



Position statement: Public access to woodland

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History and Background

Public access to the countryside has been an issue for at least a century. The National Trust was founded in 1895, in part due to Octavia Hill's notion of 'creating open air sitting rooms for the poor'. With the creation of the Ramblers' Association in the 1920s, the public aspiration for more countryside access had its most graphic expression in the mass trespass on Kinder Scout in 1933. In Scotland there has been a history of case law on access and a long-standing liberal tradition of tolerance of the need for people to move freely through the uplands.

The Forestry Commission has a tradition of public access to its forests. At the time of the Forestry Review in 1993 the Conservative Government looked at the possibility of privatising the Forestry Commission. A groundswell of public support for the Commission emerged particularly because of the threat of loss of access to its 1.2 million hectares, over a third of the total forest area in Britain.

Woodland access today

The Woodland Trust, as the UK's leading woodland conservation charity, provides free access to over 17,000 hectares of new and established woodland across the UK for quiet informal recreation. The Forestry Commission allows public access to virtually all of its woodland in GB and many other conservation organisations also allow access, sometimes under certain conditions. In addition many private woodland owners also offer permissive access – a series of booklets *Woodlands to Visit in England and Wales* produced by the Forestry Trust for Education and Conservation give details.

In circumstances where landowners receive public money via the Woodland Grant Scheme (WGS) from the Forestry Commission, they are required at the very least to discuss opportunities for public access. However some specific offers of grant are conditional upon public access being provided such as the Community Woodland Supplement within the WGS which has created over 7000 hectares of new woodland access since its inception in 1994, much of this within the twelve Community Forests and the National Forest. The Forestry Commission's Walkers Welcome Scheme has approved schemes covering over 51,500 hectares since 1992. However, access secured under the WGS runs for the life of the contract and so is not created in perpetuity.

The public rights of way network in England and Wales also allows access to many woods though some footpaths and bridleways through woodland are difficult to follow or else impassable. The Countryside Council for Wales and the Countryside Agency have set ambitious targets for opening up of the existing rights of way network. In Scotland Scottish Natural

Heritage has created an Access Forum and launched a Paths for All Initiative in 1996 to encourage the development of new paths and path networks especially in the lowlands.

Countryside access – recent developments

In March 1999, the Labour Government announced the introduction of new laws to give a statutory right of access for walkers over open country including mountain, moor, heath and registered common land in England and Wales and a Countryside Bill including these provisions will be introduced during 2000. In July 1999 the Scottish Executive published a consultation paper on its proposals for land reform which includes a commitment to legislate to give a guaranteed right of access to open countryside and to enclosed land subject to a code of responsible behaviour. This is likely to be amongst the first tranche of legislation passed by the Scottish Parliament.

In July 1999 the DETR published a consultation paper containing proposed changes to the rights of way system in England and Wales including obligations on local authorities to review regularly and if appropriate expand their local rights of way network. In November 1999 the Forestry Commission recommended to Government that proposed access legislation for England and Wales is not extended to woodland but that new powers of dedication are introduced to enable landowners to grant access rights to their woods together with a package of new incentives to encourage access in priority areas where the need is greatest and there is a shortfall of provision.

The Woodland Trust View

Our aspiration

The Trust is keen to see as much woodland access as possible to allow the public to pursue quiet informal recreation. We have recently launched our ten Millennium Challenges for Government, including a call for everyone to have freely accessible woodland within ten miles of their home in the next five years. We believe that more access to woodland is a very important way in which greater appreciation and understanding of woodland will develop, as set out in *Keeping Woodland Alive*, our plan for action summarising our response to the key issues in woodland conservation today. How more access can be achieved is for others to determine; the Trust's approach of making permissive access available to its thousand sites is a model which works very well.

Legislation

Given the planned legislation in both the Westminster and Scottish Parliaments, we believe that any access legislation covering woodland anywhere in the UK will have to allow for satisfactory safeguards to cover the need to undertake woodland management operations and other legitimate activities of the owner without risk to the public. There needs to be provision to protect nature conservation interests in sensitive areas and there would also need to be clarification of public liability issues over woodland access. Provisions for closure for such reasons on a temporary basis will need to be built in. Successful legislative arrangements elsewhere in Europe (notably Denmark) balancing statutory access and the constraints necessary in the interests of owners could be a useful guide and we recommend that the Government consults within the EU.

November 1999

Conservation and access

In circumstances where the conservation and wildlife value of a site may be damaged, the Trust believes that the recreational benefits should not override the ecological sensitivity of the woodland. It is clear that in certain circumstances walkers with dogs, horse riders and bike riders can have a detrimental effect on the conservation value of woodland. While there are examples linked to individual species or fragile habitats, the Trust would welcome further research in this area in order to evaluate the effects of public access objectively. While people enjoy walking in mature woodland, newly created woods by their very nature are robust habitats containing fewer sensitive species than ancient woodland and as such their potential to deliver woodland access with a minimum of conservation impact should not be under-valued.

Specialist recreational activity

Some specialist recreational activities are not compatible with unrestricted public access to woodland but are usually benign in terms of their impact on the conservation value of woodland, e.g. pheasant shooting and clay pigeon shooting. Other activities also exclude public access but may also in themselves be damaging especially to semi-natural ancient and other important native woodland such as 4 x 4 off road driving and paintball games. The Trust feels strongly that there need to be stronger controls over inappropriate leisure activities in semi-natural ancient woodland.

Conclusion

The amount of publicly accessible woodland is set to continue to increase given current forestry policy, and it is important that as wide a constituency of people as possible is encouraged to value woodland for whatever benefits they derive from it (providing such benefits are sustainable) if we are to promote the survival and expansion of our woodland heritage.