agri-environment schemes but it is clear that counties in the South West and East Anglia benefit considerably from these schemes, with counties in the Midlands often faring worst. Metropolitan areas, as might be expected, have very few agreements.

The recent Government consultation document acknowledges the scope for increasing access opportunities through agri-environment schemes (para. 3.13) and states that the Government is prepared to await the outcomes of any changes to the access arrangements in these schemes before deciding whether the right of access should be extended across other areas of open country such as cliffs, foreshore, woodland and waterside land (para. 3.14). Paragraph 3.52 of the document states that existing publicly-funded access agreements, including those under agri-environment regulations, would be honoured but not necessarily extended. Authorities are asked to take this into account when negotiating agreements in the two years before any legislation might come into effect. The proposals do, however, suggest a role for management agreements in extending access to open land not

included in any legislation and in providing a framework for payments to be made that would improve access on land under legislation, e.g. through capital grants for path creation, stiles, waymarks, notices and information boards.

## **The Empirical Study**

This section reports on the results of a study of land managers' attitudes towards the provision of access. This was undertaken as part of an economic evaluation for MAFF of the access provisions of the agri-environment schemes in England within the Ministry's programme of policy evaluations. The 'attitudes' study provides some valuable insights into the feasibility of increasing voluntary access. The main element of this study was a detailed investigation into the behaviour of land managers and their attitudes towards the provision of additional access through voluntary agreements, specifically those currently offered under agri-environment schemes. This was achieved by a series of in-depth personal interviews with farmers and land managers, supported by a larger survey based on a postal questionnaire and a focus group study. These provided important insights into the way in which farmers treat access agreements and their willingness to take such agreements further. To incorporate the experiences of MAFF, the study also includes a number of semi-structured interviews and discussions with project officers. These were compared with the experiences of the land managers both from this part of the study and from the focus groups.

For practical purposes it was necessary to structure the project across a number of study regions, within which samples of the various interest groups could be approached. The study regions had to reflect the diversity of landscapes and land uses covered by the three different agri-environment schemes being investigated and at the same time offer scope for the

empirical data collection exercise. They also had to include examples of each type of access agreement. In consultation with MAFF, four case study areas were chosen to meet these objectives. These areas were:

***Gloucestershire and Wiltshire*** - lowland grassland and arable, significant areas of upland and woodland: includes the Cotswold Hills ESA (two ESA access agreements).

***Lincolnshire and surrounding areas*** - lowland arable area with more intensive farming, other lowland grassland landscapes, some higher ground in the North, significant coastal area; no designated ESA.

***North Yorkshire*** - upland landscapes incorporating part of the Pennine Dales ESA (but no ESA access agreements taken up) and two National Parks, scenic coastal areas.

***North of England*** - Cumbria, Durham, Northumberland and Tyne and Wear - mix of upland and lowland landscapes, including heather moorland and limestone grassland, significant conurbations, areas of remote countryside, heritage coastline, large forested areas, plus an ESA in the Lake District (with 16 ESA access agreements), part of the Pennine Dales ESA (one ESA access agreement) and two National Parks.

### *Face-to-Face Survey of Land Managers*

The majority of land managers interviewed were participants in access schemes (see Table 1). Few problems were encountered in finding participants for this part of the survey but finding willing non-participants was more problematic. Difficulties in obtaining names and addresses of

non-participants from MAFF were exacerbated by a low willingness to participate in interviews, particularly in the cases of those land managers who do not participate in any aspect of the agri-environment schemes in question.

Despite this, considerable progress has been made in improving our understanding of the behaviour and motives of farmers and other land managers considering entering into voluntary access agreements. This understanding is consolidated by the results of the postal questionnaire survey and the focus groups reported later.

The objectives of the land manager interviews were as follows:

- to identify factors which are important in encouraging or discouraging land managers from entering agri-environment agreements and access agreements with MAFF;
- to establish the current intentions of land managers with respect to these schemes and to identify factors likely to influence their future decisions about participation in voluntary access agreements;
- to establish whether attitudes towards access by the public onto land differs between land managers who hold access agreements and those who do not.

The focus of the interviews was therefore to provide qualitative information about land managers' experiences and opinions, and identify issues of importance to them. A semi-structured approach was adopted allowing answers to be probed and the development of those matters which appeared to be of greatest concern to respondents. Interviews were of approximately one hour in duration.

### Sample Selection and Case Studies

Interviewees were selected from three groups consisting firstly of land managers who allow access under CAS, CSS or ESA agreements; secondly land managers with CSS or ESA agreements who have not entered the access option; and thirdly land managers, selected at random from the annual Agricultural Census, who do not have an agreement under any of the three schemes. These three groups will subsequently be referred to as ‘With Access’ agreement holders, ‘Without Access’ agreement holders and non-agreement holders.

In all, 42 interviews were conducted face-to-face and a further two by telephone (Table 1); 26 interviewees have agreements including access (including four who have educational access agreements under CSS); 12 have agreements without access; and six do not have an agreement under any of the three schemes. Two interviewees represented conservation trusts, a further two were estate managers, and the remaining interviewees were farmers or farm managers.

**Table 1: Numbers of Land Managers Interviewed**

|                | CAS | ESA<br>with<br>Access | ESA<br>No<br>Access | CSS<br>with<br>Access | CSS<br>No<br>Access | No<br>Agree<br>-ment | Total |
|----------------|-----|-----------------------|---------------------|-----------------------|---------------------|----------------------|-------|
| <b>North</b>   | 1   | 6                     | 2                   | 3                     | 2                   | 2                    | 16    |
| <b>N.Yorks</b> | 0   | 0                     | 0                   | 1                     | 1                   | 1                    | 3     |

|                        |                |   |   |    |                |   |    |
|------------------------|----------------|---|---|----|----------------|---|----|
| <b>Lincs</b>           | 3              | 0 | 0 | 2  | 2 <sup>1</sup> | 3 | 10 |
| <b>Wilts/<br/>Glos</b> | 2 <sup>2</sup> | 1 | 2 | 7  | 3 <sup>3</sup> | 0 | 15 |
| <b>Total</b>           | 6              | 7 | 4 | 13 | 8              | 6 | 44 |

1. including one land manager who previously had a CSS agreement with access

2. including one land manager who also has a CSS agreement with access

3. including two land managers who also have ESA agreements without access

Six farms, including three of the holders of access agreements, were adjacent to large urban areas. The remainder were mainly in 'deep countryside', reflecting the geographical distribution of agreement holders. Deep countryside, for the purpose of this section, is defined as 'surrounded by other farmed land with only small settlements (< 1000 population) nearby'. Twelve farms were located in Less Favoured Areas (LFAs). From information supplied by MAFF, the farm business size of those interviewed ranged from 0 European Size Units (ESU) to approximately 650 ESU. The majority of holdings were livestock or mixed livestock and cropping farms, reflecting the requirement for low input grassland management in the CSS and ESA schemes.

Access offered under early CSS agreements has been criticised as sometimes offering a very low level of public benefit (e.g. Ramblers Association, 1995). Even so, there are some well thought-out access schemes which appear to bring considerable public benefit to an identified target population of users. However, these opportunities arise from particular combinations of circumstances, suggesting the existence of only a limited number of potential agreements of this quality. Brief case examples are used to illustrate the individual circumstances which have resulted in five access agreements (see Figure 1).

**Figure 1: Case Examples of Access Agreements**

**Site 1** The right land in the right place and a socially-minded farmer

An arable farm with a field lying next to the village playing field. The farmer was aware of concern in the village over dog-fouling on the playing field where local dog-owners exercise their pets. He read about CAS and recognised that the village could benefit if he made his field available for temporary public access under the scheme. The field (2.6 hectares) is his entire guaranteed set-aside requirement. The majority of village dogs are now exercised on the CAS land.

**Site 2** Mutually beneficial to public and farmer

A livestock farm on which lies a Scheduled Ancient Monument. Although shown on Ordnance Survey maps there is no statutory public access to the monument. The public have obtained access by climbing over walls at various places, sometimes causing damage. As a result of the access agreement there is now managed access with distinct access points and channelling of visitors along a single route. Visitors benefit by the provision of clear and safe access points and a new circular walk. The farmer's uncertainty about where visitors will be found on the farm has been reduced and damage to his walls has ceased.

**Site 3** Pro-active project officer and sympathetic farmer

An upland farm in the Lake District ESA which lies close to areas of intense tourist use. The farmer was already in the ESA scheme when the access option was introduced and the project officer proposed a permissive footpath across part of his land and that of his neighbour. Their joint route now allows the public to enjoy a linear route of very high scenic quality, the linking section of which formerly lay on a busy lakeland road. The farmer is sympathetic to the needs of walkers and the project officer is an enthusiastic and knowledgeable walker.

### **Figure 1: Case Examples of Access Agreements (cont.)**

#### **Site 4**      Urban fringe: limited options and the personal interests of the farmer

A 90 acre (36 ha) farm on the urban fringe which would be non-viable if farmed as a single unit. It is subject to a high level of theft and vandalism which preclude livestock production, for which the land is best suited. Neither the owner or his staff live at the farm so they are unable to police it. The owner has a keen personal interest in riding and cycling, has a horse-oriented business at the farm and is sympathetic to the needs of local people. As trespassers gain access to the farm he considered that it would be better to formalise a route. Under CSS he has established a substantial length of bridleway, providing a circular route and connecting up existing bridleways. This provides benefits for local people, himself and his equestrian business.

#### **Site 5** Land of high cultural value

The owner was very keen to restore an old deer park and adjacent woodland which he was unable to do without funding from CSS. The exceptional quality of the deer park has been recognised by the county wildlife trust and a visiting expert from Windsor Great Park. The agreement was entered into in 1993 so was not subject to a later requirement that enhanced access should be included. He nevertheless entered the access option so that the public could enjoy the good features of his land.

### **Entry into Agreements by 'With Access' Agreement Holders**

With the exception of CAS, access agreements are usually dependent upon entering into agri-environmental contracts under ESA or CSS and therefore the motivation for entering these schemes is relevant. Many entrants found the CSS and ESA schemes attractive because the prescribed grassland management converged fairly well with their own preferences for low external input usage, and the payments gave an acceptable return on the land without recourse to intensification.

Five farmers, whilst enthusiastic about the environmental benefits to be gained from managing their land according to the CSS or ESA scheme, had



a prerequisite that they should be financially better off, or at least no worse off, if part of their land was to be entered into the schemes. For another five land managers the availability of capital grants for activities such as hedging and walling under CSS and ESA were the main incentives for entry, especially for those who had started restoration work at their own expense. Commonly land managers were out of pocket after completing the work, especially if contractors were employed.

Future security of income was a concern of all farmers. Uncertainty was expressed about the future level of support payments and to what outputs (public goods or food) they would be linked, the future of the beef industry in the light of BSE, and the effects of the strong pound on exports. Many smaller farms in particular valued the income from the schemes for its reliability in the face of uncertainty.

The commonest route to entering an access agreement, adopted by 17 land managers, was to propose entry themselves. Three land managers who had expressed an interest in entering ESA or CSS had entered the access agreement as a result of suggestions consequently made to them by a scheme project officer. Five other land managers were approached by pro-active project officers, including Countryside Commission, Farming and Rural Conservation Agency (FRCA), or National Park officers who were making strategic access provision.

A range of motives for entering the CAS or the access option of the CSS and ESA schemes were expressed. In a small number of cases the access agreement had resulted from the recognition of a local need by the land manager or a pro-active project officer (See Case Studies 1 and 3). The motivation for entry was therefore to provide a public benefit and the payment received was not important, although it had provided

encouragement. The majority had entered for largely or wholly financial reasons rather than for any positive reasons relating to perceived recreation demand. On reading about the scheme they had recognised its appropriateness to their own land and 'had no objection' to allowing such access. These farmers were often pleased to allow others to enjoy the good features of their land and considered that they did no harm.

The majority of land managers considered that they received no other benefits from entering the access option. However, several farmers suggested that new access might help to improve the public's perception of farming or that it was a way of educating the general public about what farmers do. The nature conservation trusts valued the extra income but also considered that public access could be a means of promoting their organisation and its objectives.

A small number of agreement holders reported that they received a direct benefit from the access option. Two farmers were attracted by the availability of capital payments for new gates which needed replacing. Two commented that their land had been subject to unpredictable *de facto* access and that by entering the scheme access was now confined to a single route with less damage to walls and fences, and easier entry to the land for the general public (as in Case Study 2). Four thought that public access was useful in that it provided 'another pair of eyes' who could alert the farmer to any problems they encountered.

Farmers gained knowledge about the CAS chiefly from Integrated Area Control System (IACS) literature sent out by MAFF. In ESAs a particularly beneficial means of communicating the detail and relevance of schemes has been through local meetings held by project officers. The majority of CSS agreement holders had heard about its existence and then sought the scheme

literature. Five land managers reported that their application had been prompted by advice received on a formal or informal basis from countryside professionals other than those employed by MAFF or the Countryside Commission, most commonly the Farming and Wildlife Advisory Group (FWAG).

The difficulty of submitting a successful application varied between schemes and between the different times when agreements have been taken out. Recent CSS applicants felt that they had had to 'go it alone' and that making the application was relatively complicated. CSS has limited funds and acceptance is a competitive process. Recent applicants had generally used professional advisers to produce the best possible application and maximise their chance of success. CAS and ESA applications appear to be simpler with applicants able to do the paperwork themselves or with help from the project officer.

All but one land manager reported that their land was crossed by at least one public right of way. The majority had experienced problems caused by the public in the past but thought that the vast majority of users behaved responsibly. The main concern of farmers about entering the access option was that dogs would worry livestock or that gates would be left open so that livestock could stray or become mixed. Arable farmers were concerned about people wandering into farm buildings and near farm machinery.

The survey showed that most tenant farmers think that the landowner's permission is required before entering an access agreement, although it is only required in certain circumstances. Even if the rules are further clarified, some tenants would not wish to jeopardise a good working relationship by entering into an agreement without their landlord's approval, and the landlord's attitude may form a barrier to entry for some.

Four farmers reported that their neighbours were opposed to their entry into access agreements. In two cases, where access agreement land lay very close to housing, neighbouring farmers were reported to claim an increase in the number of trespassers crossing their land.

Access in the urban fringe has the capability of offering benefit to large numbers of people, but few agreements in the study regions were situated in such areas. Land managers in some urban fringe areas reported very severe problems due to theft, vandalism and arson and not surprisingly did not wish to allow greater public access on their land. It is perhaps surprising to find any agreements at all in these areas and it appears to be a rare combination of circumstances that makes entering the access agreement appear to be a feasible option, such as at Site 4. Extra capital costs are encountered in some urban fringe areas. For example due to theft and arson gates may need to be replaced regularly and fireproof construction materials may be required.

Land managers did not want their access land overrun with visitors and the majority thought this was unlikely given its deep rural location. A few felt that the level of usage which had been reached was high enough and that the special qualities of their land would be lost if many more visitors came. All farmers reported that the level of use was at or below that which they had expected. However, given the small levels of promotional activity, this is hardly surprising.

Under the existing arrangements provision of access would be conditional on the continuation of an agri-environmental agreement or non-rotational set-aside. The renewal of the current agreement (were that possible) would for most farmers be a matter of comparing the management requirements

and available payments with commodity prices and IACS payments. Small businesses were generally positive about remaining in ESA or CSS schemes. They felt they were struggling to keep a full-time farm with no prospect of improvement and insufficient capital to expand to maintain farm income. The most uncertainty over renewal was expressed by farmers who had entered arable land into CAS or who had entered marginal arable land into reversion tiers in ESA.

Also influencing their decision on whether to renew would be their experience of being in the scheme. Of importance would be the difficulty in complying with the scheme's requirements, both agriculturally and administratively, and the behaviour of the general public using the access.

#### Entry to Agreements by Agreement Holders Without Access, and Non-Agreement Holders

The 12 farmers interviewed who had entered CSS or ESA agreements without access were attracted to the schemes for the same reasons as 'With Access' agreement-holders, and all had been aware of the existence of the access option. The non-agreement holders' farms consisted of four arable farms and two mixed farms. Three of the arable farmers were either not aware of the schemes that could be relevant to them or had only slight knowledge of them. Whereas livestock farmers regularly meet at market and exchange information, comments made by arable farmers (both agreement holders and non-agreement holders) suggested that they do not pick up the 'know-how' of environmental schemes from other farmers.

For many intensive arable farmers entry into agri-environmental schemes would be a radical change of approach which they are not confident to implement in comparative isolation and without guidance. Nevertheless, three arable farmers thought they would not wish to join the schemes as they did not accord with their preferred approach to land management.

Recruitment to access agreements would be unlikely as only one of the six was not averse to having more public access on their land.

The experiences of the two groups of 'No Access' respondents with regard to having the public on their land did not differ from that of the 'With Access' agreement holders. In particular, all but one had at least one public right of way (PROW) crossing their land and the degree and type of problems encountered through the public entering their land were similar to 'With Access' agreement holders. In general these 'No Access' respondents recognised the public's need to be able to walk in the countryside and generally welcomed or at least tolerated well-behaved walkers who used the PROW over their land.

When the 'Without Access' agreement holders were asked why they had not wished to enter the access option, the general view was that they 'didn't want any more public access' on their land. A small minority of the public caused problems and there was generally a wish to avoid such problems and 'keep life simple'. Managers of holdings with a relatively small physical area (generally livestock farms generating a single income) emphasised the problems caused by uncontrolled dogs or gates left open. To them extra access 'wouldn't be worth the hassle' unless a much higher payment was on offer. Farmers of marginal holdings thought that they could not risk anything that could jeopardise their income from farming. Managers of the larger holdings emphasised the right to privacy of the owner. Most land managers believed that they would not enter the access option in future and unless they were desperate for extra income. When asked if they would renew their agreement in the future if it was a scheme requirement that additional public access should be provided, the majority of 'Without Access' agreement holders thought that they would not wish to remain in the scheme.

A common view was that there is no need for further access provision in their locality as adequate provision is made through the PROW network and that extra routes would serve no useful purpose. Several felt that they were already 'doing their bit' through the contribution which the PROW on their land made to recreational provision and through *de facto* access which some tolerated. Five of the arable farmers interviewed considered their land to be unappealing for walking but none of them had considered that the target population of users could be local people who might value such access where there was a lack of anything better.

#### General Views on Applying to Schemes

The attitudes of project officers in administering the access schemes were generally thought to be supportive and seem to be instrumental in increasing participation among some land managers. Before 1996 Countryside Commission project officers were commonly thought to have shown understanding of farmers' problems when dealing with agreement holders and on the whole to have dealt with such incidents with pragmatism and flexibility.

The dual FRCA/MAFF structure replaced the single Countryside Commission administration for CSS in 1996. The perception of several agreement holders was that FRCA project officers have less autonomy than did those in the Countryside Commission. As a result they felt that relatively simple requests have to be referred from FRCA to MAFF, and back from MAFF to the farmer via FRCA, precluding the possibility of a 'quick answer'. This suggests that the greater degree of participant involvement in a voluntary approach would be preferred to the 'top-down' administration which would result from legislation.

However, a generally held view of interviewees was that farmers spend a disproportionately large amount of time on paperwork. Unless a reasonable financial incentive exists, or farmers have particular sympathy with a scheme's objectives, some feel it is not worth spending the time making an application to a scheme. For ESA and CSS, the major financial return, which justifies the time spent in making an application, is gained from the agricultural management elements of the agreement. The payment for access is commonly thought of as a 'top-up' payment which alone would not be worth pursuing. In the absence of an adequate financial incentive to enter access agreements, some land managers might perceive that the least personal cost will be incurred by doing nothing and relying on the efforts of others. To produce a substantial increase in the level of provision of voluntary access and avoid free riding will require the associated administration costs to land managers to be as low as possible.

### Other Access Issues

Land managers without agreements and those whose agreements excluded access commonly drew a distinction between the general public and local residents. Two land managers had very generous *de facto* access provision for local people and two others allowed local people a smaller degree of permissive access. Three of these managers emphasised the benefits of being able to keep the access situation under their own control. This meant being able to divert access, stop access, keep strangers off their land or withdraw permission to individuals who did not behave. They were averse to having extra access over their land for the general public (in addition to that provided by the rights of way crossing it) and were not interested in enhancing access through the three schemes.



In this respect land managers who permit *de facto* access had something in common with the 'With Access' agreement holders. Both groups valued being able to retain control through the ability to withdraw permission (in the case of 'With Access' agreement holders, by not renewing the agreement). Farmers in all three groups generally admitted (sometimes reluctantly) that they would be willing to at least consider a proposal for a new permissive path on its merits. However, the majority of interviewees, both with and without access agreements, would not entertain having additional rights of way on their land as this would involve a permanent change of property rights and a loss of control over who visits their land. Furthermore, once dedicated, it was perceived as being extremely difficult to modify a route if it was found problematic in future.

It became clear that the issue of PROW over farmland has a greater significance to many of the farmers interviewed than the MAFF schemes being evaluated. They argue that PROW do not necessarily make good recreational routes, since their original purpose would have been to provide direct routes for local people going about their daily business. Several farmers reported that as well as having well-used paths, they also have PROW on their land which do not form useful routes to local people or recreationists, and are never likely to be used, except by citizens purposely walking them to exercise their rights.

Two particular problems arise. Firstly, some PROW allow users to walk through farmyards and up to the farmhouse. This is unanimously thought undesirable as individuals may put themselves at risk from livestock or machinery if they stray from the route and because occupants feel that their privacy is threatened, and that they are made vulnerable to theft and vandalism. Diversion of the PROW by a few metres would usually resolve the problem from the farmer's viewpoint. Secondly, farmers incur costs

where there are cross-field paths in arable fields as they are obliged to reinstate paths after ploughing. The resulting path often has an unpleasant walking surface and is devoid of vegetation and wildlife. Whereas these costs may be tolerable when the resulting path is useful to walkers, the inefficiency of using resources to maintain useless paths running over arable land was a major source of annoyance to some farmers. Of less importance was the wish to divert cross-field paths to field margins.

Landowners are deterred from trying to divert paths by the expense of the procedure, the inability of some local highways authorities to deal with the matter due to a large backlog of work, and the uncertain outcome if objections are raised. A view commonly expressed was that the rights of the general public are better served than those of farmers, in that farmers risk prosecution by the public authority if they do not keep a path clear, but are unable to obtain financial redress from that authority if path users damage the crop. Furthermore, the possibility of the public acquiring greater rights through 'deemed dedication' was considered by a small number of landowners as promoting mistrust between them and *de facto* users.

So whereas farmers were on the whole unwilling to have additional rights of way, they expressed a willingness to co-operate in modifying the existing rights of way network to provide mutually beneficial changes. It was envisaged that in some circumstances small changes could be made from which both parties could gain, with the total length of PROW remaining unchanged but with its quality improved. Farmers could gain from the diversion of paths away from farmyards, the diversion (or replacement with a substitute) of useless paths, and the reduced need to reinstate paths in arable fields. Recreationists would benefit from re-routing (or substitution for a useless path) to incorporate features of interest such as wildlife sites, viewpoints or woodland not presently accessible. Replacement of some

cross-field paths with permanently untilled strips at the field margin would give a better walking surface and in some places allow a more interesting route.

### *The Postal Survey of Land Managers*

The postal survey was implemented as a means of providing supporting information for the face-to-face interviews. Although lacking the richness of information obtainable from a face-to-face interview, the postal survey was able to achieve a larger sample size and thus forms a useful cross-validation of the conclusions drawn in the previous section.

With the objective of obtaining a usable sample of one hundred completed questionnaires, over four hundred questionnaires were sent out to land managers across the four study areas. This reflected previous experience with postal questionnaires, which suggested that a response rate of around 30% would be likely. A higher level of response could be expected from agreement holders who might feel that completing the questionnaire was one of their obligations as part of the ongoing monitoring process regarding their access agreements. Respondents who had not joined an agri-environment scheme had little incentive to complete and return a questionnaire and response rates for this group were expected to be poor.

**Table 2: Response to the Postal Survey, Holders of Agreements with Access**

| <b>Region</b>       | Questionnaires sent<br>out | Questionnaires<br>returned | %age<br>returned |
|---------------------|----------------------------|----------------------------|------------------|
| <b>E. Midlands</b>  | 36                         | 24                         | 66.6             |
| <b>Glos / Wilts</b> | 27                         | 19                         | 70.4             |
| <b>N. Yorkshire</b> | 33                         | 18                         | 54.5             |
| <b>N. England</b>   | 21                         | 7                          | 33.3             |
| <b>Total</b>        | 117                        | 68*                        | 58.1             |

\* consisting of 58 CSS, 4 ESA and 6 CAS agreement holders.

**Table 3: Response to the Postal Survey, Holders of Agreements without Access**

| <b>Region</b>       | Questionnaires sent<br>out | Questionnaires<br>returned | %age<br>returned |
|---------------------|----------------------------|----------------------------|------------------|
| <b>E. Midlands</b>  | 20                         | 12                         | 60.0             |
| <b>Glos / Wilts</b> | 37                         | 18                         | 48.6             |
| <b>N. Yorkshire</b> | 10                         | 5                          | 50.0             |
| <b>N. England</b>   | 43                         | 20                         | 46.5             |
| <b>Total</b>        | 110                        | 55*                        | 55.0             |

\* consisting of 35 CSS and 20 ESA agreement holders

**Table 4: Response to the Postal Survey, Non-Agreement Holders**

| <b>Region</b>       | Questionnaires sent<br>out | Questionnaires<br>returned | %age returned |
|---------------------|----------------------------|----------------------------|---------------|
| <b>E. Midlands</b>  | 49                         | 6                          | 12.2          |
| <b>Glos / Wilts</b> | 49                         | 11                         | 22.4          |
| <b>N. Yorkshire</b> | 58                         | 13                         | 22.4          |
| <b>N. England</b>   | 50                         | 10                         | 20.0          |
| <b>Total</b>        | 206                        | 40                         | 19.4          |

The sample was selected randomly from the sampling frame of land managers supplied by MAFF. The response rate obtained from agreements holders (both with and without the access option) was somewhat higher than was expected (Tables 2 and 3). The response rate from the land managers who do not hold agreements was disappointing (Table 4) but was not unexpected given the lack of incentive that this group has for responding to such a survey. In addition to the responses included in Tables 2, 3 and 4, eight questionnaires were returned incomplete, and a further nine were returned because the addressee was no longer farming.

The survey thus yielded a sample of 68 'With Access' land managers and 95 'No Access' land managers, consisting of 55 'Without Access' agreement holders and 40 non-agreement holders.

#### General Characteristics of Respondents

The broad characteristics of the 'With Access' and the two 'No Access' groups were compared. There were no striking differences in terms of tenure, the likely future development path of the farm business, location relative to urban areas, presence of rights of way, or experience of other MAFF management schemes.

**Table 5: Comparison of Selected Characteristics.**

| <b>Characteristic</b>                    | <b>‘With Access’<br/>agreement holders</b> | <b>‘Without Access’<br/>agreement holders</b> | <b>Non-<br/>agreement<br/>holders</b> |
|------------------------------------------|--------------------------------------------|-----------------------------------------------|---------------------------------------|
| <b>Mean Farm<br/>Size (hectares)</b>     | 245.0                                      | 167.0                                         | 155.0                                 |
| <b>%age in LFA</b>                       | 16.2                                       | 30.9                                          | 22.5                                  |
| <b>%age in 31-40<br/>age group</b>       | 30.9                                       | 13.5                                          | 24.3                                  |
| <b>%age in 61-70<br/>age group</b>       | 7.4                                        | 23.1                                          | 21.6                                  |
| <b>%age educated to<br/>degree level</b> | 32.3                                       | 32.0                                          | 13.2                                  |

Characteristics which showed some differences are summarised in Table 5. At 245 hectares the mean area for ‘With Access’ farms was larger than that of the two ‘No Access’ groups of farms. The ‘No Access’ groups contained a slightly higher proportion of LFA farms.

The educational status of the two groups with agreements (‘With Access’ and ‘Without Access’) was higher than that of the non-agreement holders. This conformed with the notion of ‘innovators’ (such as entrants to new schemes) being more highly educated than non-entrants (Rogers, 1983). ‘With Access’ agreement holders were concentrated in lower age bands than the other two groups of respondents.

#### Attitudes to Public Access

Responses to the questionnaire suggested a difference in attitudes towards public access to their land between those who had access agreements and the ‘No Access’ groups of respondents. While the frequency with which *de facto* access occurred on their land was broadly similar for both ‘With Access’ and the two groups of ‘No Access’ managers - around 50% of

respondents reported very little *de facto* use and around 25% reported that *de facto* use occurred at least several times a week - nearly 70% of 'With Access' land managers expressed acceptance of *de facto* access subject to appropriate behaviour, as opposed to almost 36% of 'Without Access' land managers (Table 6).

Non-agreement holders had the most pessimistic view of the public, followed by 'Without Access' agreement-holders with the 'With Access' agreement-holders being the most optimistic. Respondents were asked to consider to what extent they believed the following proposition to be true:

*'The general public do not cause problems on farmland if proper provision is made for them, such as clear signposting, warning notices, and well maintained gates that are easy to close.'*

**Table 6: Attitude Towards Informal Access**  
***Which ONE of the following best describes your attitude towards informal access?***

| <b>Response</b>                                                                                                                      | <b>%age 'With Access' managers</b> | <b>%age 'No Access' managers</b> |
|--------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|----------------------------------|
| <b>a I'm happy to allow some public access which is not on rights of way or permissive routes</b>                                    | 10.8                               | 3.2                              |
| <b>b I don't mind allowing some informal public access provided people behave responsibly (e.g. if the country code is observed)</b> | 58.5                               | 32.6                             |

Only 15.1% of 'With Access' managers thought that this was rarely or never true, as opposed to 32% of 'Without Access' agreement holders and 40% of non-agreement holders.

Respondents were also asked how willing they would be to allow groups onto their land who had obtained prior permission, in particular school or university groups, and groups of walkers with a leader. Responses differed between the three groups with 72% of 'With Access' respondents already allowing or 'very willing' to allow educational groups as opposed to 51.9% of 'Without Access' agreement holders and 30.8% of non-agreement respondents. Groups of walkers were less popular with 54.4% of 'With Access' agreement holders very willing or already allowing such access as opposed to 35.8% of 'Without Access' agreement holders and 23.7% of non-agreement respondents.

A proposal for a hypothetical new permissive path created a marked difference between the three groups, with 65% of non-agreement respondents being 'very unlikely' to give it serious consideration, compared with 45.1% of 'Without Access' agreement holders and 17.6% of 'With Access' managers. A greater consensus was found with respect to a proposed new right of way, with 65.0% of non-agreement holders being 'very unlikely' to consider such a proposal, compared to 61.1% of 'Without Access' agreement holders and 47.1% of 'With Access' managers. This reinforces the observation, made in the discussion of the face-to-face interviews, that land managers are more tolerant of permissive access than of statutory access over their land.

### Future Intentions

Holders of access agreements were asked about their future intentions. Thirty six (56.3%) of the 64 who replied to the question thought that they



would renew their agreements including the access component, and five (7.8%) thought that they would not. The remainder were unsure. Respondents were asked to indicate how important particular factors would be in influencing renewal. Factors considered to be important were the level of agricultural income, the payments available under the scheme, the level of restriction imposed on land management and the behaviour of people who use the access. Use levels were comparatively unimportant.

The degree to which access agreements might be forthcoming in future from the ‘no access’ groups was of interest. Existing ‘Without Access’ agreement holders were asked whether they would renew their agreement (Table 7), whether they would enter the access option in future (Table 8), and whether they would wish to renew the agreement if they were obliged to allow some extra public access to their land (Table 9).

**Table 7: Existing Agreement Holders Without Access**

(n= 55)

*At the end of the agreement period do you think you will renew your agreement?*

| Response          | %age |
|-------------------|------|
| Yes /Probably     | 54.5 |
| No / Probably not | 12.7 |
| Don't know        | 32.7 |

**Table 8: Existing Agreement Holders Without Access**

(n= 52)

*Do you think you will enter the access option / tier in future?*

| Response          | %age |
|-------------------|------|
| Yes /Probably     | 3.8  |
| No / Probably not | 69.2 |
| Don't know        | 26.9 |

**Table 9: Existing Agreement Holders Without Access**

(n= 52)

*If the terms of the agreement changed so that you had to allow some extra public access to your land (as well as following the prescribed agricultural practices) would you still wish to renew it?*

| <b>Response</b>        | <b>%age</b> |
|------------------------|-------------|
| <b>Yes /Probably</b>   | 15.4        |
| <b>No/Probably not</b> | 48.1        |
| <b>Don't know</b>      | 36.5        |

The results indicated that many managers were enthusiastic about the schemes but would not change their decision on access. Imposing access as a condition of entry would probably result in a reduction in the number of agri-environment agreements and an increase in access agreements, although the quantity is uncertain due to the large proportion of 'Don't Knows'. Possibly these agreement holders would weigh the perceived disbenefits of access against the potential gains to be made from being in the scheme.

Non-agreement holders were also asked about their future intentions (Table 10). Although 50% were uncertain about whether they would join a scheme in future, nearly 40% thought that they would not. These managers cannot therefore be recruited to an access scheme under the present rules.

As an alternative, non-agreement holders were asked if they would be interested in providing paid permissive access without the need to enter an agri-environment agreement. Of the 37 who replied to this question, 29.7% were 'Not at all interested', and 13.5% were 'very interested'. Thus small gains in access might be obtainable from this source.

**Table 10: Future Intentions of Non-Agreement Holders**

(n= 38)

***Do you think you will enter Countryside Stewardship Scheme, ESA scheme or Countryside Access Scheme in the future?***

| <b>Response</b> | <b>%age</b> |
|-----------------|-------------|
|-----------------|-------------|

|                                                      |      |
|------------------------------------------------------|------|
| <b>a Yes</b>                                         | 10.5 |
| <b>b I might do if the payment rate goes up</b>      | 7.9  |
| <b>c I'll wait and see how other farmers get on.</b> | 15.8 |
| <b>I might join if they recommend it</b>             |      |
| <b>d I might if my farm income deteriorates</b>      | 13.1 |
| <b>e No</b>                                          | 36.8 |
| <b>f Don't know</b>                                  | 15.8 |

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### Applying to the Scheme

‘With Access’ agreement holders were asked to indicate the importance of various factors in making them think seriously about entering the scheme. Factors such as the farming press and other farmers were relatively unimportant. The most important single influences were advisers, such as those working for FWAG, and attendance at meetings organised by MAFF/FRCA. Project officers also played an important role, with 59% of ‘With Access’ agreement-holders reporting that they had not seriously considered entering access prior to the project officer’s visit and around 26% reporting that they had not been aware of the access option until the project officer’s visit.

‘With access’ agreement holders were asked what factors had initially discouraged them from entering the access option or CAS. Their main concerns had been the impact of dogs, problems through thoughtless behaviour, and liability as an occupier. ‘No Access’ respondents were asked what they thought would discourage them from entering the access option. Their main concerns were stopping access at the end of the agreement, occupier’s liability, the effect on how they manage their land and the possible loss of privacy. The rate of payment was rarely considered to be an important factor.

### *Interviews with Project Officers*

Interviews were conducted with seven project officers/co-ordinators employed by the Farming and Rural Conservation Agency (FRCA). The FRCA is an Executive Agency which, among a range of activities, administers the Agri-Environment schemes on behalf of MAFF, who remain the paying authority. In the CLA proposals individuals such as the project officers would be expected to play an important role in identifying access sites and negotiating and reviewing agreements, both within and outside the scope of current arrangements. As such it is important to investigate their perceptions of the current schemes and their ability to provide additional access. In particular these interviews provided insights into the scope that such schemes have for targeting access.

Four interviewees were principally engaged on CSS work and three on ESA work. Three officers were particularly well-placed to give insights into how the schemes had evolved having worked on them since their introduction. Issues relating to CAS were explored with two of the seven officers who have an additional role in administering that scheme.

Currently, certain problems arise from the separation of roles between FRCA and MAFF. For example, current conditions require all agreements worked up by FRCA to be approved by MAFF, the paying authority. Land managers sometimes subsequently wish to make small additions to agreements, such as adding a conservation plan to install new gates. These additions must also be submitted to MAFF for approval. A saving in administrative time might result if FRCA had a small budget to use at its discretion to award to such applications. As seen earlier, such a move is likely to be popular with agreement holders, who thought that officers in the past had more autonomy and were able to respond more quickly. However project officers were not unanimous in their support of such a change.

### Targeting New Access Agreements

The voluntary framework proposed by CLA will incur costs through payments to owners related to their losses, provision of rangering services and management (CLA, 1998). It is important that resources are targeted to maximise the benefit provided but interviews suggested that there is scope to improve the targeting process for access under the Agri-Environment schemes. Rather than implementing a comprehensive, demand-led access strategy, access provision through the schemes is mostly piecemeal and dependent on land managers of appropriate sites coming forward with applications to one of the schemes. This would be likely to continue under the 'bottom-up' approach proposed by the CLA.

Access may be targeted by pro-active project officers and high quality access routes can result (see Site 3 Case Example). Survey responses indicate that a modest proportion of agreements result from suggestions made by project officers to land managers already interested in entering an agri-environment contract. However, project officers rarely have the time to be pro-active and approach land managers with proposals for new access. User groups and local authorities, as possessors of local knowledge, may recognise where additional access would be useful to the public, and indeed are identified as consultees in the CLA's proposals for Access Assessments (CLA, 1998). However, project officers, though unanimous in saying that they respond to any such suggestions, only receive them extremely rarely. At the strategic level a regional targeting process exists for ESAs and CSS by which priorities for action and expenditure under the schemes are identified. Although the resulting targeting documents give detailed targets for the priority habitat and landscape types, there is generally a lack of specific targets for access.

It might be expected that there would be a substantial input into the CSS targeting process by highways authorities and local authority departments with responsibility for countryside recreation. However, the response made varies between authorities, with some failing to respond at all, or failing to make any proposals relating to access. Discussion between the authors and countryside officers at several county councils revealed that some countryside officers were unaware of the consultation process, suggesting that documentation may not be adequately circulated within some authorities. Even where adequate consultation does occur, local authorities may not themselves be pursuing detailed strategies for recreational access, being pre-occupied with the more urgent work of putting their rights of way network into good order, and therefore have few suggestions to put forward. Whatever the reasons, there is a failure to deliver targets to project officers that would have to be remedied under any new voluntary framework for access.

A major role of statutory agencies and local authorities in a voluntary framework would be to target access effectively. The CLA proposals argue that 500,000 to 925,000 hectares of well targeted access is a better alternative than the provision of a much larger area of indiscriminate new access. Clearly, greater resources and improved co-operation between statutory agencies and local authorities are required if there is any possibility of a voluntary approach providing a satisfactory alternative to a statutory right to roam.

Considerable variation exists in the speed and extent to which local authorities respond to specific applications which are sent to them for consultation. Often the feedback sought and obtained is legalistic with no consideration given to the potential usefulness of the new access. Some enthusiastic national park, AONB and local authority officers give more

information, possibly suggesting how the public benefit may be increased, and effective informal links exist between some project officers and national park and local authority staff. These findings are not encouraging for the CLA, whose proposals are partly dependent upon the enthusiastic co-operation of local authorities. Resourcing is at the centre of this issue and local authorities would expect to be recompensed for any additional involvement that they might have in targeting and negotiating access agreements. If additional funding were not available then the implementation of some of the CLA's objectives would be delayed if not abandoned.

### Resource Allocation

It is important that resource use provides good value for money. In the absence of specific targets, an important role for project officers currently is to judge against certain criteria whether proposed access will provide the public with value for money by providing genuine additional access. Applications are rejected, for example, if they appear to duplicate the existing rights of way, are located in very remote areas or if there is evidence that the land is already subject to *de facto* access, as such 'new' access would not provide appreciable additional benefit. The need for such a filter is demonstrated by the experiences of project officers, most of whom had received and rejected applications which were deemed not to offer sufficient public benefit.

In the interests of equity and efficiency it is important that the allocation of resources between regions and between schemes is appropriate so that applications offering equal levels of benefit are accepted in all regions and not rejected in some and accepted in others. As the latent demand (and potential benefit) for new access projects is unknown this will not be easy to

achieve. An alternative approach is to ensure the quality of what is supplied is equal and the current administrative system attempts to do this for CSS by allocating scores to the various attributes which applications possess. CSS is budget-limited and applications compete against each other, with the highest scoring applications being accepted. In one region the project officer thought that applications which fulfilled the scheme's criteria were rejected due to lack of funds and therefore some useful benefits were not gained. In another it was believed that the sum available was 'about right', ensuring that no good applications were rejected and no poor ones accepted in order to utilise the whole budget.

There is some evidence to suggest that equality between schemes does not exist. The general view of the ESA project officers interviewed was that there is only a limited number of sites in existence where good quality new access provision would be feasible under the scheme. Many sites would not be eligible as they do not offer sufficient public benefit, often because the area is already well provided with rights of way. Attempting to substantially increase the number of access opportunities under the scheme would be likely to result in poor quality access. By contrast, CSS encourages applicants to consider entering the access option by the scoring system which is used to compare competing applications. CSS project officers report that a substantial number of applications including an access component are forthcoming.

It is important that the total budget allocated for existing and proposed access schemes is adequate. In the event of further promotion of schemes to land managers, the evidence of existing project officer case-loads suggests that, additional resources for servicing an increase in new applications will be required. Such issues as these would have to be resolved if project



officers were to become involved in some more wide-ranging access initiative as envisaged by the CLA.

### **Land Manager Focus Groups**

Focus groups allow participants to articulate and express their attitudes to a subject in depth. In the context of this study, focus groups were used to add richness and detail to the more synoptic, but statistically more reliable, sample surveys of farmers. Focus groups were held in Swindon, Wiltshire and Northallerton, North Yorkshire in late 1997 by MEW Research of London. The North Yorkshire group consisted of eight land managers, and the Wiltshire group seven.

The socio-economic profile of land manager participants in the focus groups was constructed to represent different types of land manager, with representatives of every age group from 25-34 to 55 plus; and roughly equal splits between owners and tenant farmers. However, most land managers in the focus groups were males, with only one female participant in the Wiltshire group. The size of farm varied from less than 50 acres (20.2 hectares) to over 400 acres (162 hectares), with a greater representation of land managers from larger farms on the North Yorkshire focus group. Land managers were also responsible for varying degrees of labour employment on the farm, from one to three or more people, with varying amounts of part-time and casual workers.

Farming types also varied. In both groups, they included arable, sheep, cattle, with occasionally more specialised activities such as pigs and poultry. Shooting and fishing activity was also represented, particularly on some of the North Yorkshire farms. Two farms also included woodland in their acreage. Four farms in Wiltshire and five in North Yorkshire were in CSS of which three in both areas had agreements with public access. One farm in

each area was in the CAS; and one farm in North Yorkshire had ESA land but without any public access agreement: two farms in both areas were not in any of these schemes. Land managers had spent varying lengths of time in the schemes from one to four or more years. Two farms in North Yorkshire had other management agreements with English Nature; as had one farm in Wiltshire, whilst another farm in Wiltshire had a Farm Woodland Grant Scheme agreement. All the farms in both areas had statutory rights of way over their land.

The main finding of the analysis of responses of participants in this group, was that the over-riding motive of farmers and landowners for participating, or not participating, in the scheme was an economic one. Participation in an access scheme was seen as an economically rational way to maximise income from their land. The main motives for joining an access scheme were:

- to generate income from unproductive land;
- to gain income in an easier way for land that was difficult to cultivate;
- to gain additional income for land that was not being intensively managed;
- to gain additional income from set-aside land;
- to obtain recompense for land that was already subject to trespass;
- to help towards costs of restoration and improvements.

Similarly, for those not participating in an access scheme, the main motive could be interpreted as an economic one: ignorance of the schemes, perceived high transactions costs of entering an access scheme, perceived externality costs of public access on the land, and lack of economies of scale in managing the land.

Some small businesses clearly thought the transactions costs, in terms of time required to acquire and digest the information and decide whether to

participate in a scheme, was excessive in relation to the small financial return received. Large estates are likely to reap economies of scale with respect to information and transactions costs of dealing with environmental schemes, where they are large enough for one person to be responsible for this aspect of land management. Where such a person has a knowledge of all environmental schemes for which the land holding is eligible, then the transactions cost of dealing with any one application will only be a small marginal cost. However, transactions costs were perceived to vary between farmers and landowners.

Some farmers experienced lower transactions costs than others, depending upon the scheme, and the administrative officials with whom they were dealing. The applications under the CAS were perceived to be more straightforward and less time consuming than those under CSS, and Farming and Wildlife Advisory Group (FWAG) representatives were seen to be helpful in reducing the transactions costs when farmers were applying for agreements under CSS and CAS.

In some cases landowners clearly thought public access would create an externality. One landowners would not permit public access where this was sought adjacent to a pheasant shoot. Potential loss of revenue from a pheasant shoot due to disruption by public access would not be compensated by revenue from an access agreement. Some landowners had already experienced problems from walkers using existing rights of way across their land: these externalities arose either by way of a utility loss, or from damage to property or rubbish deposited on their land. Very small numbers of landowners may have other, more nefarious, reasons for wishing to exclude public access (e.g. to prevent the discovery of the illegal dumping of carcasses on their land).

Farmers and land managers thought factors likely to increase the participation in access elements of CAS and CSS, and conversely to reduce withdrawal from schemes at the end of agreement periods, were:

- increases in capital payments for building walls, gates, and stiles, so that it was easier to hire contractors to do the work - present payment levels were perceived as only covering costs when farmers undertook the work themselves;
- speedier processing of applications;
- active follow up of enquiries by project officers;
- greater flexibility in the application of agri-environment schemes (e.g. ability to apply for parts of an agri-environment scheme; or for a scheme only to apply to part rather than the whole of an area on the farm at the land manager's discretion).

Farmers and landowners were generally not interested in the public access objectives of agri-environment schemes. Public access agreements were viewed as a form of compensation for land already subject to trespass, or for the additional work caused by irresponsible members of the public.

The attitudes and preferences of farmers and landowners towards access again conformed to *a priori* theoretical expectations. Those who had experienced damage to gates, fences, and other farm property; or who had suffered inconvenience from gates being left open resulting in stock being mixed, or permitted into other fields, or onto the road, were adverse to the concept of greater public access to the countryside. Yet the face-to-face interviews found that the previous experiences of land managers with access agreements was similar to that of those without.

There was also a sense of utility loss, and risk aversion, for farmers and landowners, from the public walking over land even when no damage resulted: of farmers and landowners simply needing to know where the public were walking and to be certain that no damage would result from

access. Some farmers viewed public access agreements as possibly reducing this utility loss where the agreement formalised access, and constrained previously unregulated public access to locations on the farm deemed to be more acceptable or to pre-designated paths.

None of the farmers were interested in a grant scheme that would be just concerned with public access *per se*. They had taken out a CSS or ESA agreement primarily for other elements in these schemes.

Farmers and land managers believed that they should be paid for allowing public access on their land. However, they recognised that the small number of walkers on these footpaths meant that it would be uneconomic for them to collect an entrance charge for each walker, and that non-priced access schemes which were subsidised by the government would continue to be required.

Payments were seen as compensation for nuisance (open gates) as well as damage, and that access would not be provided without compensation payment. Clearly farmers did not perceive access as a pure ‘public good’, but rather as one that involved them in producer costs, both in terms of the provision of stiles and gates and also in terms of an ‘expected cost’ with respect to nuisance and damage to crops, livestock, and property. Such costs could be hypothesised to vary with the number of people using the access route.

Thus, some farmers suggested that differential payments for access, reflecting the number of users along the route, might be fairer than the current standard payments. However, given the lack of monitoring and actual counts of people using footpaths, this could lead to strategic bidding by some farmers and landowners, giving rise to controversy, ill feeling, and increased transactions costs in determining footpath use categories and payment levels.

Farmers thought the public were getting more benefit from the conservation measures in agri-environment schemes, with respect to wildflowers, wildlife, and landscape preservation, compared with benefits from public access. Farmers doubted whether the public were getting value for money from the public access element of the schemes, since as far as they knew, little was done to publicise the routes. The effectiveness of signs was diminished where these were in areas which had few existing visitors. Some farmers were reticent about more publicity because they did not want more people to use the access agreement routes.

## **Conclusions and Discussion**

This study investigated land managers' attitudes towards the voluntary access agreements offered by a variety of agri-environment schemes. A focus group study provided valuable contextual information which was consolidated by a series of detailed interviews with land managers and agri-environment project officers in various areas of England and a postal survey of participants and non-participants in access agreements. The results of these studies provide valuable information on the potential of agri-environment schemes to provide significant amounts of additional access, and give a useful indication of the potential for voluntary access to meet the demands for additional countryside access set out in a recent UK Government discussion paper.

Evidence from the study strongly suggests that under current regulations agri-environment schemes have the ability to deliver opportunities for public access of a high standard. Targeting by professional staff can lead to successful access agreements which would not otherwise be secured; however, suggestions for targeting access are rarely received by project officers and there is little evidence of coherent regional or national

strategies for the provision of access. Such deficiencies would have to be addressed if statutory bodies such as the Countryside Commission or MAFF were to become involved with initiatives such as the Permitted Access Agreement Scheme put forward by the CLA.

Indeed, the issue of targeting is crucial to the CLA's strategy, as they propose that targeted voluntary access agreements totalling between 500,000 and 925,000 hectares would prove as effective at increasing access as the indiscriminate statutory right to roam over the 1.6 million hectares estimated by the CLA to be at risk from the proposals in the Green Paper.

It is questionable whether agri-environment schemes have the potential under present regulations to make a substantial contribution to the proposed total area of voluntary access. There are a number of constraints facing the schemes' ability to deliver increasing quantities of access. It would be infeasible for many small farms to provide additional access due to their limited scope for re-siting particular operations (such as lambing), or particular livestock (such as bulls), or for practising mixed crop and livestock rotations. Extra public access may bring the public too close to the dwelling house and other farm buildings.

The number of possible agreements is also constrained by the large number of ineligible holdings due to the limitation of the schemes' operation to particular areas or landscape types. Relaxing eligibility criteria, as suggested by the CLA, will thus substantially increase the reservoir of potential access land available for agreements under these schemes but, unless additional resources are forthcoming, would dilute the targeting of cash at the current priority areas. The potential for further improvements in the current schemes' operation exists through modest changes in the rules under which they operate and in increased promotion. These could greatly

increase participation if an agri-environment route were to be used as part of a wider package of access provision as suggested by the CLA. Under these schemes access agreements are limited to enclosed land. Thus in the event of statutory access to open countryside being implemented, the role of access through agri-environment schemes, under present regulations, would be complementary.

Even so, the study suggests that only a relatively small proportion of new agreements containing access can be expected from the pool of current 'Without Access' agreement holders and non-agreement-holders. Project officers do not generally have time to be pro-active, limiting their ability to target specific access routes or, in the event of increased promotion of the three schemes, to respond to an increase in interest by land managers. If a larger uptake is required in arable areas, then further promotion to farmers is desirable. Similarly, a large scale increase in voluntary agreements as suggested by the CLA would require massive promotion and have a potentially long lead time.

Possible media to encourage participation that may prove effective include on-farm demonstrations, commonly used by commercial companies in arable areas, and talks given locally by project officers. Local meetings at which the current range of schemes are explained appear to be an effective way of gaining the interest of land managers and encouraging applications and could be extended in the future. If there is a desire to obtain benefits in particular areas then this approach would be valuable, especially as a substantive proportion of land managers have not yet picked up much information about the schemes from other sources.

The predominant motives (but not the only ones) for entering access schemes were financial. Entry to schemes represents a secure though modest



income source for small farm businesses at a time of uncertainty about future farm income. Continued recruitment and renewal of agri-environment and access agreements will depend on payments relative to alternatives, the arduousness of management prescriptions, and the maintenance of land managers' confidence in the administrative system. Based on their current view of the situation, respondents in the postal survey indicated that renewal of current access schemes, if available, is likely in just over 50% and unlikely in 15% of cases.

All of the above suggests that any move towards increasing access provision through an agri-environment route is likely to incur substantial financial and administrative costs. Many land managers require financial incentives to participate in these schemes and wider participation is likely to depend upon improved promotion and the greater involvement of statutory agencies and local authorities in the targeting process. Even then, levels of participation will be dependent upon land managers' attitudes to, and experiences of, public access.

The experiences of public access were similar for all three groups of land managers interviewed; however, the postal survey suggests that differences in attitude towards public access on their land exist between the 'With Access' group and the two 'Without Access' groups. Many farmers are concerned about the consequences of allowing the public access to their land. These concerns cover the loss of privacy, interference with stock, crops, walls, fences and outbuildings and worries about potential liability. Despite this, many land managers expressed a willingness to co-operate in bringing about mutually beneficial changes to the rights of way network. Such attitudes may bode well for initiatives to increase voluntary access, especially given the catalyst provided by the alternative of the statutory enforcement of public access.

The question to be resolved will be whether, with the lack of a direct financial incentive, enough additional access will be forthcoming voluntarily. The small proportion of agri-environment agreements actually including access and the unwillingness of the majority of Without Access agreement holders to allow access in the future might suggest that the voluntary route would be unlikely to secure the desired additional access. However the survey suggests even less enthusiasm amongst landowners for increasing statutory access to land. All farmers, including those willing to tolerate *de facto* access or entering an access agreement, expressed a strong preference for retaining control over access on their land, and antipathy towards additional rights of way. Furthermore they expressed a lack of confidence in the ability of local highways authorities to deal with the necessary legal and administrative procedures. These factors may push them towards the voluntary route as the lesser of two evils.

Although a voluntary mechanism would enable a greater degree of control to be retained, individuals would incur transactions costs in setting up agreements which are off-putting. The current attitudes of some individuals suggest a considerable unwillingness to allow any access whatsoever, and these attitudes may persist in the belief that such land holders may free ride upon the efforts of other landowners who are willing to enter into voluntary agreements. The ability of certain land managers to free ride is an undesirable side-effect of the voluntary approach, and could limit its potential effectiveness if too many farmers felt that they could avoid giving additional access provided that their neighbours agreed to do so.

Making access a compulsory component of an agri-environment agreement may dissuade individuals like those who currently hold agreements without access from renewing their agreement and thereby jeopardise the

environmental benefits obtained. Conversely, small gains in access may be obtained by decoupling access from the requirement to enter an agri-environment scheme although this would duplicate some existing powers of local authorities. Similarly, extra financial incentives might increase the uptake in the urban fringe where current levels of provision are relatively low.

Even if access to certain areas of open countryside were to be made mandatory under future legislation, agri-environment access schemes could still prove to be important for access provision. The restriction of the current proposals to unenclosed land suggests that schemes (such as these) which deal with enclosed agricultural land, can play an important strategic role in providing additional access. If legislation is introduced that does not extend beyond mountains, moor, heath, down and common land, this approach could be important. Additional access may be desirable in other landscapes and on enclosed land, and mechanisms should exist to provide such access.

If a voluntary route to providing additional access were preferred to a mandatory right to roam, then voluntary agreements under agri-environment schemes may prove even more important. A possible development to these schemes would be to extend their range of eligibility and to aim payments at a more pro-active management of access land in specially targeted areas. This combination of targeting strategy with payments made only in cases where specific management was required to allow public access may then provide an important element of a package of access provision similar to that proposed by the CLA.

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## Appendix: Uptake of Agri-Environment Access Agreements

**Table A1: Countryside Stewardship Access Agreements by County (March, 1998)**

| County               | Agreements | With         | With           |
|----------------------|------------|--------------|----------------|
|                      |            | Open Access* | Linear Access* |
| Avon                 | 24         | 15           | 13             |
| Bedfordshire         | 23         | 13           | 14             |
| Berkshire            | 12         | 7            | 7              |
| Buckinghamshire      | 22         | 20           | 6              |
| Cambridgeshire       | 42         | 21           | 27             |
| Cheshire             | 20         | 4            | 17             |
| Cleveland            | 12         | 5            | 7              |
| Cornwall             | 84         | 74           | 27             |
| Cumbria              | 34         | 18           | 20             |
| Derbyshire           | 28         | 17           | 14             |
| Devon                | 55         | 47           | 24             |
| Dorset               | 49         | 33           | 24             |
| Durham               | 10         | 7            | 5              |
| East Sussex          | 35         | 23           | 24             |
| Essex                | 16         | 14           | 7              |
| Gloucestershire      | 17         | 11           | 10             |
| Greater London       | 1          | 1            | 0              |
| Greater Manchester   | 6          | 3            | 4              |
| Hampshire            | 27         | 18           | 13             |
| Hereford & Worcester | 6          | 5            | 2              |
| Hertfordshire        | 14         | 13           | 3              |
| Humberside           | 21         | 12           | 14             |
| Isle of Wight        | 14         | 8            | 8              |
| Kent                 | 62         | 45           | 31             |
| Lancashire           | 35         | 10           | 31             |
| Leicestershire       | 24         | 18           | 10             |
| Lincolnshire         | 57         | 32           | 38             |
| Merseyside           | 1          | 0            | 1              |
| Norfolk              | 58         | 43           | 22             |
| North Yorkshire      | 99         | 65           | 48             |
| Northamptonshire     | 58         | 48           | 24             |
| Northumberland       | 32         | 26           | 12             |
| Nottinghamshire      | 10         | 7            | 3              |
| Oxfordshire          | 12         | 9            | 4              |
| Shropshire           | 12         | 12           | 5              |
| Somerset             | 33         | 29           | 12             |
| South Yorkshire (YH) | 6          | 4            | 4              |
| Staffordshire (CN)   | 7          | 2            | 6              |
| Suffolk (EA)         | 33         | 25           | 13             |

|                     |              |            |            |
|---------------------|--------------|------------|------------|
| Surrey (SE)         | 12           | 10         | 5          |
| Tyne & Wear (N)     | 2            | 0          | 2          |
| Warwickshire (CS)   | 12           | 7          | 7          |
| West Midlands (CS)  | 0            | 0          | 0          |
| West Sussex (S)     | 18           | 14         | 6          |
| West Yorkshire (YH) | 6            | 5          | 3          |
| Wiltshire (CS)      | 55           | 45         | 23         |
| <b>Total</b>        | <b>1,216</b> | <b>845</b> | <b>601</b> |

\* Individual agreements may contain linear and open access elements

Source: MAFF

**Table A2: ESA Access Agreements by County (March, 1998)**

| <b>County</b>      | <b>Agreements</b> |
|--------------------|-------------------|
| Buckinghamshire    | 1                 |
| Cornwall           | 1                 |
| Cumbria            | 16                |
| Devon              | 5                 |
| Durham             | 1                 |
| East Sussex        | 1                 |
| Essex              | 4                 |
| Gloucestershire    | 1                 |
| Norfolk (EA)       | 7                 |
| Oxfordshire (CS)   | 2                 |
| Somerset (SW)      | 2                 |
| Staffordshire (CN) | 1                 |
| Suffolk (EA)       | 8                 |
| West Sussex (S)    | 1                 |
| Wiltshire (CS)     | 1                 |
| <b>Total</b>       | <b>52</b>         |

Source: MAFF

**Table A3: CAS Agreements by MAFF Region (March 1998)**

| <b>Region</b> | <b>Agreements</b> |
|---------------|-------------------|
| Anglia        | 69                |
| East Midlands | 13                |
| Northern      | 1                 |
| North East    | 10                |
| North Mercia  | 1                 |
| South East    | 15                |
| South Mercia  | 10                |
| South West    | 3                 |
| Wessex        | 7                 |
| <b>Total</b>  | <b>129</b>        |

Source: MAFF