

**Ymgyrch Diogelu Cymru Wledig
Campaign for the Protection of Rural Wales**

2nd October 2015

Montgomery and Brecon & Radnor Branches
Campaign for the Protection of Rural Wales

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CPRW Montgomeryshire and Brecon & Radnor Branches

Response to Welsh Government Consultation Document:

IMPROVING OPPORTUNITIES TO ACCESS THE OUTDOORS FOR RESPONSIBLE RECREATION

The Campaign for the Protection of Rural Wales (CPRW) was established in 1928 and is Wales' foremost countryside charity. Through its work as an environmental watchdog it aims to secure the protection and improvement of the rural landscape, environment and the well-being of those living in the rural areas of Wales.

CPRW Montgomeryshire and Brecon & Radnor Branches (Powys Branches which, for convenience, we refer to as "CPRW Powys") support the submission made by CPRW National Office but wish to make an additional response given the very extensive Public Rights of Way network in Powys. This is the most substantial in Wales and indeed the whole of the UK and Europe. Walking, horse riding and cycling (especially on NCN and Sustrans routes) is of particular importance to local people and to the thriving tourism industry sustainably based on our spectacular scenery and opportunities for quiet outdoor activity. Tourism is critically important to our rural economy and to the viability of community infrastructure.

In our following response, we are particularly concerned to ensure that there will be Central Welsh Government and Local Authority commitment to the costs of maintaining a comprehensive Rights of Way Network. This is matter of essential investment in rural infrastructure which contributes to the survival of rural communities, to the education and health of the Welsh nation and to the protection of our environment. It requires financial ring-fencing and dedicated human resources. While we need to seek ways in which these human resources can, and should, be augmented by local community participation, voluntary work is no substitute for a sound base of public spending on dedicated skilled posts and relevant works.

Access to our countryside is a clear case of the familiar scenario where failure to invest leads to long term loss and degradation for which there is no future remedy.

While we agree that there are some good opportunities for increasing public access to new areas of the countryside, we do not think that open access is a generalised solution for Wales. We are convinced that this would be a recipe for neglect and dispute. It would create a lacuna in rights and responsibilities between the public domain and private landowners and would cause both unacceptable risks for biodiversity and justified opposition from Welsh farmers.

We consider that the title of the consultation reflects an urban perspective in which the countryside is a playground for our towns. This is only part of the story. Most of Wales is very rural and appreciation of the countryside and use of Public Rights of Way, is a very important part of everyday life for many Welsh people. The networks of minor rights of way are particularly valued by rural communities.

We welcome development of a Countryside Code of Conduct with clear rights and responsibilities for all parties but do not underestimate the problems of deciding on its content and implementation. We think it is asking the impossible for such a code to resolve the problems created by open access.

Q.1 What are your views on the principles above? If you would suggest changing them, please explain how and why.

Principles 1 and 2: These two principles are fundamental to the whole discussion. CPRW Powys would agree that much can and should be done to encourage engagement with the outdoors and make better use of the outstanding opportunities for outdoor recreation which Wales already offers. We would like to see wide-ranging discussion of how the benefits of access to the countryside can be incorporated into Health and Education initiatives so that we have a healthier and happier population with a better appreciation of our natural and historic environment and the need to protect it for the future.

These are approaches which could be explored or offered enhanced support:

1. Finding ways to engage schoolchildren with outdoor activities, through the school curriculum and/or Welsh Bacalaureate;
2. Encouraging school trips to the Welsh countryside including support for Duke of Edinburgh Awards and similar schemes and field-courses for all ages;
3. Support for schemes such as the Ramblers' 'Let's Walk Cymru';
4. Encouraging health walk schemes by health boards and the medical profession;
5. Providing adapted routes for disabled users;
6. Improved public transport to facilitate access from built up areas to walking destinations (the Cardi Bus, linking destinations along the Ceredigion coast path, is one model which might be employed elsewhere);

Definitive map: The rights of way network in Powys, and indeed throughout the whole of Wales, is second to none and we believe that it is essential that the Welsh Government should use its powers under Section 56 of the Countryside and Rights of Way Act to set a new cut-off for recording rights of way on the definitive map in Wales. We want to see more support for clearing the backlog and a new date set which allows our historic paths to be fully mapped. This is essential to ensure that we are able to hand down this unique asset, our existing network of Public Rights of Way (PRoWs), to the next generation. We would also like to ensure that after the cut-off date there is flexibility and provision for creating new Public Rights of Way to meet needs and circumstances which cannot be foreseen at present.

Principle 4: CPRW Powys strongly agrees with the specification that the PRoW network should be for non-motorised use. With the exception of mobility vehicles, there is no place for motorised vehicles. These already have an extensive highways network maintained from the public purse. It is inappropriate that they should interfere with the interests of walkers, equestrians and cyclists for whom the PRoWs provide safe, unspoilt routes for exercise and enjoyment of the natural environment. The damage to habitats and expense of repairing PRoWs damaged by 4x4s is an unnecessary onus for Local Authorities.

Regarding mobility vehicles, there should be every financial incentive through grant funding to LAs for upgrading some routes for disabled access. This should be proximate to car parking and in locations giving access to particularly scenic views /areas of tranquillity.

Principle 5: The key issue is opening up our unique network of clearly way marked PRowS and keeping these free of obstructions and there should be no distraction from this core purpose. Change in legislation is required to enable DMMOs to be put in place in a timely fashion to safeguard habitual uses and improve connectivity of PRowS in such a way that avoids conflict of interest and potential safety hazards. The development of more circular walks and rides of varying lengths should be facilitated and these should, where possible, be accessible by public transport to increase use and encourage new participants.

Principle 6: The protection of biodiversity and therefore natural habitats (including water habitats) and of cultural heritage is so fundamental to this topic that we are disappointed to see it listed towards the end. There will be conflicts of interest between some outdoor sports and some countryside leisure development and environmental protection. Regard for the natural and cultural environment and the duty of protection and enhancement must be incorporated into policy. In the relevant decision-making processes, the views of non-statutory stakeholder conservation organisations should be taken into account to broaden the assessments provided by statutory organisations such as NRW and CADW and LPAs.

Q.2 Tell us your views on the issues highlighted above, and whether there are other key challenges you believe need to be resolved.

Section 3.

We welcome the recognition that economic prosperity is an important benefit of outdoor recreation. The attraction to visitors of the Rights of Way network makes an immense contribution to the rural economy by creating opportunities for local tourism businesses, farm diversifications, and increased local spending. This has obvious implications for rural employment and maintaining lively rural communities. Maintenance of the Rights of Way network should be regarded as essential infrastructure investment.

Section 4 'Progress'.

The two wholly welsh National Trails and the large welsh portion of Offa's Dyke are of immense value to the PRow network. They are important to the local economy and UK tourists and also to non-UK visitors who state a preference for well-marked routes of a good standard with guide leaflets and accommodation. CPRW Powys would like to see a commitment to maintaining the quality of experience for National Trail users by including a buffering zone from obtrusive development each side of National Trails to preserve their integrity and spectacularly scenic views. We suggest a blanket buffer of perhaps 750m with a sliding incremental scale for larger, more visually obtrusive development.

There is more scope for the creation of circular walks encompassing sections of the Trails and for improving the profile of Promoted Regional Trails in Powys (e.g. Severn Way, Kerry Ridgeway, Epynt Way) and elsewhere.

Section 4 'Challenges':

The document rightly raises problems of connectivity. Many footpaths and bridleways do not link up due to historical gaps in the designated network or unsuitable stretches readily improved by DMMO or designation of an Open Access Area. If legally feasible, procedural change to establish the new route and extinguish the old route in one application would streamline the process and reduce landowner expenditure. Authorities need proper resources for this and local volunteer assistance could be explored for some functions.

The historic nature of many PRowS should be embraced as an attraction in itself rather than made an excuse to render them redundant. Our PRowS are not accidents: they are often the most direct and sensible routes from A to B to C that have been used for centuries, as trade routes, droving roads, Roman roads, and green lanes from rural settlements to the nearest town or linking farms. They will frequently take the path of least resistance, follow contours, redundant railway lines, canals, rivers, boundaries and incorporate significant

monuments in the landscape such as churches. Despite changes in lifestyle, they still have coherence, logic and practical function. ProWs along redundant old sections of early road, superseded by modern motor-roads, are often vital for walkers.

We gratefully acknowledge the additions to the ProWs and open access land however, for countryside stakeholders, these increases are partly counterbalanced by the increasing danger of walking, riding or cycling on country roads without suitable verges or paths. Regular car use could be reduced, and healthy life-styles encouraged, by developing safe routes between facilities and communities.

Q.3 What changes, if any, do you think need to be made to improve and simplify the procedures for recording, creating, diverting or closing public rights of way?

Recording, creating, closing or diverting PRoWs **should** remain with LAs/ NPAs working closely with the Local Access Forum and town and community councils to harness local expertise. Objectives should be identified in consulted, monitored and reviewed ROWIPs which are adequately resourced. Delegation to a National body would be cumbersome, inefficient and insensitive to local concerns. Local Community Councils have do not have sufficient resources, or the necessary expertise, or the ability to consult effectively.

In general, we are opposed by moves to 'prioritise' specific PRoWs. Wales and England have a unique resource which should be protected for future generations in its entirety as on the definitive maps. Poorly used routes could become valuable if opened up, way marked and obstructions removed or diversions in place. Prioritisation on economic grounds is unacceptable policy as lost routes will be gone forever. We recognise there are some sensible exceptions when routes, which are never used because a destination (such as former barn) has gone, might be extinguished.

CPRW Powys would be pleased to see any process which speeds up determination of DMMOs as long as proper safeguards for the public and landowners are preserved. DMMOs are often required to fill in careless historical omissions and to validate long-established practice. They frequently enhance connectivity and establish legal bridleway or footpath rights where access has traditionally been taken for granted. We agree that screening of applications before they progress is sensible and that service on landowners by Local Authorities would overcome the difficulties sometimes faced by applicants in identifying land ownership.

We agree there would be merit in the digitisation of definitive maps and statements (and setting of reasonable deadlines for achievement of this work), and electronic applications for change. Similarly, electronic advertisement of changes, in place of expensive newspaper advertisements, could be a practical cost cutting measure. Advertisements could be uploaded onto a dedicated website for each local authority area, and notifications sent electronically (where possible) to all interested groups and individuals. Streamlining is welcome, however we understand that the problem is primarily one of resources with DMMOs postponed for years to accommodate the flood of diversion procedures.

CPRW Powys is concerned about the common current practice whereby Planning Authorities readily allow compensation for loss of much-valued sections of designated PRoWS to development. Compensation by the Developer can take the form of "permissive routes" whose location is not easily found by would-be users and may be much less convenient or attractive than the original PRoW. It can also take the form of monetary payments to LPAs to augment their countryside services budgets. We would welcome more transparent scrutiny and consultation on these procedures in the public interest.

Q.4 What changes, if any, do you think need to be made to improve and simplify the provisions available to local authorities for making improvements on the ground?

We see little advantage to anyone of holding cycle races on bridleways. Riders and walkers already avoid some routes that are dominated by cyclists and would be further discouraged by races. NRW has invested large sums of money in providing mountain bike trails. These are increasing in Wales and provide an appropriate place for mountain bike and cyclo-cross races. Road cyclists use NCN and Sustrans routes where a high level of resource has, rightly, been committed.

Other vulnerable users of rights of way include the visually or aurally impaired and for the benefit of such users it is essential that some routes remain pedestrian routes only.

Dedicated routes increase the safety and enjoyment of all classes of user. It would be entirely inappropriate for a Welsh Minister to take on decision-making about user-rights which require detailed local knowledge. Decisions as to usage of routes are best made by Local Access Forums who will have the appropriate local knowledge.

Q.5 What non-legislative changes would you like to see in the meantime that you believe would help to improve the rights of way network in Wales and reduce the burden on local authorities?

LAs /NPAs are best placed to be making decisions and developing plans for their areas. These Authorities have a statutory duty to maintain the surface of PRoWs and should retain the lead role and legal responsibility. LAs can only exercise this function effectively with an adequate autonomous resource.

Powys is currently implementing a training scheme for volunteer Team Leaders to head volunteer teams which can undertake general PRoW maintenance under the overall direction of a Staff coordinator. This scheme is in its infancy but could bring savings, local involvement and health benefits. Volunteer schemes could involve younger people and offer training/credits towards Welsh Baccaalaureate. Increased roles for town and community councils are also worth considering although the legal expertise must rest with the major Authority.

Q.6 How should the number, role, membership, and purpose of local access forums be redefined?

Local Access Forums should be valued as central to the process. They provide a resource that understands and can respond to local needs. They should be statutory consultees in preparation of the ROWIP and have a key function in monitoring progress against the Plan

Membership of Local Access Forums is not well-known. We note that members are not chosen as representatives of specific interest groups and therefore questions arise of how members of the public can communicate their views on specific issues and as to how forum work is disseminated beyond the group. Powys is a very large county for a single LAF. Although the remit of LAFs is to advise LPAs about access to the countryside, we are not clear about whether advice on broad principles is acceptable or whether advice is limited to specific examples and also about how topics are selected for discussion. Forum members could work together on such issues as identifying stretches of footpaths that could usefully be designated as bridleways to link networks or where an Open Access designation may be appropriate to provide greater amenity. However, such work would be pointless without a more timely DMMO procedure.

Q.7 How should the rights and responsibilities surrounding dogs in the countryside be harmonised to provide greater certainty over what is acceptable and what is not, in a way that makes communicating messages about responsible dog ownership and handling more straightforward?

We would propose that this issue can be best resolved by taking out the words '*close control*' which could

be open to interpretation and retain '*on a lead*' throughout preventing any doubt of meaning.

Q.8 How could current legislation be changed to make it easier to allow for a wider range of activities on existing and new paths?

The Active Travel Act Wales should be used to increase the number of dedicated cycleways both on and off-road. Off-road tracks, apart from mountain bike routes, have mainly been implemented by Sustrans which has instigated well-surfaced tracks open to walkers and cyclists and, in some cases, horse riders. We welcome the extension of such routes but have argued above that footpaths and bridleways are maintained exclusively for walkers and equestrians for the safety and enjoyment of users.

There is little recognition in the consultation paper of the interests of equestrians. Riders only have access to under 25% of the PRoW network as a whole and the aim should be to increase this by extending and joining up the bridleway network rather than encourage competing interests. The financial contribution of horse-riding is considerable. Powys has a number of equestrian tourism organisations with an international profile, contributing substantially to the local economy, and a very large number of horse owners. The British Horse Society estimate that each owned horse contributes an average of £3.3k (2013 figs) per annum to the local economy. The psychological and health benefits of riding are well known, and it is an activity available to older participants, children and the disabled. The disjointed pattern of equestrian routes could be much improved by providing continuous and well-maintained bridleways. Likewise, it is essential to ensure that new development adjacent to equestrian routes, or opening existing routes to new classes of user, does not render these routes unsafe for riding.

The idea of extending activities allowed on open access land might be advantageous in some cases, although even now the prohibitions (e.g. on riding) are not applied across the board. This has to be approached on a case by case basis in the light of appropriate local knowledge.

Q.9 How could legislation better strike a balance between the various demands of motorised users, landowners and the natural environment?

Powys CPRW maintains that vehicular use of PRoWs should be restricted to farm or maintenance vehicles and mobility vehicles (see response to Q.1).

Q 10 How should the need for new or improved access opportunities be identified, planned or provided?

We fear that the “prioritising” of some Public Rights of Way entails the neglect of others. We accept that no agency can do everything at once, but we do not want to see a situation where parts of the existing Public Rights of Way network lose their status as PRoWs.

The structure of ROWIPs helps hard-pressed LAs to allocate time to consideration of ProWs and Access. It seems that the value of ROWIPs has been established and therefore they should be kept. We support the value of local plans and local consultation and would encourage concise ROWIPs with clear targets, timing and monitoring, perhaps with mid-term review.

Q.11 What are your views on the benefits and challenges of creating a right of responsible recreation to all land in Wales?

Powys CPRW contends that our excellent network of PRoWs makes it unnecessary to have a large scale

increase of open access land. Many walkers (especially visitors) state a preference for well way marked and properly maintained routes. There are instances where access land is useful for designing circular walks and there may be a case for increasing access land in the vicinity of some bridleways to allow more riding freedom. Generally we feel that the emphasis needs to be on making the existing unique PRoW network the best that it can be, giving users confidence and reducing any potential conflict with farmers for whom the land is their livelihood.

Welsh farmers are likely to be concerned about issues of biosecurity, dogs and livestock, damage to crops, open gates, security and rural crime, expense, safety, liability in the event of accidents etc. These are clearly very genuine concerns which must not be underestimated. Overall, land-holding patterns and land-use are more suited to open access in Scotland than Wales. Nevertheless, Scottish landowners do report problems with the open access model. These include conflict with landowner businesses, disturbance of wildlife, dog control and fouling, informal camping coupled with antisocial behaviour, antisocial/criminal behaviour which is made more difficult to address, excessive equestrian use (near stables), disputes over water use (fishing versus boating) and more.

The European and Scottish examples came about because there were no pre-existing extensive PRoW networks. England and Wales already have networks which are a significant draw to tourists. It may be helpful to look at how the French have conscientiously improved their GRs (Grand Randonnées) used, in the main, by walkers and riders with way marking maintained by local volunteers. Some circuits, but only where the track is wide and well surfaced, have been designated for mountain bike use. Many regional Départements have instituted circular walks from villages encompassing GRs and forestry tracks which are clearly mapped and marked and appear to be extremely well used by locals and visitors alike. In Wales, with our enviable stretches of existing PRoWs, there is much greater scope for local development of this model, than for creating vast tracts of open access land.

Q 12 What approach do you advocate to improve opportunities for responsible access for recreation on inland waters?

Responsible recreation on inland waters must respect the natural environment and not cause unreasonable damage to wildlife or habitats. Provision must not interfere unreasonably with rights of landowners and lease-holders to enjoy their property or interfere with existing legitimate activities. Within these limits, we believe that access and recreational activities should be agreed locally between relevant parties to reflect the particular local conditions with special regard to number pressures and the conflict of interests between some pursuits, for instance, canoeing and bird watching. There should be no attempt to impose national regulations on the huge diversity of local situations.

Q 13 What approach do you advocate to improve opportunities for responsible access for recreation on the coast and in the marine environment?

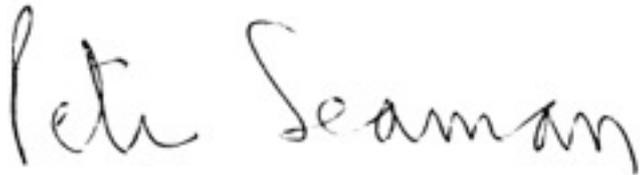
This is not applicable to Powys but preservation of marine habitats deserves full attention.

Q 14 What would be the advantages and disadvantages of a comprehensive statutory code of conduct for outdoor recreation in Wales?

Existing problems in rural Wales, together with the listed problems exacerbated by open-access in Scotland are liable to multiply with increasing use of the countryside. A statutory countryside code would help ensure that responsibility keeps pace with increasing access. It is important that this code is simple to understand, monitor and enforce and that there are both the commitment and resources to deal with breaches and

impose penalties.

There is also a hurdle of cynicism to overcome. The rural public has little faith in the various authorities' ability to control antisocial use of the countryside and a minority of visitors have no sympathy with any restrictions placed on their activities. It requires careful research to determine whether such a code would be a useful addition and how it would fit with existing legislation and enforcement procedures.

A handwritten signature in black ink that reads "Peter Seaman". The script is cursive and fluid, with the first name "Peter" and the last name "Seaman" written in a single line.

Peter Seaman MBE

Chair: Brecon and Radnor Branch of CPRW, on behalf of both the Montgomery and Brecon & Radnor branches of CPRW.