

Open Access Land

Guidance Notes

Part I of the Countryside and Rights of Way Act (2000) grants a general right of access to the public to "access land" for the purposes of open-air recreation.

What is access land?

Access Land is described in Section I of the CRoW Act 2000 in the following three ways:

- land mapped in conclusive form as open country;
- land mapped in conclusive form as registered common land;
- land dedicated under Section 16.

Open Country is described as having the general character of wholly or predominantly **mountain, moor, heath** and **down**. The criteria for these are set out by primary vegetation types present, followed by those vegetation types which may typically be associated with these habitats.

Registered Common Land refers to land registered and maintained under the 1965 Commons Registration Act.

Section 16 Land is land dedicated as Access Land by a private landowner.

How was access land mapped?

Maps were produced in three stages on an area by area basis and include the following:

- Draft – maps of open country and registered common land were produced using the best available datasets. These maps were then put out to formal public consultation.
- Provisional – each comment made during the formal consultation was considered and where appropriate changes were made. A provisional map was then produced. At this point those with a legal interest in the land had a right to appeal against the showing of land as registered common land or open country on the provisional map.
- Conclusive – when all appeals had been heard, changes are incorporated into a final map, this is the legal record of open country and registered common land. This will be reviewed by the Countryside Agency generally within 10 years.

Does the 'right to roam' mean we can go where we want?

No, the legislation does not provide a new 'right to roam' as it is commonly referred to, but rather a right of access to "access land". "Access land" is land which has been shown by the Countryside Agency on conclusive maps of open country and registered common land, and which is not excepted land.

What can I do on Access Land?

Open-air recreation on Access Land refers to:

- walking;
- running;
- climbing;
- sightseeing;
- picnicking; and
- bird-watching.

Is there any land that is not Open Access?

The following list summarises excepted land types where you can not walk even if they are surrounded by Access Land:

- cultivated land – land ploughed or drilled in the past year for crops or trees;
- buildings and their cartilage (e.g. gardens or courtyards);
- land within 20m of a dwelling;
- parks and gardens;
- public utility structures such as electricity substations;
- quarries and other mineral workings;
- railways and tramways;
- golf courses, race courses, airports and aerodromes;
- land being developed in one of the above ways;
- land within 20m of a building used for housing livestock;
- land habitually used for training racehorses; or
- military land to which Ministry of Defence byelaws apply.

Open Access Land

Guidance Notes

What things can I not do on Access Land?

The following list summarises activities that are not allowed under the CRoW Act's general right of access, although some may be allowed with the landowner's permission or on official Rights of Way:

- Riding a horse or bicycle;
- Driving a vehicle (unless it is an invalid carriage);
- Having an animal, other than a dog;
- Camping;
- Organised sports such as hand gliding;
- Using a metal detector;
- Organised events such as team games or sponsored walks;
- Commercially-run activities on the land;
- Swimming in or using boats or sail boards on non-tidal rivers, lakes etc;
- Taking anything from the land, like plants or stones;
- Lighting, causing or risking a fire;
- Damaging fences, walls, crops or anything else on the land;
- Leaving gates open, unless you find them propped or fastened open;
- Leaving litter;
- Disrupting others' work on the land or spoiling their enjoyment
- Disturbing livestock, wildlife or habitats;
- Posting any notices; or
- Committing a criminal offence.

If a person breaks any of these byelaws he or she can be excluded from that land and any other land in the same ownership for 72 hours.

Can I take my dog on Access Land?

Yes, the new access rights will normally include the right to walk a dog on access land. However, between 1 March and 31 July, or at any other times near livestock, dogs are only included if they are on a fixed lead of no more than 2m long. This is designed to reduce as far as possible any disturbance to livestock or ground-nesting birds during the main breeding season.

There may also be restrictions on dogs particularly on grouse moors where dogs can be excluded for a period of up to five years. Dogs can also be excluded from enclosures of up to 15 hectares for up to six weeks each year during lambing time.

Can the Access Land be closed for any reason?

Yes, the landowner has the right to close the Access Land, for any reason, for up to 28 days a year, excluding bank holidays, as long as he/she informs the relevant authority.

These restrictions must not be:

- on more than four days in any calendar year which are either Saturday or Sunday.
- on any Saturday in the period beginning with 1st June and ending with 11th August in any year,
- on any Sunday in the period beginning with 1st June and ending with 30th September in any year

Are public Rights of Way affected by closures to access land?

No, you will still be able to use public rights of way on any area of access land even if that land has been closed for any reason.