

# BMC ACCESS CHARTER

PRINCIPLES & PROPOSALS  
FOR GOVERNMENT ACTION  
ON ACCESS TO THE  
COUNTRYSIDE FOR CLIMBERS,  
HILL WALKERS & MOUNTAINEERS

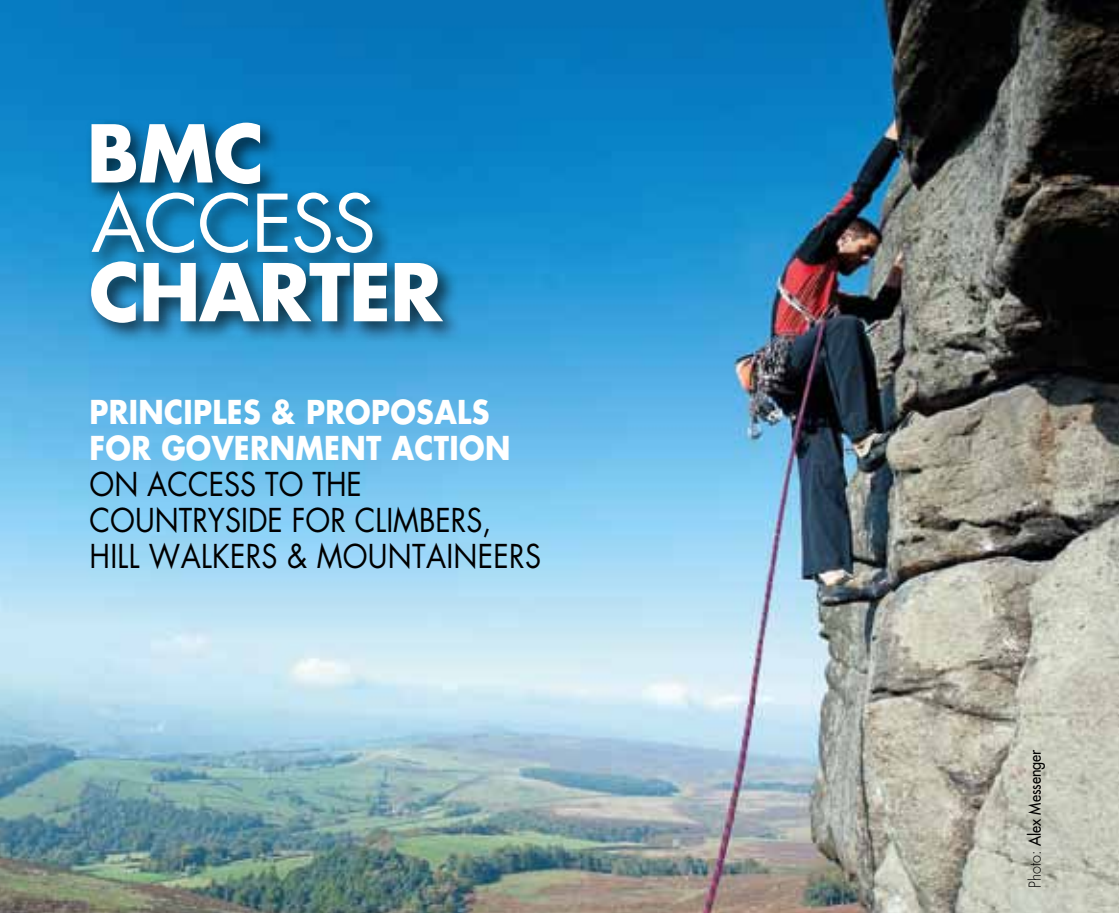


Photo: Alex Messenger

## THE BMC – BACKGROUND

This Charter sets out the views of the British Mountaineering Council (BMC) on access to the countryside of England, particularly to cliffs, crags and mountainous areas. It calls on political parties to develop an integrated package of measures that will further secure and enhance sustainable public access to the countryside.

The British Mountaineering Council, with a membership of over 70,000, is the representative body for climbers, hill walkers and mountaineers in England and Wales. All of our activities typify the concept of quiet enjoyment of the countryside and bring significant benefits to users, local communities and society in general.

For over 60 years the BMC has secured sustainable access to cliffs and mountain areas in ways that do not threaten their natural beauty or wildlife and are in keeping with the needs of landowners. It has also lobbied for changes to primary legislation in order to ensure permanent access to areas of mountain, moor, heath, down and common land as well as along the English coast.

The BMC endeavours to protect areas of cliff and mountain whenever the landscape or environment is threatened by inappropriate development.



## INTRODUCTION

With the introduction of the Countryside and Rights of Way Act 2000 (CROW) and the Marine and Coastal Access Act 2009 (MCAA), provision for recreational access to the countryside has changed significantly in the last 10 years. The CROW Act gives a right of access on foot to 865,000 hectares of 'open country' in England and Wales. This right of access has now been extended through Part 9 of the MCAA which secures the creation of a path around the coast of England and an associated margin of land which is accessible for the purposes of open-air recreation.

The BMC continues to work in partnership with landowners and conservation bodies to ensure successful access management, where all parties recognise and respect the legitimate interests of others and where recreation and conservation benefit mutually.

As a land owner and manager ourselves, the BMC is responsible for over 100 acres of recreational space and our expertise in environmentally sensitive land management practices is increasingly being called upon by private landowners, communities and other organisations.

There has also been an increase in the number of people walking, climbing and mountaineering. Yet we are today faced with new challenges threatening access to some of our publicly owned areas and uncertainty over the re-negotiation of some access agreements. Public access must continue to be an essential component of an integrated approach to land management.

# PRINCIPLES

**The BMC has agreed a set of core access principles which should guide future policy and legislative proposals.**

## **1 Recognition of the importance of access to the countryside**

Access to our countryside and green spaces has wide reaching benefits from greater recreational opportunities and a better understanding of the natural environment to increased well being and a prosperous rural economy.

## **2 The right of access**

Access to countryside on foot for quiet, informal recreation should be a basic right to be enjoyed by all.

## **3 Responsible access**

All who enjoy access to the countryside whether by right or by permission must respect the land, its wildlife, the interests of those who live and work in the area, as well as other users.

## **4 Continued enjoyment of our open country**

The freedom to enjoy the access rights set out in the CROW Act 2000 and the MCAA 2009 must be recognised and respected by all, with due consideration given to the need for land management restrictions.

## **5 The least restrictive option**

The BMC has worked hard to negotiate access to areas of high conservation as well as high recreational value in England, and advocates managing access in a way that is of mutual benefit to recreation and conservation – adopting the least restrictive option.

## **6 Paying for access**

Recreational visitors should not be required to pay for access to the countryside.

## **7 Landscape & Access Management Costs**

Greater financial resources, principally from public funds, should be made available both to maintain and improve Rights of Way, and to support the management of open access and landscape-protected areas.

## **8 Liability**

Landowners or occupiers should not incur any liability to protect visitors from personal injury from informal recreation on their land.

## **9 Freedom to take risks**

The freedom to take risks and personal responsibility for your own safety is an integral part of recreation and adventure sport and must be upheld.

## **10 BMC participation statement**

The BMC's participation statement is accepted by our members. It reads 'the BMC is the representative body that protects the freedoms and promotes the interests of climbers, hill walkers and mountaineers, including ski-mountaineers. The BMC recognises that climbing, hill walking and mountaineering are activities with a danger of personal injury or death. Participants in these activities should be aware of and accept these risks and be responsible for their own actions.'



# ACTION FOR GOVERNMENT

**The BMC calls on the Government to develop an integrated package of legislation, policy and practice based on our core principles and to consider the following actions:**

**1 Ensure no loss of public access or the conservation value of public land through sale or transfer**

There must be a clear commitment that public access to land which is being considered for disposal is secured for future generations under any new management. Land must be maintained in a way that continues to provide and protect natural value and the public interest.

The transfer of assets that are already publically owned should not involve costs to charitable or other community based bodies.

**2 Dedicate public land to create permanent access rights**

Where there are currently no legal access rights to publicly owned land, Government must put these in place before any change in ownership. Private landowners should be encouraged to follow suit. Section 16 of CROW is an appropriate and existing mechanism to safeguard public access and reduce occupiers' liability.

**3 Support existing bodies in the delivery of public access and recreational opportunities**

In transferring delivery of access and engagement related work to civil society, Government must utilise the expertise of voluntary organisations like the BMC who are already delivering access, and enhance effective partnerships which avoid duplication of work.

**4 Recognise the importance and value of outdoor recreation in any new landscape designations**

There must be an ongoing commitment that new and existing policies, practices and landscape designations, aimed at protecting England's natural assets, take account of the importance of recreation within the natural environment and do not hinder access opportunities.



Photo: Jon Barton

#### **5 Ensure statutory access requirements are not jeopardised by public expenditure cuts**

It is a statutory requirement for Government to implement the coastal access rights under Part 9 of the MCAA 2009 around the whole of the English coast. These rights must be achieved sooner rather than later. A review under section 10 of the CROW Act of the maps of open country and registered common land is now overdue. It is essential that mapping errors are re-visited as soon as possible.

#### **6 Ensure access and outdoor recreation remain a priority for Local Authorities**

In times of reduced grants, Local Authorities must recognise the need to maintain footpaths and Rights of Way.

#### **7 Change the wording of the CROW ACT 2000 to match the MCAA 2009**

The BMC supports the use of the phrase 'physical feature' in Section 1 of the Occupiers' Liability Act 1984, as in the MCAA 2009. This will be easier to objectify than 'natural features', the form of words used in the CROW Act 2000. The Act must be amended to follow suit.

#### **8 Understand personal risk in outdoor recreation and occupiers liability**

It is essential that Government policy initiatives are based on the need to secure people's sense of freedom and adventure, rather than imposing restrictions for fear of liability. Visitors should exercise responsibility for themselves, as set out in the BMC's participation statement.

#### **9 Recognise the potential after-use of quarries**

Currently, there is a reluctance to allow public access to disused quarries. The BMC believes that hard rock quarries are a valuable recreational resource and we seek new legislation which will allay fears of liability and will realise the restorative potential for recreation and conservation.

#### **10 Support greater use of agricultural subsidies to secure access opportunities**

Landowners are eligible for a wide variety of public funding support for land management purposes. The BMC believes that cross compliance with greater public access opportunities must be central to all such schemes.



Photo: Alex Messenger

Participation in mountaineering, climbing and hill walking has shown a significant increase in England from 86,100 (0.21%) to 111,300 (0.26%) between 2007 and 2010.<sup>1</sup>

It is estimated that the UK outdoors market is made up of 30m people (almost half the population) who use the outdoors during the year for some sort of recreational activity.<sup>2</sup>

The English adult population participated in an estimated 2.86 billion visits to the natural environment in the 12 months from March 2009 to February 2010. This equates to an average of 69 visits per adult.<sup>3</sup>

An estimated £20.4 billion was spent during visits to the natural environment taken in England in 2009-10 – the majority of this expenditure being on food and drink (53 per cent), fuel (13 per cent) and admission fees (10 per cent). The average expenditure per Leisure Visit is estimated at £28.00.<sup>3</sup>

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<sup>1</sup> Sport England (2010) *Active People Survey 4* (October 2009 to October 2010).

<sup>2</sup> Luscombe, P (2006) *The Outdoor Industry* (Outdoor Industries Association).

<sup>3</sup> Natural England (2010) *Monitor of Engagement with the Natural Environment: The national survey on people and the natural environment - Annual Report from the 2009-10 survey* (NECR049).

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