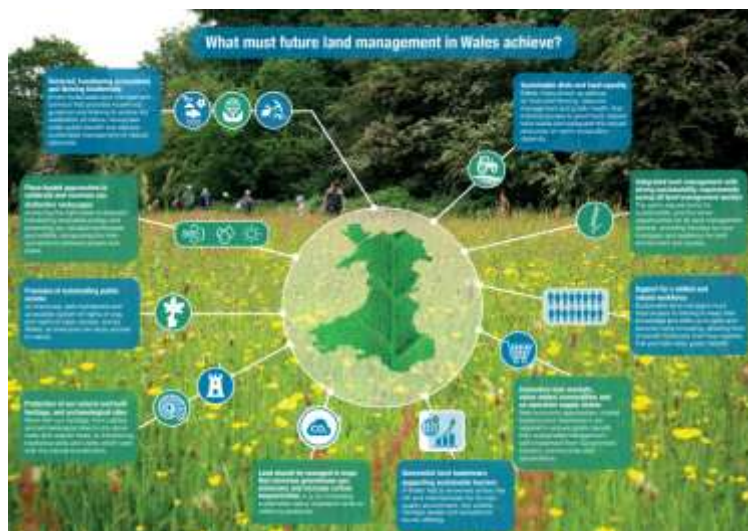




The network for environmental, countryside and heritage NGOs In Wales

## Sustainable Land Management Vision

### Policy Paper: Access in future Public Goods Schemes



A policy stemming from Wales Environment Link's [Sustainable Land Management Vision](#)

### Key Asks

Wales Environment Link members believe the best way to deliver world-leading access in Wales would be to:

- To abide by the basic principle that **access to the countryside should be free to the public.**
- Ensure access is part of the Welsh Government's land management policy, specifically under the **Public Goods Scheme.**
- Through this scheme, **incentivise land managers** to create a fully accessible and well-maintained rights of way system, which includes access to woodland and rivers.
- Ensure that **access maps are improved** and for up-to-date information on rights of way to be publicly and easily available. Technology should be used wherever possible and members of the public should be encouraged, supported and **enabled to record new or existing paths.**
- **Use Area Statements** as a mechanism to help diverse sets of landowners, NGOs and community groups to come together to maintain and enhance access routes.
- Continue encouraging walking and hiking as a **tourism opportunity** in Wales – such as through the Wales Coastal Path – but to do so sustainably by educating the public on protecting nature as they enjoy access to it.
- **Better and more unified signage** to help the public understand rights of way and their responsibilities when undertaking activities in rural areas.

## Introduction

As Wales creates new agri-environment schemes to replace the Common Agricultural Policy, there is an opportunity to provide outstanding public access so everyone can enjoy nature, as easily as possible. WEL wants the rights-of-way system **improved, well-maintained and fully accessible, alongside rights of open access, including to woodland and waterside, across Wales.**

### The case for making access part of new land management policy

WEL members have been working together on how Wales can create a new and sustainable land management policy, based on public money for public goods.



With a strong and effective baseline of minimum requirements for sustainable practices, payments should be given to those who go beyond that regulatory baseline, who deliver ecosystem services and benefits for the whole of Wales. This should include targeted payments for a wide range of outcomes that support the quality of our soil, water, air; revive our dwindling and endangered wildlife; maintain our distinctive landscapes; and create opportunities for tourism, recreation and health. **This paper explores how Wales' new land management policy could include 'providing public access' as one of the public goods that it rewards.**

The public appetite for access to the outdoors is seen through the successes of the All Wales Coastal Path and Wales' National Parks, where promoting opportunities for people's enjoyment is part of their statutory purpose. Resources are sparse and ensuring the promotion and implementation of new access as part of a new public goods system would help an area which is increasingly relying on the third sector and volunteer arrangements to ensure access is maintained.

**Access to the natural environment, including water, is vitally important as a fundamental educational and recreational benefit that improves physical and mental health.** It ensures people can connect with nature, which engenders more responsibility and ownership for protecting the environment.

However, access also comes with a responsibility – on both landowners and land users – not to harm wildlife, livestock, or heritage, nor do anything that might compromise ecosystem resilience (for both terrestrial and marine areas). The Welsh public need to be educated to ensure that, when they're walking across other people's land, they do not have a negative impact on farm activity and do not compromise their own safety. **This requires a mix of education, collaborative access arrangements formed between owners and users, and the maintenance and improvement of our public rights of way.** These need to include the public's right to use open access land, common land and village greens – these are the crucial backbone of access to the countryside, green spaces, blue spaces and nature.

When it comes to implementing good access policy, **education is key**. The reason voluntary access arrangements often work so well is because they are individually planned and appropriately targeted at the relevant groups of people which use that area. Best practice involves all groups that have an interest in the area and all of those groups then have a responsibility to communicate, enact and enforce any voluntary access agreements that they've established.

Those who create totally new or better access opportunities – for example, landowners who pledge to mow headland routes or provide new access across their land and to water – **should be given targeted payments for developing and maintaining access**. Landowners who created new access under previous agri-environment schemes should also be rewarded for fully maintaining these. Whilst the specific nature of public goods payments is still being developed by the Welsh Government, we would anticipate payments and incentives for creating new access routes to be higher than those payments that are provided for those maintaining routes. Public goods payments should also take into account that some routes will be more expensive to maintain than others.

**We should be encouraging all land managers to diversify their rural businesses**. This could include recreational offerings, educational facilities, hospitality and accommodation or rural training courses. Many land managers and farmers already do this to create a more sustainable and resilient income, which is less affected by weather fluctuations and poor harvests.

**It should be a basic principle that access to the countryside in itself, for informal recreational visitors, should be free of charge to the user**. However, WEL recognises that there may need to be charges for unfunded but necessary facilities, such as toilets or car parks. WEL would strongly advocate for collaborative approaches to costs between local authorities, Natural Resources Wales and land owners to ensure that basic facilities like these are as affordable as possible, so as not to create financial barriers to benefitting from the outdoors.

### **Providing access for the wellbeing of Wales' people**

WEL supports the principle of responsible access to the natural environment as an essential right for the general public, given the fundamental physical and mental health benefits, as well as providing people with a connection to nature. Such access fosters a sense of ownership and commitment to environmental protection.

WEL members support the public having as much access as is safe and sustainable, because the more connected people are to the outdoors, the better their wellbeing. Rights of way plans and access statements should be created by landowners and land managers to ensure safe enjoyment of rare habitats, heritage sites, and protected / designated areas. A good example is RSPB's access statement for Lake Vyrnwy<sup>1</sup> near Oswestry, Powys. It details their trails; viewing facilities; public toilets; children's play areas; education opportunities; picnic areas; where dogs are allowed; local transport links and which facilities are available for disabled people. It is important that the access statements, where produced, are made available to the public on as many platforms as possible.

For collaboration and shared learning, those managing National Parks and Areas of Outstanding Natural Beauty (AONBs) are in a good position to draw upon decades of experience. The Welsh Government has

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<sup>1</sup> RSPB Cymru, 2013. [Access Statement for RSPB Lake Vyrnwy](#).

encouraged collaborative approaches in its recently updated policy on AONBs and National Parks<sup>2</sup>, which includes a commitment to create a National Designated Landscapes Partnership which ought to involve all relevant stakeholders and spread their work's impact beyond their borders. Public Health Wales has, in its new guide<sup>3</sup> for Public Service Boards and partners, strongly recommended "*inclusive infrastructure that prioritise walking and cycling*" for promoting people's health, as well as "*accessible and well-maintained green infrastructure, open green spaces and blue spaces*". This is not only beneficial for wildlife and ecosystems, but people's mental wellbeing and physical health.

It's very welcome that Natural Resources Wales (NRW) provides access to all forestry and other land in its ownership. The Woodland Trust provides free permissive public access to over 1,000 woodland areas<sup>4</sup> and is committed to providing more accessible woodland, as well as increasing the number of people with access to a local woodland. At the moment, only 23.6% of people in Wales are within walking distance (500m) of a woodland larger than 2 ha<sup>5</sup>. Support for existing community woodlands and the provision of new community woodlands is important. For privately-owned woodlands, incentives should be used for providing access as a general right (i.e. rights-based access, rather than permissive access which is not shown on Ordnance Survey maps and are not considered permanent).

However, WEL members recognise that different access arrangements – i.e. by right or by permissive access – may be sought according to different areas' individual situations and ownership. For example, land owners sometimes need to close off permissive access areas at certain times of year, such as during sensitive time periods of lambing, harvesting or heather burning. Ecologically sensitive sites, such as those that function as habitats to at-risk and endangered species, may also need to close off permissive access at certain times of year to protect these species. Although it's very helpful for this information, where possible, to be signposted to the general public so they can plan ahead accordingly.

For their publicly-accessible woods, the Woodland Trust favours permissive access as it protects the value of their estate (as required under charity law) and ensures woodland managers have sufficient flexibility and control over site management operations and leisure activities. When public forestry has some of its management responsibility transferred to other organisations, it's important that these kinds of access rights are protected.

Many WEL members, including the British Mountaineering Council, actively support the principle of 'the least restrictive option' and advocate for managing access in a way that is of mutual benefit to recreation and conservation. The freedom to take both risks and responsibility is an integral part of recreation and adventure.

### **Protecting and recording what we have**

The public rights-of-way network in Wales is not fully recorded and this is to the detriment of public awareness and enjoyment.

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<sup>2</sup> Welsh Government, 2018. ['Valued and Resilient: The Welsh Government's Priorities for Areas of Outstanding Natural Beauty and National Parks'](#).

<sup>3</sup> Public Health Wales, 2018. [Creating healthier places and spaces for our present and future generations.](#)

<sup>4</sup> The Woodland Trust, 2014. [Position Statement: Access to Woodland.](#)

<sup>5</sup> Woodland Trust, 2017. Policy Paper: [Space for people: Targeting action for woodland access.](#)

Surveying authorities have a duty to process applications to add or delete routes based on historic and user evidence. In most, if not all, counties, there is a serious backlog of claims waiting to be considered. The Countryside and Rights of Way Act 2000 required that the definitive map of public paths be closed on 1<sup>st</sup> January 2026 for the addition of unrecorded routes which existed before 1949 based on historical evidence.

In Wales, no action has been taken to streamline or accelerate the process of adding paths to the map and we are now less than seven years away from the 2026 cut off.

**We need to know from the Welsh Government whether it will repeal the provision for the 2026 cut off**, or at the very least extend the time available. This should be accompanied by proposals to make it easier for individuals, community groups and other organisations to understand the process and submit applications both for historic routes and routes which are in use.

### **Protection for endangered species and sensitive habitats**

Whilst we would like to promote as much access as possible, access does not need to ‘override’ vital conservation concerns for reviving at-risk species and dwindling habitats; this can be overcome with education, collaboration and the right regulatory measures to ensure local authorities and NRW can prevent damage to our natural resources. Commercial activity should not be confused with informal recreation.

For example, breeding and roosting birds can suffer from disturbance by climbers or walkers with dogs. Vulnerable bat roosts, pollinator habitats and young mammals can all be potentially disturbed by recreational activities, particularly large-scale sporting events. Since many WEL members are land managers, they need to consider for each site the best way to ensure that people can enjoy the site, while also educating them about how to protect the local wildlife.

In creating new access policy, we would suggest that promoting the least-restrictive option should be adopted as best practice, as well as the British Standard for Gaps, Gates & Stiles<sup>6</sup> followed for any structures on public paths. Crossings, such as stiles, which are of historic or cultural value should not be removed, although more suitable structures could be constructed nearby.

However, policy does also need to take into account that some sensitive areas may also need rest periods from human visitors, as certain habitats can degrade rapidly if they become popular tourism spots. The National Trust recently had to try and divert visitors away from Barafundle Beach<sup>7</sup>, because the footpath – with no car access – has become damaged due to over-use and erosion. The Wales Coastal Path has to deal with similar diversion issues caused by erosion over time. Uncontrolled dogs and general disturbance to livestock from recreational activities can also undermine the sustainability of grazing regimes that are required to maintain or restore grassland and heathland priority habitats to favourable condition. These risks must be addressed when designing new access schemes to ensure that access points and routes are appropriately sited and signed. Engagement work to educate new users, especially about the vulnerable species or habitats nearby, is also necessary.

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<sup>6</sup> British Standards Institute, 2018. [BS 5709L: Gaps, gates and stiles – specification.](#)

<sup>7</sup> BBC Wales News, 2018. [Barafundle Bay: Popularity of remote beach leads to erosion fears.](#)



**Area Statements should have a key role in planning this, joining up green corridors and creating new access opportunities.** Local authorities (including Local Access Forums), local businesses, environmental non-governmental organisations (eNGOs) and local citizens have an interest in working together to improve educational facilities, rural tourism and active travel access paths.

### Protection for livestock and farm operations

It's crucial that the public sector and other partners work with landowners to ensure that providing new access doesn't disturb their livestock or cause problems for their businesses. PONT Cymru has vital experience in bringing together the needs of farms, communities and the general public through practical training courses<sup>8</sup>, so would be well-placed to help educate on access options in future land policy. This helps farmers to ensure that their grazing regimes are sustainable and successful.

Many farmers are concerned by dog walkers who do not appreciate the damage their pets can do in disturbing livestock; PONT educates communities about responsible dog management, especially around livestock. A collaborative, educational approach is the best way to teach dog owners about how they can enjoy the countryside but also protect wildlife and livestock. Uncontrolled dogs can disturb wildlife (i.e. nesting and breeding birds); local eutrophication can occur from dog mess and there are potential knock-on effects from dog-borne diseases. However, best practice for dog management is to engage with owners in a welcoming and collaborative way; there are partnerships<sup>9</sup> established that focus on this.

There is a lot to be gained from this positive and enabling approach; **explaining why there needs to be caution is the best way of helping both public and business needs to be fulfilled without negative impacts.** PONT encourages using Countryside calendars to educate the public about the various wildlife and rural business cycles.



Example of a Countryside Calendar from PONT Cymru.

<sup>8</sup> PONT Cymru, 2018. [About Our Training.](#)

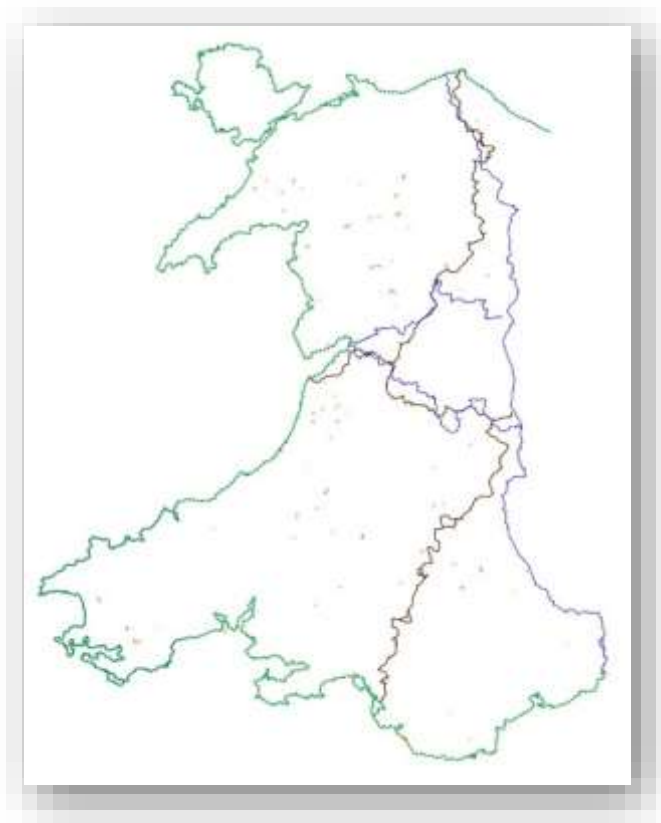
<sup>9</sup> PONT Cymru, 2019. [Managing Dogs in the Countryside.](#)

## Current access arrangements in Wales

### Current policy

The Glastir Permissive Access scheme<sup>10</sup> seeks benefits of: improved health and well-being from people being more active as a result; increased economic benefits through enhancing routes and providing better links to local services; and improved networks that increase or improve people's use and enjoyment of the local area. However, in many places, it lacks effective enforcement. The permissive access map – see right – is also inconsistent and creates confusion for visitors who are unclear on where they can go.

This seems like a **key opportunity for the Welsh Government to use technology to promote walking, hiking and rambling in Wales**, by creating improved and more area-specific maps. The 'Refill' app has worked well in helping walkers to find access to drinking water, but Wales would very much benefit from an app that simply helps to find access to other joined-up paths. This would be a key resource for both tourism operators and holiday-makers and would promote Wales as a key destination for those seeking nature-based adventures.



*Glastir Permissive Access Map. [Online here.](#)*

## Future access arrangements in Wales, under a post-Brexit land management system

### Investment

Access to land and water is one of the 'public goods' that the new land management policy should fund. It would increase investment since land managers would receive payments in return for the creation and maintenance of high-quality routes and open-access areas. Preferably, these should be permanent rather than temporary.

**Payments should be made for the creation of access and paths where none exists now, and in partnership with Local Authorities and their Rights of Way Improvement Plans.** Payments should also be used for the enhancement of existing access and paths beyond the basic legal requirements. **Access to the countryside is truly a public good that may not exist without public sector backing and incentives.** After all, land owners do not personally or financially benefit from access routes on their land, so without some kind of income or incentive from it, it's unlikely that access will be improved in future.

We would stress, however, that maintenance is a key issue; the benefits of access need to be sustained but if this isn't rewarded, paths often become abandoned and overgrown. Landowners need to take care of litter problems, hedge-cutting and re-grading paths when erosion or rivers wash parts of it away. Volunteers can

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<sup>10</sup> Welsh Government, 2018. [Glastir permissive access.](#)

and do help, but it should not be left to volunteers to keep a path open and use-able. Consideration needs to be given as to how we keep access open and continuous; perhaps by targeting towards networks where partnerships already exist and can be supported to provide long-term assurance.

The Welsh Government's forestry estate, managed by NRW, should continue to guarantee and provide high-quality public access as a priority, and require this to continue as a condition of any disposal of, or delegation of, responsibility for land on the public estate. Public access is guaranteed under the objectives of the Woodland Trust and the National Trust and they will continue to make extensive provision for public access.

### **Widening permissive access**

WEL members support the use of incentives and education to bring permissive, if not legal, access to more privately-owned areas. However, as mentioned above, this needs to be supported by education about the responsible use and engagement with the countryside, particularly for dog walkers whose dogs might worry livestock. Any new access created should not pose an additional liability burden on an occupier and ideally should be the same reduced liability owed to visitors of open access land under the Countryside Rights of Way Act.

Natural Resources Wales (NRW) should carry out periodic reviews of land designated for open access including changes to ensure protection where needed, but also to consider extension where farming practices change. NRW is key to maintaining open access and is the main port of call for public education when it comes to access to the countryside in Wales.

### **Communication**

There is a case to be made for better promotion and communication of rights of way and access land. The general public may be aware of some elements of The Countryside Code and its associated codes, but understanding of whether they can cross a certain field, or if cycling is allowed on a particular footpath, is much more mixed.

This could be improved with more unified signage, undertaken as required by law of the highway authorities, alongside way-marking by local authorities, landowners, Natural Resources Wales, or whoever is the appropriate land manager. NRW states that "*permissive paths are not generally shown on Ordnance Survey maps, because they are not permanent*".<sup>11</sup> Whilst Glastir routes are supposed to be signposted by the landowners, certain areas are better maintained than others. Instead, many eNGOs do the job of signposting through their own websites, mapping all land where this is public access, irrespective of ownership.

New websites, apps and online maps of long-distance paths could be valuable resources for tourism bodies (both nationally and internationally). NRW, with responsibility for Area Statements, in collaboration with Visit Wales could take forward projects that promote and collate all of our tourism offer.

A new online map, kept current and regularly updated, should be created which shows all public access land, restrictions and routes in Wales. It should include all categories of public rights of way, open access land, permissive paths, heritage land/paths, Glastir access agreements and National Park access agreements. This should be supported by maps showing details of temporary closures required for nature conservation and

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<sup>11</sup> Natural Resources Wales, 2018. [Managing access: permissive access.](#)



safety purposes. It should also include all accessible woodland; a good example is Woodland Trust's 'Visit Woods' database<sup>12</sup>, containing all publicly accessible woods.

### **Regulation and enforcement**

There are some key policy issues for the Welsh Government in terms of regulation. The Open Spaces Society (OSS) has highlighted<sup>13</sup> the current difficulty of enforcing against law-breaking on land where the owner receives grants, because there is no effective regulatory system. OSS suggests that the responsibility of docking payments when landowners are in breach of legislation should go to the highway / local authorities, as they are more able to regulate this than the Rural Payments Agency, which is supposed to enforce compliance at present. Whilst there are some regulations and codes in existence for commercial activities, these are not well communicated or enforced.

Sporting activities on land and in waters should be subject to a code of conduct – this could be voluntary or statutory depending on the method of implementation. Voluntary agreements between interest groups and conservationists work very well most of the time, however, statutory codes or regulation may be required in some instances, for example to prevent waterborne diseases and parasites being transferred, or damage being inflicted on certain areas.

### **Voluntary Access Agreements**

It should be highlighted that voluntary agreements have worked well to ensure certain user groups adhere to codes of access, which minimise wildlife disturbance and maximise recreation opportunities. For example, the British Mountaineering Council and RSPB have an Agreement Notice for climbers to protect nesting birds on the Holy Island Coast sea cliffs at South Stack on Anglesey. This is physically mounted at the site for the public to see. The British Mountaineering Council also regularly publishes climbing restrictions<sup>14</sup> and good practice guides<sup>15</sup> to protect species and habitats, working with its Access Representatives to keep these up to date locally. Voluntary agreements allowing access by paddle sports enthusiasts to some stretches of river is available through local angling clubs e.g. Welsh Dee Partnership<sup>16</sup> and Pontardawe and Swansea Angling Club<sup>17</sup>. The greatest length of river available for canoeists by voluntary arrangement<sup>18</sup> is on the upper Usk and Wye.

YHA also plays a key role in communication with the public by providing information at its hostels about NRW access land closures to protect the natural environment; it also promotes Countryside Codes issued by NRW.

An approach of user groups working together with land managers, eNGOs and conservationists is recognised as the best way to ensure all interests are considered and protected. NRW should encourage and promote these; every area is different and Area Statements are a vital opportunity to highlight the particularly vulnerable sites or particularly popular areas for recreational use.

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<sup>12</sup> Woodland Trust, 2019. ['Find a wood'](#).

<sup>13</sup> Open Spaces Society, 2016. [Article: Access means access.](#)

<sup>14</sup> British Mountaineering Council, 2018. [Regional Access Database.](#)

<sup>15</sup> British Mountaineering Council, 2017. [BMC Green Guides.](#)

<sup>16</sup> Welsh Dee Partnership, 2018. [River access.](#)

<sup>17</sup> Pontardawe & Swansea Angling Society, 2017. [Byelaws.](#)

<sup>18</sup> The Wye & Usk Foundation, 2019. [Navigation on the Upper Wye and Usk.](#)

**Wales Environment Link (WEL)** is a network of environmental, countryside and heritage Non-Governmental Organisations in Wales, most of whom have an all-Wales remit. WEL is a respected intermediary body connecting the government and the environmental NGO sector in Wales. Our vision is a healthy, sustainably managed environment and countryside with safeguarded heritage in which the people of Wales and future generations can prosper.



This paper represents the consensus view of a group of WEL members working in this specialist area. Members may also produce information individually in order to raise more detailed issues that are important to their particular organisation.

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