

## ***Brexit and Our Land: Securing the future of Welsh farming***

Response from Ramblers Cymru

### **General Comments**

Ramblers Cymru welcome the Welsh Government's ambition to deliver a new approach to land management in Wales, which protects and enhances access to the outdoors for recreation as a public good.

We believe a strong rights of way network is the backbone of a more open and accessible landscape. Land managers are crucial for ensuring paths are cherished as true community assets which add significant value to people's health and wellbeing, as well as economic benefits from tourism.

Ramblers Cymru are ready to work with land managers and government, through collaboration and partnerships, to connect people to their places and wider landscapes, through paths and open countryside.

### **Public Goods Scheme**

*Q8. We have set out our proposed parameters for the public goods scheme. Are they appropriate? Would you change anything? If so, what?*

We agree with the parameters of the scheme, including the exclusion of food as a public good. In line with the views expressed by Wales Environment Link, and others such as the Wildlife Trusts, we agree that the inclusion of food is not appropriate and is best supported through the Resilience Scheme. The inclusion of food as a public good would not result in the transformational change necessary for the long term sustainability of Wales's environment – it would instead divert the majority of funds available away from the no-market public goods, and result in a 'business and usual' approach to land management. It could lead to food production that is out of kilter with the true needs of the market.

### **Recreation and Heritage**

We strongly support the inclusion of heritage and recreation in the scope of the scheme. Recreation and heritage are interlinked, and maximising their accessibility and quality will

be vital for meeting the ambition to keep people on the land and to secure the future of rural communities.

High quality, well maintained public access to the countryside for recreation, in particular access for walking, brings societal and economic benefits. For example, a study by Ramblers and Macmillan Cancer Support has shown that physical activity increases life expectancy by 3 to 5 years ([De Moor. 2013](#)). Studies have highlighted that contact with nature is closely linked to mental health benefits like the reduction of stress, of anxiety and of symptoms of attention deficit hyperactivity disorder (ADHD) in children. ([UCL Institute of Health Equity & Public Health England. 2014](#))

According to a report by Natural Resources Wales, around 43.447 million walking trips were made to the Welsh coast in 2014. NRW estimated the direct expenditure of adult visitors of these trips at around £547 million and the net expenditure at £401 million (McDonough & Roche. 2016).

We have an existing rights of way network which itself is part of our heritage, a live example of the history and culture of Wales, and one with great unfilled potential. It is a comprehensive network which is well mapped, has evolved over hundreds, in some cases, thousands of years. However, it needs ongoing nurturing - some of the problems on the network are due to under-investment and poor maintenance. This Public goods scheme is an opportunity to ensure rights of way are open, accessible and are cherished as true community assets, linking people to their places and their wider landscape.

The public goods scheme should also guarantee and improve rights of access – both to common land and land defined under the Countryside and Rights of Way Act 2000.

### **Evidence based public goods**

‘Cross compliance’ is a useful tool to support the maintenance and accessibility of the existing rights of way network, and to evidence delivery. However its effectiveness is limited by a number of factors including:

- the very small inspection sample size adopted by the Welsh Government
- the lack of a defined process for communication between the Enforcement officers and highways authorities (as the relevant enforcement bodies)

- the fact that the Enforcement officers won't act on or accept a report about obstructions from a member of the public (including those representing a national organisation)

We believe it would be possible to improve the effectiveness and reduce the costs of monitoring and enforcement of the public goods scheme in the following ways:

- a) Allow the Enforcement Officers to act immediately on information sent to them by highways authorities instead of requiring a second inspection by Government Officers. Local highway officers can provide evidence of a standard required by a court so this should be adequate for the enforcement purposes and deliver a saving for the public purse by cutting administrative costs.
- b) Set up a mechanism whereby members of the public can send in pictures of non-compliance direct to the Enforcement teams using their mobile phones. These pictures would have a geo-location and could therefore identify both non-compliance and its position, helping the Officers go straight to the problem.

### **Additionality**

In relation to the Additionality parameter, we agree that outcomes delivered should be above the level of regulatory compliance.

It has long been a concern to Ramblers Cymru that receipt of the Basic Farm Payment in Wales was not conditional on cross-compliance with rights of way legislation. Unlike in England, this has allowed land managers in breach of their legal duties under the Highways Act 1980 to continue to receive public monies. We do not believe this is acceptable and it must not be allowed to continue.

In 2015 the Ramblers carried out a national survey<sup>1</sup> designed to better understand the state of the path network. A significant proportion (14 per cent) of problems encountered were those for which landowners are responsible. We know however that penalties are rarely applied when landowners do not fulfil their duties relating to public rights of way.

Eligibility for both schemes must be contingent on regulatory compliance and this must include rights of way and open access legislation. Additionality can then come from:

- Creating new, permanent paths or access points to open access land
- Creating the 'missing link' paths to better connect existing networks

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<sup>1</sup> <http://www.ramblers.org.uk/get-involved/pathwatch/the-state-of-our-paths-report.aspx>

- Improving the safety or accessibility of paths, for example field margin paths to avoid unsafe or narrow country roads
- Creating access to farm woodland
- removal of limitation on paths – e.g. replacing stiles with gates or gaps
- Creating loops and links to communities or places of interest, green spaces, transport hubs or ‘promoted’ routes
- Better promotion and engagement with the public to encourage use of their land for recreation
- Include, where appropriate, signage to explain where additional public goods are being secured through public payments, helping improve the public’s understanding of the multiple ways in which the farming community provides benefits to society.

It is important that any outcomes that involve the creation of new woodlands and forests do not have a negative impact on levels of public access. If tree-planting is incentivised on mountain, moor, heath or downland, where people currently have a right of open access under the CRoW Act (2000), the unintended consequences would be a loss of access rights. The Government must provide a commitment that access rights will not be lost as a result of tree planting supported through subsidies of public money. As set out in our 2015 and 2017 responses to Welsh Government consultations on access, we would welcome the inclusion of woodland as open access land under the CRoW Act.

### **Advisory Support for land managers**

The provision of advisory support related to recreational access must include accessing the expertise and knowledge of the local highway authorities who hold extensive information of the condition of the path network, including historic or ongoing path problems. All authorities have Rights of Way Improvement Plans and funding should be made available for the delivery of these plans across Wales, as part of any new approach to land management.

Local authority rights of way officers should be empowered and supported financially within councils to provide on-the-ground training, advice, and where appropriate assistance, to land managers in delivering the improvements required. This may include assistance utilising the many volunteer footpath maintenance teams throughout Wales, often led by Ramblers members.

The Local Access Forums should be strengthened and empowered to provide advice and a strategic overview of the access priorities in their area. It will be important to take a wider view of the local network and an individual land holding’s place in it. This strategic view will

help shape a more coherent network which supports local communities' needs and ambitions.

Third sector bodies, including Ramblers Cymru, can also provide relevant training and advice through our staff and membership across Wales. We also have a role in generating community interest in the path network and can, through local groups, play a part in advising on local priorities and needs for path improvements.

**Q10.** *Are there any other public goods which you think should be supported? If so, why?*

As mentioned under question 8, we would advocate the wider issue of guaranteed public access to open spaces being more clearly defined as within the parameters of this scheme. It is implied, but not explicit in the Heritage and Recreation overview set out under section 6.15 of the consultation

**Q12.** *A collaborative approach to delivering public goods may in some instances provide better value for money than isolated activity. How could the scheme facilitate this approach? How could public and private bodies contribute to such partnerships?*

### **Collaboration and delivering at scale**

As referred to above, collaboration and scale is important in relation to access and paths, as ultimately we need a path network which is usable, logical and attractive. The many missing links or unsatisfactory path alignments is a problem best addressed through collaboration in order to make sure paths join up and take people to places they wish to go. Some of this collaboration can be achieved through Local Access Forums, and through Local authority the local Rights of Way improvement plans.

There must also be collaboration with other areas of policymaking, particularly active travel planning –footpaths, cycleways and bridleways are important local assets, particularly in rural areas, and there potential to further the active travel agenda should not be overlooked.

**Q.15** *Private investment in the purchase of public goods is already happening, but at a relatively small scale. How could the new scheme promote greater involvement from the private sector? What are the barriers to this type of investment?*

If private investment is to be encouraged, we would not want to see the 'commercialisation' of the countryside. For example, commercial support for recreational improvements must not result in the overt 'branding' of signage or path furniture in a way which detracts from the visual attractiveness of Wales's environment, and 'clutters' the environment.

### **Transparency**

One of the failing of the Glastir scheme has been the visibility of information relating to participating farms. It will be crucial under the new Schemes that there is clear, and accessible public information about the land covered by the scheme and the improvements being delivered. Good mapping will be crucial to this, and this must incorporate the inclusion of rights of way and open access land on maps used as part of the application and any public-facing information.

It must also be possible for a member of the public encountering a potential breach of regulatory compliance to be able to report the issues to the appropriate authority for follow up.

### ***Q 20. Do you wish to make any further comments?***

Under chapter 7, 7.1 to 7.2, the regulatory framework is referred to in general terms, with reference to cross compliance. As raised earlier in our response, the absence of cross-compliance has been a weakness of the Welsh implementation of agricultural policy. The lack of enforcement of what little cross-compliance has been applicable under Glastir, is not acceptable going forward.

We support the initiative of the Welsh Government to create a simpler and more coherent set of regulations. In order for this to be all-encompassing, we suggest the government involves a wide range of representative stakeholders including experts in the rights of way and access sector. The National Access Forum, convened by NRW, should be empowered to play a more meaningful role in shaping future regulations, and Ramblers Cymru would use our membership of this body to play our part in this important and strategic discussions.

In order to develop a scheme which is less difficult to comply with and enforce, we suggest the creation of formal processes enabling members of the public to report failure of compliance. Finally, we advise the Welsh Government to consult local experts where necessary to ensure the best possible delivery of the scheme and the successful enforcement of cross-compliance.