

## **A Guarded Welcome?**

### **Access Opportunities on the Defence Estate**

2005/6 has been a particularly interesting and busy time for public access and recreation. This article outlines the effects of recent changes in Government legislation and how this is being managed on the Defence Estate.

The subject of public access onto the Defence Estate has always been a challenge. There are many who feel that, as the largest Government landowner, the Estate has to lead by example and embrace the drive for greater access opportunities to the countryside. However, there are some who feel that as the sole purpose for holding our estate is for military training and related activity in defence of the nation, it is unreasonable for the public to access these areas because this could disrupt military activity and endanger the public.

#### **The Background**

The truth, of course, is a fine balance. The overarching access and recreation policy of the Ministry of Defence (MOD) is a presumption in favour of public access across the estate wherever it is compatible with military and operational training needs, safety, security, conservation and the interests of our tenants. To achieve this balance means that access has to be carefully managed and monitored, and in some cases controlled.

Access to the countryside has moved up the political agenda over the past few years. The MOD has risen to the challenge and manages public access positively and proactively. Locally, access is managed by service personnel and Defence Estates (DE) staff alongside contractors, local councils, organised groups and others. At sites such as Otterburn and Castlemartin staff have been appointed to manage access opportunities. At national level a Countryside Policy Adviser has developed access and recreation policy and strategy. Operational specialist advice is provided by Richard Brooks, Environmental Adviser (Access and Recreation) through an Environmental Support Team (EST).

#### **Countryside and Rights of Way (CROW) Act 2000**

The CROW Act Part 1 set out to give the public a right of access on foot to mountain, moor, heath and down, to undertake activities such as walking, climbing and bird watching. Other activities such as fishing and camping were not included in the Act. The Countryside Agency (CA) and the Countryside Council for Wales (CCW) undertook a massive mapping and appeals exercise across England and Wales. The resulting maps depicted areas meeting the criteria for 'access land'.

There are a number of exceptions to access land one of which is areas covered by military bylaws. It was apparent from the start of this legislation that large areas of Defence estate would be excepted from access rights. However, large parts were mapped. In some areas this was not an issue because of the benign nature of the military activity. Open Access has taken place with a regional rollout programme. There are, therefore, new areas of land onto which people now have access rights under CROW, including parts of Otterburn Training Area and RAF Spadeadam.

In a small number of cases open access was not appropriate due to the defence requirement. In this situation the Secretary of State for Defence (delegated to DE) may apply a direction to exclude or restrict rights and, where this will be 'indefinitely', remove these areas from the access maps. Each individual request for such a direction has been accompanied by a military justification. A review as to whether or not this direction would proceed is then made, ensuring a reasonable and consistent approach. Our policy is to keep such directions to a minimum.

Although military bylawed land meeting the habitat criteria is not subject to access rights under CROW, this does not preclude further access opportunities being available on these areas in England and Wales.

In order to highlight this fact, MOD has devised, in conjunction with OS, a new map symbol highlighting 'Managed Access' areas. These are areas of MOD land which have significant access opportunities but where access may be restricted at certain times or to certain routes. The hollow red triangle symbol that can be seen on the map of Leek and Upper Hulme was developed to depict the exact boundaries of such areas and to allow the public more information about the sites. Maps show the extent of these areas and give a website address and/or telephone number, so that current restrictions can be checked. There may be further information about these areas on the website or from site managers. There may also be further informal access opportunities available at a local level.

### **Linear Access**

Of course access to the Defence Estate is not just about open access. MOD land contains approximately 1300 kms of Public Rights of Way, with at least another 100 km of permissive path. At least half of this network is on bridleways or byways open to all traffic, which means that access allows for walking, horse riding, cycling and other activities.

The MOD is continuously striving to improve linear access opportunities where this is compatible with military use. A good example of this can be found on Sennybridge Training Area in Wales, where a partnership driven by MOD and including CCW, Welsh Tourist Board and Powys County Council is funding and implementing a 90 km permissive bridleway called the Epynt Way around the edge of the training area. The first section was opened in 2004 and work continues.

It has been a busy time for those involved with Access and Recreation across the Defence Estate. Is it time now to sit back and take it easy? Most definitely not. We are aware that further Government initiatives such as 'Discovering Lost Ways' and the possible expansion of access rights under CROW to include the coast are heading our way. All of these will require a proactive approach to ensure that both military and legislative requirements are met.

Ultimately we are committed to working towards delivering the presumption in favour of public access where possible, and are striving to achieve better quality and greater public access opportunities.

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With thanks to Ceri Daugherty, former Senior Countryside Policy Adviser ES&P

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### **Websites:**

MOD with link to DE Access site [www.mod.uk/access](http://www.mod.uk/access)

Countryside Agency's Open Access [www.countrysideaccess.gov.uk](http://www.countrysideaccess.gov.uk)

Countryside Council for Wales [www.ccw.gov.uk](http://www.ccw.gov.uk)

For full details on CROW Act 2000 [www.hms0.gov.uk](http://www.hms0.gov.uk)