



1 Nov 2012

RISK & THE PRIVATE LANDOWNER

BMC Conference Losehill Hall

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LANDOWNERS POSITION

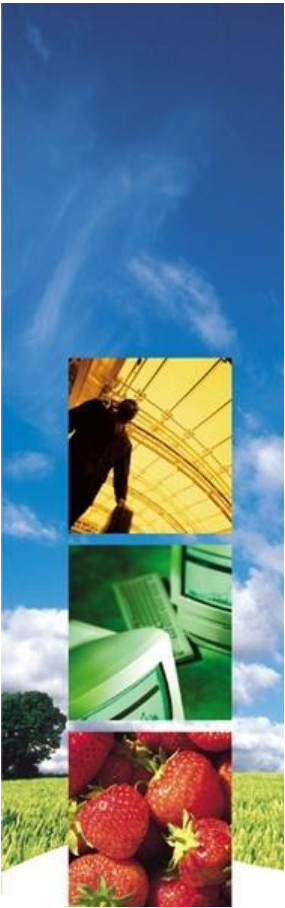
Agriculture and Business

Access

Liability

Future

The Way Forward



Business Impact

Purpose of businesses

- National Parks
- National Trust
- other public organisations
- different private landowners

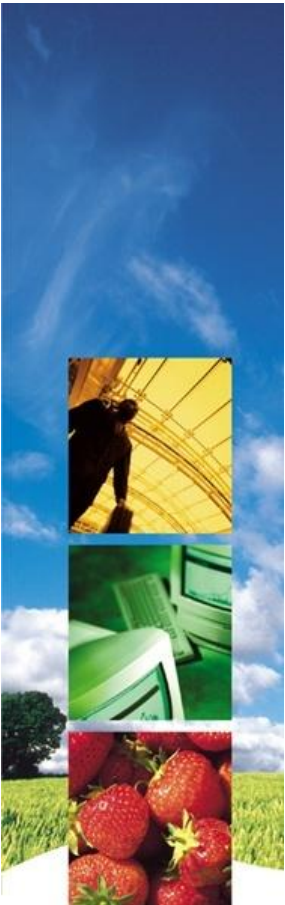
Cropping

Livestock

Chemicals

Wildlife (both sporting & protected)

Impact on other or future businesses



Access

On foot

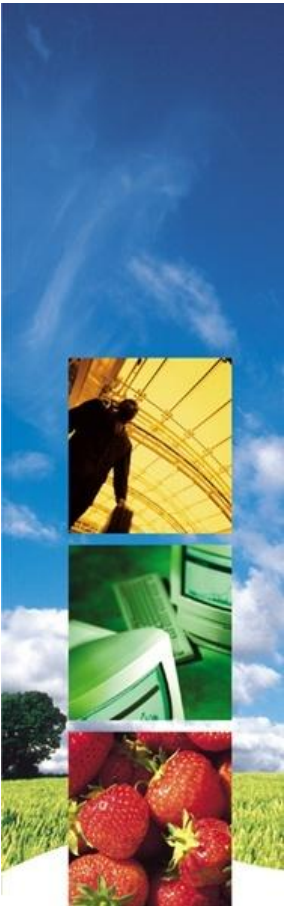
Horses, cycles, vehicles

Once a Highway always a highway

General trespass

Costs

Associated infrastructure



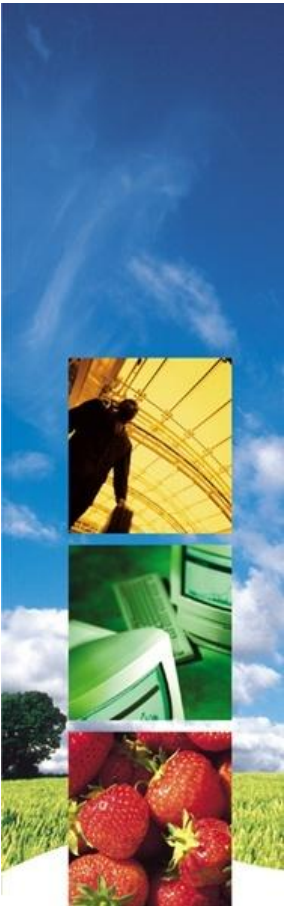
LIABILITY

Duty of Care

Strict Liability

No win no fee – High Court defence

Insurance Issues



OCCUPIERS LIABILITY

Occupiers Liability Act 1957

Invited or permitted visitor “is reasonably safe”

Occupiers Liability Act 1984

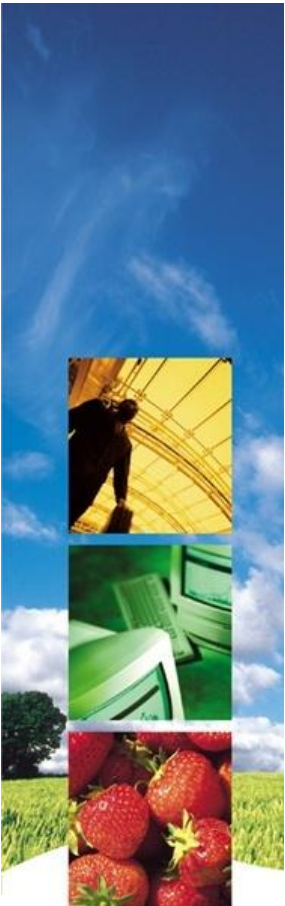
Trespassers and others

CROW Act 2000

s.13 0- natural features of the landscape

Cases

Darby v National Trust (2001),
Wilson and Donaldson (2004)



FUTURE

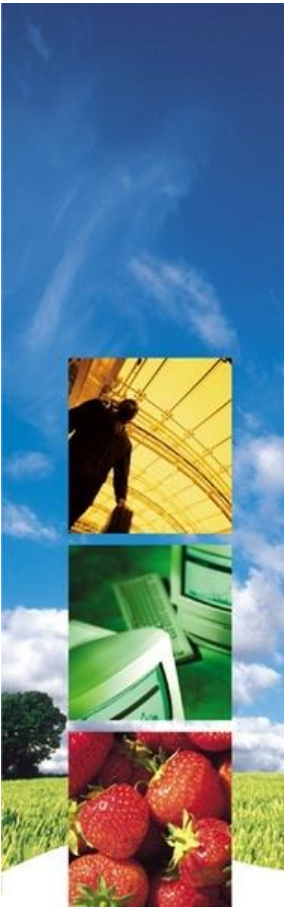
Once a Highway

Existing Access

- Permissive
- PuRoW
- CROW Act
- Coastal

More access demanded

- woodland
- rivers



THE WAY FORWARD

Speak to us?

Speak to Landowners

- cost to business, and of access
- liability
- infrastructure
- policing

expect to have to sign agreement

Time limits – is it helpful to campaign?



CONTACT DETAILS

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