

Response from Ramblers Cymru to the Sustainable farming Scheme

Due to difficulties with formatting, we have reproduced the relevant questions and answers here. We do not wish to offer comment on those questions not included below.

Name	Rebecca Brough	
Are you responding as an individual or as an organisation?	Organisation (Third Sector)	
Are you or your organisation based in Wales?	Yes	
	No, but I or my organisation operates in Wales	X
	No - not based in Wales and does not operate in Wales	
If you are answering as an individual, do you identify as Welsh speaking?	Yes	
	No	
First half of postcode (4 digits)	CF10	

Q1. The Scheme will provide a long-term approach to support for our agricultural sector to respond to evolving challenges and changing needs, contributing to the Sustainable Land Management objectives. In your view, what may strengthen this support?

The Scheme’s long-term results would be strengthened by more awareness of the value and impact of the public goods delivered, and more education to ensure responsibility of all parties are met. In relation to access this should include more consistent and widespread promotion of the ‘leave no trace’ principle, and the Countryside code.

Better education could also be mirrored by more celebration of the benefits of public access and the vital part farmers and landowner have in facilitating this. Keeping their paths open and usable should be a source of pride due to the huge benefits it brings local people, and the visitor economy. Walking tourism brings £2.9 billion annually to the Welsh economy, much of it to rural areas, and the agriculture sector should derive great satisfaction where they are supporting other rural businesses by providing access to excellent quality paths and open spaces.

The scheme should also strengthen the role of local highway authorities as a key stakeholder in shaping how land is used and managed. Under Rights of Way law, highway authorities (usually the local authority) are legally the owners of the surface of the public paths, so they have an intrinsic interest in any activities which affect the use of those paths. Welsh

March 2024

Government officials, advisors and other key partners must pay due regard to the expertise and knowledge of Rights of Way professionals within local authorities when making decisions which affect access.

Q2. There will be Universal requirements in the SFS to have woodland cover at least 10% of suitable land, and to manage a minimum of 10% of your farm for biodiversity.

a) What are your views on these requirements?

b) What support might you need to achieve them?

Ramblers Cymru is supportive of the position taken by our expert partners in Wales Environment Link. However, it is vital that tree planting and any other habitat works are undertaken in a manner which does not adversely impact access rights or make the ongoing maintenance of the path more difficult for highway authorities.

We would welcome the provision of access to new and existing woodlands becoming part of the optional and collaborative layers.

Q.3 Aside from the 10% woodland and habitat requirements, will the Universal Actions:

a) Provide benefit for your farm business?

B) Provide an achievable set of actions paid for through the Universal Baseline Payment?

Ramblers Cymru is supportive of the position taken by our expert partners in Wales Environment Link.

Q4. On-farm data reporting allows the Welsh Government to confirm actions are being undertaken and help you to make decisions about your farm. In your view, is the reporting requirement for the Universal Actions appropriate?

We would expect to see scheme participants acknowledge their rights of way and access land obligations as part of the information registered to receive the baseline payment.

Any mapping submitted as part of entry to the scheme should clearly identify existing rights of way and be drawn from the relevant Highway Authorities Definitive map and its accompanying statement. This should then underpin any actions taken in the delivery of other SLM objectives and help ensure that activities like habitat creation or tree planting are undertaken in a manner which does not adversely impact access rights.

Q8. To ensure continued high standards on our farms, we have outlined a proportionate approach to controls and sanctions, including compliance with additional legislation as a condition of Scheme payment. Do you have any views on this approach?

We fully support the inclusion of Rights of Way and Access legislation in the Scheme rules. We believe this is a unique opportunity to begin the process of reinstating our rights of way network as a treasured community asset, giving access to our unique natural heritage, landscape, and culture for generations to come.

As outlined in our previous submissions, in far too many places, keeping rights of way free from obstructions and deterrents, maintaining stiles gates, and gaps, managing encroaching

vegetation, and repaired damage caused to path surfaces, are long-standing legal obligations on landowners which have often gone unmet, and un-enforced. Tens of thousands of issues are reported to local authorities each year, thousands of miles of paths are unusable and limited resources of local authorities mean years or even decades of delays before access can be reinstated. The inclusion of compliance with Highways legislation in scheme rules is critical in making sure people can access the countryside with ease and confidence.

Under previous comparable schemes, many highway authorities report that cross-compliance acts as a useful incentive for farmers to fulfil their public rights of way duties. This helps significantly in the effectiveness of highway authority enforcement activity and enables authorities to use more of their limited resource to undertake positive and proactive public access work.

Compliance with a regulatory baseline in subsidy schemes 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 (under agri-environment schemes)
- 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 will not 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.

Without a requirement for the upkeep of all access on the land (via scheme rules), there is a risk that payments will be given for optional enhancements, for example to a small stretch of path, while most access on that holding is substandard or inaccessible. This would be against the spirit of the scheme's intention to support public access as a public good. It will be vital for the controls, validation, and on-the-spot checks processes to have accurate and up to date information on public access provision. This will mean referring to the definitive maps showing rights of way, and the CROW access maps. Liaison with local highway authorities

and Natural Resources Wales will be important, as will the inclusion of this access information on any mapping databases.

Finally, we urge Welsh Government to expedite its proposals under the long-running Access Reform programme, including to reducing bureaucracy for highway authorities, and creating an all-Wales definitive map. This map should be a key reference tool for farmers, inspection agencies and the public, in establishing where paths are recorded.

Q.11. Farmers outside the Scheme may wish to access support for actions similar to those offered in the Optional and Collaborative Layers. In your view, should farmers within the Scheme receive priority support to undertake these actions?

On a wider point regarding eligibility, we would reiterate our view, as expressed in the scheme outline consultation, that Collaborative actions should be designed to enable and support third parties, including third sector organisations, to instigate and lead projects which deliver in partnership with others. For example, the improvement and enhancement of public access, by connecting neighbouring communities on routes across land which is under different ownership, could be co-ordinated through a user organisation like Ramblers Cymru. Third sector bodies have a unique place in communities, and a grassroots relationship with local people. This can be harnessed to bring the skills and enthusiasm of local volunteers and residents, in alignment with ambitions for quality access.

For collaborative activities which take place across a number of landholdings, and which may include public, or third sector owned land (such as nature reserves), it will be important that non-scheme farmers and land managers are able to participate and receive the appropriate support. For example, a public access and heritage focused collaborative action could be designed to create a stile free circular walking route through a landscape, opening links to nature or to historical sites. This may only become a coherent proposal if all landowners are able to be supported to play their part, whether or not they have entered the scheme (if indeed they are eligible).

Rather than prioritising purely by Scheme participation criteria, the limited funds available for collaborative activity should be flexible and directed to maximise the benefits gained in terms of public goods.

Q12. What actions and support within the Optional and Collaborative layers do you believe should be prioritised?

Collaborative actions under the Scheme should include support for third parties, including third sector organisations, to instigate and lead projects which deliver in partnership with farmers and others.

Given the poor state of much of our public access infrastructure, we would want to see the improvement and enhancement of public access prioritised. For example, connecting

March 2024

neighbouring communities on routes across land which is under different ownership, could be co-ordinated through a user organisation like Ramblers Cymru. Third sector bodies have a unique place in communities, and a grassroots relationship with local people. This can be harnessed to bring the skills and enthusiasm of local volunteers and residents, in alignment with ambitions for quality access.

Many public access enhancements can be delivered in conjunction with biodiversity and habitat enhancements, and these offer collaborative opportunities across the agriculture, public and third sector. Ramblers Cymru's recent Paths to Wellbeing project is a good example, and we would want to see the Scheme support such initiatives in the future.

The involvement of statutory bodies such as the local authorities and Local Access Forums or advice on the appropriateness of optional access enhancements must underpin decisions made under these layers.

Q15. Economic analysis and modelling will conclude in 2024 and will provide evidence to inform the final decision on Scheme implementation by Welsh Ministers. We would like to know your views on the existing analysis and evidence required.

The scheme would benefit from widening the evidence base to include data from Highway Authorities about unresolved path problems which require action from landowners. Making access compliance part of the scheme rules will bring a new impetus to fixing such problems and should enable a step-change in the quality of local networks. Hopefully, as the backlog reduces it will demonstrate clear public benefit for the Scheme's investment.

Throughout the operation of the Scheme close liaison will be needed with Highway Authority Rights of way teams, who will often be the first port of call for the public when encountering problems with access. They also have a vital role, including through their Local Access Forum, in assessing where access enhancements would be most beneficial to local communities.

To be responsive to any increased demands for input into applications for support under the SFS, Welsh government must ensure appropriate additional resource is available. We urge Welsh government to have appropriate discussions with Highway Authorities, and to consider how to strengthen funding mechanisms to allow the right levels of resource to be committed.

Q16. We would like to know your views on which information and evidence should be used to monitor and evaluate the Scheme.

Surveying of public access across a sample of areas should continue through ERRAMP, but it should be more comprehensive, and be undertaken in line with surveying standards used by Highway Authorities.

March 2024

Highway Authority data on the number of path problems reported, and the number of unresolved problems in their backlog, will be key. This data will help illustrate if scheme rules are having the desired effect by opening the network for public usage.

Q19. Do you have any additional comments on any aspect of the consultation document?

The upholding of the public's right to access paths and open spaces is a shared responsibility. While the bulk of the legal enforcement and maintain duties fall to highways authorities and the public has responsibilities to behave with care and respect, the role of farmers and landowners is undoubtedly fundamental to a successful network of resilient and quality access opportunities.

This Scheme offers a unique and rare chance to reset the relationships between all those with an interest in public access. It can help reduce the pressure on Highway Authorities to enforce breaches of highways legislation; provide support and recognition to farmers for their work in keeping paths usable; and open more reliable and enjoyable opportunities for people to gain the mental and physical health benefits of outdoor recreation. The key to this is to include Highways legislation in the scheme rules, and for the optional and collaborative layers to facilitate and reward positive changes.

In relation to Farming Connect and the CPD Universal Action: At present, Farming connect do not appear to offer courses or wider support to landowners in understanding public access and public rights of way; the societal benefits, and their rights, responsibilities, or liabilities. It is our experience that there are often many misconceptions or misunderstandings of the statutory duties related to public access, and from the poor condition of many of our paths, it is apparent that access responsibilities are too often left unfulfilled.

We hope that the inclusion of access as a public good is prompting a re-think and reinvigoration of how access and its management is promoted to farmers, but at present, we are not aware of such a development. We believe this is a fantastic opportunity to educate and bolster the status of farmers as enablers of a highly valued asset, but we fear it is an opportunity that may be lost if the advice services are not being refocused and reconfigured accordingly. Ramblers Cymru are very willing to be part of providing advice, training, and collaborative opportunities for learning, but we are not yet aware that this is in the Farming Connect plans.

Finally, in considering the responses to the consultation, we urge Welsh Government to remain mindful of the Future Generation's Commissioner view that the Wellbeing of Future Generations Act 'isn't' being implemented at the pace and scale needed.' The changes proposed in this Scheme could be the timely boost public access desperately needs.

For the current and future health and wellbeing of our population, and for the economic wellbeing and prosperity of our tourism and hospitality industries, we must protect, improve, and celebrate Wales rights of way and open access land.

March 2024