

Appendix 2: Government Guidance on Open Access

From <https://www.gov.uk/guidance/open-access-land-management-rights-and-responsibilities>

What people can do on your land

People can normally access your open access land on foot. They can:

- walk
- sightsee
- bird-watch
- climb
- run

There's a general rule that visitors using their open access rights must keep dogs on a short lead of no more than 2 metres between 1 March and 31 July each year (except in the coastal margin) and at all times near livestock.

What people cannot do on your land

The CROW Act has a list of general restrictions that limit what people using their open access rights may do, unless you give them permission to do something on the list, or the right to do something already exists.

They cannot:

- ride a horse or bicycle
- drive a vehicle (unless it is an invalid carriage)
- bring an animal, other than a dog
- camp
- play organised games
- hang-glide or paraglide
- use a metal detector
- run commercial activities on the land such as:
- trade or sell
- charge other visitors for things they do on your land
- film, photograph or make maps
- remove, damage, or destroy any plant, shrub, tree or root with intent
- light, cause or risk a fire
- damage hedges, fences, walls, crops or anything else on the land
- leave gates open, that are not propped or fastened open
- leave litter
- disturb livestock, wildlife or habitats with intent
- post any notices
- commit any criminal offence

Land that does not have public access

The CROW Act excludes the right of access to land known as 'excepted land' even if it appears as open access land on maps, such as [CROW Act maps](#).

Excepted land includes:

- buildings and their curtilage, such as courtyards
- land within 20 metres of a dwelling or building containing livestock
- parks and gardens
- temporary livestock pens

Your liability to the public

Unless you set out to create a risk, or are reckless about whether a risk is created, you're not liable for any injury caused by:

- any natural feature of the landscape including any tree, shrub, plant, river or stream
- any ditch or pond, whether natural or not
- people passing over, under or through a wall, fence or gate, except if they're making proper use of a gate or stile

The interpretation of the legislation on liability to the public is a matter for the courts to decide.

Charges

You cannot charge visitors for access but you can charge for goods, services and facilities, for example parking and entry to attractions.

Development on your land

You can develop your land subject to approval from your local planning authority. Contact Natural England about your plans if your development may affect a site of special scientific interest (SSSI).

Manage public access on your land

Use informal measures such as signage or legal restrictions to manage public access and avoid conflict with your land management activities including during sensitive species breeding / nesting seasons, and on habitats sensitive to trampling etc. Signs or verbal requests can be more effective than legal restrictions because:

- they can be put in place at short notice
- they do not require advanced notice or approval
- they can be used in all situations where they're useful
- visitors are more likely to follow instructions suggesting what they can do rather than a legal restriction which tells them what they cannot
- your reduced occupier's liability does not apply when legal restrictions are in place

If informal measures do not work, you might be able to [restrict public access](#). The public can [comment on restrictions](#) due to last more than 6 months.

It's an offence to display signs or notices that contain false or misleading information.

Open your land for public access

If you own land, or hold a lease which has more than 90 years left to run, you can voluntarily create public access rights by dedicating the land under [section 16 of the CROW Act](#).

This dedication is permanent (or, where appropriate, lasts for the duration of the long lease), so the rights will continue to apply when you no longer own the land.

You can use a dedication to:

- provide a legal public right of access to land (such as woodland) that would not otherwise be covered by the CROW Act
- make sure that public access remains available even if the land ceases to be open access land by any other means
- allow public access to areas in the coastal margin that are usually excepted land

You can also allow additional recreational activities to take place on your open access land by relaxing or removing one or more of the [general restrictions](#), for example to allow people to ride horses. This can be done either through a permanent dedication, or by agreeing to a 'direction' that makes this change indefinitely or for a specified period of time.

Public access enforcement

Your 'access authority' (the local authority, or where relevant the national park authority) oversees access rights under the CROW Act in your area.

They can advise you on managing access if you're having problems. They also have powers to deal with any unnecessary obstruction of access, or to improve ways for people to get into areas of access land.

Restrictions you must apply for

You can apply to restrict public access rights to open access land under the CROW Act if you hold a legal interest in the land.

You can apply to restrict access for any period of the year, but only if this is necessary for land management, public safety or fire prevention reasons.

Apply to the 'relevant authority', which is the national park authority for land within a national park

Land management

You may apply for a restriction for any type of land management activity on access land including:

- nature conservation
- farming
- forestry
- sporting activities
- events

Public safety

Relevant authorities may give public safety restrictions on access land without receiving an application, where they consider this necessary.

You may apply for a safety restriction on your land such as work operations involving machinery, but not to manage risks to public safety from natural features such as cliffs or potholes. Visitors to your land should take responsibility to keep themselves and their children safe.

Fire prevention

The relevant authority may give restrictions for fire prevention during exceptional conditions with or without an application from the land manager. These restrictions aim to minimise the risk of accidental fires breaking out or spreading.

The Met Office has developed a Fire Severity Index (FSI) to give an objective method of identifying when exceptional conditions occur. You can [view the FSI maps](#) on the Met Office website. *n.b. on the 25/11/2021 the fire severity index for Brighton was "High"*

Relevant authority restrictions

The relevant authority can close public access land without an application from you. Such instances include:

- nature conservation
- heritage preservation
- fire prevention
- public safety
- land management reasons in the coastal margin

The relevant authority will contact you if this applies to your land.

The Secretary of State for Defence or the Home Secretary may also restrict public access without receiving an application, for defence or national security reasons.