

Lessons Learned Review

on the implementation by Defra of Parts I & V of the CROW Act 2000

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Executive Summary

This report sets out the findings of a review of the lessons learned in Defra's implementation of the new right of access under the Countryside and Rights of Way Act 2000. Similar exercises have been carried out by the Countryside Agency and the Planning Inspectorate into lessons which can be learnt from their own roles within the programme, and the results of those reviews have been taken into account in this report.

Defra worked closely with all of its delivery partners, and the main stakeholder bodies, to successfully implement the right of access on time and without significant problems having been reported by users of the new right or by land managers. However, as with all successful projects, there are lessons to be learned for Defra, which can help to improve future policy development and implementation, but which should not be allowed to detract from the overall positive and significant achievement.

Programme and Project Management

We found that the complexity of the issues masked the existence of tasks which ought to have been co-ordinated and managed together as a programme, until well into the implementation phase. During the second half of the programme, programme and project management techniques were increasingly adopted, with support from consultants, and this was key to meeting the PSA target. Once the programme, and projects, were established the importance - and difficulties - of defining and agreeing clear roles with partner organisations became clear. Full involvement of senior management and Ministers was important in gaining buy-in from partner organisations. Embedding programme staff within the policy team provided benefits in terms of making best use of staff resources, expertise and continuity, but needed careful management to ensure programme resources were not diverted to other work. It was clear that effective programme management should entail a two-way communication as well as visible 'leadership' from the programme board for all of the project teams and staff.

Target Setting and Milestones

The demanding PSA target proved invaluable in encouraging the partners to work with Defra, and in focusing attention, commitment and resources on meeting the target. It was essential that the importance of the target was understood and accepted by all partners. Encouraging all of our partners to feel 'ownership' of the target was a challenge, and a more open acknowledgement and understanding of their other priorities would have been beneficial.

Contingency planning and Risk Management

A number of unforeseen (and originally unforeseeable) risks had an impact on the programme, showing the importance of 'horizon scanning' and the need to keep the Risk Management Register under regular review. As the task was unprecedented with no parallels or clear frame of reference, and since the mapping body did not have previous experience in this type of work, there was always going to be a high degree of uncertainty in assessing the

likely costs. However, ongoing consideration of a range of cost forecasts, based upon clearly identified and rigorously tested planning assumptions and variables which were reviewed regularly, might have produced more realistic appreciation of costs and the associated risks, and might have allowed the costs to be 'managed down' in a more proactive way.

In working successfully with partners it was important to take account of the impact which less-obvious cultural and organisational differences could have on the ability of organisations to engage with Defra. It was also important to understand and work constructively with a range of stakeholder bodies, drawing on their strengths, in order to work collaboratively, erode polarisation, and ultimately improve the quality and robustness of the programme's products.

Internal (programme-wide) Communication

Defra's open and supportive communication with its partners was invaluable. The lengths which Defra went to ensure this took place were appreciated and reciprocated. Whilst the main communications channels worked very well, wider communication outside these channels, for instance involving all staff involved in the programme across organisations, would have been beneficial.

External Communication

External communications was a key component of the programme which should have been factored in, and resourced, from the outset. The need for a communications strategy was only identified in mid-2003, and as resources within Defra's communications team were not available, it was necessary to rely heavily on the Countryside Agency to lead on this critical area of work.

Integrating external communications requirements into the early stages of the programme might also have enabled Defra to respond better to the communications needs of its delivery partners. Several of Defra's partners felt that the department failed to appreciate the difficulties caused by having to engage with stakeholders before Regulations were made or on the basis of draft Guidance. The guidance issued by Defra was universally regarded as authoritative and comprehensive, but a more strategic approach to the preparation and issuing of guidance, including use of project management techniques early in the programme, might have provided benefits in terms of producing material which was more accessible, integrated, timely, consistent and attuned to readers' needs.

The importance of terminology as a communications tool became clear, as did the benefits of working with stakeholder bodies to disseminate information in a way which was relevant and appeared credible to individual stakeholders. The webpage and electronic newsletters were popular, informative and directly reached a large audience.

Financial and Resource Management

It was difficult to predict and test the likely level and range of costs for such a novel and technically complicated programme; as the task was unprecedented with no parallels or clear frame of reference there was always going to be a high degree of uncertainty in assessing the likely costs. A pilot might have helped, as might a more regular review of estimates. The

important role which grant funding can play in enabling partners, such as local authorities, to take 'ownership' of issues at the local level became clear, although the effectiveness of the grant scheme in its first year was hampered by its relatively late approval which did not match local authorities financial planning cycles.

The effective utilisation of non-financial resources was important, particularly the expertise of staff, many of whom were in post for the duration of the programme, and the role of specialist advisers and consultants.

Other Issues

Ministerial support for the programme was an asset which might have been utilised more effectively early in the programme to obtain buy-in from other organisations. Ministers took a keen interest in the programme, meaning that the need to respond rapidly to Ministerial needs, and to the arrival of new ministers or senior managers, had an impact on resources (particularly staff time). This issue could have been addressed through risk management planning.

**Sponsorship Landscape and Recreation Division
Department for the Environment, Food and Rural Affairs**

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1. Introduction

1.1 This Report sets out the finding of a review of the lessons learned in Defra's ¹ implementation of the open access and local access forum provisions of the Countryside and Rights of Way (CROW) Act 2000. The review was carried out by Defra's Sponsorship, Landscape and Recreation Division and a summary of the methodology is at Annex B.

1.2 The lessons are intended for an internal Defra readership, and further information on the contents can be obtained from Geoff Audcent or Bev Cavender in SLR(2), 1/02 Temple Quay House, Bristol (telephone 0117 372 8339/8876).

1.3 The programme has successfully delivered the PSA target ²; the right of access is now a reality across England, and; very few problems have been reported by the land managers over whose land the public now have a right of access on foot. Our partners considered that implementation has gone much better than most expected, and have praised the leadership provided by Defra and its staff. Many of the lessons learned are therefore positive lessons based upon what went well, although we have also looked at what went less smoothly.

1.4 Programme and Project Management ("PPM") principles were not applied during the first half of the programme (in fact, it was not even perceived as a joined-up programme). However, PPM disciplines were progressively adopted in the second half of the programme following the decision to move to regional commencement - providing a practical example of the real difference which PPM can make. The use of PPM tools in policy development and implementation is now established as one of the principles of Modern Policymaking. Many of the lessons identified during the review relate to PPM good practice. Since it is inconceivable that future programmes of this scale will be planned and implemented without using PPM principles, this report focuses on the other lessons to be learnt.

2. Background

The Defra Role

2.1 Parts I and V of the CROW Act have now been commenced. Part I makes provision for a new right of access to open country and registered common land, whilst Part V provides, amongst other things, for the establishment of local access forums (LAFs) to provide advice on open air recreation.

2.2 Defra played a pivotal role in implementing Parts I and V of the CROW Act in England:-

- It was the lead Government department with policy responsibility
- It oversaw, and reported to H M Treasury, on the overall progress and management of a programme covering a series of projects and work streams; and

¹ References to Defra include its predecessor department, DETR up until 2001.

² PSA target was to introduce a right of access to open country and registered common land by the end of 2005

- The Secretary of State had certain duties and powers under the Act to make regulations and issue guidance.

Programme Characteristics

2.3 The programme was:-

- **long-term** (5 years);
- **multi-agency**, involving many Government departments and agencies (principally Defra, Ministry of Defence, Countryside Agency, The Planning Inspectorate, Forestry Commission, Ordnance Survey, English Nature, English Heritage);
- **complex**, encompassing a large number of projects and raising many technically complicated and novel issues;
- **high-profile** with delivery partners and stakeholder communities;
- **involved many delivery partners**, such as national park authorities and local authorities; and
- **affected many stakeholders**, such as landowners and walkers.

3. Programme and Project Management

3.1 Identifying that a Programme or Project exists - The CROW Act created a number of duties and powers for a range of bodies. Nowadays, policymakers should be equipped to identify the existence and scope of a programme, but in 2000 Defra, the Countryside Agency and other partners focused on their own specific functions under the CROW Act, and little thought was given to the need for the different projects to be co-ordinated and integrated through structured management arrangements. **Lesson: Ensure the complexities of legislation or policy do not confuse or disguise the existence (or scope) of tasks that would benefit from being managed together as a project or programme.**

3.2 Defining Roles - A programme of this size and complexity needs clear management and reporting structures, with clear responsibility for producing all products and for carrying out cross-cutting tasks. In this case, it was not an easy task because some of the delivery partners had independent statutory roles under the legislation, and because the overall relationship of Defra, as a new Department, with those bodies had not been clearly established yet. However, critical components of the programme (eg the mapping methodology) requiring Defra's involvement, should have been identified and agreed with partners at an early stage. During the first half of the programme our partners felt that responsibility for certain tasks was ill-defined, leading to a risk of duplication, or of tasks falling between two stools (eg. issuing press notices, supporting the work of local access forums, Defra involvement at stakeholder presentations). Likewise our consultants were unclear about their authority, status and remit (this was probably exacerbated by the fact they had initially been brought into the project as contractors to the Countryside Agency rather than Defra).

Many partners and stakeholders mentioned their confusion over the respective roles of Defra and the Countryside Agency. **Lesson: Defra should clearly define and reach agreement with partners, on respective roles, responsibilities, critical areas of interest, service-level commitments and reporting lines for all aspects of the programme. This should include those tasks and functions which lie outside the remit of individual projects, as well as the dependencies and linkages between all the partners and between the individual projects.**

3.3 Working with delivery partners - There were limits to the authority and influence which Defra, particularly as a new Department without established relationships, had over its delivery partners. Without a PSA target it might have been much more difficult to convince colleagues in other Government departments and agencies of the importance of the programme in relation to their other priorities. The independence and separate statutory responsibilities of organisations like MoD, English Nature, English Heritage, Ordnance Survey, the Forestry Commission, the Planning Inspectorate, local authorities and the National Park authorities, meant that Defra's relationship with them was largely dependent on goodwill. **Lesson: Fully involve Ministers and senior management at the outset in getting the heads of other organisations to accept a Defra lead, and to sign up to the importance of the programme.**

3.4 Embedding programme/project work within Defra policy division - Senior management considered that embedding programme management and project work alongside the day-to-day work of the policy division (so that staff worked closely with other teams within the Division, and so that there was easy movement of staff into/and out of the programme/project) produced benefits in terms of continuity, resilience, flexibility, joined-up working and less duplication. With careful management, these benefits were felt to outweigh the disadvantages (such as competition for resources) and allowed resources to be prioritised between the programme and other temporary but more pressing priorities for the division. This did have some negative effects on the early stages of the programme, but these were managed effectively - although not all partners were aware of the reasons for diversion of resources, which led to criticisms of Defra's role early in the programme. **Lesson: Consider how project work is best managed alongside day-to-day work, so that the two strands of work have a comfortable fit and to ensure that they are mutually supportive (e.g. in terms of information exchange). Consider impact on partners, as well as on the programme, when making changes in resource allocation.**

3.5 Approach to Project and Programme Management - During the second half of the programme PPM principles were progressively - but selectively - adopted, with support from management consultants (Atkins Programme Management). Without improved and more systematic programme management it is generally agreed that the PSA Target could have been missed (and it is likely that regional commencement would not have been possible). On their arrival Atkins found a loosely co-ordinated programme with partners preoccupied with their individual projects. Partners were engaging with their own stakeholders, but everyone's efforts were hampered by inadequate programme-wide planning, co-ordination and integration. The consultants felt that their single biggest contribution was to develop programme management capacity and, by helping to strengthen the internal management and communication mechanisms, to help all the partners to learn to face inwards as well as outwards. From 2002 Defra's programme management was seen by our partners as "appropriately, but not excessively, thorough." **Lessons: Apply and adapt relevant PPM**

tools and procedures to the needs of the programme, but take care not to over-structure.

3.6 Programme Board - Several partners commented that there tended to be a one-way flow of information through the hierarchy to the Programme Board (established in September 2003). Whilst this may have reassured the Board, more feedback on the monitoring information submitted would have helped the project teams. Some felt the remit of the Board should have stressed the Board's role in providing unified leadership for all the project teams. **Lesson: The remit of the Programme Board should have given greater emphasis to the need for two-way information flow, and should have identified a 'figure-head' role for the Board in providing more visible programme-wide leadership to those working in the project teams.**

3.7 Critical Path Analysis - Detailed critical path analysis was not carried out. Delays in producing some Defra 'products' combined with an ambitious PSA Target meant that products were sometimes produced just in time to meet the critical path. This increased the levels of risk and put our partners under pressure. For example, local access forums in some regions were established after consultation on draft maps (meaning that the Countryside Agency had to work with ad hoc arrangements, and some forums felt deprived of the opportunity to comment). Likewise, the Access Management Grant Scheme was commenced very late (leading to an under spend in its first year), and OS Maps were not ready for all areas at commencement (although all of these risks were identified and managed). **Lesson: More effective critical path analysis would have helped to identify inter-dependences so that products were delivered at the optimum time. Time-saving and corner-cutting early in the programme carries risks for later stages of the programme, which should be identified and managed.**

3.8 Liaison between Partners - Various liaison and working groups worked well and served a useful purpose in decision-making, problem resolution and information exchange. Although Terms of Reference were generally agreed when the Programme Board and sub groups were established, their remit, and the linkages between the groups, was not always fully understood by all the partners. Partners commented that a better understanding would have helped to focus their work, ensure appropriate attendance and ensure attendees had the necessary delegated authorities to make decisions. **Lesson: Ensure all working groups have clearly understood Terms of Reference, which are agreed from the outset, kept under review and against which the work/progress of the group is monitored. The Terms of Reference should also set out the group's relationship to other programme groups and the Programme Board.**

3.9 Programme Timetable: Getting the framework in place - The statutory framework (and associated guidance) should provide a firm foundation for both partners and stakeholders. However, some Defra regulations (and guidance) were put in place at a late stage. This was a reflection of the particular difficulties encountered in framing the regulations, and had the advantage of ensuring that the regulations reflected the very latest thinking. However, for our partners it also meant higher contract costs (to allow for the risk associated with unknowns), it put them in an awkward position when communicating with land managers, it made it more difficult for them to allay land manager fears, and version-control became a problem when using draft guidance. Our partners (the Countryside Agency, the Planning Inspectorate and local authorities) considered that this had an adverse effect on

their reputations amongst their stakeholders. Some landowners who appealed against mapping decisions felt they were affected by the late publication of Defra's Guidance to the Planning Inspectorate. **Lessons: (a) Ideally the regulatory framework should be established before commencing implementation, but in reality, the division between the two stages will often be less clear cut making it necessary to manage the risks inherent in commencing some implementation activities before all the regulations are finalised, (b) the timing of regulations and guidance should always take account of the impact on our partners, and (c) when implementation is commenced before regulations and guidance are finalised, carefully consider the associated risks and address them in the Risk Management Plan.**

4. Target setting & milestones

4.1 Target setting - The PSA target led to additional reporting and monitoring requirements (which was problematic because it had not been foreseen or resourced), and locked the programme into a timetable which forced compromises to be made in the timing (and perhaps quality) of some products. On balance senior management felt that such a high-profile and cross-Government target was beneficial in focusing minds on delivery, securing resources, and in gaining senior level commitment from partner organisations. However, the PSA target was not felt to be 'owned' by our delivery partners in local government, and it is noteworthy that a local government colleague commented that "Defra's keenness to achieve the PSA target was at times to the detriment of relationships and sound planning". **Lessons: (a) Have a 'SMART' target and ensure that the importance of the target to Defra is understood by our partners, (b) encourage delivery partners to sign-up to the target whilst accepting that not all delivery partners will necessarily feel 'ownership' and (c) encourage partner organisations to be open and honest about how Defra ambitions and targets rank against their own corporate priorities, so that potential mismatches are identified and resolved.**

4.2 Commencing the right of access on a region-by-region basis - Most partners and stakeholders welcomed the decision to move to a phased regional commencement programme. It enabled mapping work and associated to be phased more effectively, allowed more time to plan and consult in the later regions, and allowed lessons from the earlier regions to be applied in the later regions. It also highlighted the necessity of more effective programme management. The main disadvantage was that local authorities and land managers in the earlier regions felt that they had insufficient time to prepare for commencement (because some regulations, guidance and mapping decisions preceded commencement by a relatively short period). It also ruled out a single national launch event and publicity campaign, which might have raised the profile of the new right of access. Several of the regional commencement dates caused concern to partners/stakeholders (e.g. sensitive time for grouse moors, and not giving access authorities as much notice as they wished) although the issues were largely resolved in time for commencement. **Lesson: Phased/regional roll-out can offer many benefits, but assess the risks and benefits carefully. Consult partners and stakeholders at an earlier stage on proposed commencement dates (preferably the actual dates rather than the month).**

5. Contingency planning & Risk Management

5.1 Contingency Planning - a contingency reserve was built into the programme timetable to absorb over-runs. This was 'owned' and controlled by the Programme Board, which had the effect of discouraging partner organisations from approaching the Board without having first explored alternative solutions. **Lesson: Central and high-level control over contingency resources (time or money) helped to keep the programme to its critical path, by encouraging individual project managers to explore alternative solutions before resorting to the contingency reserve.**

5.2 Risk management - We found a large, complex and prolonged programme was prone to the type of external threats which are almost impossible to foresee or plan for. Machinery of Government changes (DETR to Defra), the foot & mouth outbreak and, to a lesser extent, fox-hunting legislation all had a direct or indirect impact on aspects of the programme. **Lesson: Carry out continuous 'horizon scanning' to inform risk management, including both external risks and new risks which were originally unforeseeable. Keep the risk register up to date, and for longer projects build in contingency for unforeseeable risks.**

5.3 Risk management and programme costs - Estimates supplied to Defra on the cost of the mapping work, dealing with mapping appeals, and dealing with restrictions case work, were all based on a large number of assumptions. As the task was unprecedented with no parallels or clear frame of reference, and since the mapping body did not have previous experience in this type of work, there was always going to be a high degree of uncertainty in assessing the likely costs. However, ongoing consideration of a range of cost forecasts, based upon clearly identified and rigorously tested planning assumptions and variables which were reviewed regularly, might have produced more realistic appreciation of costs and the associated risks, and might have allowed the costs to be 'managed down' in a more proactive way. **Lesson: Rigorously test all assumptions used in forecasting project costs, and take account of their likely variability in predicting cost ranges and the degree of uncertainty which attaches to them.**

5.4 Risk management - Dealing with localised problems and guard against people's tendency to generalise from the specific - A risk was identified that a small number of land managers could encounter unforeseen teething problems. Not only was it important to deal with such localised problems for their own sake, but we also recognised that they could disproportionately affect perceptions about the success of the programme generally. Care was therefore taken to ensure that land managers were given information and support through the Access Management Grant Scheme, including an emergency response service to deal with any unexpected emergencies that individual landowners encountered. **Lesson: Put in place arrangements to deal with unforeseen problems encountered at the local level or by individual stakeholders, especially bearing in mind that even a small number of localised problems could have a disproportionate impact on perceptions about the success of the wider programme.**

5.5 Understanding delivery partners - It soon became clear that different Government bodies work in different ways – for example, the Planning Inspectorate has to guard its independence as an appeal body (which affected the way in which it could engage), whilst the LGA is made up of local authorities (making it more difficult for LGA representatives to

present a single local government view at meetings or even to find the time to attend meetings given their local authority duties). **Lesson: It is important to understand the strengths, weaknesses, priorities, constraints, and even the cultures, of partner organisations in order to help identify and manage risks which could arise from different organisations working together.**

5.6 Understand, and work with, your main stakeholders - In working with stakeholder organisations it is important to understand and take account of their strengths and weaknesses, as well as their aims and objectives. Strengths are likely to include detailed knowledge of specific issues, credibility amongst their membership, and expertise in lobbying and media presentation. This was used to good effect in running local workshops for land managers, which were run by the CLA on behalf of the Countryside Agency. The CLA generally gave out balanced and constructive advice at the workshops, and land managers had confidence in what they were told. **Lessons: Find ways to work collaboratively with stakeholders to erode polarisation, and to utilise their particular skills and strengths in delivering the programme in a way that takes account of stakeholder interests.**

6. Internal (programme-wide) Communication

6.1 Lateral communication within the programme teams - Lateral communication between partner bodies at the middle-management level was very effective. Regular face-to-face meetings helped build a co-operative mindset with sharing of information, concerns, problems and solutions. One partner stated that “Defra was hugely supportive and helpful, and had a very open relationship with us at the working level” and that this approach “made a real difference to the successful outcome of a high risk project.” **Lesson: Work at developing open and supportive relationships with all partners so that the approach is appreciated, reciprocated and diffused into all aspects of the programme.**

6.2 Vertical Communication within the programme partners - Whilst communication at the middle-management level was very effective (via the partner networks), communication both up to senior management and (to some extent) down to the working level was less well developed. Defra senior management was perceived by some partners (rightly or wrongly) as slightly remote and perhaps even inaccessible (although this improved with creation of the Programme Board). **Lesson: Ensure effective communication across the programme at the right level, but do not overlook the less frequent communication needs that might still exist at other levels.**

6.3 Programme-wide communication - There were a large number of staff in Government departments and agencies involved with, or affected by, the programme. The extent to which all these staff understood - or felt part of - the bigger programme is unclear, but an informal and informative cross-programme newsletter might have given people - especially those at the sharp end - a better appreciation of how their work fitted into to the broader picture. It might also have encouraged more effective lateral communication between staff in the project teams. From March 2004 the Access Newsletter partly fulfilled this role, although it was not targeted specifically at people working on the programme. **Lesson: Consider how to engage with project team members at all levels, to raise awareness of the wider programme, to praise achievements and to improve lateral communications at all levels.**

6.4 Communication with partners beyond dedicated project teams - Whilst communication with our contacts in partner organisations was good, we found that other parts of these organisations were not always aware of the agreed policy approach, and local teams might sometimes depart from lines which had been agreed at the centre, requiring rapid (and potentially embarrassing) corrective action. **Lesson: Consider (and take account in the risk management plan) how key messages can best be disseminated more widely within partner organisations.**

6.5 Communications with other Defra policy divisions and with devolved Administrations - Communications with other Defra policy divisions improved during the programme, although the organisational changes following the creation of Defra, took time to bed in and meant that the benefits from more joined up working took time to identified and realise. One example is the relationship with CMD/CURE Divisions and Rural Development Service, although there are now strong linkages. Defra liaised with the Welsh Assembly Government (and to a lesser extent the Scottish Executive), to share knowledge and experience, and this has worked well. **Lesson: Develop and maintain links with other policy colleagues who either (a) might be affected by the programme or (b) who might have comparable or relevant experience which can be drawn upon.**

7. External Communication

7.1 Helping partners to communicate with their stakeholders - Defra did not always make it easy for our partners and stakeholders to communicate effectively with their own stakeholder groups. For example, the Countryside Agency had to engage with landowners against the background of some uncertainty (e.g. draft regulations and proposed rather than approved funding for access management work). This made discussions more difficult than they needed to be. Several partners felt that Defra under-estimated the problems which this caused them. **Lesson: In developing the critical path take account of the need for partners and stakeholders to communicate with their own audiences with as much certainty and clarity as possible.**

7.2 Media management - At the start of the programme Defra had no overall communications strategy, meaning that engagement with the media was approached in an ad-hoc way. Defra was not perceived as proactive or responsive, and often appeared to play second fiddle to some of its partners and stakeholders. One partner noted that “the Countryside Agency appeared to take a very major role” in media engagement, whilst stakeholders noticed that there was “little evidence of long-lead PR work”, that Defra did little to counter “negative and misleading stories in the media in the months and years leading up to commencement” and that Defra was “the silent partner.” The lack of a communication strategy also meant there was poor media co-ordination amongst partners until an Access Communications Group was established to develop a Strategy, key messages and co-ordination. **Lessons: (a) Build in communications management as an integral consideration in all aspects of the programme, (b) Develop a communications strategy from the outset so that key messages are identified and promoted proactively at the optimum time, so partners present consistent and co-ordinated messages, so that the communication strategy makes the most of partners’ relative strengths and is clear about Defra’s own role, (c) The Communications Strategy (and Risk Management Plan)**

should also take account of how stakeholder groups are likely to set the pace and influence the media agenda.

7.3 Getting the Message Across - Working co-operatively with stakeholder organisations helped in getting the right messages across, by establishing areas of common ground, and by reaching out to the memberships of stakeholder organisations (e.g. articles in the Rambler's Association *Walk* magazine, and the Land Manager workshops which were funded by the Countryside Agency but organised by the CLA). **Lesson: Seek opportunities to involve and work constructively with stakeholder organisations in order to disseminate information more widely and in ways which carry credibility amongst stakeholders.**

7.4 Using terminology - Terminology is a powerful communication tool. Ideally, it should be established - and got right - early on, because the wrong terminology can send the wrong message and it can be difficult to change people's use of terminology later on. However, the power of terminology in disseminating or shaping messages became clear. For example, Defra uses the term 'the right of access to open country and registered common land' (which does not roll off the tongue) or 'open access' but most people are only aware of the 'Right to Roam' whilst the Ramblers Association use the term 'Freedom to Roam.' Even the term 'open access' is not ideal since it is sometimes confused in people's minds with 'access to information' and 'disability access' Defra inherited much of the terminology (from political campaigns predating the Act, particularly the Rambler's 100 year campaign and the private member's "Right to Roam Bill" introduced into Parliament in 1999) and there was little Defra could have done differently in relation to terminology. Terminology was discussed by the Access Communications Group and agreement was reached on its use, but the agreed terminology and definitions never really entered the mainstream. **Lesson: The use of terminology is a powerful communication tool which Defra should help to establish - and get right - early in a programme, to ensure wider acceptance and up-take.**

7.5 Working with Press Office - the importance of developing a close working relationship with Defra Press Office, and having access to sufficient press officer time, became clear. Rather than waiting for press enquires to come through from the Press Office, the relationship worked best when the project team members pro-actively briefed press officers, alerted them to potential 'good news' stories and received feedback. Involving the press office within the programme (e.g. as a member of the Access Communications Group) also helped to ensure that presentational issues were identified and dealt with. However, pressures on Press Officers' time meant it was difficult for them to be fully engaged at certain key stages of the programme. **Lesson: (a) Proactively engage with Press Office from the start and have a nominated press officer sit on relevant project groups, (b) consider the need to have some one working full-time on communications within the programme team from the outset and fully supported by the Press Office, and get senior management buy-in to provision of this resource.**

7.6 Public information provision - Defra provided public information in two main ways:-

- **the webpage on the Defra website**, which provided information on a range of access issues and contained copies of guidance and links to legislation etc. It was comprehensive and well-organised but some users commented that it could have been more user-friendly, with more regular updates (to keep readers coming back) and more use of archiving. The web page would have been easier to promote if it had had a

shorter web address (e.g. “www.defra.gov.uk/access” rather than “www.defra.gov.uk/wildlife-countryside/cl/accessopen/index”).

- **the Access Newsletter** - From March 2004 onwards Defra issued a regular Access newsletter. This was sent out electronically (monthly) and provides a convenient and effective way to directly reach interested individuals. People could become recipients simply by sending in their e-mail address, and less than 1% of readers asked for hardcopies. The Newsletter is now sent to approximately 570 readers by e-mail and more people probably look at it on the Defra website. We have received a lot of praise for the Newsletter. It might have been possible to reach more readers by taking more opportunities to promote it. The Newsletter’s relationship to the Countryside Agency’s Bulletin could have been made more explicit.

Lessons: (a) allocate sufficient resources to develop, improve and maintain the website, consider presentation issues and take all opportunities to publicise its address (e.g. on all newsletters, leaflets, e-mails), (b) Clarify the roles of Defra and partners in engaging with stakeholders and the public, and ensure that newsletters and other communication mechanisms are integrated, so that they reinforce and promote each other and do not overlap or confuse the audience, (c) promote the availability of website/newsletter at all opportunities, (e) save paper and reduce printing/postage costs by sending out newsletter electronically.

7.7 Public consultations - Defra’s public consultations on Regulations were praised as being “sound, helpful, clear and responsive” although a number of stakeholders told us that public consultations appeared suddenly and without advance warning. Whilst all public consultations lasted for at least 3 months, it should be remembered that some bodies (such as local access forums) might meet less frequently, and advance notice would have enabled all stakeholders to make better use of the time available to them. On several occasions Defra announced a timetable for proposed public consultations via Answers to Parliamentary Questions but this probably did not reach a wider audience. **Lesson: Trail future public consultations (e.g. via the website or newsletter), and issue a programme of expected consultations, to help stakeholders consider the issues fully and to respond within deadline.**

7.8 Production of guidance issued by Defra - Defra published guidance on a range of issues for different audiences. Feedback suggests that Defra guidance was considered to be comprehensive and authoritative, but it was difficult for some readers to understand. It can be difficult to produce guidance which is both accessible and legally watertight, and sometimes the complexity of the issues defeated even the most determined efforts to produce easy-to-read guidance. However, more use of plain English, short introductory summaries, more time for polishing draft guidance, and involvement from a fresh ‘pair-of-eyes’ in the editorial process, may have helped to improve the accessibility of some of the guidance issued by Defra. Issuing different versions (or summaries) of the guidance might also have enabled better targeting at particular audiences - since the potential audience of some documents was very wide (from lawyers to landowners). Consideration could also have been given to the use of a copywriter to help establish a suitable house-style. **Lessons: (a) Take positive steps, and build in time and resources, to ensure that guidance meets the needs of the target audience. Clarity and accessibility are just as important as legal and technical**

accuracy, (b) Send guidance to relevant contacts in local authorities as well as to Chief Executives.

7.9 Timing/planning of guidance issued by Defra - Much of the guidance issued by Defra was prepared at a relatively late stage and was sometimes an ad-hoc reaction to specific requests for clarification from stakeholders. Whilst this meant that Defra appeared flexible and responsive, the Department would have appeared more organised and in command of the situation if the need for the guidance had been identified and programmed in from the outset. This would have reassured partners and stakeholders, it would have allowed more time for drafting so that the guidance was issued at the optimum time as part of an agreed programme (rather than as a series of one off guidance notes which each had different styles and formats) **Lessons: (a) Identify and agree the need for guidance documents at the planning stage, (b) issue a programme of when guidance notes will be published and (c) use a consistent style and format for all Defra guidance notes.**

8. Financial and Resource Management

8.1 Mapping Costs - Forecasts at the start of the project significantly underestimated the cost of the mapping work, because Defra, the Countryside Agency and the consultants and contractors, all underestimated the technical complexity and the scale of the task and failed to appreciate the limitations of existing datasets. As the task was unprecedented with no parallels or clear frame of reference, and since the mapping body did not have previous experience in this type of work, there was always going to be a high degree of uncertainty in assessing the likely costs. However, it might have been possible to reduce the risk, and the scope of uncertainty, by trialling the mapping methodology (which the project timetable did not allow for), and the cost overrun could have been better anticipated and managed by more careful monitoring. **Lessons: (a) seek evidence and previous comparables, or conduct a pilot, to inform programme cost estimates, and (b) realistically assess, and keep under review, the degree of uncertainty and risk which attaches to programme costs estimates.**

8.2 Access Management Costs - Most of the programme costs were incurred by the mapping project, whilst the amount of money devoted to actually manage public access on the ground was proportionately much less. It was also less than expected/sought by some stakeholders and Defra was criticised for providing access management funding that was too little, too late and over-targeted. However, careful targeting was necessary in order to ensure that funds were used most effectively, and, however much was provided, it is likely that access authorities could always have spent more. The criticism that funding was made available too late seems justified: despite a long lead time, the Access Management Grant Scheme was not announced by Defra until March 2004 - just 6 months before the right of access was commenced in the first regions. This meant that authorities had difficulty in providing match funding at such short notice and then had very little time to carry out planning work and submit bids. Consequently, the Scheme was under spent in its first year. **Lesson: Ensure programme funding for delivery partners is provided at the optimum time, and agree the scope, timing, delivery method and purpose of the funding, as far as possible, at the start of in the programme.**

8.3 Access Management Grant Scheme - Overall the Scheme appears to have been successful in meeting its objects and encouraging local authorities to take “ownership” of access management at the local level (the Scheme is currently subject to a review by the Countryside Agency). A number of factors made local authority participation in the Scheme slightly less appealing and more problematic than it needed to be: its late introduction made it difficult for authorities to budget their match-funding/staff time, it was (initially) highly targeted towards nature conservation sites (which was frustrating for some authorities who wanted to address other local priorities) and was initially available for just 12 months (although subsequently extended to 2 years, and now being considered for extension to 3 years). The Countryside Agency compensated for this by providing informal support and guidance, and by streamlining the application procedures as far as possible. **Lesson: To maximise take-up and a sense of ‘ownership’, funding for delivery partners should be delivered in a way which meets their needs, and fits in with their financial planning cycles.**

8.4 Legal advice - The amount of legal advice that was required and its technical complexity, was significantly under-estimated at the start of the project, and inadvertent ‘bunching’ of new regulations created a bottle-neck in Legal Division, which was not anticipated or planned for. The Countryside Agency relied heavily on independent legal firms whose advice sometimes ran counter to Defra’s view. More effective resolution of the underlying policy issues (between Defra and the Countryside Agency) might have helped to clarify the basis on which legal advice was sought and thereby have avoided such situations arising. **Lesson: Consider the likely support required from Legal Division at the outset, based on a realistic assessment of the technical complexity of the issues, and the possibility of different Regulations running in parallel. Also consider and agree at the outset, in what circumstances Defra will provide legal advice to delivery partners.**

8.5 Personnel - A number of key officials in Defra (and other participating Government departments and agencies) were in post for the duration of the programme. This provided significant benefits in terms of continuity, leadership, insight, resilience and a corporate memory. On a number of occasions, serious threats to the programme were overcome through their professional commitment and knowledge. **Lesson: The ‘human capital’ invested in a programme is a valuable resource which can easily be overlooked, and which should be recognised, safe-guarded and developed.**

8.6 Working with external consultants - Atkins Programme Management were appointed to provide Defra with management consultancy support. Atkins clearly understood Defra requirements and a good relationship ensued - the consultants regarded Defra staff as hospitable, friendly, informal and helpful. The relationship enabled Defra to make use of Atkins as a valuable sounding board. However, the consultants were uncertain of their status and authority, they were unsure whether they could invite themselves to meetings or approach senior Defra managers directly, and some of the work they were asked to do only loosely related to the original contract. At one point the consultants agreed to work outside of contract (because of delays in contract renewal). **Lesson: Work closely with consultants, and develop the relationship, in order to get maximum benefit/goodwill from the consultants. Be clear about consultant’s remit and status, and build appropriate flexibility into the contract.**

8.7 Data Protection Act - Personal information was collected and stored by Defra during the course of the programme (eg a database of LAF secretaries names and addresses).

Insufficient thought was initially given to how this information might be used or shared beyond the specific reason for its original collection, which therefore limited its use. Additional uses to which personal information can reasonably be put should be taken into account when drafting Data Protection Act Statements, in order to avoid problems later. **Lesson: Ensure that Defra and partners' Data Protection Act Statements take full account of how personal information might be used - or shared - during the programme.**

9. Other Issues

9.1 Responding to others' consultations - Defra did not always prioritise its response to invitations from partners to comment on draft documents (e.g. relevant authority guidance). As a result Defra failed to make most effective use of opportunities to exert influence at an early stage, when input would have been most useful and effective. **Lesson: In pursuing our priorities in a focused and proactive way, it is important not to under-estimate or ignore more reactive opportunities which can arise to influence partners and stakeholders.**

9.2 Making of Regulations - Although there were issues about timing, the various regulations were generally viewed to be effective. With hindsight Defra could have future-proofed them more effectively. For example, the Mapping Regulations did not allow for errors in the mapping process to be corrected. With hindsight, such errors were inevitable and the need to allow for their correction should have been foreseen earlier (Defra could perhaps have learnt some of the lessons associated with mappings of SSSIs). Another example was the LAF Regulations, which failed to provide flexibility for LAFs to be re-organised to meet changing circumstances. **Lesson: In drafting regulations consider how they might operate in medium term and future-proof where possible to avoid the need for later amendment.**

9.3 Local access forums - These advisory bodies were established under section 94 of the CROW Act, and their performance during the first two years has been the subject of research by the University of Gloucestershire's Countryside & Community Research Unit. The report highlights a number of areas where some LAFs have struggled to establish and/or develop their advisory role. Although it is difficult to generalise about LAFs (as some LAFs have become locally influential and are making a real difference) there appears to be a degree of disappointment with what some LAFs have achieved, and confusion amongst LAF members about the nature and extent of their remit. In response to this Defra and the Countryside Agency have developed a joint Action Plan of measures to be taken to provide the support which LAFs require, before they lose momentum. **Lesson: When establishing novel and innovative structures and advisory arrangements, clearly define their function, ensure arrangements are put in place to monitor performance and respond to teething problems, and be clear about where responsibilities lie.**

9.4 Working with Ministers - the role and interest of Ministers, not only in setting high level policy objectives, but also sometimes at a more tactical level, was clear during the programme. Ministers' interest in a programme, together with their status and influence, is an asset which could have been more effectively utilised early in the programme to get the heads of other organisations to accept a Defra lead, and in signing up to the importance of the programme. Also evident was the impact which individual Minister's working styles can have

on information requirements, relationships with partners and the programme timetable. Ministers took a keen interest in the programme, meaning that the need to respond rapidly to Ministerial needs, and to the arrival of new ministers or senior managers, had an impact on resources (particularly staff time). **Lesson: (a) Utilise Ministers' status and influence, when necessary, in engaging with partners/stakeholders, and (b) ensure that programme timetables and management structures are capable of responding rapidly to the needs of new Ministers and senior managers, in order to minimise the impact of changes in senior personnel. Address this in the Risk Management Plan.**

Summary of Lessons Learned

Programme and Project Management

- 3.1 Ensure the complexities of legislation or policy do not confuse or disguise the existence (or scope) of tasks that would benefit from being managed together as a project or programme.
- 3.2 Defra should clearly define and reach agreement with partners, on respective roles, responsibilities, critical areas of interest, service-level commitments and reporting lines for all aspects of the programme. This should include those tasks and functions which lie outside the remit of individual projects, as well as the dependencies and linkages between all the partners and between the individual projects.
- 3.3 Fully involve Ministers and senior management at the outset in getting the heads of other organisations to accept a Defra lead, and to sign up to the importance of the programme.
- 3.4 Consider how project work is best managed alongside day-to-day work, so that the two strands of work have a comfortable fit and to ensure that they are mutually supportive (e.g. in terms of information exchange). Consider impact on partners, as well as on the programme, when making changes in resource allocation.
- 3.5 Apply and adapt relevant PPM tools and procedures to the needs of the programme, but take care not to over-structure.
- 3.6 The remit of the Programme Board should have given greater emphasis to the need for two-way information flow, and should have identified a 'figure-head' role for the Board in providing more visible programme-wide leadership to those working in the project teams.
- 3.7 More effective critical path analysis would have helped to identify inter-dependences so that products were delivered at the optimum time. Time-saving and corner-cutting early in the programme carries risks for later stages of the programme, which should be identified and managed.
- 3.8 Ensure all working groups have clearly understood Terms of Reference, which are agreed from the outset, kept under review and against which the work/progress of the group is monitored. The Terms of Reference should also set out the group's relationship to other programme groups and the Programme Board.
- 3.9 (a) Ideally the regulatory framework should be established before commencing implementation, but in reality, the division between the two stages will often be less clear cut making it necessary to manage the risks inherent in commencing some implementation activities before all the regulations are finalised.

(b) The timing of regulations and guidance should always take account of the impact on our partners.

(c) When implementation is commenced before regulations and guidance are finalised, carefully consider the associated risks and address them in the Risk Management Plan.

Target Setting and Milestones

4.1 (a) Have a 'SMART' target and ensure that the importance of the target to Defra is understood by our partners.

(b) Encourage delivery partners to sign-up to the target whilst accepting that not all delivery partners will necessarily feel 'ownership.'

(c) Encourage partner organisations to be open and honest about how Defra ambitions and targets rank against their own corporate priorities, so that potential mismatches are identified and resolved.

4.2 Phased/regional roll-out can offer many benefits, but assess the risks and benefits carefully. Consult partners and stakeholders at an earlier stage on proposed commencement dates (preferably the actual dates rather than the month).

Contingency planning and Risk Management

5.1 Central and high-level control over contingency resources (time or money) helped to keep the programme to its critical path, by encouraging individual project managers to explore alternative solutions before resorting to the contingency reserve.

5.2 Carry out continuous 'horizon scanning' to inform risk management, including both external risks and new risks which were originally unforeseeable. Keep the risk register up to date, and for longer projects build in contingency for unforeseeable risks.

5.3 Rigorously test all assumptions used in forecasting project costs, and take account of their likely variability in predicting cost ranges and the degree of uncertainty which attaches to them.

5.4 Put in place arrangements to deal with unforeseen problems encountered at the local level or by individual stakeholders, especially bearing in mind that even a small number of localised problems could have a disproportionate impact on perceptions about the success of the wider programme.

5.5 It is important to understand the strengths, weaknesses, priorities, constraints, and even the cultures, of partner organisations in order to help identify and manage risks which could arise from different organisations working together.

5.6 Find ways to work collaboratively with stakeholders to erode polarisation, and to utilise their skills and strengths to successfully deliver the programme in a way that takes account of all stakeholder interests.

Internal (programme-wide) Communication

- 6.1 Work at developing open and supportive relationships with all partners so that the approach is appreciated, reciprocated and diffused into all aspects of the programme.
- 6.2 Ensure effective communication across the programme at the right level, but do not overlook the less frequent communication needs that might still exist at other levels.
- 6.3 Consider how to engage with project team members at all levels, to raise awareness of the wider programme, to praise achievements and to improve lateral communications at all levels.
- 6.4 Consider (and take account in the risk management plan) how key messages can best be disseminated more widely within partner organisations.
- 6.5 Develop and maintain links with other policy colleagues who either (a) might be affected by the programme or (b) who might have comparable or relevant experience which can be drawn upon.

External Communication

- 7.1 In developing the critical path take account of the need for partners and stakeholders to communicate with their own audiences with as much certainty and clarity as possible.
- 7.2 (a) Build in communications management as an integral consideration in all aspects of the programme.
- (b) Develop a communications strategy from the outset so that key messages are identified and promoted proactively at the optimum time, so partners present consistent and co-ordinated messages, so that the communication strategy makes the most of partners' relative strengths and is clear about Defra's own role.
- (c) The Communications Strategy (and Risk Management Plan) should also take account of how stakeholders groups are likely to set the pace and influence the media agenda.
- 7.3 Seek opportunities to involve and work constructively with stakeholder organisations in order to disseminate information more widely and in ways which carry credibility amongst stakeholders.
- 7.4 The use of terminology is a powerful communication tool which Defra should help to establish - and get right - early in a programme, to ensure wider acceptance and up-take.
- 7.5 (a) Proactively engage with Press Office from the start and have a nominated press officer sit on relevant project groups.

- (b) Consider the need to have some one working full-time on communications within the programme team from the outset and fully supported by the Press Office, and get senior management buy-in to provision of this resource.
- 7.6
- (a) Allocate sufficient resources to development, improvement and maintenance of the website, consider presentation issues and take all opportunities to publicise its address (e.g. on all newsletter and leaflets).
 - (b) Clarify the roles of Defra and partners in engaging with stakeholders and the public, and ensure that newsletters and other communication mechanisms are integrated, so that they reinforce and promote each other and do not overlap or confuse the audience.
 - (c) Promote the availability of website/newsletter at all opportunities.
 - (d) Save paper and reduce printing/postage costs by sending out newsletter electronically.
- 7.7 Trail future public consultations (e.g. via the website or newsletter), and issue a programme of expected consultations, to help stakeholders consider the issues fully and to respond within deadline.
- 7.8
- (a) Take positive steps, and build in time and resources, to ensure that guidance meets the needs of the target audience. Clarity and accessibility are just as important as legal and technical accuracy.
 - (b) Send guidance to relevant contacts in local authorities as well as to Chief Executives.
- 7.9
- (a) Identify and agree the need for guidance documents at the planning stage.
 - (b) Issue a programme of when guidance notes will be published.
 - (c) Use a consistent style and format for all Defra guidance notes.

Financial and Resource Management

- 8.1
- (a) Seek evidence and previous comparables, or conduct a pilot, to inform programme cost estimates.
 - (b) Realistically assess, and keep under review, the degree of uncertainty and risk which attaches to programme costs estimates.
- 8.2 Ensure programme funding for delivery partners is provided at the optimum time, and agree the scope, timing, delivery method and purpose of the funding, as far as possible, at the start of in the programme.
- 8.3 To maximise take-up and a sense of 'ownership', funding for delivery partners should be delivered in a way which meets their needs, and fits in with their financial planning cycles.

8.4 Consider the likely support required from Legal Division at the outset, based on a realistic assessment of the technical complexity of the issues, and the possibility of different Regulations running in parallel. Also consider and agree at the outset, in what circumstances Defra will provide legal advice to delivery partners.

8.5 The 'human capital' invested in a programme is a valuable resource which can easily be overlooked, and which should be recognised, safe-guarded and developed.

8.6 Work closely with consultants, and develop the relationship, in order to get maximum benefit/goodwill from the consultants. Be clear about consultants remit and status, and build appropriate flexibility into the contract.

8.7 Ensure that Defra and partners' Data Protection Act Statements take full account of how personal information might be used - or shared - during the programme.

Other Issues

9.1 In pursuing our priorities in a focused and proactive way, it is important not to underestimate or ignore more reactive opportunities which can arise to influence partners and stakeholders.

9.2 In drafting regulations consider how they might operate in medium term and future-proof where possible to avoid the need for later amendment.

When establishing novel and innovative structures and advisory arrangements, clearly define their function, ensure arrangements are put in place to monitor performance and respond to teething problems, and be clear about where responsibilities lie.

9.3 (a) Utilise Ministers' status and influence, when necessary, in engaging with partners/stakeholders.

(b) Ensure that programme timetables and management structures are capable of responding rapidly to the needs of new Ministers and senior managers, in order to minimise the impact of changes in senior personnel. Address this in the Risk Management Plan.

Sources

This review was carried out by Defra's Sponsorship, Landscape and Recreation Division.

Input to the review was invited from a wide delivery partners and stakeholders, via letter and the Access Newsletter.

Written comments were received from all the main delivery partners and stakeholder organisations, and meetings were held with selected individuals from within Defra, the Countryside Agency and W S Atkins plc.

The review has also been informed by discussions which have taken place in the Access Management Group, the Access Communications Group and a number of LAF regional events.

Both the Planning Inspectorate and the Countryside Agency have carried out similar reviews of the lessons which they have learnt from their own roles within the programme. Defra has input to those reviews and their findings have been incorporated into this document where they are relevant to Defra.

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