

Feedback from group sessions – Wider access and rights of way Conwy, 4th September 2013

Y nodiadau hyn yw testun yr holl sylwadau ac awgrymiadau oddi ar y siartiau fflip a ysgrifennwyd gan gyfranogwyr yn y gweithdy hwn. Maent felly yn cynrychioli barn y cyfranogwyr, ac ni ddylid eu dehongli fel barn Llywodraeth Cymru. Mae pob ymdrech wedi ei wneud i atgynhyrchu'r testun gwreiddiol yn gywir. Lle mae'r ysgrifennu yn annarllenadwy mae yn cael ei nodi gan *****.

These notes are the text of all the observations and suggestions written on the flipcharts by participants at this workshop. They therefore represent the opinions of participants, and should not be interpreted as the view of the Welsh Government. Every effort has been made to reproduce the original text. Where writing is illegible this is indicated by *****.

Table 1

Session 1 - Challenges	<ul style="list-style-type: none"> • “Quiet lanes” have a speed limit of 60mph. • Lack of allotments available to people who want/need them. Current legislation says that more than 6 on waiting list LAs ** should free up land for public. • Lack of connectivity between urban and countryside. • The ROW has a low profile in the local councils, town council, WG etc and are often the first thing to be cut over health, education etc. They don't realise the economic and health impact it has. • Lack of signage. Linked to lack of resources. Users are very important. How do cyclists know they shouldn't be on a path without signage? • People misusing paths not being enforced by police or LAs. • Amount of prow/access legislation, including cost, bureaucracy, time fence, legal. • Resources to administer the complex legislation including monitoring expenses and people. • Legislative WG change:- delivery of that change should be financed by the Legislator. Put your money where your mouth is.
Session 2 – Solutions	<ul style="list-style-type: none"> • Clean sheet, get rid of it all and re-write the legislation taking into account best practice. • Simplified system. Written in plain English/Welsh. • Unambiguous. With public input. Prioritise through consultation (not everyone agrees). • How this impacts on other legislation. • Joined up network. Sustainable surface. • Need to be able to create new bridleways and new paths, but be able to close some paths that go nowhere or do nothing. • MORE MONEY. • Again, simplified system.

	<ul style="list-style-type: none"> • Look at who can object to footpaths, if you haven't got a serious objection and don't live locally and don't have a material interest in it they should not be involved. Serious objections take up too much time. Test for serious objections (all agree). • Any money that arises from this change need to be ring fenced (similar to ROWIP) so changes can be successfully implemented. • Ensuring cross compliance is resourced and enforced. Could AONBs enforce? (all agree). • Bikes using paths not enforced – this is not being enforced. Police don't care/act. NERC act gave traffic legislation powers to the Park but not to impose traffic regulation orders. Didn't make distinction in areas of landscape value. More formal provision for <u>all</u> off-road biking and horse riding (all agree). • Link to WG policy documents on Health, Economy and Education. Drivers get WG to make it a priority from higher up (all agree). • More physical signage. Signage to do a job rather than signage as a burden/to nowhere. • Reduce speed limit to 20 mph (not able to do in Wales). Mirrors. • Allotments for all. Not just urban. Free up brown field land and any suitable unused land. Demand allotments via new developments. • Legislate. Create clear rules for users. Reduced liability. Look at England's coastal access.
Evidence	<ul style="list-style-type: none"> • Single track country lanes with blind bends have become too dangerous for walkers and horse riders/carriage drivers. • Was on waiting list for allotment for 7 years. I was no. 25 when I put my name down. • Continually reduced resources. WG said "Education, Social Services" won't be cut. Message coming from the top. • Public get lost. Bikes on wrong path. Motorised vehicles on bridleways. • Complaints. Motorbikes on paths. Damage. • The fact that the stakeholder group that tried to simplify things took 2 years to go through everything, general agreement in group. • Legal back order for LAs is years. The IPRO survey appears to take years, cuts to ROW budgets. • National Parks Act, CROW Act etc. LAs don't enforce rules because they just don't have the resources to enforce. Impose duties without resources to back up.
Other	<ul style="list-style-type: none"> • Lack of legislation and clarity. • Liability. Reduce duty of care. Similar to CROW Act (but to include man made features). • Conflict/confusion. • Reluctance to provide access to water by landowners/utilities.

Table 2

Session 1 - Challenges	<ul style="list-style-type: none"> • Complexity and cost of existing legislation for land managers, users
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	<p>etc (the whole scheme).</p> <ul style="list-style-type: none"> • Restrictiveness of various legislation – restrictions can be those for nature conservation reasons, ie AONBs, SSSIs, and protect landowners and their rights. • Infringement from landowner side and user side, need to use areas responsibly (litter problems, fires). People don't understand how to use the countryside. Huge amount of management that is needed for the use of land. Acceptance that not everybody does know how to behave in the countryside – anti-social behaviour. • Clwydian Range hills – CROW Act patchy network of CROW access land (ridges, right of way to them?) Continuity. Other areas, ie woods, sand dunes, forests. • Increase (with people that don't participate anyway) participation is the aim – the target audience do not understand how to, OS map, ROW network. Users want a way marked route to follow sometimes. People that are unfamiliar with the area. Don't underestimate lack of knowledge that people have. People do still get lost. Confusion in Wales, LAs and NPAs – no consistency with signposting, way marking routes, miles/kms. Rationalisation needed. OS maps – different legislation in Wales and Scotland – Wales needs it own model. • Gates being left open, protection needs to be put in place for landowners, ie animal wandering on road because someone else has left the gate open, danger. Landowner will blame every walker as a consequence. Obligation on landowner to make it as easy as possible to open/close gates. LAs don't have resources to deal with every problem and maintain each an every path. • Lack of appropriate resources, ie LAs not having the resources to deal with everything. Cost is an issue. • Lack of responsible and appropriate use of the outdoors. • Vegetation/overhanging growth on footpaths – landowner's responsibility to manage this. Should farmers be paid for access through Single Farm Payment? • People have become more multi-activity – whether the codes/legislation supports it or not. We can't control the change that's happening in society. We have a legislative system that doesn't respond to change. Illegal use – lack of legal access for all types of users. Sometimes this isn't relevant. • Coastal access – problem areas on it where path goes inland. Not being able to negotiate a route with the landowner or build a bridge for example. Simplification of legislation needed to enhance/improve network of access provision. • Signage (lack of signage on PROW and elsewhere) – needs consistency. • Shouldn't lose access rights because of dogs. Dogs should be lower down the "tier". Separate users from dogs.
Session 2 – Solutions	<ul style="list-style-type: none"> • 2 international reviews • 1 for access and recreation • 1 for access to water • (reflecting how different countries do things, allowing for activities, subject to the same European International Legislation on

	<p>protection of species.</p> <ul style="list-style-type: none"> • Study “Scottish review of responsible behaviour following review of the Land Reform Act 2006”. • People trespass up there to follow ridges. • **** in England where they tried to sell off the forests. • Reviews done by FCW about consistency of signage. • Visual identity of signage. • Incidents are on the increase (anecdotal). • Reduction of finance, backlog of work and repairs that need to be done. 5% surveys done by LAs. • Anecdotal. • Experience, illegal use is there. • CCW’s own evidence. • Cycleways should always be available to walkers. Lot of overlap between urban and countryside access. LA’s responsibility footpaths and cycle routes managed by different LA departments. Also at Government level. More integration needed. How to sort? (Introduction of 1 Bill across 2 Ministerial Portfolios). Competency needed for WG jurisdiction over ports and harbours. No mention in document about Town & Village Greens and Common Land Act 2006. More registration of village green would be beneficial. Concept of Green Belt and Green hedges should be considered. • One Bill – several tiers under this Bill. • One legislation (won’t fit everything) – not too simple. Needs to be constant, clear. Not be looking at access for all. • Cycleways and pavements should also be considered and mapped. • The way we deal with the ROW (based on historical A → B only) network needs to be changed in line with legislation and cover the <u>whole</u> of Wales. You can increase access land without having blanket access to all land. Riverbank access, where relevant. • Wales access code. Network of interlinking ROW should be available. • De-regulation of ROW status – some regulation needed because of H&S, horse rider – stampede of cattle, code of access could avoid this. Learn from Scotland? Can’t lose the goodwill we have with landowners. • Lack of maintenance – need some regulation on way marking for all ROW (footpath, bridleway etc), cultivating volunteers to be involved in way marking. Volunteers need to be managed. Way marking consistent across Wales. • It’s about managing and controlling access – manage/control/influence/who has responsibility to maintain a network for public to use. • Use model of inland waterways as a model for ROW. Canals & Rivers Trust. • Every new road created should have a public path alongside. • Pedestrian restriction signs should be removed from all roads except motorways. • Should be easier to create new ROW, direct ROW to a more commodious route, should be easier to force landowners to do this
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	<p>at times. LAs could have the power to reduce the cost of footpath diversion if it's in the public interest.</p> <ul style="list-style-type: none"> • Draft Deregulation Bill for England needs to be looked at if WG don't adopt it. • Change in the laws for liability, ie person on horseback ignoring signs "caution stallion in field" it should be their responsibility if something happened, <u>not</u> landowner. • Mechanism in LAs for planning developments to be analysed by PROW department – should happen and LAF – needs to be a duty to consult with those involved with countryside management in that area. • Major infrastructure projects from Westminster should be consulted on! • Scottish model. • Access to river banks needs to be considered and coastal and lake sides and forests – "son" of CROW needed with safeguards.
Evidence	
Other	

Table 3

Session 1 - Challenges	<ul style="list-style-type: none"> • Limited access (carriage drivers) to ROW network except for restricted by-ways. • Disjointed status and anomalous sections of path, also continuous paths with 'gaps' = confusion for users and landowners, resource intensive. • Can't promote activity where there is legal ambiguity. Has direct implication for ability of outdoor recreation to deliver all benefits listed. • Difficult/costly to change/direct/re-classify/extinguish/create PROW for land managers/authorities/committees. • Enforcing something that should be a duty of the land manager to do is a sign of system failure. No cross referencing between agricultural schemes and access responsibilities. • No overall guidance between stature of guidance that goes out for <u>responsible</u> recreation = confusion. • 'Casual' recreation users may be unclear/unaware of rights – their responsibilities. • No clear distinction between responsible and sustainable recreation. 'Sustainable' where recreation affects? 'Responsible' what people do? • Anomalies between CROW Act/rights of way legislation.
Session 2 – Solutions	<ul style="list-style-type: none"> • Disjointed access route provision: <ul style="list-style-type: none"> ○ Disregard historic use criteria. ○ Presumption that all routes are multi-user, then work back to appropriate use (eg footpath for walkers as base). ○ Ability to adapt network and develop priority routes/networks. ○ Consolidate legislation so that rights and responsibilities of access are the same across linear and non-linear routes, eg

	<p>dogs.</p> <ul style="list-style-type: none"> • Cost and time incurred in dealing with orders: <ul style="list-style-type: none"> ○ One option – make all land ‘open access’ (not supported by FUW). ○ Cease all advertising in local press for any requirements to advertise. ○ Copy the DEFRA bill and adapt for Wales if required – de-relegation bill. ○ Simplify process for removing ROW through farm yards and in vicinity of farm buildings. • Distinction between ‘responsible’ and ‘sustainable’: <ul style="list-style-type: none"> ○ Enshrine ‘responsible behaviour’ code into any new legislation – for clarity – ‘democratic mandate’. ○ As a result, easier to link with education and enforcement as a more structured process, eg pathways model of education used in Scandinavian countries. ○ Sustainability – closures for reasons of conservation etc need to be evidence based. ○ Closure of land could be amalgamated as a single process that can adapt depending on the detail required.
Evidence	
Other	

Table 4

Session 1 - Challenges	<ul style="list-style-type: none"> • Not enough £ in the whole administrative system. The amount of £ is directly proportional to ‘problems’. Statute has established defined processes that establish expensive costs that cannot be by-passed to each a successful conclusion. • Fear of litigation by landowners. • Patchy/inconsistent nature of which groups get invested in, eg walkers, horse risers, mountain bikers. • Redundant promoted – rotates/waymarkers – short term funding led. • Historical network is good in places but not everywhere – mistake to scrap everywhere. • Access to coast/forest/river/corals/monuments etc – not always available due to definitions of *****. • Linear access created for one purpose but now needed for another – multi user needed. • 10 years of LAFs – patchy on effectiveness. • NP and LA – patchy on effectiveness. • Temporary fixes – no effective mechanisms if route cropping is washed away. • Need ***** • Canoeists get a raw deal. River access. • Access to inland water is inequitable - out of step with rest of Europe.
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	<ul style="list-style-type: none"> • Gorge walking/other interest. Access, eg fishing, SSSIs. Evolved on sensitive sites. • Interface with landowners and urban neighbours, eg dog messing, children etc. • Density of pressure – urban. How far urban people can access the countryside. • More Balance/Efficiencies with PROW/Access against other priority services, eg Health, Education • Better value for money – within current system or change current system. <ul style="list-style-type: none"> - better training and guidance - better consistent standards/waymarking pool - why do councillors/politicians put a low value on this work? • Mythological v. Real issue <ul style="list-style-type: none"> - expectations of the public – costs more money - farmyard diversions – orders – suits land management needs and users – Government policies, health agenda - Criminal Compensations Act has helped issue – influence policies - Change attitudes - Education of landowners/public - Need for business links with PROW • Network – Good practice – how to achieve and money to put right <ul style="list-style-type: none"> - LAF influence budgets – ROWIPs etc. Regulate delivery of LAs. - Ability to create solutions for local problems/issues. - Need to accept that you can't provide all activities on doorstep.
Session 2 - Solutions	<ul style="list-style-type: none"> • Feedback to BMC and NRW. • Coast – coastal path feeder to run spurs – good first step. • Lakes – presumption to pedestrian access to all lakesides. • Rivers – strong presumption of Riparian Access (Linear). • Forests – NRW – good at accommodating all access (public) activities, eg motorised/rallies. • Private – Land Reform Act – public access to forest (private forest). • Private – landowners under grants – should be obliged to contribute to Rec/Access. • Monuments/Places of resort/interest, eg view point, stone circle – mechanism to appropriate access to sensitive site. • Most of population – what do they want – eg hill walk, isolation, peace & quiet, purpose for walk. • Fast track mechanisms of minimal costs – principle of gating order.
Evidence	<ul style="list-style-type: none"> • Monmouth – Vol. Development Officer manages over 100 volunteers to support network – added value. • Volunteers should not be considered cheap • LA evidence – may not be evidence of need.

	<ul style="list-style-type: none"> • Money once invested, no longer – left in situ. • Network is patchy. • Phase 1 data out of date, historic. • LA experience. • Reports to user groups • Evidence from Sustainable Committee. • More specific information available. • Anecdotal/Experience • <u>Land Reform Act</u> – worked in Scotland – downside – deer fences – not able to control. Core path network has failed dismally. <ul style="list-style-type: none"> - Scottish access with PROW Network maintained. - Bolt on Land Reform Act – access onto definitive map system then have desire routes where people want to go (will organically come out of Act as people will go where they want to be). - Much cheaper than existing CROW access/PROW to implement and much cheaper in absolute/relative terms. • Has to be cured with creation processes for routes. Fit for purpose linear routes. • Urban/countryside – greenways, gradation, orbital routes around urban areas. • Relatively cheap per head of population. • Value for money health-wise. • Land Reform Act – access to non-tidal waters – no issues in Scotland. <ul style="list-style-type: none"> - people share the resource. Management time/location agreements, zoning etc. • Set up River Wise Management to Water at local level. Regulatory/policing mechanism – not an issue in Scotland. • Education/campaign issues – country code, not well known. Need to get messages to everybody. Lack of countryside understanding by urban population. • National curriculum – build in.
Other	

Table 5

Session 1 - Challenges	<ul style="list-style-type: none"> • Need to take into account what’s happening in urban places/spaces when looking at new legislation. Impact on authorities must be able to manage all in appropriate ways, urban may be different to rural- flexibility is key. • Conflict of land use. • Access to beaches • Responsibility for open water abstractions. • Part ownership. • Resource is on private land so no rights, ie inaccessible. • Managing health and safety on land/sites, eg building on access land/conflicting activities (eg on cycling etc). Occupiers’ liability: fear of litigation is used as reason to refuse/decline access.
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	<ul style="list-style-type: none"> • Responsibility for repairs etc to specific parts of sites: financial/resources: highlights in flexibility of system. • Confusion about custom of use against legal provision (actual/legal). • Existing legislation is costly, slow, bureaucratic, archaic, too prescriptive, <u>no</u> flexibility. Evolved rather than being created. • Ties up time and locks up officer and dead-end processes, stalling processes etc. People can exploit legislation to delay actions etc. Financial resource impact. • Juxtaposition of multi-use sites, eg **** walking/MTB **/horse use or canoeing/angling. • Quality of visitor experience. • Existing legislation: either a) tinker with system or b) come up with something new. Assuming b) the most important things for new legislation to address/enable: <ul style="list-style-type: none"> ○ Clarify what “access” means/covers ○ Flexible – treating ROWs as an asset for a LA ○ Liability: reduction of liability to landowners ○ Pay-off (not necessarily financial), if new access granted rationalise existing access rights ○ Restrictions will still be needed both operational (eg exclude dogs etc) and for conservation. • Clarify the Common Law right of navigation v statute – confusion reigns! • Clarifying rights of navigation on inshore seas. To facilitate access and management.
Session 2 – Solutions	<ul style="list-style-type: none"> • Take account of existing commercial operations/businesses/visitor sites etc. • Not accidentally do anything that will be detrimental to the management of existing urban sites/parks. • Dogs: consistent set of rules. • Restrictions/by-laws – discretionary ones of these needed at various local sites. Co-ordinated/controlled (access agreement between landowner and access authority). • Shift consideration away from historical use. • Reduce costs in administration by advertising. • H&S: to make a positive shift in liability towards users and away from landowners. • Responsibility: Codes of conduct that clearly sets out what is expected of the public in the countryside. Consequences of not adhering to codes should be clearly explained. • Access to beaches: need to ID what access public have and what authority is responsible for providing it. • Responsibility of impact of actions on water course: clarification on this, not necessarily responsibility of landowner, as is case at present, eg gold-panning and silt.
Evidence	<ul style="list-style-type: none"> • Info fed back from members (BMC), database (signage etc). • Documented near misses, accidents, claims against organisations. Time taken for H&S work.

	<ul style="list-style-type: none"> • LA/NP/NRW will have records for these. • Anecdotal/copies of correspondence. • Complaints to LAs, NPAs, NRW. • Officer time, correspondence, complaints, modification orders. • Research carried out, surveys, L&F meetings (depends on what is being put forward). • Occupies liability – is this still an issue for landowners and occupiers? May need a Law of Property Act (Wales).
Other	<ul style="list-style-type: none"> • Covered in main theme points.