

NORTH YORKSHIRE  
LOCAL ACCESS FORUM

THURSDAY 17<sup>th</sup> February 2010

COUNTRYSIDE CODE

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to make members aware of the current Natural England consultation on the revision of the Countryside Code

2.0 RECOMMENDATIONS

- 2.1 It is recommended that the Forum consider the consultation documents at Appendix 1 and provide a response to Natural England by 28<sup>th</sup> February 2011.

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## Introductory Paper

### Approach to reviewing the Countryside Code for England

Our statutory duty includes the requirement to revisit the Countryside Code from time to time. Our approach to this review recognises that:

- It is just six years since the Code was completely re-written and re-launched to reflect the new rights and responsibilities pertaining to access land under the Countryside and Rights of Way Act 2000 (the previous version of the Code had remained largely unchanged for 20 years)
- Embedding a Code of this nature fully into people's understanding takes time. Partners have already invested valuable resources in reinforcing consistent messages
- It is however timely to take stock of how well the Code is recognised, its messages understood and the appropriateness of those messages.

For these reasons we are limiting this consultation to national level stakeholder organisations, who have an interest in the issues covered by the Code, rather than a full public consultation. We recognise that the strength of the Countryside Code lies in its relevance to provide authoritative over-arching guidance across many interests represented in the countryside. Within this, codes of conduct produced by specialist interests or for specific areas can then provide the detailed advice eg the Moorland Visitors Code

So far the review work has involved

- Undertaking focus group and survey work with members of the public and land manager interviews to gauge views on the recognition and understanding of the Countryside Code.
- Internal discussions within Natural England to identify key areas for potential change

### Proposed changes to the Code

The results of the focus group and interview work provide a snapshot of the views of the general public and land managers, which has helped us determine the scale of the proposed changes. A summary of the findings is **annexed** to this paper. Further details about the research and its findings are available on request.

Informed by this, our view is that we should build upon what we already have, but find better ways to promote and embed the key messages. Your ideas on promotion would be particularly welcome as we begin to develop a communications strategy during 2011.

Our initial suggestion is to re-brigade the existing five headline messages into three - one for each word of the strap-line: Respect, Protect, Enjoy. As a summary of what visiting the countryside means, this was widely accepted by the focus groups as a memorable way of capturing the key elements.

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Potential changes to the Code are indicated in blue in the attached Revised Draft of the Code. We have included both the full explanation of the Code (which would be used on our website) and also the shorter versions to show how the proposed changes might be used in print.

### Your Views

We welcome your views and comments on our approach to the review, the suggested changes and ideas you might have for its future promotion. Please contact [ellie.stevenson@naturalengland.org.uk](mailto:ellie.stevenson@naturalengland.org.uk) by 28 February 2011.

## Annex 1

### Summary findings from the Focus Group and Land Manager interviews

#### Focus Group/Land Manager results

Eight focus group discussions involving mixes of frequent and infrequent visitors, different life-stages and socio-economic groups provided qualitative data together with a quantitative survey of over 900 households. In addition, nine individual land manager interviews were undertaken around the country. The broad findings of this research are summarised across three general areas:

#### Perceptions of the countryside:

- Most people think they already know how to behave in the countryside, an extension of how they behave in other places and based on common sense, but,
- There are gaps in understanding, even among the most frequent users.
- Most issues of concern to land managers result from visitors' lack of understanding whilst only a minority of problems are caused intentionally.
- It is therefore important for the Code to communicate the working environment of the countryside and the impact of visitor actions upon this, but without detracting from the countryside as an enjoyable and valued place with wide appeal.

#### Awareness and perceptions of the Countryside Code

- While 2/3 of the respondents had heard of the Countryside Code, recall of message content often reflected earlier promotional campaigns among older respondents.
- Those least likely to be aware of the Code are those who it might be most relevant to and have the biggest impact upon – younger age and lower socio-economic groups.

#### Specific priorities for promoting within the Code

- Livestock – awareness of the levels of risk and how to behave around livestock, particularly if accompanied by a dog, is extremely variable among visitors, and is one of the most common issues of concern to land managers. Clearer guidance and targeted promotion is suggested.
- Straying from paths when visiting farmland – again cited as a common problem for land managers, but visitors preference for following signed paths suggests potential for greater promotion within the Code.
- Promoting understanding – to explain the reasons behind the guidelines is viewed as an important part of the Code.
- Land manager communications – effective communications with land managers should be direct, preferably on line or in conjunction with farming organisations and aim to clarify responsibilities, legal considerations and promote how visitor engagement can bring benefits other than revenue generation.

In addition, the exploration of emerging issues suggest the following implications for:

**Coastal access** (provided by the Marine and Coastal Access Act 2009) suggests a higher priority within the Code for

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- safety in relation to cliff tops and tides, although overall findings confirmed very strongly that people recognise they are responsible for their own safety.
- protecting the natural environment and sensitive wildlife habitats.
- concerns that people with little experience of the countryside are more likely to be attracted to the coast.

## **Dogs**

- dog owners would value clarification of when dogs should be on a lead.
- suggestions for 'effective control' were welcomed, although around 30% of owners questioned whether any dog could be relied upon to return when called in all circumstances.
- 50% of owners were surprised by the advice to release a dog if threatened by cattle, the exact opposite of their inclination.

## ***The Countryside Code - Respect Protect Enjoy***

***Respect the working life of the countryside*** – leave gates and property as you find them and consider other people

Please respect the working life of the countryside, as our actions can affect people's livelihoods, our heritage, and the safety and welfare of animals and ourselves.

Showing consideration and respect for other people makes the countryside a pleasant environment for everyone – at home, at work and at leisure.

***Protect plants and animals*** - take your litter home and keep dogs under ***effective control***

We have a responsibility to protect our countryside now and for future generations, so make sure you don't harm animals, birds, plants or trees.

The countryside is a great place to exercise dogs, but it's every owner's duty to make sure their dog is not a danger or nuisance to farm animals, wildlife or other people

***Enjoy the countryside, and all it offers-*** plan ahead and be prepared for the unexpected.

Even when going out locally, it's best to get the latest information about where and when you can go. For example, your rights to go onto some areas of ***open access land and coastal land*** may be restricted while work is carried out for safety reasons, or during breeding seasons. Follow advice and local signs, and be prepared for the unexpected.

## ***The Countryside Code - Respect Protect Enjoy***

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**Please respect the working life of the countryside, as our actions can affect people's livelihoods, our heritage, and the safety and welfare of animals and ourselves.**

**Showing consideration and respect for other people makes the countryside a pleasant environment for everyone – at home, at work and at leisure.**

- A farmer will normally **close gates** to keep livestock in, but may sometimes leave **them** open so **livestock** can reach food and water. Leave gates as you find them or follow instructions on signs. If walking in a group, make sure the last person knows how to leave the gates.
- Leave machinery and livestock alone – don't interfere with animals even if you think they're in distress. Try to alert the farmer instead.
- In fields where crops are growing, follow paths wherever possible.
- Use gates, stiles or gaps in field boundaries when provided – climbing over walls, hedges and fences can damage them and increase the risk of farm animals escaping.
- Our heritage belongs to all of us – be careful not to disturb ruins and historic sites.
- If you think a sign is illegal or misleading such as a 'Private - No Entry' sign on a public footpath, contact the local authority.

Busy traffic on small country roads can be unpleasant and dangerous to local people, visitors and wildlife - so slow down and where possible, leave your vehicle at home, consider sharing lifts and use alternatives such as public transport or cycling. For public transport information, phone Traveline on 0871 200 22 33 or visit [www.traveline.org.uk](http://www.traveline.org.uk)

- Respect the needs of local people – for example, don't block gateways, driveways or other entry points with your vehicle.

Co-operate with people at work in the countryside. For example, keep out of the way when farm animals are being gathered or moved and follow directions from the farmer.

- When riding a bike or driving a vehicle, slow down for horses, walkers and livestock and give them plenty of room. By law, cyclists must give way to walkers and horse-riders on bridleways.

## **Protect plants and animals - take your litter home and keep dogs under effective control**

**We have a responsibility to protect our countryside now and for future generations, so make sure you don't harm animals, birds, plants or trees.**

**The countryside is a great place to exercise dogs, but it's every owner's duty to make sure their dog is not a danger or nuisance to farm animals, wildlife or other people**

- Wild animals and farm animals can behave unpredictably if you get too close, especially if they're with their young - so give them plenty of space, and know what to do if you are with a dog.
- By law, you must control your dog so that it does not scare or disturb farm animals or wildlife. Keeping your dog under **effective control** means that you
  - keep your dog on a lead or,
  - keep it within sight and be confident that it will return on command
- **Importantly though**, if a farm animal chases you and your dog, it is safer to let your dog off the lead – don't risk getting hurt by trying to protect it. **Your dog will be much safer if you let it run away from a farm animal in these circumstances and so will you.**
- You do not have to put your dog on a lead on public paths, as long as it is under **effective** close control. But as a general rule, keep your dog on a lead if you cannot rely on its obedience. Farmers **may** destroy a dog that injures or worries their animals.
- Take particular care that your dog doesn't scare sheep and lambs or wander where it might disturb wildlife.

Ground-nesting birds and their chicks and eggs are especially vulnerable to trampling and disturbance by people and dogs and can be very difficult to see on farmland, grass, heath land or moorland and along the coast.

Eggs and young will soon die without protection from their parents and **adult birds are also vulnerable in the winter and at migration times, when they may be very short of food and energy.** There may be special restrictions for these reasons, for example:

- On areas of open country and registered common land, known as 'open access land', you must keep your dog on a short lead between 1 March and 31 July to protect ground-nesting birds and all year round near farm animals
- On open access land and on coastal land, you may be asked to keep your dog on a lead at other times of year. There may also be times when you may not be allowed to go on the land with a dog.

- Everyone knows how unpleasant dog mess is and it can cause infections, so always clean up after your dog and get rid of the mess responsibly. Also, make sure your dog is wormed regularly to protect it, other animals and people.

Fires can be as devastating to wildlife and habitats as they are to people and property – so be careful not to drop a match or smouldering cigarette at any time of the year. Sometimes, controlled fires are used to manage vegetation, particularly on heaths and moors between October and early April, [but if a fire appears to be unattended then report it by calling 999.](#)

- Litter and leftover food doesn't just spoil the beauty of the countryside, it can be dangerous to wildlife and farm animals and can spread disease – so take your litter home with you. Dropping litter and dumping rubbish are criminal offences.

[If you discover a dead bird or wild animal that may have been shot, trapped or poisoned, do not touch it, but call your local police force.](#)

- [Protecting](#) the natural environment means we should [also](#) take special care not to damage, destroy or remove features such as rocks, plants and trees. They provide homes and food for wildlife, and add to everybody's enjoyment of the countryside.



## **Enjoy the countryside, and all it offers- plan ahead and be prepared for the unexpected.**

**Even when going out locally, it's best to get the latest information about where and when you can go. For example, your rights to go onto some areas of **open access land and coastal land** may be restricted while work is carried out for safety reasons, or during breeding seasons. Follow advice and local signs, and be prepared for the unexpected.**

- Refer to up-to-date maps or guidebooks, visit [www.naturalengland.org.uk](http://www.naturalengland.org.uk) or contact local information centres .
- You're responsible for your own safety and for others in your care – especially children - so be prepared for natural hazards, changes in weather and other events. Visit [www.naturalengland.org.uk](http://www.naturalengland.org.uk) for links to organisations offering specific advice on equipment and safety, or contact visitor information centres and libraries for a list of outdoor recreation groups.
- Check weather forecasts before you leave. **Conditions can change rapidly on mountains and along the coast, so don't be afraid to turn back. When visiting the coast check for tide times at [Easy Tide](#), don't risk getting cut off by rising tides and take care on slippery rocks and sea-weed.**
- Part of the appeal of the countryside is that you can get away from it all. You may not see anyone for hours, and there are many places without clear mobile phone signals, so let someone else know where you're going and when you expect to return.
- **England has about 190,000 km (118,000 miles) of public rights of way, providing many opportunities to enjoy the natural environment. Get to know the signs and symbols used in the countryside to show paths and open countryside.**



**Footpath** - open to walkers only, waymarked with a yellow arrow



**Bridleway** - open to walkers, horseriders and cyclists, waymarked with a blue arrow



**Restricted byway** - open to walkers, cyclists, horse riders and horse drawn vehicles, waymarked with a plum coloured arrow.



**Byway Open to All Traffic (BOAT)** - open to walkers, cyclists, horse-riders, horse-drawn vehicles and motor vehicles, waymarked with a red arrow.



**National Trail Acorn** – identifies 15 long distance routes in England and Wales. All are open for walking and some trails are also suitable for cyclists, horse riders and people with limited mobility.



**Open access land** - areas of mountain, moor, heath, down land and registered common land (mapped under the Countryside and Rights of Way Act 2000) open to people to walk, run, explore, climb and watch wildlife, without having to stay on paths. **Coastal land** (identified under the Marine and Coastal Access Act 2009) which will extend coastal access rights in stages, beginning with the 'Olympic' stretch at Weymouth in 2012.

## Countryside Code – advice for land managers

### **Know your rights, responsibilities and liabilities**

People visiting the countryside provide important income for the local economy. Most like to follow a visible route, prefer using proper access points like gates, and generally want to do the right thing - but they need your help.

- The Ordnance Survey's 1:25,000 maps show public rights of way and access land. These maps are generally reliable but not 'definitive' so you will need to check the legal status of rights of way with your local authority. You can also find out which areas of access land are mapped under the Countryside and Rights of Way Act 2000 on Natural England's [Open Access pages](#).
- For guidance on your rights, responsibilities and liabilities, contact your local authority or National Park authority and look on the [Open Access pages](#).
- By law, you must keep rights of way clear and not obstruct people's entry onto access land - it's a criminal offence to discourage rights of public access with misleading signs.
- Trespassing is often unintentional - for advice on tackling trespass see 'Managing Public Access' booklet available through the [Open Access pages](#) or ask for a copy from the Open Access Contact Centre on 0845 100 3298.

### **Make it easy for visitors to act responsibly**

Most people who visit the countryside are keen to act responsibly and problems are normally due to a lack of understanding. There are a number of ways you can help them to realise their responsibilities:

- [Keeping paths clear and waymarks and signs in good order will help people stick to the right routes and access points](#). Contact your local authority or National Park Authority to find out what help is available.
- Where there is public access through a boundary feature, such as a fence or hedge, create a gap if you can – or use an accessible gate or, if absolutely necessary, a stile. When installing new gates and stiles, make sure you have the permission of the local authority.
- Encourage people to respect your wishes by giving clear, polite guidance where it's needed. For example, telling visitors about your land management work helps them to avoid getting in your way.
- Rubbish attracts other rubbish - by getting rid of items such as farm waste properly, you'll discourage the illegal dumping of rubbish and encourage others to get rid of their rubbish responsibly.

### **Identify possible threats to visitor's safety**

People come to the countryside simply to enjoy themselves safely. As land managers, it is up to us to help them to do so. In fact we have a duty of care under the Occupiers' Liability Acts of 1957 and 1984 to make sure that they can pass through our land safely.

- Your duty of care under depends on the type of access right – so it's important to know what rights, if any, apply to your land. Contact the [Country Land and Business Association](#) 020 7235 0511 or the [National Farmers' Union](#) on 0870 845 8458 for more guidance.
- Consider possible man-made and natural hazards on your land and draw any risks to the public's attention if they are not obvious.
- Try to avoid using electric fencing where people may accidentally touch it, particularly alongside narrow paths. Barbed wire can also be dangerous, especially for children. Instead we strongly recommend you use plain wire.
- Animals likely to attack visitors should not be allowed to roam freely where the public has access – you may be liable for any resulting harm.