

Governing Access? Local Countryside Access Forums. A Caution from the Recent History of Countryside Access Liaison Groups.

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The new provisions for countryside access in England and Wales, to be legislated under the Countryside Access and Rights of Way Bill, aka the 'Right to Roam' legislation, looms large. This article provides a brief review of arrangements for countryside access liaison and consultation and points toward some of the potential difficulties that may be faced by the proposed, and seemingly integral, Local Countryside Access Forums (LCAFs) (Countryside Agency 1999b,c). In doing so research into countryside access liaison groups (CALGs), carried out during the 1990s, (Parker 1997; 1995) is used to compare how such previous arrangements to consult with access stakeholders have fared and indicate how such forums may work in the future.

Consultation and public participation have long been exhorted in British planning. Attempts to engage the public in policy-making and decision-making more generally has had a somewhat fraught, if not disappointing, history. Some attempts to encourage public participation have been genuinely inspired by a desire to engage people in the decision-making processes affecting them, while others have been carried out more begrudgingly and for some others more Machiavellian motives may have inspired their operation. Gyford (1991:p53) playfully sums this up:

'There is a general point that relations between the public can vary from 'keeping them happy' (but in the dark?) to allowing them an active share in decision-making'

Indeed Skeffington in the much vaunted 1969 report on public participation in planning (MHLG 1969) recognised, in its own rather paternalistic way, that

there were at least two different types of 'public': the 'actives' and the 'passives'. One challenge for policymakers has been to find ways of stimulating the interest and incorporating the views of the passive majority. The second has been to incorporate legitimately and accountably, the claims of the minority of actives. They, by definition, are already engaged, but for some their involvement represents a double-edged sword. They may serve a very useful role in ensuring accountability or local 'ownership', but by the same token may unbalance the democratic process or marginalise other stakeholder interests. Encouragingly over the last few years some local authorities and other Quangos have attempted to deepen their public consultation / participation through the use of mechanisms such as focus groups and citizen panels (see Wilcox 1994; Environmental Resolve 1995; Davies 1999; Darke 1999). The Environment Agency is one such example using a variety of mechanisms to canvas opinion in preparing their new Local Environment Action Plans (LEAPs) (see Environment Agency 1998; Selman & Wragg 1999).

So what has all this to do with countryside access? As readers of this publication may have noted the Government have set up a National Countryside Access Forum (NCAF) and propose to set up Local Countryside Access Forums. These will probably operate along County lines in order to plan, implement and help manage the new access arrangements and to assist in planning and determining other access matters (Countryside

Agency 1999a; DETR 2000). The aim, if LCAFs are put in place, is that the governance of access will be shared amongst these new bodies, the local

authorities and the Countryside Agency (see Countryside Agency 1999c).

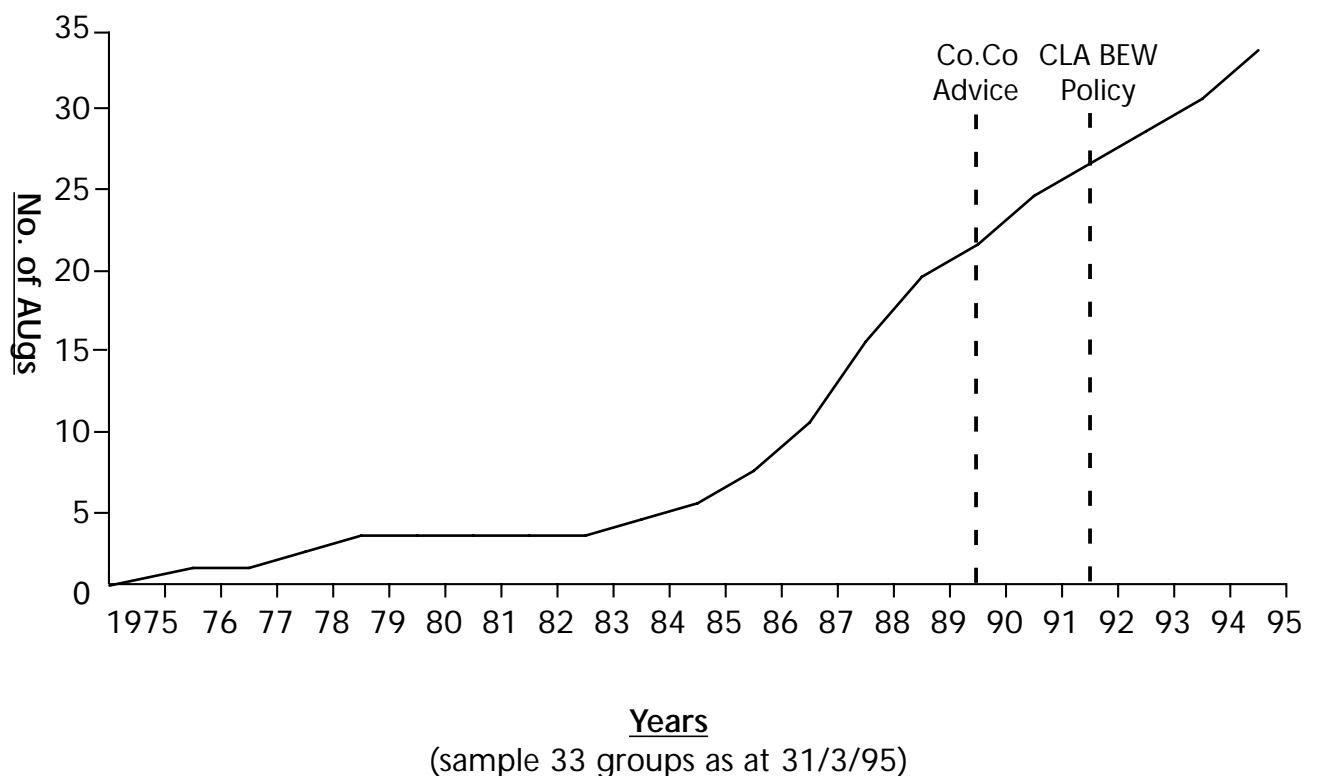
Over the last twenty-five years or so planners have attempted in a variety of ways to consult and liaise with interest groups. The Skeffington report itself recommended local consultation forums (see Fagence 1977) and government has recently steered public policy towards enhanced public involvement (DETR 1998). The rise of such fora has included liaison arrangements concerned specifically with access and Rights of Way. As early as the mid-1970s there were groups operating as Countryside Access Liaison Groups (CALGs) trying to discuss how best to enable appropriate countryside access in their localities.

Figure 1 shows how long and how many CALGs have been set up (this number does not include the range of other groups and bodies set up to consider

particular projects or single aspects of the access policy environment). Many of the CALGs predate the Countryside Commission advice to local authorities that access forums might be a 'good idea' (Countryside Commission 1987; Parker 1997). The Figure also shows how policy documents such as A Better Way Forward produced by the Country Landowners' Association (1991) had some influence on CALG formation. At that time the Country Landowners' Association called for almost identical forums Countryside Recreation Advisory Groups (CRAGs) to be established by local authorities.

Undoubtedly Skeffington reminded local authorities that they should seek to liaise with the public, but this also coincided with increased public awareness, perhaps reflexivity, about both the countryside and planning-related matters in the 1970s (see Healey 1997; Shoard 1980). Both conspired to allow increased interest in decision-making, with

Figure 1: CALGs establishment over time



consequent protests and dissatisfaction with planners and the planning system generally (see Simmie 1974).

The guidelines for LCAF membership are yet to be published by the Countryside Agency but are not likely to prescribe membership too tightly by interest group. The difficulty that is faced by any such group seeking to be 'inclusive' is that there are very many stakeholders. Just looking at the 2,132 responses to the access consultation published by the DETR in February 1999 (DETR 1999) shows the scale of interest and the range of groups who are now active in countryside access matters.

Figure 2. Occurrence of representative groups of CALGS surveyed

County Council	29
District Council	17
Countryside Commission	14
Ramblers Association	28
Open Spaces Society	12
Country Landowners Association	26
National Farmers Union	26
Rural Community Council	11
British Horse Society	26
Motor Organisations Land Access & Rec. Assoc. (or Member Organisations)	24
Cyclists Touring Club/Mountain Bike Fed	14
Sports Council	2
Council for the Protection of Rural England	5
Others (local groups etc.)	78

Sample base: 31 groups, 28 County Groups, as 31/3/95

Figure 2 illustrates how CALGs have been peopled by the usual suspects in the access policy community (e.g. the Ramblers' Association, CLA, NFU, CTC). They have also had good representation from local groups, but have lacked representation from wildlife and conservation groups. This is a deficiency that will surely be remedied in the new LCAFs, especially as a proportion of the members of the NCAF are from organisations with explicit conservation remits i.e. English Nature, Environment Agency, RSPB, CPRE.

CALGs represent useful inroads for localised interests and national interests to engage in the governance of countryside recreation. While CALGs have provided a convenient method for Highways Authorities and other actors, such as the Country Landowners Association, the National Farmers' Union and Ramblers' Association to influence each others' attitudes and policies, it is also the case that such groups have the potential to create problems for local authorities (and by inference for the Countryside Agency). These forums also present local authorities with the challenge of stabilising such interests in an increasingly contested and politicised policy area. LCAFs are likely to present local authorities with a similar if not accentuated challenge to their predecessor groups, especially given the complexity and potential expense of the task that the new legislation and subsequent policy (e.g. on 'other' countryside; see Countryside Agency 1999b) will bring.

The new LCAFs are more than likely to be made up of many individuals who were representatives on the CALGs or other similar forums. It should be remembered that CALGs have operated under a very different access policy environment in the '80s and '90s and there are relationships across the country that need to be repaired as all interests, but especially user groups, became more and more frustrated by the access situation. The process of building trust and engineering a willingness to work together cannot be underestimated for the new LCAFs. It is to be seen how, for example, the provisions for landowners to gift areas for public access will work out – shades of the 1949 Act and Access Agreements there perhaps (see Parker & Ravenscroft 1999).

The CALGs have had a mix between three 'types' of member and that is likely to persist with LCAFs. These were paid representatives of interest groups or government agencies; unpaid representatives from other large/ national interests such as the RA or the CLA; unpaid representatives of minority or local groups. This split can give rise to differentials of

power and ability to give over sufficient time to the work of the group. This was not a big issue with CALGs as they met infrequently and the workload was relatively light, in part reflecting the policy environment. However, this problem is set to rise given the expected workload that LCAFs are likely to expect in organising new access land, working out applications for exceptions, considering land definitions and other related access matters (including the knotty area of individual Rights of Way disputes; see Countryside Agency 1999c).

The Countryside Agency has been considering at length how best to operationalise LCAFs. Discussions at the level of the National Countryside Access Forum (see Countryside Agency 2000) have acknowledged that such local groups should be set-up carefully; with clear terms of reference, well defined powers and appropriate representation of access interests. Such words are logical and look good on paper, but what does this mean? That the ground rules should be explicit and agreed by the group was a finding of the CALG work, but there are other issues to be considered, not least the issue of 'inclusivity' as mentioned above.

There is a danger that LCAFs may become submerged under the sheer weight of work that new access proposals are likely to require. And this is not all. Such groups can suffer from a variety of other problems – they may be 'captured' by a particular interest and become unrepresentative. Presently the LCAF structure is being designed to avoid this by retaining decision-making powers at the local authority level and also with the Countryside Agency (Countryside Agency 1999b). However this may of itself compromise the ability of the LCAF to deliver locally relevant solutions to access provision. There are also issues beyond the internal operation of the groups. For example there are issues about the extra burden on already stretched countryside staff within local authorities and the recurring funding issue for countryside access.

Access is political and attempts to enrol interests in working through the new access policies are likely to give rise to local difficulties. LCAFs will become high profile consultation groups and it is quite likely that they will intensify calls for local authorities to perform better. A telling quote from a local authority interviewee during the CALG study shows what can happen if local authorities do not, or cannot perform:

'[CALG members] got more informed on the subject because we had an open policy about our failings and they used it as ammunition against us...if you set up a liaison meeting you are, even if you don't realise it, asking people to help and saying 'we value your contribution'...if you don't do anything...you've turned a potential friend into an enemy.'
(quoted in Parker 1997:p171)

LCAFs will need to begin their work on a good, clear and conducive footing. The way that the group culture develops will have as much bearing on the workability of the LCAF as much as any other single factor. The CALG work showed that even this is not enough, and after a honeymoon period without the desired results CALGs could suffer from more and more politicking or simply become moribund. One answer to this was to make sure that CALGs had a foothold on the local political process. For example their views could be heard by the relevant council committee and good reason given for not implementing their recommendations would need to be given by the local authority (or Countryside Agency).

In the light of this care will need to be taken to avoid interest group 'capture' (see Daugbjerg & Marsh 1998) making the operation of the groups transparent – potentially by making the meetings open to the public might address this. Questions will need to be answered about how both 'host' local authorities and the Forums, overseen by volunteers, will be able to cope with the time investment required due to the potential complexity of new access planning. Especially in the first years of Right

to Roam. There are issues about the ability of such Forums to deal with specific, often complex, cases. Perhaps more fundamentally, there has been little said about how local authorities will fund the new legislation, with LCAFs appearing to be a crucial element of the new plans. In what has traditionally been a 'Cinderella' function for local government we can only hope things don't 'turn ugly' if Local Authorities have to find resources from within their own budgets.

The discussions surrounding LCAFs have thus far given rise to a number of points that will need to be addressed both by the Countryside Agency / DETR, but also at the LCAF level by the local authorities themselves.

What are the cost implications of the new legislation and the LCAFs to Local Authorities and how will they be met?

Issue of costs (and relative costs) to different members of LCAFs.

Have the Local Authority overall ability to fulfil new (and pre-existing) legal obligations?

What is the appropriate relationship between LCAFs and the NCAF, Countryside Agency?

How can issues of legitimacy and accountability be adequately addressed?

What are the criteria for the NCAF / Countryside Agency vetoing locally distinctive proposals?

How will the criteria for membership be devised and revised locally?

To what degree should it be that decision-making powers are vested in LCAFs (or retained by the Countryside Agency / Local Authority)?

How to ensure transparency and the avoidance of interest group 'capture'?

There is no doubt that the LCAFs can be a useful addition to the work of local authority countryside managers and planners. They have the possibility of allowing for better public 'voice' and representation. However, the history of public participation in planning policy and the specific experience of CALGs and countryside access politics more widely shows us that the LCAFs may become the heat conductors as 'New' access is forged. As such the LCAFs are likely to need a nurturing environment as they evolve.

Note

A more in-depth paper detailing the findings of the CALG study is available on request from the author.

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- Since this article was written the Countryside Agency have published the draft guidelines for LCAFs on the web: <http://www.countryside.gov.uk>