



## **Dedications - increasing land open to all – FAQs**

### **What is dedication?**

Section 16 of the Countryside and Rights of Way (CROW) Act 2000 Act gives landowners and long leaseholders the opportunity to voluntarily dedicate land for public access. A dedication lasts in perpetuity or, where relevant, for the duration of a long lease. Making a dedication can give a legal public right of access to land that would not otherwise be covered by the CROW Act, such as woodland; or ensure that land mapped as open country or registered common land will continue to be access land in the future, even if it ceases to be open country or registered common land.

Dedication can also be used to create higher rights of access, for example for horse riding or canoeing. Dedication offers landowners the opportunity to share public access to their land forever, should they wish to do so. This will ensure that the right of access remains in force even after the land changes hands in the future – while allowing for access to be excluded if the land should at some point become 'excepted land', as defined by Schedule 1 to the CROW Act.

Dedication can also reduce the impact of public access by spreading visitors across a wider area, and may be used to link access across the English countryside. Dedicated land becomes access land and is therefore subject to the same management arrangements and public liability obligations as for mapped access land.

### **Who can dedicate land?**

A dedication under section 16 of the CROW Act can be made by a freehold owner of land (i.e. the holder of 'the fee simple absolute in possession of the land'), or by a long leaseholder (so long as the lease is for a legal term of years absolute and has at least 90 years left to run).

Section 16(5) of the CROW Act also allows the following to dedicate: a tenant for life of settled land, a university or college to which the Universities and Colleges Act 1925 applies, and an ecclesiastical corporation to which the Ecclesiastical Leasing Acts apply.

### **Can land be dedicated for horse riding, cycling or other forms of recreation (e.g. hang gliding, camping)?**

The CROW Act allows for general restrictions on access (imposed by Schedule 2) to be relaxed through a dedication. This enables landowners to give a legal right of access to their land for a range of activities (in perpetuity or for the duration of a long lease).

### **Can dedication lead to more land or routes becoming accessible for motor vehicles?**

As previously mentioned, the CROW Act allows for general restrictions on access (imposed by Schedule 2) to be relaxed through dedication. It is ultimately up to landowners what activities they wish to permit on their land.

### **Can a dedication be revoked?**

Once made, a dedication is irrevocable and the rights given by the dedication instrument last into perpetuity (or for the duration of the long lease where appropriate). This includes any higher rights given through the relaxation or removal of general restrictions under Schedule 2.

**Do the public have a right of access at all times to dedicated land?**

No. Once dedicated the land becomes access land under Part 1 of the Countryside and Rights of Way Act 2000 and subject to the same management and use. Access to dedicated land can be restricted or excluded in the same way as with other access land (e.g. for up to 28 days per year, or necessary for land management, safety or fire prevention reasons). And as noted above, if the land later becomes "excepted land" (e.g. within 20 metres of a dwelling), the right of access ceases.

**Does dedication safeguard against development?**

No. Subject to planning consent or any other consents required by law, dedicated land can be built on as normal.

If a landowner wishes to prevent future development as well as grant access, he/she will be able to do this once section 15 of the Commons Act 2006 is brought into force to enable voluntary registration of any land as a town or village green. Once land is a registered green, it is unlawful to build on it.

**What is the process of dedication?**

Full guidance is available on Defra's website at:

<http://archive.defra.gov.uk/rural/countryside/crow/dedicate.htm>. The guidance includes a blank Dedication Instrument 'Form A' and a form to register the dedication as a local land charge 'Form B'. Natural England's Open Access Contact Centre (OACC) processes and stores the dedication instruments and can help with any queries.

You need to ensure that you have the legal capacity to dedicate (i.e. you are the owner or long term leaseholder) and that you are clear on the type of access you would like to dedicate for. You may wish to seek legal advice on any long term implications. You also need to consult others with an interest in the land. Then, fill in the Dedication Instrument, sign and date it, and send it to the OACC with a map of the location of the land. Ensure that the location is easily identifiable by including a grid reference or an address. The OACC will make sure the forms provide the relevant information and will notify you once they have processed the dedication. They may ring you to ask for any clarification.

Once this is complete, you will then need to register the land as a local land charge, by filling in Form B and sending it to your local district council. Public rights become available six months after the date of the signature on the dedication instrument. The OACC can be contacted on the following telephone number: 0845 100 3298

**Should I inform my neighbours if I am going to dedicate land?**

You may wish to inform your neighbours through courtesy. However they will only have a right of objection if they hold any legal interest in your land

**My land includes a SSSI and/or an ancient scheduled monument. Will this affect my capacity to dedicate?**

No, your capacity to dedicate remains the same. However, an assessment may be needed to determine whether to put a restriction in place to safeguard the conservation or heritage interests of the land. This assessment normally takes place after the dedication has been signed and you have submitted it to the Open Access Contact Centre.

**What about the process for woodland?**

The process for woodland is the same as for any other type of land. However, it speeds up the process if the Open Access Contact Centre know about woodland being dedicated in advance. This is because Natural England is required to inform the Forestry Commission, and this could be done before the dedication is received.

**When, in the process of dedication, does the paperwork become legally binding?**

The dedication becomes legally binding at the time of signing it – but the right of access does not come into force for six months.

**Why is there a six month period between the signing of the dedication and when the access right comes into force?**

This allows time for a dedication to be registered as a local land charge, and for any person with a legal interest in the land to apply for any access restrictions that are necessary, so that they can be put in place before the right comes into force. The landowner can of course still allow the public on the land informally during this six month period if he/she so wishes.

**The district council will not accept our registration for a local land charge. What should we do?**

In March 2004 Defra issued a letter to all local authorities advising them of the effect of dedication as a local land charge. This letter is available at <http://www.defra.gov.uk/rural/documents/countryside/crow/dedicate-la-guide.pdf>  
This letter can be shown to any district council that is unsure of the legal status of the dedication land charge form.

**When will the dedicated land appear on the Internet?**

Six months after the date the Dedication Instrument is signed, the dedicated land will appear as access land on the Natural England's Countryside Access website maps as access land.

**How is dedicated land recorded on Ordnance Survey maps?**

Dedicated land is depicted as a yellow wash in the same way as other access land on Ordnance Survey Explorer 1:25 000 maps. New parcels of dedicated land will be shown on these maps as they are updated.

**Where can I find out further information?**

For further information on the process on dedication, contact the Open Access Contact Centre on [open.access@naturalengland.org.uk](mailto:open.access@naturalengland.org.uk), telephone 0845 100 3298.