



House of Commons
Committee of Public Accounts

The right of access to open countryside

Thirty-second Report of Session
2006–07

*Report, together with formal minutes, oral and
written evidence*

*Ordered by The House of Commons
to be printed 4 June 2007*

The Committee of Public Accounts

The Committee of Public Accounts is appointed by the House of Commons to examine “the accounts showing the appropriation of the sums granted by Parliament to meet the public expenditure, and of such other accounts laid before Parliament as the committee may think fit” (Standing Order No 148).

Current membership

Mr Richard Bacon MP (*Conservative, South Norfolk*)
Annette Brooke MP (*Liberal Democrat, Mid Dorset and Poole North*)
Chris Bryant MP (*Labour, Rhondda*)
Greg Clark MP (*Conservative, Tunbridge Wells*)
Rt Hon David Curry MP (*Conservative, Skipton and Ripon*)
Mr Ian Davidson MP (*Labour, Glasgow South West*)
Mr Philip Dunne MP (*Conservative, Ludlow*)
Mr John Healey MP (*Labour, Wentworth*)
Mr Edward Leigh MP (*Conservative, Gainsborough*) (Chairman)
Ian Lucas MP (*Labour, Wrexham*)
Mr Austin Mitchell MP (*Labour, Great Grimsby*)
Dr John Pugh MP (*Liberal Democrat, Southport*)
Rt Hon Don Touhig MP (*Labour, Islwyn*)
Rt Hon Alan Williams MP (*Labour, Swansea West*)
Mr Iain Wright MP (*Labour, Hartlepool*)
Derek Wyatt MP (*Labour, Sittingbourne and Sheppey*)

The following were also Members of the Committee during the period of the inquiry:

Helen Goodman MP (*Labour, Bishop Auckland*)
Mr Sadiq Khan MP (*Labour, Tooting*)
Sarah McCarthy-Fry MP (*Labour, Portsmouth North*)
Kitty Ussher MP (*Labour, Burnley*)

Powers

Powers of the Committee of Public Accounts are set out in House of Commons Standing Orders, principally in SO No 148. These are available on the Internet via www.parliament.uk.

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at <http://www.parliament.uk/pac>. A list of Reports of the Committee in the present Session is at the back of this volume.

Committee staff

The current staff of the Committee is Mark Etherton (Clerk), Philip Jones (Committee Assistant), Emma Sawyer (Committee Assistant), Pam Morris (Secretary), Anna Browning (Secretary), and Alex Paterson (Media Officer).

Contacts

All correspondence should be addressed to the Clerk, Committee of Public Accounts, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 5708; the Committee’s email address is pubacom@parliament.uk.

Contents

Report	<i>Page</i>
Summary	3
Conclusions and recommendations	5
1 Encouraging the public to use the right to roam across the countryside	9
2 Protecting the environment of access land and the rights of land owners	12
3 Improving planning and project management	14
Formal Minutes	16
Witnesses	17
List of written evidence	17
List of Reports from the Committee of Public Accounts Session 2006–07	18

Summary

The Countryside Rights of Way Act 2000 introduced a public right to walk across designated mountain, moor, heath, downs and registered common land in England. The Department for Environment, Food and Rural Affairs (the Department) had a Public Service Agreement target in 2001 to open up the new access land by the end of 2005 and it tasked the Countryside Agency with achieving this target. The project was completed two months ahead of schedule in October 2005, and 99% of the 865,000 hectares of such land was open to people without dogs by 1 November 2005. On the basis of a Report by the Comptroller and Auditor General,¹ the Committee took evidence from the Department and the Chief Executive of Natural England on the establishment of this new right and how it was working in practice. Natural England took over responsibility for open access from the Countryside Agency in October 2006.

Information on the extent to which the public are making use of the new right was not available at the time of the Committee's hearing in November 2006. Difficulties in obtaining up-to-date information on where to walk and on any restrictions on access (for example due to the lambing season), however, may have deterred people from visiting open access land. The Countryside Agency had set up a website as the primary source of information for the public on access land, but this had proved difficult and confusing to use. The provision of public transport links is also important, but 80% of access land is not accessible by public transport.

The majority of open access land is privately owned and includes a large number of Sites of Special Scientific Interest. Landowners are unclear about their legal liability for the safety of the public on their land. Any increase in people walking on access land could have a detrimental impact on the environment, flora and fauna. Livestock farmers had additional concerns over the bio-security implications in the event of an outbreak of an infectious animal disease. Natural England was committed to regular monitoring and will publish its first Annual Report on the status of open access land in Summer 2007. On the day-to-day management of open access, temporary restrictions can be imposed to keep the public off specific areas of land, although the extent and timing of these restrictions are not always clear, which could increase the risk of non compliance with access requirements.

The implementation of the right to roam cost the Countryside Agency £24.6 million more than it had anticipated, with consequential knock-on impacts on other programmes which had to be deferred or terminated earlier than planned. The Countryside Agency did not have a thorough understanding of the work involved, and did not pilot test its proposed

¹ *The Department for Environment, Food and Rural Affairs and the Countryside Agency: The right of access to open countryside*, HC (2005–6)1046

approach. Mapping and determining which land should be covered by the right of open access proved more expensive than expected and the Agency's board were not alerted to the increasing costs due to a lack of any financial reports on the project between October 2001 and April 2003.

Natural England will want to note our conclusions and recommendations on this project as they progress any plans to open up access to the coastline of England.

Conclusions and recommendations

1. **The Countryside Agency met its Public Service Agreement target for all designated right to roam land to be made accessible to the public by 2005.** The public now have the opportunity to enjoy some 865,000 hectares of land across England.
2. **Until Natural England completes its first Annual Report on open access in summer 2007, there is little information available to determine how many people have exercised their right to roam.** There have however been a number of difficulties in finding information and getting to many of these areas of land, which need to be tackled if people are not to be deterred.
 - a) **The Countryside Agency has relied on its website to convey information on access land, but some people may not have ready access to the internet.** Other sources of information are important and the Agency's successor, Natural England, has committed to providing leaflets suggesting walks etc in Tourist Information Centres by June 2007. As staff in some of the Centres visited by the National Audit Office were unaware of the right to roam, however, the leaflets should be supported by guidance or training on how to deal with any queries from the public.
 - b) **Users have found the Countryside access website confusing and difficult to use.** Natural England should improve usability, drawing on the practices of leading government and commercial websites. For example, information could be joined up with that from other sources, and suggested walking routes and destinations could be provided to help people plan days out from a single website.
 - c) **There is no telephone helpline aimed primarily at those wishing to exercise their right to roam.** The advertised helpline is in practice aimed at landowners. Natural England should consider providing a telephone helpline to provide people wanting to walk in a particular area with the relevant access information.
 - d) **Only a fifth of access sites visited by the National Audit Office were accessible by public transport.** Where there are public transport links to access land Natural England should include the details and timetables, or links to this information, on the Countryside access website. The Agency should also work with local authorities to identify possible solutions, for example whether weekend bus services can be diverted past open access land at peak recreational times.
 - e) **Information on temporary restrictions to a particular area of access land can be difficult to find on the website.** Pending improvements in the format of the website, Natural England should provide guidance to Tourist Information Centres on how to check for local restrictions in order to notify walkers accordingly. Landowners could be encouraged to put up suitable signage on site. Where access land is likely to face temporary restrictions at broadly the same time each year, signage should carry details of times when restrictions are likely to occur and a contact number to enable walkers to clarify any concerns.

f) **Existing advice to dog walkers is confusing.** Natural England should use the Countryside access website and leaflets to promote clearly the message that dogs are allowed on access land without leads unless there are signs on the ground to the contrary.

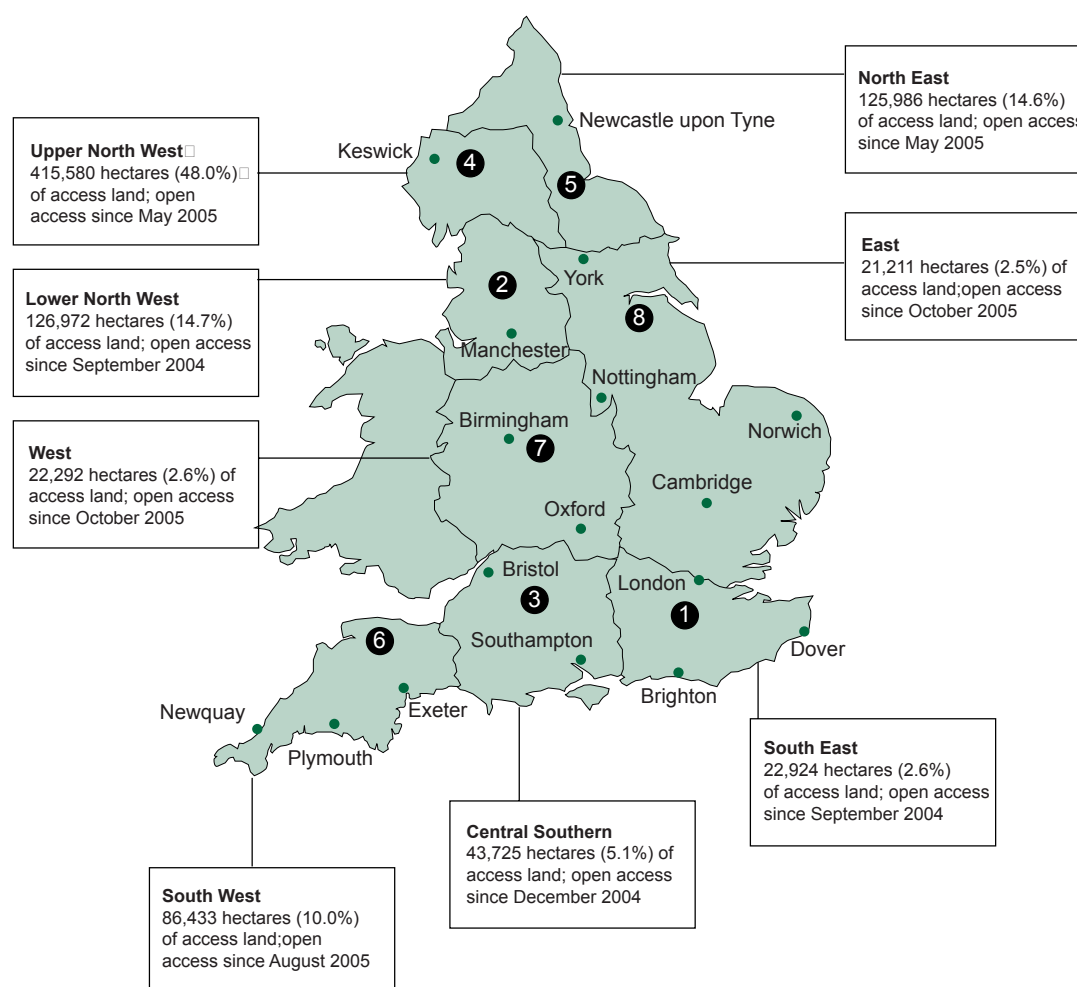
3. **Encouraging people to walk across the countryside could increase the risk of adverse environmental impacts, such as erosion.** As part of its annual review, Natural England should develop clear benchmarks to measure the existing environmental status and condition of an area in order to detect any subsequent deterioration, and develop an action plan, in discussion with key land managers, which could if necessary be invoked at short notice to prevent further damage.
4. **Greater access to the countryside could increase the risk of inadvertent transmission of infectious animal diseases.** The Department's existing contingency plans for animal disease outbreaks should take account of risks associated with greater access and include suitable plans for imposing emergency restrictions on access land. The contingency plans should include methods for communicating changes in the status of access land to the public, landowners and access authorities effectively and quickly.
5. **The Agency's budget for the Access Management Grant Scheme had been cut by two thirds in 2006-07 to £400,000.** The scheme funds the provision of signage on access land and any remedial works required to improve the safety of walkers. Natural England should prioritise where appropriate grant applications which help ensure public safety and note in its Annual Report any increase in access restrictions due to unsafe areas awaiting funding for remedial works.
6. **A failure to scope, plan and estimate the costs of the project adequately led to the project costing almost twice the Agency's December 2000 estimate of £28 million (Agency outturn of £52.6 million).** The scale of overrun impacted adversely on the delivery of other Agency programmes. For future projects Natural England should put in place:
 - scoping processes including risk and sensitivity analysis covering a range of outcomes and timescales;
 - robust piloting within the project timetable to enable early identification and resolution of potential problems; and
 - regular senior management monitoring of costs and forecast outturn and delivery against schedule with the forward implications of delays and overruns on Natural England's broader programmes clearly identified.
7. **The mapping contract was open ended and based on day rate costs, allowing the costs to rise to over three times the original contract value.** In letting future contracts Natural England should use good practice disseminated by the Office of Government Commerce to procure the best value contract; in particular it should:
 - avoid open-ended and day rate contracts where possible;

- have understanding of the work required before letting the contract to avoid changing the scope at a later stage; and
- closely monitor the work undertaken by contractors and the costs of contracts to ensure that they continue to provide value for money.

1 Encouraging the public to use the right to roam across the countryside

1. The Countryside and Rights of Way Act 2000 introduced the public's 'right to roam' across specific areas of countryside without having to keep to existing footpaths. By the end of October 2005, the Countryside Agency had opened up 865,000 hectares of mountains, moors, heaths, downs and registered common land for the public to walk across. The National Audit Office had confirmed that 99% of this land was open to walkers without dogs. The land now open to the public (referred to as access land) includes many areas of beautiful countryside, such as the Forest of Bowland in Lancashire, Henroost in Dartmoor and the Dragon's Back hills in the Peak District. Details of these and other access lands are available at the website www.countrysideaccess.gov.uk. Lowland areas, however, have not been opened up to the public to the same extent. In practice, 77% of the access land is in the North of England and less than 3% is in South East England—see **figure 1**.²

Figure 1: A total of 865,000 hectares of land is newly accessible across England



Note: This map is based upon Ordnance survey material. © Crown copyright. All rights reserved. The Countryside Agency, Licence No. 100019991.2006

2. There was a lack of reliable data on the extent to which people had exercised their ‘right to roam’ at the time of the Committee’s hearing in November 2006. The Countryside Agency conducted a survey in 2005 which estimated that there had been 22.1 million visits to access land in 2005. Some data will, however, pre-date the introduction of the new right, and clear data on take up will not emerge until the results of the 2006 survey are analysed. The Chief Executive of Natural England (which took over responsibility for access land from the Countryside Agency in October 2006) confirmed that her Agency planned to carry out annual surveys and to produce an Annual Report detailing the findings. The first of these Annual Reports would be published in summer 2007.³

3. The Department was committed to giving everyone the opportunity to exercise their right to walk in the countryside. Encouraging the public, particularly those from inner cities or other metropolitan areas to visit access land depends to some extent upon sites being accessible by public transport. Around 20% of the sites visited by the National Audit Office were accessible by public transport, but increasing the proportion typically depended upon diverting existing bus routes, where such changes would be economically viable. Where public transport could be used to access sites, such as in the Peak District National Park, the information was not readily available on the right to roam website.⁴

4. There was no single source of information from which members of the public could obtain all they needed to know on areas of access land. Whilst Ordnance Survey produced maps showing all access land within six months of the areas opening to the public, the maps could not provide up to date information on any temporary restrictions in place on where to walk, or whether dogs were not allowed. The key source of up to date advice on restrictions was from Natural England’s right to roam website (www.countrysideaccess.gov.uk). When the National Audit Office first tested the website in November 2005, the website maps were unclear, making it difficult to identify places in 21 out of 58 searches carried out (36%). Nor did the website offer suggested walks or recommended areas to visit; instead the public were left to plan a walk by matching up the information on the website with the maps produced by Ordnance Survey.⁵ The quality of the maps had improved by April 2006, although it remained difficult to search for particular places (see **figure 2**).

5. Anyone visiting an area away from home or not having access to a computer requires alternative sources of information on access land and on any restrictions in place. A principal source of information was **Tourist Information Centres**, and 17 out of 23 centres visited by the National Audit Office held some information on where to walk. Natural England had commenced a survey to establish what materials (such as leaflets) would be most helpful for walkers and planned to have these available in Tourist Information Centres by June 2007. Some leaflets, such as the Countryside Code leaflet, had erroneously advertised a **telephone helpline**. The helpline had originally been set up for landowners to contact the Countryside Agency with queries or to allow landowners to

3 Qq 10, 34–5, 51–2, 123–5.

4 Qq 7, 39–40, 78–9; C&AG’s Report, para 3.2

5 Qq 7, 41, 88–93, 100

notify the Agency of temporary restrictions. The staff operating the helpline did not have the training or resources to deal with queries from the public.⁶

Figure 2: In a third of cases tested by the National Audit Office it was difficult to find sites using the website's search function

Ease of finding required map	November 2005		April 2006	
	Number	Percentage	Number	Percentage
Found first time or easy to identify from choices	37	64	39	67
Required trial and error searching or alternative terms	16	28	13	22
Access land not found or unable to identify correct site	5	9	6	10

Source: National Audit Office

2 Protecting the environment of access land and the rights of land owners

6. The majority of access land is probably privately owned, although there are no comprehensive records of land ownership. Private landowners had been concerned about people walking across their land and close to their homes. Landowners had lodged over 3,000 appeals against land being designated as access land, of which over 2,500 (over three quarters) had been upheld. Most of the amendments required were relatively minor, and the total area of access land had decreased by less than 2 ½% as a result of appeals. There was a risk that the new right to roam could impact adversely on the environment due to erosion, disturbance of wildlife or the destruction of plants and habitat. Around half of access lands included Sites of Special Scientific Interest. As part of its annual survey Natural England intended to review the impact of the new access rights on the environment. Natural England also intended to extend the management of vulnerable sites, for example by excluding the public from particular areas at certain times of the year.⁷

7. Temporary restrictions can be imposed on access land by landowners to protect the land, wildlife, livestock or the public. The duration of these restrictions depended on the reason they were required, as shown in **figure 3**. The information on the website on each restriction could be difficult to find, however, as it was often shown below the maps and could be missed unless readers scrolled down the page. To help walkers comply with any restrictions, advice could also be posted on physical signs on the land. Such signs needed to be discreet to avoid unnecessary visual damage to an area, but existing signage did not carry information of likely future restrictions and could be confusing.⁸

8. Landowners considered the control of dogs to be the single biggest potential problem on access land and in the countryside generally. Existing guidance on where dogs were allowed in the countryside and whether they should be on a lead was, however, confusing. Dogs were allowed on some areas of access land, but not on others, and in some areas only if kept on a lead with a maximum length of two metres. The rules governing dogs on access land were also different from those for walking dogs on rights of ways, where dogs should be under close control. The Chief Executive of Natural England acknowledged that the website and signage on the ground should be sufficiently clear so that dog owners could safely assume that dogs were allowed on access land unless the website or signage advised them otherwise.⁹

7 Qq 34–5, 65, 73–75, 122, 126–130; C&AG’s Report, para 1.4

8 Qq 108–113

9 Qq 13–15; C&AG’s Report, paras 3.17–3.19

Figure 3: There is a confusing array of restrictions that can be imposed on access land

Type of restriction	Reason for restriction	Individuals affected by restricted access	Period of restriction	Process for obtaining restriction	Land affected as at 1 November 2005	
					Area (Hectares)	%
Protection of certain interests	Land management	All	Generally limited time but can be indefinite in limited circumstances	Landowner applies to the Agency, relevant national park authority or the Forestry Commission	5,177 (total exclusion) 1,262 (partial exclusion)	0.6 0.1
	Fire prevention Public safety	All		Can be introduced directly by The Agency, national park authority or Forestry Commission without landowner application		
	Nature conservation Heritage preservation	All		Landowner cannot apply. The Agency, national park authority or Forestry Commission decide with advice from English Nature or English Heritage		
Discretionary restrictions	Any	All	Up to 28 days a year	Landowner notifies open access contact centre of dates and areas affected		
Dog restrictions	Prevent dogs accessing grouse moors and lambing enclosures	Individuals with dogs	Grouse moors: up to 5 years	Landowner notifies open access contact centre of dates and areas affected	215,223 (total exclusion)	24.9
			Lambing enclosures: up to 6 weeks a year		12,195 (partial exclusion)	1.4

Source: National Audit Office and the Countryside Agency

9. Landowners were concerned that they might be held liable by members of the public who were injured whilst walking on access land. Existing legislation¹⁰ removes any liabilities for accidents as a result of any natural feature of the landscape (such as plants or rocks), but in the absence of case law the legal position remains ambiguous over any liabilities for accidents arising from man-made structures (such as mineshafts) or from cattle. Some landowners had decided to minimise the risk by fencing off particular hazards, but this approach could have an adverse impact on the appearance of the landscape. Natural England ran an Access Management Grant Scheme to provide signage and improve the safety of access land. The budget for 2006–07 had, however, been reduced from £1.5 million to £400,000 because of spending cuts imposed by the Department.¹¹

10. Farmers with livestock on access land were concerned about the bio-security implications of the new rights. Greater numbers of walkers moving between different areas of land could increase the risk of inadvertent transmission of infectious animal diseases between areas, and an increase in the land area accessible by the public meant that in the event of an outbreak of an infectious animal disease there would be greater need for restrictions on access. The Department intended to use links established with farmers and land managers together with statutory restrictions to set out access rights clearly in the event of a future outbreak.¹²

10 Countryside Rights of Way Act 2000

11 Qq 84–5, 116–8, 131–4

12 Q 17

3 Improving planning and project management

11. Natural England were considering a potential project to open up coastal land to public access. It will be important to learn and apply the lessons from the Countryside Agency's implementation of the right to roam across England's mountain, moor, heath, down and registered common land. The Countryside Agency lacked proper records management procedures to respond to queries from the public and inexplicably lost many of the letters received, including correspondence from the Chairman of this Committee. In addition, the Countryside Agency significantly underestimated the cost of implementing the right to roam, with a consequent impact on funding for other projects. The Agency had estimated in December 2000 that the project would cost £28 million, whereas out-turn amounted to £52.6 million of Agency expenditure, and a total cost to central government amounting to £69 million. The £28 million estimate was a key consideration in deciding to go ahead with the project, and in prioritising between the project and the Agency's other responsibilities and initiatives. In order to fund the higher than anticipated expenditure on the 'right to roam' project, the Agency had deferred work on other schemes, such as National Trails and Discovering Lost Ways, and terminated its Vital Villages programme earlier than planned.¹³

12. The Department's 2001 Public Service Agreement included a timetable set by Ministers for all designated land to be made accessible to the public by December 2005. In their haste to deliver the right to roam project in time to meet the commitment, the Countryside Agency did not adequately pilot test the work involved and underestimated the cost of key tasks. The Agency had not carried out a scoping exercise before preparing its original estimate and it did not know the extent of the work required to map and designate the land covered by the new rights. At the time the target was agreed, neither the Department nor the Agency had questioned the timetable. Instead of a mapping pilot the Agency had rolled out the project area by area so that lessons learnt in each area could be applied to the next. The contract for the mapping was open-ended as it was based on 'day rates', and costs increased from £5.3 million to £16 million (excluding VAT). The Agency did not pilot the website on access land. Such an approach would have helped to pre-empt and resolve before the system went live the difficulties subsequently experienced by users in locating places to walk.¹⁴

13. The Agency's Management Board received no specific written reports on the progress and costs of the project for a period of eighteen months, from October 2001 until April 2003. It did not have an open access project board, detailed project plan or risk register until it began to improve the management of the project in 2003.¹⁵

14. Maintaining open access in 2006–07 is expected to cost some £13 million. At the time of the Committee's hearing, however, Natural England and the Department were uncertain

13 Qq 2–3, 4–6, 11, 12, 49, 63, 86–7, 94, 103; C&AG's Report, para 1.6, Appendix 3, para 1

14 Qq 25–6, 50, 65–70; C&AG's Report, Appendix 3, para 4

15 Qq 9, 24, 28–32; C&AG's Report, Appendix 3, paras 6–8

of what future money had been allocated to maintaining access rights beyond 2007. Future costs will include maintaining access, signage and safety of access land; maintaining and updating the website, helpline and leaflets; and a re-mapping exercise that Natural England is committed to carry out in 2016.¹⁶

16 Qq 45, 131; C&AG's Report, para 1.6

Formal Minutes

Monday 4 June 2007

Mr Edward Leigh, in the Chair

Mr Richard Bacon
Mr Ian Davidson
Mr Philip Dunne
Mr Sadiq Khan

Mr Austin Mitchell
Mr Alan Williams
Mr Don Touhig
Derek Wyatt

Draft Report

Draft Report (The right of access to open countryside), proposed by the Chairman, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 14 read and agreed to.

Conclusions and recommendations read and agreed to.

Summary read and agreed to.

Resolved, That the Report be the Thirty-second Report of the Committee to the House.

Ordered, That the Chairman make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned until Wednesday 6 June at 3.30 pm.]

Witnesses

Wednesday 22 November 2006

Mrs Helen Ghosh, Permanent Secretary, Department for Environment, Food and Rural Affairs; and **Dr Helen Phillips**, Chief Executive, Natural England.

Ev 1

List of written evidence

Department for Environment, Food and Rural Affairs

Ev 16

List of Reports from the Committee of Public Accounts Session 2006–07

First Report	Tsunami: Provision of support for humanitarian assistance)	
Second Report	Improving literacy and numeracy in schools (Northern Ireland)	HC 108 (Cm 7035)
Third Report	Collections Management in the National Museums and Galleries of Northern Ireland	HC 109 (Cm 7035)
Fourth Report	Gas distribution networks: Ofgem's role in their sale, restructuring and future regulation	HC 110 (Cm 7019)
Fifth Report	Postcomm and the quality of mail services	HC 111 (Cm 7018)
Sixth Report	Gaining and retaining a job: the Department for Work and Pensions support for disabled people	HC 112 (Cm 7019)
Seventh Report	Department for Work and Pensions: Using leaflets to communicate with the public about services and entitlements	HC 133 (Cm 7020)
Eighth Report	Tackling Child Obesity—First Steps	HC 157 (Cm 7020)
Ninth Report	The Paddington Health Campus Scheme	HC 244 (Cm 7076)
Tenth Report	Fines Collection	HC 245 (Cm 7020)
Eleventh Report	Supporting Small Business	HC 262 (Cm 7076)
Twelfth Report	Excess Votes 2005–06	HC 346
Thirteenth Report	Smarter Food Procurement in the Public Sector	HC 357 (Cm 7077)
Fourteenth Report	Ministry of Defence: Delivering digital tactical communications through the Bowman CIP Programme	HC 358 (Cm 7077)
Fifteenth Report	The termination of the PFI contract for the National Physical Laboratory	HC 359 (Cm 7077)
Sixteenth Report	The Provision of Out-of-Hours Care in England	HC 360 (Cm 7077)
Seventeenth Report	Financial Management of the NHS	HC 361 (Cm 7077)
Eighteenth Report	DFID: Working with Non-Governmental and other Civil Society Organisations to promote development	HC 64 (Cm 7077)
Nineteenth Report	A Foot on the Ladder: Low Cost Home Ownership Assistance	HC 134 (Cm 7077)
Twentieth Report	Department of Health: The National Programme for IT in the NHS	HC 390
Twenty-first Report	Progress in Combat Identification	HC 486
Twenty-second Report	Tax credits	HC 487
Twenty-third Report	The office accommodation of the Department for Culture, Media and Sport and its sponsored bodies	HC 488
Twenty-fourth Report	Ofwat: Meeting the demand for water	HC 286
Twenty-fifth Report	Update on PFI debt refinancing and the PFI equity market	HC 158
Twenty-sixth Report	Department for Work and Pensions: Progress in tackling pensioner poverty—encouraging take-up entitlements	HC 169
Twenty-seventh Report	Delivering successful IT-enabled business change	HC 113
Twenty-eighth Report	ASPIRE—the re-competition of outsourced IT services	HC 179
Twenty-ninth Report	Department of Health: Improving the use of temporary nursing staff in NHS acute and foundation trusts	HC 142
Thirtieth Report	The Modernisation of the West Coast Main Line	HC 189
Thirty-first Report	Central government's use of consultants	HC 309
Thirty-second Report	The right of access to open countryside	HC 91

The reference number of the Treasury Minute to each Report is printed in brackets after the HC printing number

Oral evidence

Taken before the Committee of Public Accounts on Wednesday 22 November 2006

Members present:

Mr Edward Leigh, in the Chair

Mr Richard Bacon
Mr David Curry
Mr Philip Dunne
Helen Goodman
Mr Sadiq Khan

Mr Austin Mitchell
Dr John Pugh
Mr Don Touhig
Mr Alan Williams

Sir John Bourn KCB, Comptroller and Auditor General, National Audit Office, gave evidence.

Ms Paula Diggle, Treasury Officer of Accounts, HM Treasury, gave evidence.

REPORT BY THE COMPTROLLER AND AUDITOR GENERAL

DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS:

THE RIGHT OF ACCESS TO OPEN COUNTRYSIDE (HC 1046)

Witnesses: **Mrs Helen Ghosh**, Permanent Secretary, Department for Environment, Food and Rural Affairs; and **Dr Helen Phillips**, Chief Executive, Natural England, gave evidence.

Q1 Chairman: Good afternoon. Today we are considering the Comptroller and Auditor General's Report, *The Right of Access to the Open Countryside*. We welcome back Helen Ghosh, who is the Permanent Secretary at the Department for the Environment, Food and Rural Affairs, and Helen Phillips, Chief Executive of Natural England. Mrs Ghosh, welcome back. I know that you were scheduled to return to us on Monday but our witness once again claimed that he was ill so we are going to resubmit our application for his reappearance next month, or whenever he is better, because we think it is important that he comes to this Committee, if at all possible. Here we are dealing with another issue. Although the end result has been a success, if we look at paragraph 5 of the summary there are some disturbing similarities with the Single Payment Scheme that we were asking you about earlier in the month. In the haste to deliver this project and meet a date set by ministers, the Agency did not pilot test their approach, under-estimated the work involved, failed to monitor progress adequately and costs doubled; have we not heard all this before, Mrs Ghosh?

Mrs Ghosh: I think, as you said Chairman, this was a successful project which delivered to time. The pace of the project was very much set by the political imperative. As I think the Report implies—

Q2 Chairman: But presumably you could have said, "I am sorry, Minister, I cannot deliver it by this date and if you ask me to deliver it by this date then indeed costs might double," as they have done. It was supposed to cost £28 million; it has cost the best part of £60 million. Why did no civil servant say to the Minister, "Minister, we must have a pilot project"?

Mrs Ghosh: The £28 million original estimate was very much just that, an estimate, one might almost say a guesstimate. Once the project had really been gripped by the Agency and we set up much better governance procedures, I think the costs rapidly became clearer and better focused over time, and that is reflected in a number of PQs. There was constant communication between the Agency and the Department and ministers about costs and ministers were kept fully informed about revised cost estimates. I think it is far from clear that even had there been a pilot, and there is extensive discussion in the report on this, that the approach we took or the outcome would have been significantly different, but we do certainly agree that we would have had an earlier handle on costs. I know in the *Lessons Learnt* exercise that the Agency has carried out that is one of the issues that they would look at for any future exercise of this kind.

Q3 Chairman: I have some personal experience of this. In a wholly undistinguished parliamentary career I have achieved one thing which is the Right of Way Act 1990, a Private Member's Bill. I am a very keen walker and I myself contacted the Agency with a whole set of map references in the local area where I live in Lincolnshire which were then promptly lost. I am just one member of the public so that is not very reassuring, is it? I wrote to them and rang them up and they just admitted after a bit that they had been completely lost.

Mrs Ghosh: I am well aware, Chairman, of that very unfortunate bit of administration. Again, if you look back at the difference between the original very high-level estimate and the cost as it has emerged over time, there were a number of things that were very difficult to predict and indeed would not have been

 Department for Environment, Food and Rural Affairs and Natural England

produced by a pilot in a single area. So for example, as the Report says, a number of the additional costs arose from the number of appeals and changes that were suggested through the mapping process. One pilot might not have revealed that. The Agency now think it would have taken about 33 months to have done that pilot and meanwhile the conclusion of the programme, so successful in late 2005, would not have been achieved on that deadline.

Q4 Chairman: But what other programmes run by the Agency have now been lost? What other opportunities to increase public access have now been lost as a result of the doubling of the cost of this scheme?

Mrs Ghosh: The costs of the scheme were found by reprioritisation within the Agency programmes, and Helen might want to say a bit about how they did that.

Q5 Chairman: What does “reprioritisation” mean; that nothing was actually ever lost but something else was delivered?

Mrs Ghosh: No, I meant the Department did not assign additional money and the budget of the Agency was not increased.

Q6 Chairman: Do you want to explain?

Dr Phillips: There was a requirement, quite clearly, for some reprioritisation of the Agency’s deliverables within the Countryside Agency’s budgets. It was all from within other access programmes, most notably National Trails and Discovering Lost Ways and also the early cessation of a programme they ran called Vital Villages.

Q7 Chairman: I was trying to encourage you to put some more sites on Lincolnshire. We went on the website today and it is not particularly easy to find your way around this website and all that gets printed off, certainly in my entire 600-square mile constituency, is this tiny piece of paper. You cannot zoom in and you have got to then get a map. There are no useful hints, suggested walks or anything like that. As a walker in the middle of a 600-square mile constituency that would not be a lot of help to you.

Dr Phillips: The on-line maps are intended primarily for people to find out about restrictions that may apply at the time, so they are very helpful if you want to go on and plan where it is you would like to go for that particular outing or day and also to see whether any restrictions might apply on that particular walk. They were not intended as walkers’ maps. Clearly the Ordnance Survey *Explorer* range of maps are designed to fulfil that function, along with the website. Having said that, clearly there are further improvements that could be made to the website and indeed as part of our action plan response to the NAO report we have flagged up. We will have a phased programme of improvements to the website, obviously in addition to any further recommendations that come from the Committee.

Q8 Chairman: Unfortunately, most of us live in lowland areas. Is there any work as a result of the doubling of cost that has been lost? Are there any opportunities to open up access to lowland which might have been gained but which are not being pursued rigorously enough? Certainly as far as many constituencies in England are concerned, this has made no difference at all. I agree it is very useful if you are in the Pennines or moorland areas like that but most people do not live in these areas.

Dr Phillips: The CROW Act was designed to open up mountain, moor, heath and down, and it has done just that. Clearly where you have large blocks, for example of the Upper North West, we have seen a vast increase, and another good example would be the Yorkshire Dales where we have got an increase in access from around 4% to 62%, but in lowland areas there is less of that type of landscape to be mapped, less of that landscape available.

Q9 Chairman: Okay. What about the experience of your staff. This is dealt with, Mrs Ghosh, in paragraph 7 of Appendix 3 on page 35, and you might want to look at that. Do you think there was a problem here? It says that: “The Chief Executive acknowledged that, as Accounting Officer, he should have demanded more explicit formal reports from the director responsible and the Chief Executive at the time acknowledged the shortcomings which he believed were due to the culture of the organisation and an absence of professional procurement expertise.” It is a bit of a damning indictment, is it not?

Mrs Ghosh: It is but I think the Agency responded very positively to that, so for example I think the Gateway Three report in 2003 highlighted some of the weaknesses around project management. By the Gateway Four report it was responding very positively on the action that the organisation had taken. I think things like the partnership of the OGC to pull down the contract numbers on the mapping were a very good example of using professional expertise to produce better project outcomes. So I think the Agency learnt the lessons. I think we also in terms of governance between the Department and the Agency set up excellent governance arrangements which made sure there was a very good flow of information.

Q10 Chairman: If you look at paragraph 1.5 you will see that our excellent walkers from the National Audit Office encountered few other walkers during many of their site visits. There is anecdotal evidence that not many people are making use of this new right. Can you say something about this. I agree that the last thing you want to do when you walk on the Pennines is to encounter many other people.

Mrs Ghosh: That was going to be my first point, Chairman. The object of the Act was the right of access. What we did not want was mass access at any one time which would have destroyed for many people the experience. Helen may want to say a bit more about how they are tracking this but the baseline data for 2005 showed that there were 22.1 million visits (visits as opposed to visitors so it could

Department for Environment, Food and Rural Affairs and Natural England

be the same visitors coming again) to access land. We need to analyse that rather better in terms of how many of them would have been anyway without the access, whether legally or illegally, and how many came because they had heard about the new right of access. That is the baseline from which we are operating. I think the anecdotal evidence for 2006—and obviously this is very early days—shows that there is a steady increase.

Dr Phillips: The figures Helen has given you were the day visit survey figures for 2005. We must remember that the right was being incrementally taken up as the different areas were opened up through the course of 2005, so they are potentially lower figures and they will be published at the end of this month. Clearly we do not have figures for 2006 yet, for obvious reasons, but the monitoring we are doing looks not only at day visits but also at how important habitats are being protected in view of the increased access and also land managers' perceptions of how it is working, but the anecdotal evidence would appear to be that as people become more aware of the right and more information is provided about the right, there has been a gradual increase take up.

Q11 Chairman: When are you going to implement the right to walk around the coast, Dr Phillips?

Dr Phillips: The Minister has asked for the advice of the Natural England Board before the end of this year. Our Board will be considering the matter on 4 December.¹

Q12 Chairman: That is either a “don't know” or a “will not answer”?

Dr Phillips: Not at all. The Board of Natural England will consider our advice to the Minister on 4 December. The advice will be with the Minister by the end of this year. We are in the process of not only taking stakeholders' views but also getting the evidence in the right shape to enable the Board to take that decision.

Q13 Chairman: Lastly, my dog William likes taking me for a walk and you have issued a very helpful thing here, but would you like to look at paragraph 3.19—this is an important point for all dog lovers and therefore a very important issue—do you think the signs and the law are sufficiently clear on this? As I understand it, you can take your dog on a right of way without it going on a lead but once it gets off the right-of-way it might be shot if it walks onto the access land? Is that right?

Dr Phillips: The dog regulations are quite confusing in terms of how they are implemented on the ground. As you say, on a right of way a dog should be under close control but not necessarily on a lead, but we all know those two things are not always compatible. On CROW open access—

Q14 Chairman: That is the understatement of the year.

Dr Phillips: On CROW open access land dogs should be on a two-metre lead during the breeding season or in the vicinity of livestock. Our view is that CROW open access requirements should apply more widely.

Q15 Chairman: So you think the leaflets and signs are sufficiently clear to advise dog owners?

Dr Phillips: Our advice would be that dog owners should presume that it is all right for them to be in a particular area unless there are signs to the contrary effect or they have managed to ascertain the restrictions on the website.

Chairman: Thank you very much. Mr Bacon?

Q16 Mr Bacon: Mrs Ghosh, may I start very briefly with a question about the RPA. I was speaking to your office earlier today who very helpfully explained that Mr Johnston McNeill is at least as of today's date still a serving civil servant, but quite a lot has happened since 30 October. Could you just give the Committee an indication of when you think this will concluded and when he will receive his severance and be severed?

Mrs Ghosh: As my office said, he is a serving civil servant as of today. We are in very close negotiation with him and his representatives, using mediators. I am very much hoping that we will be able to give you a firm answer within a matter of a week or so.

Q17 Mr Bacon: Thank you very much. On the issue of the right to roam, one of the things that farmers were concerned about, rightly or wrongly, was the issue of biosecurity. With threats of things like foot-and-mouth disease or classical swine fever and other animal diseases, they were concerned that the right to roam might actually increase the risks to biosecurity. Does the Department place high priority on biosecurity and animal health?

Mrs Ghosh: Absolutely. I think we are increasingly clear that effective biosecurity, working closely with farmers and land managers, is the first defence against animal health outbreaks, and what we seek to do through our animal health and welfare strategy is to build on that kind of stakeholder partnership so that were there to be any threat or risk of a breakdown in biosecurity, we could use not only the formal statutory means for restricting access in various ways but also use stakeholders and stakeholders' representative groups to send out very clear messages not only to farmers and landowners but also to users, so we have a two-pronged approach on that.

¹ *Note by witness:* I would like to take this opportunity to let the Committee know that Barry Gardiner, the Parliamentary Under-Secretary of the State for Environment, Food and Rural Affairs made a written statement on Wednesday 6 December in which he said that he had now asked the Board to do some further work in order to finalise its advice. He has agreed that the Board should come forward with its final advice and recommendations on coastal access by end February 2007. As a result the Minister announced that he expects there will be a delay in the issue of the public consultation document from the previous date he announced of early 2007.

 Department for Environment, Food and Rural Affairs and Natural England

Q18 Mr Bacon: Would you agree that vets are an extremely important component in any animal health strategy?

Mrs Ghosh: I entirely agree that they are—

Q19 Mr Bacon: Good, that is all I wanted to know, I assumed the answer would be yes, thank you for that. Why is the State Veterinary Service issuing redundancy notices to its staff, including vets?

Mrs Ghosh: As you know, there has been a lot of speculation (and we discussed it briefly at the RPA appearance) on funding for the SVS. In the case of the SVS itself there is no cut in funding for the coming year as was speculated.

Q20 Mr Bacon: But the SVS has issued redundancy notices to its staff, including vets, has it not?

Mrs Ghosh: Not as far as I am aware.

Q21 Mr Bacon: You are not aware of it?

Mrs Ghosh: No, not as far as I am aware. What you may be referring to is the second thing I was going to say, which was that what they are seeking to do is to bring on to a more standardised basis the relationship with local veterinary officers, who are the local independent vets who provide services to the SVS, and that is something that we are seeking contractually to regularise and it may be that that is the issue you have got in mind. I am very happy to look into the first point but I am not aware of it.

Q22 Mr Bacon: If you could send us a note in which you perhaps set out how many vets are employed by the State Veterinary Service and how many are employed independently in, shall we say, each of the last five years.

Mrs Ghosh: Certainly. The vast majority are independent vets. The State Veterinary Service itself is a minority and independent vets are a majority.

Q23 Mr Bacon: If you can show us figures for both of those for the last five years and going forward for the next three years and what your expectations are, that would be very helpful.

Mrs Ghosh: Certainly.²

Q24 Mr Bacon: May I ask you about Appendix 3 of the Report on page 35. It says there in paragraph 6 that the Agency instigated an open access project board in January 2003 but the work and costs had already increased well above the December 2000 estimate. Why did you wait until January 2003 before instigating this open access project board?

Mrs Ghosh: As we have said earlier, in the early stages—and I think the Report brings this out very clearly and we have no argument with it at all—there was a lack of understanding within the Agency about the importance of proper project disciplines and indeed appropriate skills. And I think by early 2003, particularly with issues around managing the very unsatisfactory contract on mapping, it became clear that the existing arrangements simply could not stand.

Q25 Mr Bacon: When you say the unsatisfactory contract, you are referring to the fact that it was essentially an open-ended commitment?

Mrs Ghosh: Exactly, it was basically a day rate contract which is why it was later renegotiated with the support and help support of the OGC.

Q26 Mr Bacon: It was a day rate contract without a pilot, was it not, so you had the worst of all worlds; you had no serious feel for how long it was going to take and you had an open-ended contract?

Mrs Ghosh: I think you can separate out the two issues. A day rate contract is inherently unsatisfactory and is completely out of line with any of the IT contracts that the Department currently lets in any of its big projects.

Q27 Mr Bacon: You might tell that to the director-general of contracting for health because he has a day rate contract and it has been going for several years and he is spending millions of pounds of our money.

Mrs Ghosh: It is not my responsibility as Accounting Officer! There is then the separate issue of could the Agency have carried out a pilot and what would they have learnt had they done so. Again the Agency in *Lessons Learnt* has explained the reasons for not entering into a pilot. It would have taken a long period of time and there was a strong political imperative for getting the programme and the access in place. I think we would argue that the fact that there was a consecutive roll-out region-by-region meant that in a number of respects we effectively had overlapping pilots going on all the time so there was something learned from each region that was then handed on to the next.

Q28 Mr Bacon: Could I just stop you for a second. You said a minute ago that it was realised that there were insufficient project management disciplines inside the Agency.

Mrs Ghosh: Yes.

Q29 Mr Bacon: You make it sound as if the Agency were somewhere else, which of course at least structurally it is, but the Department does have a hand in this and it is surely for the Department to say to each of its executive agencies, “When you do a project, have project management”?

Mrs Ghosh: Absolutely.

Q30 Mr Bacon: Why was that not done from the outset?

Mrs Ghosh: Again, this does pick up a theme which we explored at the RPA hearing about the Department’s capacity to understand the capability of organisations. Of course, let us remember that that period within core Defra was the period of foot and mouth when every focus of managerial attention in 2001 was on dealing with that. I think it is true to say, and Sir Brian Bender would say it if he were here, that within the Department the skills and understanding of proper project and programme management were relatively undeveloped. Now we are at the forefront in Whitehall in terms of the

² Ev 27

 Department for Environment, Food and Rural Affairs and Natural England

extent to which we apply them across the board. Then I suspect it was a distraction from foot and mouth and the fact that we did not have the capability ourselves at that stage. This is a realisation by the then Chief Executive who then got the very best advice and by the middle of 2003 a grip had really been got on this project, to which I think the final delivery ahead of time attests.

Q31 Mr Bacon: In the case of the Countryside Agency it extended not only to project management but to basic financial management, did it not?

Mrs Ghosh: The Report quite rightly makes the comment that it was strange—to put it no better—that the finance director was the person in charge of the project and that there was very little information coming up to the Board, and that is clearly one of the lessons that the Agency has learnt as well as the application of project techniques.

Q32 Mr Bacon: You are quite right to refer to the RPA, although you could just as easily have referred to Tax Credits or the Child Support Agency, where these themes occur again and again and again. As Permanent Secretary do you see it as part of your job to say to the agency chief executives who report into your Department, “You must have project management for everything”?

Mrs Ghosh: Absolutely.

Q33 Mr Bacon: “You must have a senior owner responsible for everything in each case from the outset,” and how do you manifest that responsibility explicitly to those chief executives and those who report to you?

Mrs Ghosh: To answer the question, yes, I do believe it is my responsibility as Permanent Secretary to make sure that the organisation has the capability to deliver what we are asking them to deliver. This is an issue from your report on the RPA on which I think we certainly do need to do further work particularly with the OGC, in terms of mechanisms for testing that capability. The various sponsorship teams I have in the Department, for which my director-generals are on a day-to-day basis responsible, have very close contacts with the various agencies, so for example in this case there was a programme board chaired by the relevant director within the Department and then a project board chaired within the Agency, and that is the way that we are able through governance procedures to assure ourselves about the proper run of the project. In this kind of big case that is how we would assure ourselves, but there is a broader issue about capability which I think we need to come back to across government.

Q34 Mr Bacon: Thank you for that. May I ask you one other question and that concerns paragraph 3.14 on page 28 which says that the Agency is undertaking a comprehensive monitoring programme that will evaluate usage levels, the actual availability of access land, *et cetera, et cetera*. When will the results of that evaluation be available?

Mrs Ghosh: I have to hand over to Helen on this.

Dr Phillips: This comes back to the monitoring programme that we have in place to ascertain what the benefits and indeed any detriments of open access might be. We have spent this summer establishing a baseline. There are three components to the monitoring programme. One is to ascertain what usage and take-up of the right is. The second is to ascertain any potential damage or harm to vulnerable sites. The third is to ascertain how landowners are finding having their land accessed in a new way. We have not yet got the results from that monitoring as it is obviously very early days, the last area having just come into open access in October 2005. As of next summer we will see an annual reporting—

Q35 Mr Bacon: So the first annual report will be published next summer?

Dr Phillips: Yes.

Chairman: Thank you very much. Mr Khan?

Q36 Mr Khan: Can I give my congratulations to you on the early implementation of the scheduled timetable. Well done!

Mrs Ghosh: Thank you and well done to the Agency.

Q37 Mr Khan: Can I move on, you talked about usage and it was never the intention for the Chairman and his like to swamp the countryside, but clearly usage is quite important. One of the things that is alluded to in the report is a perception that there is a low take-up amongst certain groups—those who are young, those who are from a constituency like mine from the inner city, and the minorities. What can your Department and the Agency do to try and increase take-up amongst those groups who are not taking advantage of the new right to roam?

Mrs Ghosh: I will hand over to Helen for more detail about what the Agency is already doing. I entirely agree that is a very high priority for ministers. I think there are a number of very useful suggestions in the report in terms of access and transport and so on. I think we have to see it in the wider context of outdoors for all. We have a joint strategy very much supporting Natural England’s strategy called *Outdoors for All*, which is not just about this kind of access land but the access that all possibly social excluded or groups you would not normally expect to see in open country and the countryside more generally have, and there are a number of initiatives going on there across the whole range of what Natural England does.

Dr Phillips: This is something we really feel very passionate about in Natural England because we do not want take-up to be for the traditional constituents, the sort of people we see out, we want to see a wider group of people out. The action plan that Helen has referred to is part of a Defra initiative called *Outdoors for All*. It is effectively a diversity review of how successful we are at making the outdoors and recreation and other pursuits outdoors accessible right across the communities we serve. There has been a public consultation running

 Department for Environment, Food and Rural Affairs and Natural England

between May and September of this year, it has just closed, and Defra are considering the response to that, and we are working very closely in aiding and supporting them in that. We anticipate a ministerial launch of a ten-year plan next summer.

Q38 Mr Khan: Is there a linkage between use of the countryside and the right to roam? Are you saying that the right to roam has led to the countryside generally being used more or do you not know that yet?

Dr Phillips: The substantive figures at the moment come from the 2005 day visits survey, but I think the point you make is a much wider point about not only open access but the extent to which the outdoors, and we call it the journey from couch to countryside because not everybody wants to go from a latent interest in the natural environment where they sit and watch *Springwatch* right out to the wilderness on a deserted heath. In fact, it can be a quite a difficult journey to make if you are not sure you are going to be welcome or if you do not know what the requirements of enjoying that particular area are, so we need a whole spectrum and a kind of stepping stone approach to help people choose. This is not about bussing people into the countryside but allowing people to make that choice. If they have, for instance, accessible green space on their doorstep that might make them want to go to a national nature reserve, which might make them want to go to a countryside park, which might make them want to go to the countryside. It is about us providing that range of opportunities. One of the targets that Natural England is committed to is the provision of accessible and quality green space within 300 metres of every home. In many ways you need to bring the countryside to people before you can bring people to the countryside.

Q39 Mr Khan: Linked to that one, one of the things that the Report identifies is that only 20% of sites have public transport facilities. That in itself is obviously an issue, but what you are alluding to is the linkages from inner city and public transport access to a place where you can then get public transport to get access to the 20% of sites which have public transport facilities. What are you doing about that?

Dr Phillips: This is a very difficult area because the economic viability often, frankly, does not stack up, so we can encourage it. For instance, Peak District National Park, which is one close to where I live, has worked very successfully with Sheffield Council in diverting buses at weekends. I think we need to be thinking about this in the round. We have a meeting with Gillian Merron tomorrow to talk about sustainable transport to leisure. Floating some early ideas with you in terms of a marketable strategy, I think it is going to be a lot about public/private joint ventures so that as a public body we can continue to provide information and services free of charge at point of delivery to those that do not want to pay.

Q40 Mr Khan: Is there not a danger that all of us will jump in our cars, if we have managed to surf the net and find what these sites are, and just drive to these places?

Dr Phillips: Absolutely. There are some rather bizarre examples where you go to a reserve and the suggestion on the notice board is to sit in your car and to use it as a hide so as not to upset the birds. You think that is fine if you have come by car but it is certainly not what we want to be encouraging. We are going to take a much more joined-up approach across this whole area.

Q41 Mr Khan: One of the things that the Report deals with in a lot of detail is how bad the information is with regard to finding out the sites with the right to roam, whether it is on the web or a telephone line or a tourist information centre, and I am sure you accept all the recommendations. How soon before we can expect to see improvements in those areas?

Mrs Ghosh: Natural England has a very detailed action plan which sets out the speed of improvements in all those areas, which I guess, Helen, you will be sharing with the Committee?

Dr Phillips: Yes, we are happy to³, and in respect of the particular recommendation of the Report, which largely relates to tourist information centres, we have already completed at least for certain establishments, a survey of what materials they find most useful, and the ones they have the most urgent need for have already been distributed. We are exploring options for a range of other materials and that is due to be completed by June 2007. There are a number of limited actions in respect of those recommendations, and I would put alongside for you a target in our strategy where you get much more joined-up information provision right across the spectrum of opportunity, not only that Natural England provides but, for instance, Visit Britain provides and Sport England provides, because in the same way that you can organise a holiday by going on Expedia.com you should with a relative degree of ease, be able to find out what are the opportunities in the outdoors. Whilst there is a myriad and perhaps too much available on a local basis, what we do not have is national, freely accessible, joined-up information provision.

Q42 Mr Khan: How soon will that happen?

Dr Phillips: The development of the scoping of that is due to happen by the middle of next year, but that is the scoping phase and, frankly, it will take some time to come to fruition. We think it will be successful if we do it as a Natural England initiative—

Q43 Mr Khan: The question is when should the NAO teams and Hector the dog go on their next day trips to the countryside to inspect this? When will it be safe to send them?

³ Ev 16–19

Department for Environment, Food and Rural Affairs and Natural England

Dr Phillips: We would appreciate a recommendation from the Committee which says that you hope that was a good idea and we would be building it into our action plan on top of our recommendations around tourist information centres.

Q44 Mr Khan: When? Next summer?

Dr Phillips: In terms of being able to go on-line and look at a website, no, absolutely not. We will be doing well to have it scoped by the end of the summer, it will take a considerably longer time to get it up and running.

Q45 Mr Khan: One of the things the Report tells us—and I think others have dealt with the other expenditure—is the on-going running costs are expected to be £30 million for 2006–07. What are the projections for per annum expenditure thereafter? Is it a similar figure?

Mrs Ghosh: I am not aware that we are expecting significant differences from a departmental point of view thereafter because obviously a large part of the costs as set out in the Report were, as it were, one-off requirements around mapping and setting up appeals and comments and publication of maps. The kinds of issues where we do need to think about on-going funding are the access management grant, which supports landowners and other bodies in terms of facilitating access to these areas, and then obviously if there were a Coastal Act that would be another financial issue altogether.

Q46 Mr Khan: The former Chief Executive is referred to in Appendix 3; where is he or she now?

Mrs Ghosh: He is now working in the Scottish Executive.

Q47 Mr Khan: Is he still a civil servant?

Mrs Ghosh: He is still a civil servant within the Scottish Executive.

Q48 Mr Khan: One of the issues that I raised last time you were here was about people who appeared to be not top drawer leaving your Department with serious question marks about their ability and it seeming to have no effect on their future career path when one would expect in any other walk of life for it to be a serious blemish. Bearing in mind what Appendix 3 says on page 35, can we assume that this is another example of a former Chief Executive working with or near you going on to a great future without their career being blemished?

Mrs Ghosh: I think what the Report very clearly sets out is that once the weaknesses of the project management had been made clear, Richard Wakeford and his team got an excellent grip, and they set up an excellent project. The delivery was within two months before the target date and I think that is a tribute to Richard's capacity both to learn and to apply the learning from that. Back to my opening remarks, this was a successful project. Again the issue about the increase from the original estimate in cost to the cost as it is finally came out is one which I think we would contend would have

happened anyway. It did not represent excessive costs. It is just that the original estimate was very unsoundly based.

Mr Khan: Thank you very much.

Chairman: Austin Mitchell?

Q49 Mr Mitchell: Why did you under-estimate the costs? There are various explanations given in the Report. I wondered what the basic one was? Was it over-confidence, was it the fact that you had staff who were not hikers, or was it the lack of mapping information? What was the basic reason for the under-estimate?

Mrs Ghosh: I think it was essentially a question of not having recognised at that very early stage when an estimate was being taken the complexity of the task ahead. I think there were a number of issues. There was the issue about the requirement to do aerial surveys and site visits rather than rely on existing maps. I think the absolutely right decision for the ultimate success of the project to allow very extensive consultation and appeals did mean that it was not possible to estimate what number of appeals there would be, and there were more appeals than I think the team were originally expecting, therefore changes to maps, returns of maps and so on. I think overall it is an issue about not having an understanding at that stage or having done the analysis at that stage of the potential complexity of what was out there.

Q50 Mr Mitchell: There was an over-confidence? Is that why there was no pilot survey?

Mrs Ghosh: As I said, the Agency felt that they were under a very clear political incentive to move to have the access right available nationally. They were concerned at the potential slowing down of the project were there to be an extensive pilot. They believed, as I think proved to be true, that the amount one would learn from a pilot that enabled you to do things differently in subsequent areas was limited particularly because—and Helen might want to say more about this—the experience of the Agency was that every region was different, and in some areas there were lots of appeals and lots of activity and in other areas much less. For example, I know the South East was fantastically complicated so if we had piloted in the South East it would have told you what the South East was like but not terribly much about the amount of work in the Lower North West or other parts of the country. That kind of regional difference would also have undermined the validity of the pilot. So this approach, which was of course a kind of piloting, of rolling it out regionally was the one that the Agency decided to adopt.

Q51 Mr Mitchell: At what stage will we be able to say that it and the extra expenditure were worthwhile? The Report says page 1, paragraph 3, “The first main test of usage is likely to be in the summer holidays in 2006 when demand should be higher.” You did not give us the figures for the increase in demand and usage in 2006. Do you have them?

 Department for Environment, Food and Rural Affairs and Natural England

Dr Phillips: No, we do not have 2006 yet; we only have 2005, which was published at the end of this month. The headline figures for me are very much around 936,000 hectares of land being bought into open access, 750,000 of those for the first time, covering 6.5% of the land area of England, which means that we have secured the right of access in perpetuity for just under £1.40 for each person who lives in England.

Q52 Mr Mitchell: Access is difficult to measure in the sense that a lot of people will have been going to places beforehand because they were designated as tracks and trails. Access means you can spread out over the countryside so how are you going to measure the difference between habitually used tracks and wider access?

Dr Phillips: That really goes back to the answer to the previous question about the annual Report we will have and the monitoring, which will include day visitor surveys.

Mrs Ghosh: And which will identify the people who are coming in response to the access as opposed to existing rights of way.

Mr Mitchell: You mentioned the regional differences and the Chairman has just told us about Lincolnshire. I would say the charms of Yorkshire are much more attractive to walkers—

Mr Touhig: Come to Wales!

Mr Mitchell: Not Wales, too far! The pictures of Yorkshire, there are huge eastern areas, it is enormous, and yet there are only 21,000 hectares of access land whereas in the North East there are 125,000, in the Upper North West there are 415,000 and in the Lower North West there are 126,000. Why is access land so inadequate in the eastern area, which includes the glories of Yorkshire and Lincolnshire?

Chairman: I would remind you, you are a Lincolnshire Member.

Q53 Mr Mitchell: I am not; I am a Grimsby Member!

Mrs Ghosh: It is because so much of the land in those areas is arable or farmed or improved or semi-improved.

Q54 Mr Mitchell: It is areas of moorland.

Mrs Ghosh: No, as Helen said initially, the Act only covers the land it covers and therefore that is the land to which people now have the right of access.

Dr Phillips: There is not much mountain, moor, heath or down in the east of England.

Mr Mitchell: So we have got to go to the North West—

Mr Touhig: Or Wales.

Q55 Mr Mitchell: The telephone helpline seems to be a mystery; why did you advertise it so that anybody who is a walker is going to think, “It will help me and tell me a route,” when it is actually intended to be of benefit to the landowners?

Mrs Ghosh: Indeed.

Q56 Mr Mitchell: Was that a mistake?

Mrs Ghosh: I think in that sense it was a mistake in that we were not clear enough about what kind of information people could get. I know Natural England has taken action on that.

Dr Phillips: The telephone helpline had two purposes. The original purpose of the telephone helpline was to help people through the mapping consultation process so they could ring and find out how to make a consultation response or how to access maps and so on. Then as time went by, we had a requirement for a telephone helpline for land managers and for relevant authorities to deal with restrictions and exclusions. We chose to use the same number for both of those purposes. You could say with the benefit of hindsight would you have changed that number and, on the one hand, that may have bought some benefits in clarity but on the other because we had the requirement to deal with both sorts of calls we were afraid that that in itself might cause more confusion by having the two calls out. I think the most important, urgent action we have taken is to advise third parties to make sure there is no advertising of the line as a public helpline.

Q57 Mr Mitchell: What is the situation now? If I want to use the helpline just as an ordinary hiker, what do I do?

Dr Phillips: If you use the helpline as an ordinary hiker, the first thing that people on the helpline will do is take your enquiry but endeavour to refer you to the website because the website is the place that is intended for walkers. It goes back to the earlier comment about do we have enough channels, given that not everybody finds that a helpful or easy way, and we will certainly be considering that in the context of the diversity review, but at the moment the prime place to go for information is on the website.

Q58 Mr Mitchell: Okay. Are all the Ordnance Surveys complete now, and do they all include access?

Dr Phillips: Yes.

Q59 Mr Mitchell: Is that information now available in all the walk books? I do not walk much but my shelves are stacked with walk books because it makes me feel virtuous—*Walking in the Yorkshire Dales, Walking in Lincolnshire, et cetera*. Is that information now in those kind of books as well, which is the most popular form I would have thought?

Dr Phillips: I think that would be quite variable. I certainly would not like to give you any reassurance about that. In terms of the Ordnance Survey Explorer range of maps, for the first areas that were mapped, those maps were available at the time the open access right became available, and then for the other areas the plans were available within between one and six months of the right being established, but I think books will be rather more variable.

 Department for Environment, Food and Rural Affairs and Natural England

Q60 Mr Mitchell: What explanation is there for the finding in the Report that—this is page 23 paragraph 3.3—“. . . at 70 of the 74 applicable sites we could gain access to land without difficulty. At the remaining four sites, we had problems gaining access due to impassable walls or gates”. Those are not things that suddenly emerged after it is declared access land. Why was that not taken into account? It is infuriating to go out on a walk on what you think is going to be a planned route and then you suddenly come across a barbed wire fence or a wall you cannot get over. Why was that? Why did the people going on the walks find that?

Dr Phillips: I think the first thing to note in paragraph 3.3 was that in 95% of the sites they visited they had no problems with access.

Q61 Mr Mitchell: I always seem to get on the 5%.

Dr Phillips: I totally agree with you about the 5% but fortunately it is that way around. We have got local access forums, which were a requirement of the CROW Act, and each of the local authorities has a local access forum for people who use the countryside well and know what the requirements are to make it an enjoyable and indeed a continuous experience. That is where the access management grant scheme is so important as these issues are unearthed, to be able to take some quick action to put them right.

Q62 Mr Mitchell: The barbed wire is not something that suddenly emerged after access?

Dr Phillips: No, no.

Q63 Mr Mitchell: Okay, just one final question. Coastal access, which is a marvelous idea, is that going to be bug-free by the time you do it? Are you going to have a pilot project there and test out the problems before you actually rush in?

Dr Phillips: I think in the light of the NAO Report and indeed the Agency's own *Lessons Learnt* Report it will be very important that we apply everything that we have learned from open access to coastal access. It is a bit too soon to say which of the lessons will be most pertinent to coastal access because, as we said to the Chairman earlier, we have not yet given our advice to Ministers on the options that he has asked us to evaluate or indeed indicate a preferred way forward on the part of Natural England.

Q64 Mr Mitchell: Just one final question, why are you called Natural England? It sounds like *Health and Efficiency!*

Dr Phillips: When we were being established we decided not to employ any expensive consultants to dream up a name, so we asked a large number of staff and stakeholders, and there were many suggestions (not all of them repeatable in this room) and Natural England came to the fore. Somebody did point out that there was not much natural about England but we decided that Semi-Natural England would not be very desirable either.

Chairman: Thank you, Mr Mitchell. David Curry?

Q65 Mr Curry: Since I represent a significant part of the amount mapped on this in front of us, it is perhaps not surprising that I tended to receive those at the receiving end of this rather than those who thought they were going to benefit. The farmers who said, “Have we really got to have people walking past our kitchen windows?” of which there were cases. It took a long time to sort out those problems, I have to say, so it did not happen without difficulty. Mrs Ghosh, you have used the expression “political imperative” a lot. In fact, your very first words were that the pace of the project was set by the political imperative. Would you put that in a different sort of way that I can understand?

Mrs Ghosh: The right of access was a very clear manifesto commitment on the part of the Labour Party and having been elected ministers were extremely keen that we put it into practice as quickly as possible.

Q66 Mr Curry: So the Government asked for a deadline which did not necessarily take into account the difficulties of achieving the project?

Mrs Ghosh: The deadline was effectively set through the negotiations on PSA in 2001 and set up essentially a four-year deadline for achievement.

Q67 Mr Curry: So it is part of government, that is to say the Treasury?

Mrs Ghosh: Since I was not round at the time, I am sure this issue was the result of a debate between the Department and Treasury.

Q68 Mr Curry: This is a very important point. The more you look at PSAs the more they seem to have militated against good governance rather than for good governance. Do you think that is an argument one can sustain?

Mrs Ghosh: I think that PSAs, as with other targets set for government departments, represent a balance between political judgment about what ministers wish to achieve and the practical and operational difficulties of delivery.

Q69 Mr Curry: You see, that sounds a very reasonable statement until you actually disembowel it, so there is a compromise between what you want politically and whether you can do it?

Mrs Ghosh: Deliver it.

Q70 Mr Curry: How do you have a compromise as to whether you can deliver something or not? Surely the correct procedure is to say how fast with reasonable certainty can we deliver a particular programme? The Treasury is not very interested in that, is it?

Mrs Ghosh: I think there is a responsibility on us as public servants which clearly, as the Report demonstrates, we did not collectively across the Department and the then Countryside Agency fulfil, which is, having been given a time target, having an accurate view of the difficulties of achieving it. After all, we were talking about something four years hence which did not on the face of it appear unachievable, but, as I was saying to your colleague,

 Department for Environment, Food and Rural Affairs and Natural England

I think the Agency did not at the stage when it, as it were, accepted, signed up, advised ministers (whatever the precise sequence of events may have been) as to the target, had an accurate understanding of what the implications of all the procedures set out in the Act meant. That is the challenge which faces us as public servants which is how you join up that policy creation with realistic—

Q71 Mr Curry: Will there be a PSA target for the coastal project?

Mrs Ghosh: We are a long way away from that. As Helen said, we are awaiting the advice of Natural England on the outcome of their analysis. There are different approaches you might take to coastal access, including public consultation. This will come to ministers and, precisely the point you make, it will be then be for ministers to decide the appropriate balance between costs, operationability and the political commitment they have made to coastal access.

Q72 Mr Curry: Do ministers have the option not to sign up to the PSA? If they cannot agree with the Treasury, do they have the option to say, “We do not sign up to this,” and at the end of the day does the Treasury impose it?

Mrs Ghosh: As you are well aware, the agreement of PSAs is a process of deliberation and consultation between a department and a Cabinet committee which represents the whole range of departments, and decisions are made on that collective basis.

Q73 Mr Curry: Dr Phillips, how much of the land which has been brought into this scheme is privately owned as a proportion?

Dr Phillips: I believe the majority of it would be privately owned.

Q74 Mr Curry: Some common land as well?

Dr Phillips: Common land as well—mountain, moor, heath, down and common land.

Q75 Mr Curry: But the great majority is privately owned?

Dr Phillips: Yes, I can certainly let you have the figures.⁴

⁴ *Note by witness:* I am afraid that I am unable to give a precise answer to Mr Curry’s question about how much CROW access land is privately owned. The Countryside Agency was not required under the Countryside and Rights of Way Act 2000 (CROW) to collect ownership information and did not do so as part of its programme of mapping open country and registered common land. Indeed there are no complete datasets of either public or private land, ownership in England that would have enabled the calculation of privately owned CROW access land to have been carried out. Most of the large private landowners do not have any digital map records and landowners such as the Crown Estates and the Ministry of Defence do not make this information publicly available. I understand that the Land Registry estimate that about 50% of England is formally registered so even that would not have provided an accurate figure. However we believe that it is safe to assume that the vast majority of CROW access land is privately owned.

Q76 Mr Curry: If it is privately owned why on earth should the Government have the faintest interest as to whether the people who go there are black, blue, pink, lesbian, gay, middle-aged, ancient, or whatever? Why on earth do you need a diversity programme?

Dr Phillips: On the basis that the outdoors is for all, whilst we are not insisting that anybody belonging to any particular group or any particular affiliation is required to go, the opportunity should be available for them to go. So in the same way that people who have had those opportunities made available to them particularly in childhood have that affinity and that wherewithal and capability to make those choices, it is about extending choice.

Q77 Mr Curry: What makes you think they do not have that choice now? What makes you think you have got to have a programme? I shudder when I hear about the diversity plan. I think, “Here we go again.” You do not have a diversity plan for the number of people who are going to watch James Bond tonight.

Dr Phillips: A lot of the research for the consultation exercise we ran for Defra during the summer showed just that; that for a lot of groups the countryside did not feel like a welcoming place, in fact it felt quite hostile, and some of the pilots we ran showed that where people were afforded that opportunity and we made that link for them, not only did they enjoy it but they returned and were repeat visitors. So there is some quite compelling evidence.

Mrs Ghosh: David Miliband made a point at the launch of Natural England which is to say it is through access that we actually engage all people with the environment more generally, and access is one way of getting the broadest possible group of people engaged in climate change, biodiversity, all those things, so it is a means to an end as well as an end in itself.

Q78 Mr Curry: I am going to follow up what Mr Khan has said. Perhaps you might like to come along to Burnsall in my constituency. The Red Lion is an extremely good pub, it is staffed entirely by people from Poland, so you could witness several things in one go, it is very efficient as well. You cannot move in Burnsall for cars. There is not a spot where you can park in Burnsall. Burnsall is absolutely overwhelmed with cars, all of which has not done the planet a huge amount of good in them getting there. Do you not think that we need to keep some sense of perspective in these things and do a bit of joined-up thinking on these environmental issues?

Mrs Ghosh: Absolutely.

Q79 Mr Curry: There is no public transport. The county council might run a bus once in a blue moon.

Mrs Ghosh: I think Helen explained very clearly earlier on that yes, we need to take action on improving public transport, in many cases on a voluntary sector/public sector partnership basis. There are all sorts of other ways.

 Department for Environment, Food and Rural Affairs and Natural England

Q80 Mr Curry: That is money, you see, it is local authority resource.

Mrs Ghosh: It is local authority resource but I suspect the landlord of the Red Lion in Burnsall is making a lot of money out of all those people coming and paying taxes which are being recycled back to good causes across government. There is an economic argument but there is also an argument about engagement with the wider environment.

Q81 Mr Curry: We will not try to assess to what extent those taxes are being recycled back to North Yorkshire County Council because I think we could have a huge debate on that. Leaving aside diversity, as we clearly do not agree on the subject of diversity, and I do think it is barmy, let us look at tenders. You let the tenders for the mapping and that was an open-ended tender. When we had foot-and-mouth disease you had a system whereby if farmers did not like the valuation which was put upon an animal they could get somebody else to give them a higher valuation. What is the matter with the Department's financial nous that it never seems to be able to get a proper process of effective tendering and then containment of those costs?

Mrs Ghosh: I think two things, the Department and indeed departments across government are increasingly clever at ensuring that there is genuine risk transfer in contracts, and as I think I discussed in front of the Committee recently, the contract with Accenture for the provision of the RPA contract was just that, in that most of the additional cost was a transfer to them. The point you make about compensation for animal health outbreaks, of course we did learn the very severe lessons of the 2001 outbreak and we have moved (not uncontroversially but conclusively) to a quite different basis of table valuations. We still have arguments, particularly at the specialist end, but essentially it is a table valuation basis now.

Q82 Mr Curry: Why do you think Scotland managed to introduce the right to roam so much more cheaply than we did? What did they have that we did not?

Mrs Ghosh: They had two things. They had a very different legal basis. I am not sure whether there is not or people did not recognise that there was a law against trespass. Also, of course, they have a much larger amount and a much more clearly distinguishable mountain, moorland, heathland and down than we do in England, where of course our land use is far more complex and overlapping.

Q83 Mr Curry: You recognise no doubt that in a whole range of areas, like for example animal movements, in Scotland where it appears to have got it righter than England. Could you talk to them? Mr Wakeford now has gone to work for them so it should be easy to talk to them.

Mrs Ghosh: I am having a joint board with Mr Wakeford and his team tomorrow.

Q84 Mr Curry: Add that to the agenda, that would be extremely helpful. Have you had any problems up to now of liability in terms of accidents? Let me give you an illustration of what I am talking about. My constituency has huge amounts of areas where limestone used to be mined so there are vast amounts of limestone shafts which are completely unmarked and unfenced and, as far as I am aware, they have no owner. What issues have you encountered in terms of liability and people becoming hurt or whatever?

Mrs Ghosh: I cannot immediately find the section and will be able to give you more advice on this.⁵ As you know, the Act makes clear that the access right does not impose any additional liabilities on the landowner in terms of negligence or responsibility for accidents than would otherwise exist. My understanding is that it would be the normal common law negligence test that would apply in that case.

Q85 Mr Curry: The reason I ask you the question is because when we are looking at mapping the coastline tides come in and this sort of thing, so the possibility of having some fairly spectacular things going wrong seems to be likely.

Mrs Ghosh: Absolutely. That is something we certainly must take into account in thinking about how it would work. For example, the issue of fencing bits of coast falling off would be crucial to making sure we could provide safe access.

Dr Phillips: That was an early priority of the access management grant scheme for health and safety reasons such as disused shafts.

Q86 Mr Touhig: Can I begin by echoing the comments of my colleague, Sadiq Khan, and congratulate the department and the agency on what you have achieved in opening up the countryside to the general public in a way that it never has been, but it has come at a very high price, has it not?

Mrs Ghosh: It comes back to the price that the community and the voters put on the right of access. Helen quoted that very powerful figure. This is £1.40 for a perpetual right of access to these areas. The right of access was the main object of the Act and, although we are very much hoping that we get substantial numbers of people using it, it is the right of access that the taxpayer has paid for.

Dr Phillips: There are some other figures that might help you form a view on that. It is £74 per hectare for the right of perpetuity whereas for the environment schemes you will pay £41 per hectare for the right of a period of 10 years.

Q87 Mr Touhig: If you had got your figures right in the first place, it would be half that.

Mrs Ghosh: No. As I have said on a number of occasions this afternoon, I do not think there is any suggestion that the cost we paid in the end was excessive. Given the model that is set out by the Act for all sorts of extremely good reasons in terms of rights and responsibilities and, as Mr Curry said, the fact that so much of this land was in private

⁵ Ev 19

 Department for Environment, Food and Rural Affairs and Natural England

ownership, the scheme had to be complex. There had to be detailed mapping. There had to be the various rights of appeal and change to that. That came at a price. The fact that we did not estimate correctly at the beginning what price that would be does not mean that in the end the price was excessive.

Q88 Mr Touhig: If the Revenue send you and everybody else in England a tax bill for this particular exercise, I am not so sure you would come to that conclusion. Your website was meant to be the key source of information for the public. Paragraphs 2.7 and 2.8 on page 16 refer to that. Why did it fail?

Dr Phillips: I am not sure I would agree that the website did fail. It is about the evolution of the website over that period of time. The deficiencies that the NAO auditors found of the website were already clear to the Countryside Agency at the time they were found. It was helpful to have further testing. The immediate fixes were put in place and the Report on page 16, paragraph 2.10, acknowledges that those improvements were in place and were concluded prior to the auditors having completed this piece of work. As I have said earlier this afternoon, we now have a programme of review in place, not only to look at the online feedback and see how the site can be progressively improved in the light of that, but also to think more widely about the whole scope and role of the website in the context of making outdoor access wider than just open access.

Q89 Mr Touhig: People attempting to use it found it both confusing and difficult, did they not?

Dr Phillips: They did initially.

Q90 Mr Touhig: All these updates and upgrades that you are talking about now you might not need if you had carried out a pilot scheme in the first place.

Mrs Ghosh: Except that the purpose of the website was a very different website purpose from the one which you describe. We are learning from experience and that is why we are making improvements.

Q91 Mr Touhig: You are learning and the taxpayers are paying out. Paragraph 2.8 on page 16: the National Audit Office's own staff, when they tested the site, in 21 of 58 searches, found it was not easy to find the relevant online map. If you had piloted this, would that have happened?

Dr Phillips: It is difficult to say.

Q92 Mr Touhig: You seem to be remaking the whole website now as you are going along and this should have been done, surely, at the beginning.

Dr Phillips: A pilot restricted to the website may have been helpful but, referring you again to paragraph 2.10, it says, "Since then, and confirmed by our retesting in April 2006, the Agency has improved the online maps by adding Ordnance Survey map detail . . .", allowing people to use it more easily.

Q93 Mr Touhig: I accept that but you doubled your spending on it. If you take the point that Mrs Ghosh made earlier in response to my colleague Austin Mitchell, she said that the amount learned from the pilot was limited but the cost of not doing a pilot was hugely excessive. You got it wrong, did you not?

Mrs Ghosh: Colleagues from Natural England will want to comment on that but you are absolutely right. Had we gone through the whole process from beginning to end at the very beginning, spent our 33 months doing it and piloted every single bit of the process, we would have learned things.

Q94 Mr Touhig: I understand there was a political imperative to get this up and running but I think the Chairman pressed you and said, "Did you not as civil servants tell your ministers, 'This cannot be done'?" When I was a Minsiter I was constantly being told, "Minister, you cannot do this."

Mrs Ghosh: It was done. The fact is that we and the agency delivered the project within time. Undoubtedly, there are always in any project, I hope, things to be learned and improvements that can be made. Had we known we needed a more sophisticated website from the word go with additional functionality, it would have cost us more from the word go. The fact that we are now improving does not mean that it is a cost over and above what a perfect website would have cost had we known that from the beginning.

Q95 Mr Touhig: I always believe in keeping messages simple and the simple message is you have spent twice as much as you intended on this project to date. Have either of you ever manned a telephone helpline?

Mrs Ghosh: I have sat in on a number of telephone helplines across a range of functions both in the Department for Work and Pensions and Her Majesty's Revenue and Customs. I have also done telephone helpline training which is quite a specialised form of activity so that I understood the skills required of my staff. I have not manned a helpline specifically.

Q96 Mr Touhig: You understand something about what a helpline is for?

Mrs Ghosh: I understand what a helpline is for and I understand some of the principles of helpline customer service.

Q97 Mr Touhig: Dr Phillips, have you had that experience?

Dr Phillips: I have not experienced helpline training but I have sat in on a helpline and had the rather bizarre experience on a national helpline that the first call was for me.

Q98 Mr Touhig: Paragraph 2.11 on page 18 of this Report tells us your helpline was not at all helpful to the public. Why do you advertise it as such?

Dr Phillips: This goes back to my response to the earlier question about the fact that the telephone helpline has evolved and it has to simultaneously serve two purposes. The first purpose is responding

 Department for Environment, Food and Rural Affairs and Natural England

to queries on mapping consultation and the second purpose is for landowners and relevant authorities with regard to restrictions and exclusions. Arguably, if we had chosen to have two separate numbers for those purposes, it would have prevented one sort of confusion but the continuity of the number also provided a certain degree of continuity.

Q99 Mr Touhig: It makes me think you did not know what you were doing. Were your website and helpline the only two vehicles you used to encourage the public to exercise their new right to roam?

Dr Phillips: No, not at all. We had a series of events, seminars, commercials, leaflets and, as the Report flags up—

Q100 Mr Touhig: Were these two key vehicles?

Dr Phillips: They were two very important vehicles but supported by a range of other communications.

Mr Touhig: You did not pilot either and both were not terribly well organised when they were put in place. You explained how you have had to revise so much already. Mrs Ghosh, your Department is getting quite a reputation for wasting public money, is it not?

Chairman: That is the easy question, by the way.

Q101 Mr Touhig: You were with us a few weeks ago trying to explain why the Rural Payments Agency spent £38.9 million on making staff redundant and £40 million on re-employing people because you could not cope with the work.

Mrs Ghosh: The department delivers a wide range of services to citizens very successfully.

Q102 Mr Touhig: You are the Accounting Officer. The buck stops with you.

Mrs Ghosh: I am indeed the accounting officer.

Q103 Mr Touhig: The Report reveals that the Countryside Agency spent £52.6 million, double its original estimate. It says in the Report it was a cost to the Countryside Agency but it was a cost to the British taxpayer. The poor old British taxpayer has to pay out again.

Mrs Ghosh: No. As I have said extensively this afternoon, the £52 million cost to the taxpayer did not come about as a result of any failure of cost control or project management. It came about because of the requirements, as they turned out, to deliver the objective. Therefore, the difference between the original estimate and the £52.6 million is the difference between a very, very rough estimate and a reasonable cost of the project.

Q104 Mr Touhig: It is a lot of money. I do not know whether I am wasting my breath, your time or the Committee's time by asking this: was anybody sacked or disciplined for the way this project has been handled?

Mrs Ghosh: No, because of the reasons I gave to Mr Khan. The Chief Executive of the Countryside Agency pulled the project together, controlled the

costs in the way that the Report very eloquently describes and delivered within time. Therefore, there would be no grounds for sacking anyone.

Q105 Mr Touhig: Has Defra every considered listing civil servants as a protected species?

Mrs Ghosh: I think that question is irrelevant in this case.

Q106 Mr Touhig: When you are a British taxpayer picking up the bills for your failure you would not find it quite so irrelevant.

Mrs Ghosh: I am a British taxpayer.

Q107 Chairman: Did you say “irreverent” or “irrelevant”?

Mrs Ghosh: Irrelevant in this case.

Q108 Helen Goodman: Dr Phillips, would you look at the photograph on page 28? It is a nice photograph, is it not? It is in my constituency. A large part of my constituency has been opened up through the right to roam and there is potential for there to be great benefits to the constituency but obviously, for this to work properly, the mutual interests of all concerned, both with the right to roam, the landowners and the other users and the wildlife, all have to be taken into account. One of the issues which comes out in this section is the confusing nature of temporary restrictions on the land. For example, on the other side of the valley from Widdybank Fell there is a grouse moor which is closed some of the time but not all of the time. I would like to ask you why the landowners have to put new signs up every year and why you cannot have a permanent agreement with them on the temporary restrictions.

Dr Phillips: The grouse moor restrictions can apply for up to five years. They are the longest restrictions that are available under the Act, recognising the nature of that habitat against the implications for the livelihood of the people running the grouse moors. There is provision within the Act for grouse moors and restrictions for that length of time. Indeed, it can be renewed after that. If the landowner is making the decision not to have the restriction for that length of time, that would be the landowner's decision rather than something we would be imposing.

Q109 Helen Goodman: What about those restrictions which apply during the shooting season? Why cannot those be agreed on an annual calendar basis? Why do they vary from year to year?

Dr Phillips: Again, primarily at the landowners' request, where they notify us of periods where they want restrictions on the land for various purposes.

Q110 Helen Goodman: You are saying from Natural England's point of view you could have a steady timetable but it is the landowners who are requesting different dates in different years for the shooting restrictions?

 Department for Environment, Food and Rural Affairs and Natural England

Dr Phillips: Yes. Landowners have an opportunity under the various restriction clauses in the Act to decide when they want them to apply.

Q111 Helen Goodman: Before I came to this session I went to look at the web to see how this is described at the moment. In the part which has temporary restrictions, it does not say what dates they apply. Why are not those dates on the website as well? The problem is you could decide to go out for a walk. You turn up and there is a restriction. You do not know; you have made the journey perhaps from Mr Khan's constituency, which would be extremely frustrating. Why can you not get those temporary restrictions onto the web as well?

Dr Phillips: I would be happy to look into that.⁶ The restrictions are shown on the web currently as the live restrictions. If your suggestion is we could give an indication of restrictions we have been advised of over longer periods, I would have to consider that as part of amendments to the site.

Q112 Helen Goodman: That would be really good. If we look at the signage, on page 26 you have a number of these open access signs which as you can see in practice are very difficult to read. I went on the land with the estates manager and these were signs that they have put up. You provided the signs but they put them up. They are pretty difficult to read. Have you done any work on improving the quality of these maps so that people know where they are, for example, in relation to what the restrictions are?

Dr Phillips: We have a signage group so that we can get this feedback about what signs are working well and what signs are not working well. We have issued guidance to access authorities about that signage. My observation would be there is quite a wide range of signs there. The bigger, more interpretative boards are in car parks and the simpler signage is less obtrusive.

Q113 Helen Goodman: Simpler is okay for the permanent but you cannot use simpler for the temporary, I guess.

Dr Phillips: Indeed.

Q114 Helen Goodman: The cost of putting the signage up falls to the landowners at the moment, does it not?

Dr Phillips: There is also provision under the access management grant scheme for signage.

Q115 Helen Goodman: Is it the case that the landowners can be reimbursed fully for the costs of putting the signs up?

Dr Phillips: I do not believe that to be the case. We would have to get clarification for you.⁷

Q116 Helen Goodman: The point Mr Curry was making earlier was about the risk of accidents. In my constituency there are lead mines which were worked out 200 years ago. They have felt it necessary to put fencing up to prevent people from falling into

the lead mines. Do you think that was a case of excessive zeal on their part? What you said before related to the law of negligence. It is obviously an expense for the landowners if they have to prove negligence. How can they prove negligence?

Dr Phillips: Everybody wants this to be a safe opportunity for people who choose to exercise their right. That is why within the access management grant scheme one of the top priorities was improvement for health and safety. If there were clear opportunities where people might be at risk, they were prioritised for grant aid.

Q117 Helen Goodman: Do you not think there is a reasonableness point here? If you go out on a moor where there have been former lead mine workings, you cannot expect it to be as safe as, let us say, going for a walk in Regents Park.

Dr Phillips: Precisely, and we do not want to upset or disturb the quality of the landscape people are going for. We are giving people an opportunity to exercise a right and in many cases it is the closest they are going to get to wilderness in England. We do not want to make it look like a tourist attraction.

Q118 Helen Goodman: What are you going to do to get the balance right between these different interests? What have you done up to now?

Dr Phillips: The primary way in which we have tackled that is through the local access fora, because we have people who are using the open access areas who understand what the issues are. There is a very nice example in the Report, I believe, about how in the light of experience people are using the right of open access. Sometimes there are shortcuts which link it up to existing rights of way. They are very practical measures that are being taken in the light of experience rather than in some theoretical way.

Q119 Helen Goodman: Mrs Ghosh, why do your Department and the agencies which Report to it seem to have such difficulty with maps?

Mrs Ghosh: There are two very different mapping issues. We have discussed extensively the RPA mapping issue. This was an issue where a different kind of map was required.

Q120 Helen Goodman: Is that true? Why is it a different kind of map? You are using the same Ordnance Survey map, presumably; you are just marking different things on the map.

Mrs Ghosh: Given the complexity of the mapping process for the single payment scheme, to superimpose on that some kind of marking and signage for access would have made the whole enterprise even more challenging than it was. Indeed, one of the lessons across government that we are learning is to chunk projects up to keep things in separate boxes, as far as we can, to eliminate some of the complexity.

Q121 Helen Goodman: Are you telling me that you do not start off with the same Ordnance Survey map for both pieces of work and then mark different things on it?

⁶ Ev 19–25

⁷ Ev 26

 Department for Environment, Food and Rural Affairs and Natural England

Mrs Ghosh: My understanding in this case was that it became clear that simply using some of that base data was not adequate. Therefore, we needed to move into aerial photography, site visits and so on. Clearly some of the basic geographical data is increasingly common but this was for a very specialist purpose.

Dr Phillips: We buy into a pan-government agreement so that we have access to Ordnance Survey maps.

Q122 Mr Dunne: On the issue of maps, on page 10, paragraph 1.4 refers to over 3,000 appeals which took place. I should declare that I have some land which is subject to the right to roam. My recollection was that maps that were used were out of date and, in my case, plain wrong. I am sure that was the case with many of these over 3,000 other appeals. What lessons have you learned from the mapping exercise going forward which would prevent this from happening again?

Dr Phillips: There is the quality of the maps to start off with and also I suppose, to refer you back to the complexity of the mapping methodology *per se*. We had over 3,000 appeals and, whilst over 2,500 of them, from recollection, were upheld in some shape or form, the acid test for me with regard to the accuracy of the Countryside Agency's original mapping exercise rests on the fact that not much land moved either in or out. The original maps were only reduced by 3% of total land area as a result of the appeal process, albeit I understand there were particular difficulties for landowners who were in the middle of an appeal.

Q123 Mr Dunne: How much work have you done to establish the extra usage which is the new access right that is provided over and above the usage of existing footpaths and so on? My information suggests that people prefer to walk in linear routes which are already clearly marked across paths rather than across open ground. How are you establishing the efficacy of this?

Dr Phillips: This will be important and will come through our annual Report of usage. The figures we have been able to share with you are for 2005, early year, are incomplete but there will be a much wider range of figures available from summer 2006.

Q124 Mr Dunne: How are you collating this information?

Dr Phillips: Through a variety of criteria but for three purposes, not only usage but also vulnerable habitats and in addition landowner issues and concerns.

Q125 Mr Dunne: What methodologies are you using to collate the information?

Dr Phillips: I would be happy to give you a note on methodologies because they are quite extensive.⁸

Q126 Mr Dunne: I would appreciate it if you would because I think it is going to be extremely difficult to provide information that will be sufficiently robust to substantiate the case. You touched on vulnerable sites. It says in the Report on page three, paragraph 15, "It is too early to judge the effects of open access on vulnerable sites and land management practices." If it is too early, (a), what research are you undertaking to establish the impact and, (b), why are you considering extending this access right before you have established the impact it is having on the areas you have already opened up?

Dr Phillips: We are not intending to extend the access right other than land that is likely to come in under the dedication process.

Q127 Mr Dunne: I am thinking of the coastal areas in particular.

Dr Phillips: Your point about vulnerable habitats is an important one. I would refer you to the experience we have had. I have already quoted the figure in the Yorkshire Dales National Park area where we have increased access from 4% to 62%. Looking at figures across England more widely, from recollection, roughly half the access land is SSSI and one of our founding bodies, English Nature, has obviously had quite a lot of experience of visitors to, for example, national nature reserves where you have really important species and habitats existing alongside right of access. Our experience there has been about the importance of management regimes so you are putting in place common sense measures at particular times of the year, for example, rather than us needing to exclude people. One of the targets in our strategic direction is to do more of that. Where habitats and species are very important there should perhaps be more exclusion of the public, recognising that there are huge opportunities for integrating management of sensitive sites alongside public access.

Q128 Mr Dunne: Will you be providing some results of this research before you extend the right to roam?

Dr Phillips: Again, you are talking now about coastal access?

Q129 Mr Dunne: Yes.

Dr Phillips: In terms of coastal access it will be very important that we apply all the lessons of the open access project.

Q130 Mr Dunne: We can expect to see you publishing something about the impact on the damage to land that has occurred?

Dr Phillips: Our advice is due to go to ministers at the end of this year.

Q131 Mr Dunne: I hope you make some of that public to this Committee. We have touched on the access management grant scheme which clearly has been helpful in establishing signage and so on. What is your budget for that scheme going forward and what happens to that scheme should there not be a budget and to the maintenance of the existing facilities that have been put into place? Clearly there

⁸ Ev 26

 Department for Environment, Food and Rural Affairs and Natural England

is a one-off capital cost for erecting fences and signage. They also need to be maintained. If you are going to be extending coastal areas, you will need more budgets for that. How much do you have?

Dr Phillips: The access management grant scheme was initially designed to run for two years from the time the land opened up. We undertook a review last year and suggested that the access management grant scheme should run for three years following each period. We have done the essentials so far. There is an argument around being able to do more work as more land comes in through dedications and also there is a difficulty around maintenance because you will be aware that the relevant authorities have a power but no duty in respect of maintenance. Consequently, this competes with other priorities.

Q132 Mr Dunne: Is there a budget for this to continue or not?

Dr Phillips: Let me tell you about 2006–07.

Q133 Chairman: Do not just go on and on. Just give an answer: yes or no?

Mrs Ghosh: There is a budget within Natural England's budgets and it is for them to decide how much priority to give to that.

Dr Phillips: It was £1.5 million for this year originally. It has been reduced to £400,000 by virtue of some of the budget difficulties Defra has had more widely that we have had to accommodate.

Q134 Mr Dunne: This is an example of an impact with budget cuts. There will be less money available for access to the countryside?

Dr Phillips: Yes.

Q135 Mr Curry: Mrs Ghosh, this is a document entitled "Strategic Direction" by which I assume it simply means "strategy". There is a paragraph at the end of the foreword which refers to the next European Rural Development Programme and environmental stewardship. You will know that there are now doubts over that programme because it has been held up. The modulation upon which a significant part of the funding is based is now in question and there has been some debate about the high level of the schemes, about how environmental enhancements might be threatened themselves. I realise discussions are ongoing but I would be very grateful if we could have a note looking at what the implications might be if the funding as envisaged based upon that modulation rising to 20%, which could be differential across the European Union, did not take place and some scenarios might flow from there being a different outcome.

Mrs Ghosh: We would be happy to do so. Discussions are currently ongoing and it is very much at the forefront of our minds. We can give you a note on some scenarios.⁹

Chairman: Thank you, Mrs Ghosh and Dr Phillips. That concludes our hearing.

⁹ Ev 26

Supplementary memorandum submitted by the Department for Environment, Food and Rural Affairs

Question 41 (Mr Sadiq Khan): *Natural England's detailed action plan and response to the NAO Report*

Notes:

1. This response and action plan was originally produced by the Countryside Agency in response to the NAO's Report *The Right of Access to Open Countryside* published June 2006.

2. With the establishment of Natural England, responsibility for this action plan transferred to Natural England on 1 October 2006.

3. It is therefore now the responsibility of Natural England's Director of Operations.

4. The Action Plan is reviewed regularly and was last updated and reviewed by Natural England's Chief Executive in November 2006.

5. Actions to take forward recommendations have been embedded in Natural England's Corporate Strategy, *Strategic Direction 2006–09*, approved by Ministers, for which Defra is now making financial provision.

<i>NAO Recommendation</i>	<i>Management Response</i>	<i>Action Plan</i>	<i>Progress to Date</i>	<i>Commentary</i>
(A) The Agency should regularly review usage and feedback of its Countryside Access website to confirm that the information is easy to search, view and navigate.	Accepted. A review and programme of improvements was already under way prior to the NAO fieldwork concluding. (Note: NAO report acknowledges improvements—see p16, para 2.10)	1. Clearly defined accountabilities for maintaining and developing website within Agency/ Natural England. 2. Review process established, including capture, assessment, implementation and monitoring.	1. Completed. Dedicated unit within Natural England's National Programme Delivery. 2. Process established, initial improvements completed. 3. Priority improvements completed, including improvements to	In view of integrated purposes of Natural England, set out in <i>Strategic Direction</i> and our commitment to increasing people's enjoyment of the natural environment as a whole, we will be taking this work forward in context of our targets to seek

<i>NAO Recommendation</i>	<i>Management Response</i>	<i>Action Plan</i>	<i>Progress to Date</i>	<i>Commentary</i>
		<ul style="list-style-type: none"> 3. Improvement process prioritised recurring themes, eg distinguishing restrictions applying only to people with dogs. 4. Phased programme of improvements, ranging from distinguishing between different types of restrictions to reviewing role, use and design of website. 5. Undertake independent assessment of usability. 	<ul style="list-style-type: none"> layout and content, restrictions text simplified, search and zoom functionality improved. 4. Phase 1 (restriction clarification) completed; Phase 2 (analysis of online feedback) under way, complete by March 07; Phase 3 (review scope and purpose of website in context of egov, transformational government and citizen-centred services, by March 08). 	<ul style="list-style-type: none"> joint venture partners to develop a dynamic web-based information product and to develop a programme for the most deprived communities in each region to increase outdoor opportunities.
(B) The Agency should either clarify the scope of the service offered to the public by its helpline or stop advertising (and advise third parties to stop advertising) the telephone number as a public helpline.	Accepted. Confusion arose when reusing old helpline number. New helpline was designed for land managers, relevant authorities and statutory consultees concerned with managing restrictions and exclusions. The same number was previously used as part of the mapping consultation process. Some third parties continued to advertise the number without describing the scope of the service.	<ul style="list-style-type: none"> 1. Remove sources of confusion. 2. Review scope and purpose of existing helpline. 3. Assess options for helpline to complement public information available on website. 	<ul style="list-style-type: none"> 1. Completed. Telephone number removed from the countryside access.gov.uk website. Partners requested not to use it on public-facing literature. 2. Review will be complete by December 2006. 3. Feeds in to Phase 3 above, to be completed by March 2008. 	<ul style="list-style-type: none"> The context of “transformational government” drives a web-based approach. Our strategic aim to encourage more people to access outdoors may, however, be necessary to support more expensive telephone channel, possibly as part of commercial joint venture.
(C) The Agency should target specific guidance to tourist information centre (TIC) staff, to enable them to respond to people’s queries about using their new right and to encourage them to display leaflets and other material about Open Access	Accepted	<ul style="list-style-type: none"> 1. Commission research on customer preferences. 2. Produce information material for TICs. 3. Promote material via TICs. 4. Review effectiveness and share good practice. 	<ul style="list-style-type: none"> 1. Completed. Indicated that more local information would be useful in encouraging visitors to use open access land. Most TICs prefer leaflets and booklets that visitors can take away. 2. Initial material completed. Information sheet “Top 10 things you and your visitors need to know about Open Access” produced and issued to all TICs in Spring 2006. 3. Currently exploring options for producing and promoting further material. 	<ul style="list-style-type: none"> As part of <i>Strategic Direction</i>, (Outcome 2), we are considering potential for partnership with TICs

<i>NAO Recommendation</i>	<i>Management Response</i>	<i>Action Plan</i>	<i>Progress to Date</i>	<i>Commentary</i>
			4. To be completed by June 2007.	and other information providers to promote innovative delivery of information to public through multiple media.
(D) The Agency should encourage access authorities (National Park authorities (NPA) and local highways authorities) to make signs specifying dog-related rules on access land clear, consistent and accurate.	Accepted. Existing Signage Working Group, including reps of NPAs and other access authorities, provides delivery vehicle. Note: the rules on dogs differ between CROW access land, non-CROW access land, and rights of way, so the legal situation on the ground is potentially complicated.	<ol style="list-style-type: none"> 1. Undertake signage review. 2. Share findings with Signage Working Group and more widely. 3. Issue supplementary guidance and promote take-up. 4. Monitor take-up and keep under review. 	<ol style="list-style-type: none"> 1. Completed February 2006. 2. Completed. Signage Review presented to the Signage Working Group in March 2006. Report distributed to access authorities in Spring 2006. 3. Supplementary guidance and on-line improvements to restrictions signage commissioned, for implementation by March 2007. 4. Next review October 2007. 	We will explore how best to use our duty under CROW s20 to inform people of their rights and responsibilities in relation to access land, not only to promote take-up of the right of access, but also to encourage increased enjoyment of the outdoors more generally.
(E) The Agency should encourage access authorities to explore with their neighbouring councils the cost effectiveness of diverting weekend bus services past open access land in order enable people on low incomes and from urban areas to use their new right.	Accepted.	<ol style="list-style-type: none"> 1. Issue supplementary guidance to encourage access authorities to consider public transport in relation to access in the context of their Rights of Way Improvement Plans. 2. Develop proposals to make visits to National Nature Reserves easier for a wider cross-section of the public. 3. Develop a plan to reduce the transport impact of nature-based tourism. 4. Include specific proposals within Diversity Review Action Plan. 	<ol style="list-style-type: none"> 1. Guidance to be issued by March 2007. 2. Proposals to be prepared by June 2007. 3. Scope of plan to be agreed by January 2007. 4. Diversity Review consultation completed September 2006; Defra currently considering final proposals. 	Not included in the initial PSA implementation programme, but is relevant to achieving the wider objectives of our Strategic Direction. Transport to leisure is a wider issue that goes beyond CROW access land, and is applicable to visiting the countryside much more generally. To this end we are therefore considering broader initiatives.
(F) The Agency should pilot test any work required for its ten-year review of access land maps in order to develop accurate estimates of the likely cost.	Accepted.	<ol style="list-style-type: none"> 1. Complete Lessons Learned review. 2. Establish mapping review project. 3. Establish partnership with Defra and stakeholders to consider options for change, to facilitate light touch approach to decadal review (including any need for legislative change) 	<ol style="list-style-type: none"> 1. Lessons Learned report produced May 2006. 2. Mapping review project to commence January 2007, with threefold objective of: <ul style="list-style-type: none"> — Identifying options in relation to decadal review, — Delivering more coherent boundaries on the ground more cost effectively, and 	Any significant change to the mapping methodology to deliver worthwhile reductions in costs and time could require amendments to current legislation. Such amendments should be considered alongside the requirement to extend coastal access.

<i>NAO Recommendation</i>	<i>Management Response</i>	<i>Action Plan</i>	<i>Progress to Date</i>	<i>Commentary</i>
			<ul style="list-style-type: none"> — Applying lessons learned to coastal access. 3. Establish partnership in April 2007. 	

Question 84 (Mr David Curry): *Liability advice*

Mr Curry asked for advice on liability and if Natural England had encountered any issues in terms of people getting hurt as a result of access to areas where limestone used to be mined.

In general terms the introduction of the CROW Act has reduced the level of liability that occupiers face towards members of the public using the right of access to below the level that is currently owed towards trespassers. The higher level of liability that occupiers face under the Occupiers' Liability Act 1957 towards people they invite or permit to use their land, including employees like gamekeepers, remains unchanged. However, the lower duty of care owed to members of the public under the Occupiers' Liability Act 1984 is reduced for those using the new right of access. Under the CROW Act, the level of liability that occupiers face towards trespassers is reduced by removing all liability in respect of any natural feature of the landscape; and in respect of people passing over, under or through any wall, fence or gate, unless by proper use of a gate or stile, unless the occupier sets out to create a risk, or is reckless about whether a risk is created.

The Countryside Agency has produced a leaflet, *Open access and public liability* which outlines the law on occupiers' liability under the Animals Act 1971. The leaflet was incorporated in the Land Managers Guidance Pack the Agency produced and which can be viewed on Natural England's website at: <http://www.openaccess.gov.uk/wps/portal/lm/welcome>. Alternatively the guidance may be obtained in hard copy from Natural England.

Neither we nor Natural England keeps accident statistics or records of any cases of injuries which have been caused as a result of access to undermined areas. There are examples of district councils looking at land which became accessible under the Act and subsequently designating some mineshafts as statutory nuisance and which have required remedial action. Of course, limestone is pot-holed too, so people should be exercising caution anyway and we have advised that warning notices should be erected so people know what to expect. If the mineral rights owner is not known, responsibility falls on the land owner under section 80(2) (c) of the Environmental Protection Act 1990.

Cattle can be more of a problem but this problem existed before the right of access was implemented. Natural England is aware of the following two instances involving cattle on access land, which was already accessible or crossed by a public right of way, since the new right was commenced:

- an incident in the Peak District where a person with a dog was injured by cattle. As far as Natural England know there was no civil action taken; and
- a case in Dorset on land owned by the National Trust. It is not known whether the injured party is making a claim.

Question 111 (Helen Goodman): *Restrictions shown on the website*

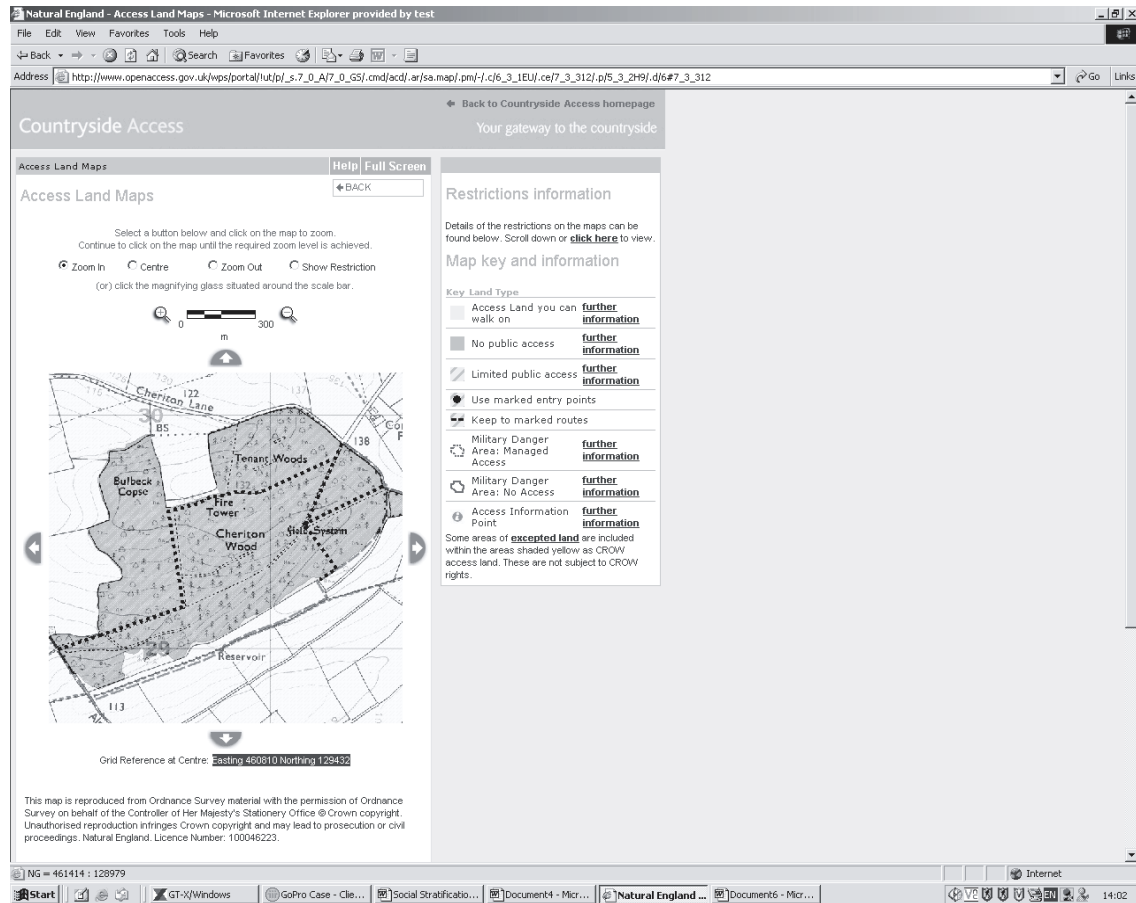
The position is that generally once a discretionary restriction (sections 22 or 23 of the Act) has been notified to a relevant authority, or a direction (sections 24, 25 or 26) has been made by a relevant authority, the restriction is shown on the countryside access website (www.countrysideaccess.gov.uk). A search for details of any restriction may be made for a land parcel by a variety of criteria including place name, national park, or OS reference and may be made for up to a period of one year in advance. Where the restriction applies to everyone who may wish to go onto access land, the restriction is shown by a solid red wash whereas when the restriction applies only to people with a dog, the restriction is shown by red hatching. Detail is given for each restriction to explain the nature of the information including the dates the restrictions apply can be found on the page showing the map by using the scroll bar at the side of the screen to scroll down. I understand that there are technical reasons preventing the information box being shown alongside the map which would be disproportionately expensive to overcome. Please find below a number of screen shots showing how restriction information is shown on the website for access land where there is

public access; access land where public access might be restricted, or where access may be limited e.g. to people keeping dogs on leads.

Countryside access website screen shots (www.countrysideaccess.gov.uk)

EXAMPLE 1

Land at Easting 460810 Northing 129432



Natural England - Access Land Maps - Microsoft Internet Explorer provided by test

File Edit View Favorites Tools Help

Address http://www.openaccess.gov.uk/wps/portal/!ut/p/s_7_0_A17_0_G5/cmd/acd/!ar/!sa.map/!pn/-/c/6_3_1EU/ce/7_3_312/p/5_3_2H9/d/6#7_3_312

Grid Reference at Centre: Easting 460810 Northing 129432

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Natural England. Licence Number: 100046223.

Feedback [BACK](#)

Keep to marked routes [further information](#)

Military Danger Area: Managed Access [further information](#)

Military Danger Area: No Access [further information](#)

Access Information Point [further information](#)

Some areas of **excepted land** are included within the area shaded yellow as CROW access land. These are not subject to CROW rights.

Help

Restrictions information

Listed below are all the restrictions you can see on the map.
For general information on restrictions, please click [here](#).
If you wish to find out more information about a particular restriction, telephone our contact centre on 0845 1003298 or email openaccess@countryside.gov.uk, quoting the case reference number in the additional information box (this appears when you click on the [More](#) link).

Between Dates	Type	Purpose		
01/08/2005 - 31/08/2005	Keep to marked routes	Disturbance to game	More	View on Map
14/08/2005 - 18/08/2005	No public access	Land Management	More	View on Map
01/08/2005 - 21/01/2006	Keep dogs on leads	Disturbance to game	More	View on Map

Start | GT-X/Windows | GoPro Case - Cie... | Social Stratificatio... | Document4 - Micr... | Natural England ... | Document6 - Micr... | 14:03

EXAMPLE 2

Land at Easting 487050 Northing 495280

Natural England - Access Land Maps - Microsoft Internet Explorer provided by test

File Edit View Favorites Tools Help

Address http://www.openaccess.gov.uk/wps/portal/tuk/pl_s_7_0_A17_0_GSI.cnd/acd/ar/!sa.map!pn/-/c/6_3_1EU/cel/7_3_312/p/5_3_2H/d/3#7_3_312

Back to Countryside Access homepage
Your gateway to the countryside

Access Land Maps Help Full Screen

Access Land Maps BACK

Select a button below and click on the map to zoom.
Continue to click on the map until the required zoom level is achieved.

Zoom In Centre Zoom Out Show Restriction
(or) click the magnifying glass situated around the scale bar.

Grid Reference at Centre: Easting 487050 Northing 495280

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Natural England. Licence Number: 100046223.

Restrictions information
Details of the restrictions on the maps can be found below. Scroll down or [click here](#) to view.

Map key and information

Key Land Type

- Access Land you can walk on [further information](#)
- No public access [further information](#)
- Limited public access [further information](#)
- Use marked entry points
- Keep to marked routes
- Military Danger Area: Managed Access [further information](#)
- Military Danger Area: No Access [further information](#)
- Access Information Point [further information](#)

Some areas of **excepted land** are included within the areas shaded yellow as CROW access land. These are not subject to CROW rights.

NG = 486370 : 493908

Start | GT-X\Windows | GoPro Case - Cases\Num... | Natural England - Acc... | Document1 - Microsoft W... | 14:28

Natural England - Access Land Maps - Microsoft Internet Explorer provided by test

Address: http://www.openaccess.gov.uk/vps/portal/tuk/pl_s7_0_A/7_0_GSI/cmd/accl/ar/ea.map/pm/-/cj6_3_1EUJ/ce/7_3_312/p/5_3_2H9/d/3#7_3_312

Grid Reference at Centre: Easting 487050 Northing 495280

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Natural England. Licence Number: 100046223.

Feedback [← BACK](#)

Use marked entry points

Keep to marked routes

Military Danger Area: Managed Access [further information](#)

Military Danger Area: No Access [further information](#)

Access Information Point [further information](#)

Some areas of **excepted land** are included within the areas shaded yellow as CROW access land. These are not subject to CROW rights.

Open Access Website - Microsoft Internet Explorer provided by te...

Further Information

Case Reference Number: 2006090090

From 04/12/2006 to 08/12/2006. But this restriction does not apply Weekends.

Restrictions information

Listed below are all the restrictions you can see on the map.

For general information on restrictions, please click [here](#).

If you wish to find out more information about a particular restriction, telephone our contact centre on 0845 1003298 or email openaccess@countrywide.gov.uk, quoting the case reference number in the additional information box (this appears when you click on the [More](#) link).

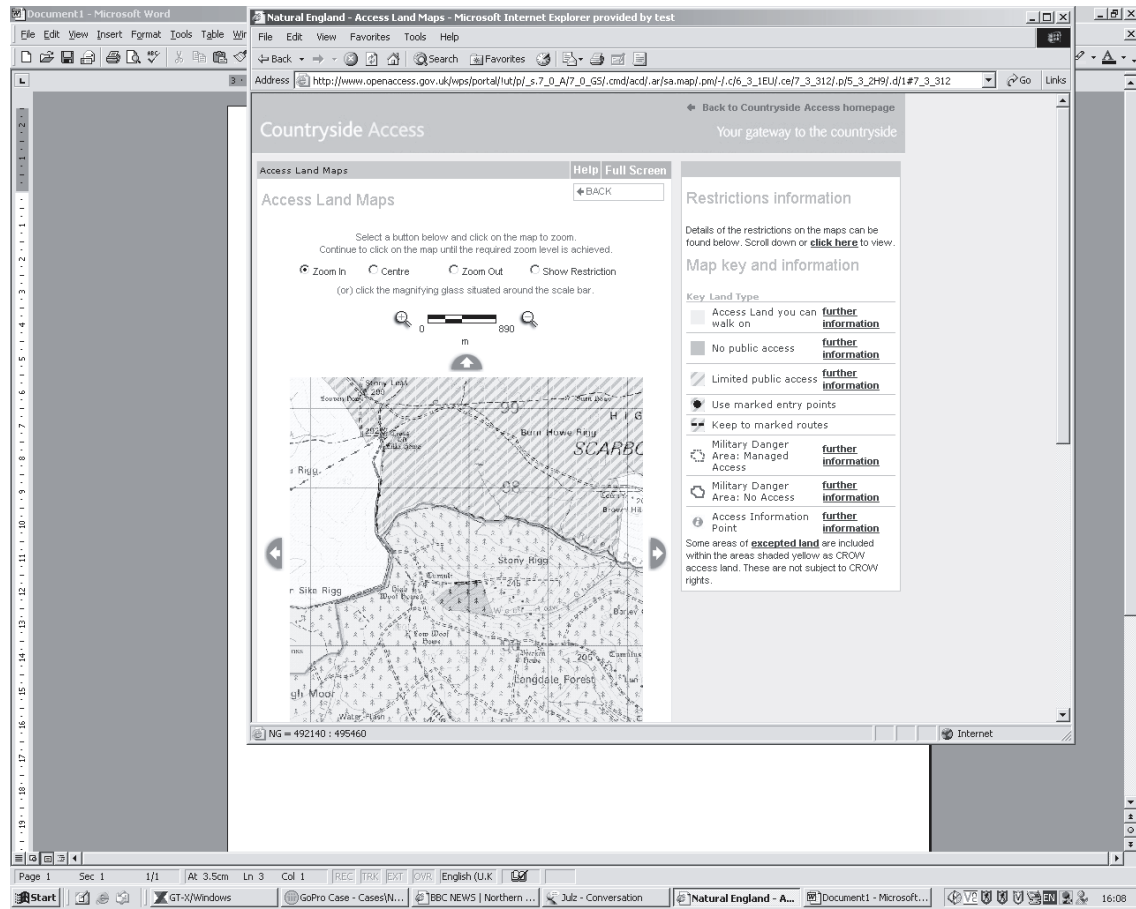
Between Dates	Type	Purpose		
30/08/2006 - 30/12/2006	No public access	Tree felling	More	View on Map
04/12/2006 - 08/12/2006	No public access	Tree felling	More	View on Map

NG = 488370 : 493908

Start | GT-X/Windows | GoPro Case - Cases\Num... | Natural England - Access ... | Document1 - Microsoft W... | Open Access Website ... | 14:28

EXAMPLE 3

Land at Easting 489969 Northing 497164




Document1 - Microsoft Word

File Edit View Insert Format Tools Table Wri

Natural England - Access Land Maps - Microsoft Internet Explorer provided by test

File Edit View Favorites Tools Help

Address http://www.openaccess.gov.uk/wps/portal/tut/pl_s7_0_A17_0_G5/cnd/scdf.ar/isa.map/pm/-/c/6_3_1EUJ/ce/7_3_312/p/5_3_249/d/1#7_3_312



Grid Reference at Centre: Easting 489969 Northing 497164

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Natural England. Licence Number: 100046223.

Feedback

Restrictions information Help

Listed below are all the restrictions you can see on the map.

For general information on restrictions, please click [here](#).

If you wish to find out more information about a particular restriction, telephone our contact centre on 0845 1003298 or email openaccess@countrywide.gov.uk, quoting the case reference number in the additional information box (this appears when you click on the [More](#) link).

Between Dates	Type	Purpose		
01/07/2005 - 30/06/2010	No Dogs (except guide or hearing dogs)	Disturbance to grouse - at land manager's discretion	More	View on Map
28/05/2005 - 27/05/2010	No Dogs (except guide or hearing dogs)	Disturbance to grouse - at land manager's discretion	More	View on Map
04/12/2006 - 08/12/2006	No public access	Tree felling	More	View on Map

NG = 491239 : 496774

Page 1 Sec 1 1/1 At 15.7cm Ln 5 Col 1 REC FRK EXT DVR English (UK) Cef

Start GT-X/Windows GoPro Case - Cases(N... BBC NEWS | Northern... Jutz - Conversation Natural England - A... Document1 - Microsof... 16:08

Question 115 (Helen Goodman): *Signage*

Mrs Goodman requested clarification as to whether landowners can be reimbursed fully for the costs of putting signs up. There is no obligation on landowners to erect signs, and access authorities are empowered to do so where they consider it necessary. The access Management Grant Scheme was designed to provide the necessary infrastructure on a site at no cost to the landowner with the access authority negotiating with the landowner over the extent of any work required and putting in a bid to Natural England for funding. The Scheme has generally funded access authorities for 75% of the cost of the signs with the authority responsible for the remaining 25% plus installation. However there have been a number of cases where Natural England has grant aided landowners directly for signage eg:

- assistance to the Moorland Association for a “no dogs” sign for grouse moors;
- assistance to a number of local wildlife trusts for essential signs for sites of nature conservation importance; and
- two privately-owned estates in the North Pennines where safety works (signs and fences) relating to mines and quarries were funded directly.

The restrictions casework system, operated through the Open Access Contact Centre, generates site notices for directions excluding or restricting access which are sent to who person who has applied for a direction either by post or by email—whichever is their stated preference. Applicants are sent one colour copy of the site notice which they can copy as they wish.

Question 125 (Mr Philip Dunne): *Methodologies used to collate monitoring information*

England is undertaking an initial three year programme designed to monitor public use of the new right of access, identifying both favourable and adverse impacts on land management and nature conservation.

A number of surveys are being undertaken including an on-site monitoring national survey which is using a stratified random sampling approach in order to gather baseline information on visitor patterns and levels of use, attitudes and awareness, understanding, behaviour and customer profile. The report on the first year’s monitoring is due shortly and will include details of the methodology followed. In addition there will be a Land Manager survey but this has not yet been tendered for. The methodology for the Land Manager survey will be finalised following tendering of the contract to a specialist research company.

The extension of the Breeding Bird Survey uses the British Trust for Ornithology’s existing breeding bird survey methodology (RAVEN *et al* 2005). The survey uses a stratified sampling design resulting in unequal representation of regions across the UK. Annual counts are weighted by the inverse proportion of the area of each region that is surveyed that year with all trends being calculated across habitats. Three visits to each survey square are made each year; the first visit records habitat information, the second visit takes place early in the breeding season, and the third via at least four weeks later counts the number of birds. Annual population indices are calculated using the most appropriate statistical model. There is more information about the BTO methodology on its website at www.bto.org. More details about the methodology used for the extension of the survey in order to identify the impacts of access on open access land will become available following completion of tendering for the second phase of the work.

Question 135 (Mr David Curry): *Clarification on the funding position on the European Rural Development Programme and environmental stewardship*

We now know that the starting budget for the new seven year Rural Development Programme for England will be approximately £1.3 billion. This constitutes the core EU rural development funding we can expect during 2007–13 combined with the minimum amount of Exchequer match-funding which must be provided in accordance with European Regulations. However, we are not yet in a position to confirm the overall financing position for the Programme, including Environmental Stewardship. This is because we are reliant on the voluntary modulation mechanism (which allows us to transfer funds from Pillar 1 of the CAP and spend them on rural development), but the new European regulation to allow us to operate this mechanism is still being negotiated. We hope to be able to confirm all funding arrangements for the new Programme (including environmental stewardship) at some point in spring 2007.

Supplementary questions submitted by Mr Bacon after the hearing

1. *How many people have been employed by the State Veterinary Service in each year since 2000, including: (i) vets, and (ii) other staff broken down by category? And how many people does the Department expect to employ in each of the next three years?*

- (i) and (ii) The Agency was created in 2005. Whilst we can provide figures from 2004 when a new system was introduced. It is not possible to compile historical statistical data from the system that was previously used. We are therefore unable to provide figures prior to 2004–05.

Average number of full time equivalent staff

	2004–05	2005–05
Veterinary Officers	263	264
Technical Staff	229	232
Administrative and Managerial staff	785	815
	1,277	1,311

- SVS is a new Agency and is going through a period of considerable change. Over the next three years the Business Reform Programme will change the way the Agency delivers services to farmers, exporters and other customers. It is not possible, therefore, to state how many people the SVS expects to employ in each of the next three years.

2. *How many people have been retained or indirectly employed through contract or other arrangements by the State Veterinary Service in each year since 2000, including: i) independent vets, and ii) other people broken down by category? And how many people including independents vets does the Department expect to retain or indirectly employ in each of the next three years?*

- (i) Average number of Independent vets

	Average 2004–05	Average 2005–06
Local Veterinary Inspector—Average number of LVIS registered	8,517	8,747
Temporary Veterinary Inspectors	52	52

- (ii) Figures for agency staff and contractors used by the SVS are not available as they cannot be separated from Defra totals.
- SVS is a new Agency and is going through a period of considerable change. Over the next three years the Business Reform Programme will change the way the Agency delivers services to farmers, exporters and other customers. It is not possible, therefore, to state how many people the SVS expects to employ in each of the next three years.

3. *How many redundancy notices have been issued to State Veterinary Service staff?*

- None.

4. *How many redundancy-type notices have been issued to independents vets and others?*

- No LVIs or TVIs have been made redundant because none is a permanent employee. The TVI role has, however, been replaced by Veterinary Inspectors (VIs) but with no reduction in veterinary resource. Most TVIs successfully applied for permanent VI positions. Those who chose not to will cease to be used but they were not made redundant as they were self-employed.