

**Item 6: For discussion**

**Access Issues in Relation to the Right to Roam Campaign**

John Thompson

1. **This discussion paper (points in bold italics in particular to discuss)** reviews the position on Water Recreation, Woodland, Camping and Countryside Code Topics in the area of the Peak District LAF following their recent inclusion in a new national "Right to Roam Campaign" seeking more access for all. I have also added Mountain Biking as a hot topic this summer. **Our approach on these issues is to advise and we need to do that bearing in mind our role as a LAF which is that:**

- We advise decision making organisations about making improvements to public access for outdoor recreation and sustainable travel.
- We can set our own priorities depending on local issues, and also respond to consultations and draft policy documents. When making recommendations, LAF members need to consider land use, as well as the need to conserve flora, fauna, geological and physical features.
- We advise but can also set our own priorities, and as part of our consideration of campaigns for greater access. ***I think we need to take care on how far we go on a scale between campaigning and advising.***

2. My paper is for discussion with LAF colleagues to seek views and provoke debate with relevant policies and previous LAF presentations in **Annex A**. We need a broad spectrum of opinion if LAF is to be truly representative and understand the complicated issues. I have inserted names and a number of key points to be more comprehensive in this revised Draft. I very much appreciate the input from a number of colleagues asked for comments before revising for all LAF members to consider. ***My suggested actions are in bold italics after each section for discussion please. An Access Sub Group may be useful to look at some detailed issues.***

**Right to Roam Campaign**

3. There is a new campaign (**see extracts in Annex B**), which in its title of Right to Roam reminds us of the successful lobbying in the past leading to the Countryside and Rights of Way Act 2000. In the case of the Peak District N.P, this followed lack of agreement to extending areas of access by agreements and subsequently doubled Open Country Access. The Campaign considers it to surely be past time to extend it to certain other landscapes, such as woodlands and rivers. The Campaign - see [www.righttoroam.org.uk](http://www.righttoroam.org.uk) - "fully acknowledges that for some landowners and managers, this might seem a frightening prospect," but addresses concerns.

4. As Mike observes, the campaign(s) for improved access are in stark contrast with the demands from some landowners, Parish and District Councils, Friends Groups and some National Park residents for greater action by the NPA to prevent (and extend legislation prohibiting) camping, barbecues, swimming and mountain biking.

5. Louise says - "The campaign rightly emphasises that there cannot be rights without responsibilities, but in my view the paper, and the LAF, doesn't advise and comment on this enough. Given current concerns from landowners about trespass, litter, fires, dangerous parking and other poor behaviour, not addressing this could be the most serious threat to access as we know it. She adds - I support extending CROW & right to roam concepts to activities other than walking. I'm surprised the paper doesn't mention mountain biking (now added) , as this is a key community and one that alongside swimming and kayaking is also underserved in the Peak. Climbing is covered under CROW (or at least we don't have access issues with crags on CROW land except where the landowner has misunderstood the legislation)."

6. Alistair Harvey says - "From my own perspective, and accounting for my experiences from not just the past few months, the foundation to access, whether aquatic or terrestrial, and any new 'right to roam' proposal, must be education. Having read through the attached document and reading about the example in Norway, this is reliant on people acting responsibly and behaving themselves – a trait that Scandinavians seem to adapt to quite easily, the Great British public however not so, as demonstrated since the easing of lockdown restrictions. Alistair thinks the phrase 'right to roam' is misleading and gives the wrong impression from the outset – but again, this comes back to education and the promotion of this idea. There are many users out there already exercising this 'right' which we experience across a lot of our operational sites and causes us, as a landowner, no end of headaches. This was happening prior to Covid-19 raising it's ugly head but seems to have become more widespread as people look to flex their wings after being cooped up when lockdown was implemented. My concern with this term is that the countryside becomes a 'free for all' – which is effectively where we've been over the summer this year. Another huge consideration must be disturbance to biodiversity and wildlife ..... Safe havens and areas of reduced disturbance must still be left when considering a right to roam."

7. Bob suggests that probably the most obvious (worst) provision for access is for water recreation, both canoeing and swimming and thinks we need to be outspoken if that is to change. Edwina suggests that this topic is too important and potentially radical for the Peak District. She agrees with Bob that further discussion and views must be heard from local people including Parish Councils. Farming and landowning interests added by Louise. I would add Land Management Forum and Anglers.

***8. Guidance on our Approach to the Campaign and consultation would be welcome please. I suggest at this stage maybe the LAF should note the Campaign, consider aspects of it as below in practical terms for the Peak District, and listen to all points of view including landowners and managers, community and conservation interests and anglers. We can then work out how and when to do this consultation.***

**Issues Particularly Relevant to the Peak District**

9. With issues covered relevant to the Peak District, bearing in mind policy and background material summarised in **Annex A**, we should discuss, consider and advise the Peak and DCC after further thought and taking account of Land Management, Farming, Conservation, Sustainability and Community interests that:

**10. On Access to Open Country**, we are continuing to work with landowners, land managers and users to improve the current arrangements with help and guidance from Access officers and some funds from the Peak District NPA's Access Fund in the National Park and working with Derbyshire County Council in North West Derbyshire.

**11. *We have previously been concerned about the postponed open country mapping review. Where is this up to can we, via the Peak District NPA, send suggestions and press Natural England? Through the Access Sub Group and Access Fund, we have encouraged access improvements.***

***On specifics, the Access Sub Group has been keen to see access to the former Holling Dale Plantation , now moor, near Bradfield by the Fitzwilliam Estate (Any positive news on these issues and is there anything additional to add or act on? Will existing legislation cover something like Holling Dale if needs be? )***

**12). Water Recreation. On Access to Rivers and Reservoirs (including canoeing, paddle boarding and kayaking)**, we are working closely through officers with Yorkshire Water (with Alistair Harvey as one of our members) and Geoff Nickolds with considerable experience and achievements from his time with Severn Trent Water. We also benefit now from Ben Seal (British Canoeing) who is on our LAF and Derby and Derbyshire LAF and has been very helpful and active in promoting the case through British Canoeing for access. At present there is a lack of provision for water recreation, both canoeing and swimming from background material and from presentations we received in 2019.

13. Geoff Nickolds comments that "the difficulties with agreeing navigation over lengths of river with multiple land owners have already been well rehearsed by Ben and others and I see little prospect for real change without a change in legislation as previously discussed. Access for other water sports on reservoirs may be more achievable, depending on availability of appropriate facilities and, importantly, demand. Maybe it's time to re-visit the original Brighton University research, though not sure how this could be brought about or funded."

14. Alistair Harvey says - "In terms of access to water I agree that as a Nation it is very unclear just what can and can't be done, what water you can freely use, what water you can't. The current scenario is so complicated that trying to educate anyone presently would be a nightmare, so some clarity on access to water is welcomed and long overdue. However, working for a Water Company our stance on access to our reservoirs – which at the end of the day are operational assets and not 'lakes' which people still refer to them as – is not going to change any time soon. Yorkshire Water does provide access to it's waters, but this is not on a right to roam basis, this is provided through formal agreements with clubs and organisations in a controlled manner."

15. Ben Seal observes that: "On the point around 'access by agreement'. While I know this is Government policy and that by default of the Peak District NPA, the challenges we have faced in recent weeks at Cromford just show this is not an effective way forward (regardless of how nice it may sound). The angling clubs want to impose a 'permissive agreement' to allow canoeing when they say; yet it is not their permission to grant as holders of the fishing right only in most cases.

16. Between Cromford & Whatstandwell, Severn Trent and the Railway own a fair bit of the land, plus much of it is unregistered with Land Registry. So the practicality of actually designing an agreement, that every landowner agrees to and signs - even for this 2/3 mile stretch below Cromford, is just entirely unfeasible. Added to that, who would sign the agreement? And how would it be policed? It is really important to understand this aspect if the LAF are to support it as a policy. I would however, strongly urge the group to seek a counter opinion to mine from the Angling Trust or a local club." Can I also encourage colleagues to read the British Canoeing campaign - <https://www.british.canoeing.org.uk/go.canoeing/access-and-environment> and <https://clearaccessclearwaters.org.uk>. This helpful input has been supplied by Ben.

17. On the Water Companies. Yorkshire Water aside, Seven Trent have simply said no. It is a dead end. If any progress is to be made seeking any access at all on the reservoirs – and it should - then LAF needs to take it up as an action, along with the PDNP to really drive the argument. I have hit a total block. I note the mention of Carsington, Tittesworth etc in one of the Peak District reports. It doesn't recognise how very limited the access is at these places. The combined amount of water that is available to the recreational paddler in the Peak is absolutely tiny, so we must not look at what we have and be satisfied at all."

**18. On Swimming** - is there anything to add to our previous LAF views following a presentation last September? We have not had any follow up from Robert Aspey.

19. Edwina says this topic has grown in momentum since the lockdown period and feels access to water does need to improve, especially as many local swimming pools are still closed or can only be used on a very limited basis.

20. Louise says - "I noted that during lockdown at least one outdoor swimming website took down its list of top places, because they were getting inundated and becoming damaged and in some cases dangerous (parking). This is an important consideration, and one that the swimming community in the Peak can be engaged to help address."

21. Alistair says - Swimming is not allowed in any of our water bodies but we have been experiencing real issues with unauthorised access to our waters over the course of this summer, particularly for swimming, and the wild swimmers seem to be becoming more persistent and more militant, being well organised on covert social media platforms and blatantly going against our requests, ignoring site signage warning of the dangers of swimming in reservoirs and requests that they don't do this. Again, not a new issue but the excellent weather we've had both during and post-lockdown seems to have increased the number of incidents. Fortunately, to date, we haven't had any fatalities in any of our reservoirs this year, although there has been at least one very near miss, and our liabilities

as the owner of such bodies of water, along with the after effects of having to deal with such tragic events, must be considered in any changes to access rights.

22. Geoff Nickolds suggests Wild Swimming could be more achievable but here there is always the conflict between freedom to participate and safety. This is perfectly illustrated by the number of unfortunate instances of accidental drowning each summer, which are always followed by much media coverage where the RLSS, RNLI (and sadly grieving relatives), warning about the dangers of unsupervised 'wild' swimming and advising against it. As an ex 'Victor Vole' I was also involved in such work in local schools and at events. While it can rightly be argued that individuals are responsible for their own safety the response to drowning accidents can result in criticism of the land or water body owner concerned over a lack of supervision, life saving equipment etc. And while individuals may well take responsibility for their own safety this may not be the view of their relatives or loved ones after the unfortunate event. One solution might be to legally absolve land and water owners of liability for wild swimming accidents or injuries, as I think was brought about for access under the CROW act."

**24. *Water Recreation is a big topic - but thoughts welcome and our views should be clear. I think we should reflect on the presentations Ben Seal (Canoeing) and Robert Aspey (Swimming) made to LAF and current developments referred to above in considering what LAF should be doing in consultation with the National Park Authority and Derbyshire CC as our sponsors. For example, on Canoeing, do we encourage access by agreement (as in the past for Open Country prior to legislation) with perhaps a Pilot initially? If so, is it access for a named body or group, with or without payments to riparian interests, and conceding it will not be access for all to enjoy (a point in the past which meant the NPA could not conclude as for open country agreements)? On Agreements, I agree with Ben that we should seek a counter opinion from the Angling Trust or a local club. Charlotte suggests as an example Alec Neville who is with "Friends of Lathkill Dale" and Mike has been approached via Sarah Fowler and Sue Fletcher after the Crime Commissioner met two River Wye keepers re problems shared with the Rural Crime Unit.***

**25. *Will a Code of Conduct be acceptable as shown to us previously by Ben? OR do we advise that legislation would be the only practical solution based on past experience and the current Right to Roam Campaign? On access to Reservoirs, there are good partnership arrangements and much positive action with the three Water Companies which should be encouraged and points of current concern should be drawn to their attention asking if improvements are possible. Could we explore the scope to legally absolve land and water owners of liability for wild swimming accidents or injuries? I gather a fund for Green Growth is being opened soon (Defra money dispersed through the National Lottery Heritage Fund) which may help fund new initiatives with NGO's and NPA's able to bid) - who follows up?***

**26. *On Woodland*** - we have welcomed in the past dedication of a number of Peak District NPA owned Woodlands for Access in perpetuity and have repeated our strong view that the NPA should do this with any future woodland property sales as

they have those powers as the Access Authority. Forestry Commission land has access. The question of whether other landowners can offer more on Woodland Access and if the national Tree Strategy could lead to more woodland and access (where the National Forest is a good model and exemplar) is for discussion.

27. Bob suggests that at Chatsworth, there is obvious access around the Park and close to the house, access to moorland above (Beeley Moor) and a long line of woodland with no public access separating the two, so he suggests wider more generalised access to woodland is needed even here.

28. Terry Howard points out that Sheffield City Council has a long-held principle that all its woodland estate (including all those in the Peak District) have de facto access to them. However, Terry thinks securing them for public access in an unforeseeable future is of concern. He has been told they are safe and there is no need to dedicate under section 16 of the CROW Act. He says concerns re Wildlife Trust management of some has discouraged public access. Terry adds that he believes Severn Trent has said in the past that their woodlands in the Upper Derwent have de facto access, but feels recent fencing has made them inaccessible. He observes that Private Estate woodlands seem mostly to have little or no public access.

29. Geoff Nickolds thinks "we have an emerging story which could be mentioned; the recent welcome proposals being developed by STW for a challenging mountain bike course in the forestry on the south side of Ladybower. This is in response to demand from the users and them already taking some informal initiatives on site. It also raises the issue that while access to the woodlands in Upper Derwent is formally restricted to public rights of way and concession paths, in fact little or no action is taken to prevent general access throughout the woodlands except in the event of felling and management operations and protection (usually temporary) of sensitive wildlife interests. Boundary walls and fences restrict general access from outside the woodlands, but their intention is to prevent access for sheep rather than people – in my time the woodlands had little or no natural regeneration due to 'informal sheep ranching' by the local farmers, with gaps appearing mysteriously in walls to facilitate this (allegedly). When I was in overall charge of the forestry I recommended against dedication for open access because (1) it was happening anyway and (2) the administrative burden of getting permission for temporary closures for operational or conservation reasons. Shameful I know..."

**30. *Views on Access to Woodland, including Chatsworth, Sheffield and Upper Derwent examples would be welcome. Good practice on dedication and safeguarding of public access could be encouraged to be pursued more widely.***

**31. On Wild Camping** - Louise says - "You will be aware of possible threats to wild camping as a result of proposals to criminalise trespass, which are primarily aimed at the travelling community. This is a serious threat to an activity that's generally now tolerated under an understanding that wild campers leave no trace and stay for one night only."

**32. The statement in Active in the Outdoors still seems relevant in the Peak after previous consideration with partners - "Wild Camping is not formally provided for in the Peak District. Under the Countryside and Rights of Way Act 2000, which governs rights of access to open country, permission from the landowner/tenant must be obtained before camping." Do colleagues agree?**

33. **On the Countryside Code**, we have welcomed and given support (Roly Smith of our LAF on a Working Group) to the work by the NPA (Sarah Wilks) with partners to a fresh approach - "**Peak District Proud**" - as an action arising from the National Park Management Plan. In the NPMP work, a Workshop on Visitor behaviour resulted in the PeakDistrictiProud Campaign led by the Peak District NPA and National Trust which shares positive ways in which people can help care for the National Park : from taking home your litter and avoiding BBQ's to keeping your dog on a lead during periods of wildlife activity and the use of drones among a range of other actions. Natural England are aware of this Campaign as promoters of the Countryside Code and know it uses a series of montage images to build on core messages of "respect, protect and enjoy" found in the countryside code.

33. Edwina feels that "whilst the Countryside Code is simple and should be easy to follow, there is a significant gap in learning/education which sadly has been demonstrated over the last few months. She says the consequences of this have been tensions in local communities and grumblings from local residents about visitors to the National Park. Unhelpful signage has been erected which in some cases has been defaced."

34. Alistair says - "The Countryside Code is key but this is not new advice and has been around for as long as I can remember, in different guises admittedly, yet to some users of the countryside the message is simply not getting out there for some reason. We have also been dealing with a wider variety of visitors more recently as a more diverse audience discovers the Great British countryside – this is great, and must be embraced, but it brings with it it's own issues and requires an appropriate approach, including education/information."

35. Louise indicates that "last year the BMC held a conference on promoting responsible behaviours in the uplands, and this is now our major campaigning focus (see the NoMoorBBQs and Hill2Oceans litter campaigns). We had some fantastic speakers on behaviour change psychology, including on the limits of Countryside Codes, and the amazing campaign in Loch Lomond and the Trossachs to address an increase in human poo (<http://www.lochlomond-trossachs.org/things-to-do/camping/what-to-do-when-you-need-to-poo/>) . How can the LAF help PDNPA in its continued thinking on this, given how critical it is to access?"

**36. Anything else to add after Covid experiences of visitors in the Peak? Is the Peak District Proud Campaign being reviewed against objectives set?**

**37. On Mountain Biking** - can we agree referring to the *LAF's position, that it is supportive of the managed extension of opportunities for mountain - biking and the initiatives to promote better awareness of other users and the environment?*

## **Conclusion**

**38. This is a big topic at the heart of our interest and business and responses to suggested actions and our approach are important please to see if there is a need for an Access Sub Group and if there is a consensus on:**

**The Campaign - para 8**

**Access to Open Country - para 11**

**Water Recreation - paras 24 and 25**

**Woodland - para 30**

**Wild Camping - para 32**

**Countryside Code - para 36 (maybe considered under the previous item at this LAF**

**Mountain Biking - para 37**

**Other Access Issues - para 42 maybe for the Access Sub Group**

## **Consultation**

***39. Is there anyone we should consult before or after sharing with all LAF members by email and advising the Peak District NPA and Derbyshire CC? Following on from that do we consult more widely - e.g. Natural England, Sport England and the Environment Agency, Peak District Land Management Forum, National Park Management Advisory Group, Landowners like Chatsworth and the 3 Water Companies covering the Peak, Angling interests & Clubs and River Keepers, as well as District Councils, Parish Councils Forum and Local Residents.***

**Strategic Planning of Water Related Sport and Recreation in England and Wales  
- the Midlands (not sure of the date of this)**

A Brighton University report goes into detail for each Region and for the Midlands highlights gaps in provision which include:

- A need to upgrade facilities and resources, and ensure that all forms of water recreation activity are considered in green infrastructure planning
- There is a lack of provision for inland swimming and informal "beach" activities. Unlike many parts of England, people living in the Midlands have limited access to the coast, beaches and the sea. Yet, despite there being many suitable waters, there are few inland alternatives available where individuals and families can spend a day out involving open water swimming.
- There is insufficient provision for water related recreation in the Peak District National Park. Despite the range of waters found in the Peak District, few are currently used for anything beyond angling, birdwatching and sightseeing. There is a particular gap for unpowered touring by canoe, kayak and rowing craft; while there is also a need for waters for other activities such as competitive rowing and sailing. The National Park Authority recognises, and is investigating, this gap.

**Active Derbyshire**

I consulted Craig Homer at Active Derbyshire and he feels that increased access for water recreation in the Peak District and Derbyshire would be supported by them, but is not sure they have any specific policies to add. Their overall approach working with partners and communities is to find more ways to enable more people to be active ([www.activederbyshire.org.uk/uploads/towards-an-active-derbyshire](http://www.activederbyshire.org.uk/uploads/towards-an-active-derbyshire)).

**Extracts from Active in the Outdoors in the Peak District - the Peak District NPA**  
"Active in the Outdoors" is a Recreation Strategy and Action Plan for the Peak District National Park 2010 - 2020.

Extracts Para 2.3.2 on Cycling and Mountain Biking - "The Peak District is popular for cycling offering everything from quiet country lanes to traffic-free trails to challenging mountain biking terrain. Experienced mountain bikers enjoy the challenge of wild, remote moorland bridleways. The aim of the Strategy is to maintain existing routes, make them easier to use and create a more integrated network of routes and bridleways suitable for a range of uses."

Wider Peak District Cycling Strategy - develops this in more detail - (see [www.peakdistrict.gov.uk/data/asset/pdf/0027/6168/peakdistrict-cycle-strategy-pdf](http://www.peakdistrict.gov.uk/data/asset/pdf/0027/6168/peakdistrict-cycle-strategy-pdf)).

Para 2.3.8 Water Sports states: Sailing, windsurfing and canoeing takes place on a number of reservoirs in and around the edge of the National Park, notably Carsington, Tittesworth and Rudyard. A few reservoirs within the National Park such as Torside, Errwood, Dovestone and Winscar have clubs that offer water sports. There is limited river access within the National Park but a stretch of the River Derwent at Matlock Bath provides a popular permanent slalom course and a short stretch at Bamford provides local youngsters with a chance to try canoeing.

The Peak District National Park Authority will continue to work with water companies and landowners to seek further opportunities. Any new infrastructure developments, eg sailing club, would be subject to an environmental impact assessment as part of the planning process but it is anticipated that the focus for new development is most likely to be outside the National Park.

The Action Plan called for the PDNPA to work with representative bodies and user groups to seek further water based recreation opportunities. **(Has this happened?)**

On Wild Camping in para 2.3.13 - it indicates that "Wild Camping is not formally provided for in the Peak District. Under the Countryside and Rights of Way Act 2000, which governs rights of access to open country, permission from the landowner/tenant must be obtained before camping. Where permission is granted to camp on non registered sites, strict guidelines to safeguard the environment apply. Generally, camping is only permitted in designated campsites; bunkhouse or camping barn facilities offer a low cost option (see [www.yha.org.uk](http://www.yha.org.uk)).

### **National Park Management Plan - published in 2019**

The background topic paper on Access and Recreation proposed investigating opportunities with water companies to increase recreational access to water. The Plan itself did not say anything about this, but Special Quality 6 refers to the Peak District being an inspiring place for escape, adventure, discovery and quiet enjoyment. It refers to it being an unrivalled setting to escape the pressures of

everyday life and recharge the batteries, motivating people to enjoy a healthy and active lifestyle.

Area of Impact 4 (A National Park for Everyone - A Sustainable welcoming and inspiring Place for All) and Area of Impact 5 (Encouraging Enjoyment and Understanding) are relevant - para 5-1 refers to balancing opportunities for enjoyment with conserving a fragile environment with enjoyment of the Peak District National Park to be at a scale and quality that respects the needs of all, and allows all to enjoy. The aim is to help people explore the Peak District National Park widely but responsibly and to spread the benefit visitors bring across the area without harming the special qualities.

**Landscapes Review Report on National Parks and AONB's - Extracts from report approved by LAF on 5th December,2019**

The Peak District Local Access Forum is a statutory independent group appointed by the Peak District National Park Authority and Derbyshire County Council and advises those two authorities on improvements to public access in the Peak District and North West Derbyshire for the purpose of open air recreation and enjoyment. It was the first in the country and originally met in December 2000 following the Countryside and Rights of Way Act, 2000. Its 22 volunteer members bring experience of a broad range of interests including walking, climbing, cycling, horse riding, recreational motor vehicles, farming, land management, conservation and local business.

Proposal 16: Consider expanding open access rights in national landscapes. The report states: "Though it is not a core part of our review, and any look at open access needs a much more in depth investigation, we think there is a case for looking at whether further access rights should be established, or at the very least considered or trialled in our national landscapes. The existing law and its application excludes many different user groups entirely, or favours walking on foot. We do not seek to undermine those rights; indeed we want to see walking further supported by national landscapes taking on rights of way management and the National Landscapes Service supporting National Trails."

**More could have been made in the report of the opportunities to expand access as provided for under the CROW Act, 2000 and consider other demands for interests like canoeing and swimming.**

**Derbyshire Derwent Catchment Partnership Presentation - LAF 6th June,2019 (extract mins)**

The Forum received a presentation from Scott McKenzie, Living Rivers Officer from the Derbyshire Wildlife Trust on the Derbyshire Derwent Catchment Partnership. The partnership had been established to tackle issues relating to pollution, biodiversity, climate change mitigation and community engagement and access. Scott was thanked for his presentation.

Ben Seal from British Canoeing also spoke on issues relating to water access and highlighted national campaigns which aimed to change legislation and improve access to water. Ben answered questions and points raised by LAF members and undertook to send additional information to Mike Rhodes for circulation. Ben was thanked for his presentation. The Forum discussed the issues raised and identified options for raising awareness. It was suggested that it would be useful to have representation on the Forum from canoeists or open water swimmers. Agreed the Chair would write to Sarah Fowler and other interests seeking their views and involvement in a future meeting.

**AGREED: To note and welcome the report and a copy of the Charter document be circulated to Forum Members.**

#### **Presentation on Outdoor Swimming - LAF 19th September, 2019 (extract mins)**

The Forum received a presentation from Robert Aspey of the Outdoor Swimming Society. The Society had been set up in 2013 and aimed to share knowledge and help people maintain and increase the amount of inland water accessible for outdoor recreational swimming. A lack of amenity meant unsafe areas were being used. The Society also produced guides and information and a copy of the Inland Bathing Areas guide to setting up inland bathing areas in the UK had been circulated to Forum members before the meeting. The guide included case studies of unsupervised access areas and managed areas and also gave practical advice and legal information regarding setting up areas. Robert referred to Rutland Water Bathing Beach as a successful example of a managed area. The Chair thanked Robert for his presentation.

Robert Aspey then answered questions from Forum members and issues raised were discussed. It was noted that both Severn Trent Water and Yorkshire Water currently have no swim policies for their reservoirs. Reservoirs are operational areas and can be subject to sudden fluctuating water levels and hidden dangers. Robert referred to the all party parliamentary group on swimming and stated that all Water Authorities would have been contacted to give their views. The Chair thanked Robert for his presentation.

**AGREED: To note the presentation and Inland Bathing Area guide, to share information amongst the Forum and to report back any feedback on happenings and new initiatives arising from approaches by the Outdoor Swimming Society in the area. (no feedback received as yet)**

#### **Mountain Biking**

The last time the LAF discussed specifically the topic of mountain biking was September 2019 and before then in March 2017. We have benefitted from member contributions previously from Adge Last and now Paul Richardson. The minutes of those meetings give a useful insight into our position - particularly where in 2019, we endorsed the Severn Trent approach to extend Mountain Biking route opportunities in partnership in the Upper Derwent.

The LAF is also supportive of action to improve cycling opportunities via the ROWIP, Key Cycle Network, Lost Ways, Pennine Bridleway and other initiatives, but has not commented on recent campaigns to extend access (e.g Cycling UK's campaign ([www.cyclinguk.org/offroadcampaigns](http://www.cyclinguk.org/offroadcampaigns)) or locally the Peak District MTB 22%

**In Summary, Mike suggests and I agree that the LAF position is supportive of the managed extension of opportunities for mountain - biking and the initiatives to promote better awareness of other users and the environment.**

**Extracts Regarding the Right to Roam Campaign**  
**Campaign information can be accessed on [www.righttoroam.org.uk](http://www.righttoroam.org.uk)**

**Annex B**

#### **THE CONTEXT**

Ours is a wild and a beautiful island. But the vast majority of it is unknown to us because, by law of trespass, we are banned from setting foot on it. We are excluded from hundreds of thousands of acres of open space - of woodland, meadows, rivers and their banks - simply because ancient laws of ownership fail to recognise the importance of nature to the public.

The law of England should not be excluding us from nature, but encouraging us towards it. Lockdown demonstrated the vital importance of access to nature for everyone's physical and mental health. With depression, anxiety, and obesity all on the rise, science is telling us that we need a deeper connection to nature.

In 2000, the Countryside & Rights of Way (CRoW) Act gave us a partial Right to Roam over about 8% of England. For the last two decades, we have had legal access to walk over certain landscapes (mountain, moor, commons and some downland, heath, and coastlines) without fear of trespassing.

But these sites are often remote, meaning that access to land has become a postcode lottery, available to those who live next to it, or who can afford the cost of travel and overnight stays. Everywhere else, not covered by the CRoW Act, the public are actively made to feel unwelcome in our own landscape and have been portrayed for centuries as a threat to the countryside.

But our desire to access nature should not be a crime. In recent years, science has built an irrefutable bank of evidence proving what our hearts have always known: we urgently need access to nature, its beauty, its space, its flora and its fauna, for our health, our creativity and our peace of mind. In a world of steel, glass and concrete, of stress, ecological detachment and screen-based lifestyles, the countryside is a natural health service that can heal us.

Nature should be accessible for all. Our freedom to roam should be expanded. Our rights of access should be extended to woodlands, all downland (not just fragments, as it does currently), and the Green Belt land that could give so many more people in towns and cities easy access to nature. 'Access' should also extend beyond simply a right to walk in some places. Why shouldn't we also be allowed to camp, kayak, swim, and climb amongst the beauty of the natural world?

What is the Right to Roam?

The Right to Roam is an ancient custom that allows anyone to wander in open countryside, whether the land is privately or publicly owned. In countries such as Norway, Sweden, Estonia and Scotland it has existed as a common right, a defining concept of nationhood, and has only recently been codified into law. Central to all versions of it across Europe is that: 1) there are sensible, listed exceptions and modifications to this right; and 2) this right only comes with strict responsibilities to both the ecology and community of an area.

The Right to Roam is really just a definition of private property that is different to England. There are still major landowners in Norway, Counts in Sweden, Lords in Scotland who own many hundreds of thousands of acres. Their ownership of the land, however, while it allows them to take rent, mine and make money from the land, does not include the right to exclude every other member of the public. In these countries, the Right to Roam is considered so important to the health and mental well-being of a nation, that it supercedes that peculiarly English stipulation of property: the right to exclude. Instead, every person has a right to explore these vast open spaces, to sleep there, to kayak, swim, climb, ride horses and cycle.

This right, however, is contingent on adhering to a strict set of responsibilities. These are simple, basic codes of how to behave in the countryside in such a way that you neither interrupt the function of a working, agricultural landscape, or damage the ecology of where you roam. None of these codes differ in logic from the Countryside Code of England, but they cover a larger scope, because they encompass more activities, and larger areas of land. When children grow up in these countries, experiencing nature and learning the code in practical terms, these codes become second nature, part of a wider understanding of how humans should interact with nature.

The combination of rights and responsibilities creates a relationship with the natural world that is entirely different from that of England. Nature is no longer presented like a museum piece, to be observed from afar behind a line of barbed wire. Instead

it becomes something to be deeply immersed in, a multi-sensory tangible experience whose smells, sounds, sightings can have profound effects upon the minds of their beholders. There is a long term effect too. Nature is no longer relegated to occasional visits, but instead becomes part of people's daily routine, woven into their lives. The Right to Roam ensures that the government actively encourages people to go outside. By removing any sense that being in nature is a criminal activity, and instead is promoted by the state, the Right to Roam curates a common, national consensus of an inherent connection with nature.

## **THE SOLUTION**

We need greater access rights to the land and waterways of England and Wales. The CRoW act needs to spread its wings over the land that will benefit the public the most but it also needs to include activities other than walking. What about kayaking, paddleboarding, wild swimming, wild camping?

With this extension, a renewed emphasis must be placed on the Countryside Code, the regulations that already exist that detail the responsibilities we have to the land, its workers and its owners. Action must be taken to educate the public about the responsibilities we have to the countryside: its ecology, its communities and its owners.

**We are focusing on 4 main areas:**

### **RIVERS**

There is an ongoing debate concerning access rights to England's rivers. Many countries across the world allow full or partial access to their rivers and lakes. Finland, France, Sweden, Norway, Bulgaria, Hungary and Belgium allow a general right of navigation on all rivers, with specific, seasonal arrangements made to accommodate other users such as fishermen. Australia and America, whose legal system was built on English Common law, allow free access to all rivers that can be navigated. There is a strong legal argument that public access to all rivers was enshrined by the Magna Carta. But this is heavily contested by the angling community, for whom a lucrative industry depends on the exclusive use of rivers, and so in England only 3% of rivers are open to a legal right of access.

The Environment Agency has stated conclusively that kayaking causes no harm to the environment of the river, and has even been shown to benefit the ecosystem. But still kayakers are thrown off waterways by fishing bailiffs whose agencies have rented exclusive access to the waters. Similarly, whilst swimmers in Scotland can access all inland waters (as long as they follow the outdoor access code) in England swimmers are limited to small stretches along common land, or the rare spaces where rights of way lead into the water. River banks and their courses are dominated by a single leisure group, the anglers, while other pursuits and people are banned. We must be given full right of access to all rivers and work in close harmony with the angling clubs so that the rivers can be a shared resource, not just for fishing, but for us all.

The more people that have access to blue space in England, the better they will be safe-guarded against pollution. As British Canoeing's '[Clear Waters, Clear Access](#)' campaign asks, why shouldn't visitors to our rivers be persuaded to care for them as they use them? For example, kayakers on the Derwent have been operating a scheme where they take an empty bag with them on trips, returning with rubbish they have collected along the way. With more people out on the rivers, there will be more eyes to pick up on spillages or pollution, more people to clear the rivers of litter and obstructions, so improving the ecology of our most vital resources.

## **WOODLAND**

In England, the half-million acres of woodland that are owned by the Forestry Commission are already open to public access. However, more often than not, this woodland is a monoculture crop of pine, and a world apart from the brimming life of deciduous woodland. The public are banned from the majority of the woods in England largely so as not to disturb the pheasants that are imported in crates from France, and reared in the woods to be shot in their millions.

But woodlands are perhaps the healthiest environment for the public. The Japanese practice of *Shinrin-yoku*, forest bathing, has for thousands of years been used to improve mental and physical health, and now science has shown that immersion in woodlands [can reduce stress and boost the immune system](#) for days afterwards. Most of these woodlands have benefited from public subsidies in the past, so if we are paying for their upkeep, why are we banned from experiencing their health benefits?

## **GREEN BELT**

Green Belts take up only [13% of England](#), and yet are perhaps the most important area of open space to the public, because so many of us live within easy access of them. If Green Belts were opened up to responsible public access, the [30 million people living near them](#) would have more easy access to open air, and the mental and physical health benefits that come with this.

Much of this land is agricultural, pasture and cultivated land, but that doesn't mean we can't access its open space. Why can't we follow Scotland's example, where under the [Scottish Right to Roam Act](#), people are allowed to walk the verges of fields, avoiding crops and machinery and livestock, taking care to leave the land as they found it? The verges of fields would give people access to the open air whilst keeping the farmland safe. If it works in Scotland, why not just over the border in England?

## **DOWNLAND**

Downland describes a landscape of open chalk hills - in its natural state, home to many species of wildflowers and insects, from orchids to the Adonis blue butterfly. Downland is already covered by the CROW Act, but there's a problem. Because so much of our downland was ploughed up during and after World War Two, what we have left includes lots of small fragments. That has led to a very odd access situation. There are many open access 'islands'

of downland in the South Downs and in Dorset, where we have the Right to Roam on the remaining fragments, but we have to trespass over non-access land to get to them. This is clearly ridiculous. To help fix the situation, we're calling for an extension of the definition of downland to include semi-improved grassland, which could help connect these 'islands' to points of access.

### **THE COUNTRYSIDE CODE**

There is already a [Countryside Code](#). It is short and simple and protects the interest of the environment, local communities and landowners. It states, for example, that gates should be left as you find them, dogs should be kept under control, that visitors to the countryside should leave no trace, and take their litter home with them. Littering, dog fouling and sheep worrying are all already crimes.

The problem is not the lack of regulation, but a lack of education about the responsibilities we owe the land, its community and its owners. The UK Government has spent less than £1m on promoting the Countryside Code over the past 16 years – a tiny budget for something that requires a major publicity campaign. People are blamed for not following rules they have not been informed of. The Code should also be taught in schools. Children need to be educated about the countryside, and taught about the practical and moral responsibility we owe to the land from an early age.

We want to help this process of re-education, to ignite a wider understanding of how the countryside should be used. We are helping to promote the Code as it stands, but we also want to see visitors to the countryside go further, and persuade people to clear the litter they see, taking an active role in caring for nature. If people enter the countryside with this mindset, the public can become active custodians of the countryside, and benefit its ecology.