



**Cynulliad Cenedlaethol Cymru
Y Pwyllgor Archwilio**

**The National Assembly for Wales
The Audit Committee**

**Dydd Iau, 23 Tachwedd 2006
Thursday, 23 November 2006**

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, an English translation of Welsh speeches is included.

Aelodau o'r Cynulliad yn bresennol: Janet Davies (Cadeirydd), Leighton Andrews, Mick Bates, Alun Cairns, Jocelyn Davies, Mark Isherwood, Irene James, Carl Sargeant, Catherine Thomas.

Swyddogion yn bresennol: Angharad Huws, Cangen Mynediad a Nawdd Cefn Gwlad, Llywodraeth Cynulliad Cymru; Gareth Jones, Cyfarwyddwr yr Adran dros yr Amgylchedd, Cynllunio a Chefn Gwlad, Llywodraeth Cynulliad Cymru; David Powell, Swyddog Cydymffurfiaeth y Cynulliad; Gerry Quarrell, Pennaeth Cangen Mynediad a Nawdd Gefn Gwlad, Llywodraeth Cynulliad Cymru.

Eraill yn bresennol: Jeremy Colman, Archwilydd Cyffredinol Cymru; Paul Dimblebee, Swyddfa Archwilio Cymru; Rob Powell, Rheolwr Prosiect Archwilio Perfformiad, Swyddfa Archwilio Cymru; Roger Thomas, Prif Weithredwr, Cyngor Cefn Gwlad Cymru.

Gwasanaeth Pwyllgor: Kathryn Jenkins, Clerc; Dan Collier, Dirprwy Glerc.

Assembly Members in attendance: Janet Davies (Chair), Leighton Andrews, Mick Bates, Alun Cairns, Jocelyn Davies, Mark Isherwood, Irene James, Carl Sargeant, Catherine Thomas.

Officials in attendance: Angharad Huws, Countryside Access and Sponsorship Branch, Welsh Assembly Government; Gareth Jones, Director of the Department for Environment, Planning and Countryside, Welsh Assembly Government; David Powell, Assembly Compliance Officer; Gerry Quarrell, Head of Countryside Access and Sponsorship Branch, Welsh Assembly Government.

Others in attendance: Jeremy Colman, Auditor General for Wales; Paul Dimblebee, Wales Audit Office; Rob Powell, Performance Audit Project Manager, Wales Audit Office; Roger Thomas, Chief Executive, Countryside Council for Wales.

Committee Service: Kathryn Jenkins, Clerk; Dan Collier, Deputy Clerk.

*Dechreuodd y cyfarfod am 9.32 a.m.
The meeting began at 9.32 a.m.*

Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau Introduction, Apologies, Substitutions and Declarations of Interest

[1] **Janet Davies:** Bore da. Croeso i **Janet Davies:** Good morning. I welcome aelodau'r pwyllgor a'r cyhoedd i'r cyfarfod. committee members and the public to the meeting.

[2] I remind everyone that the committee operates bilingually, and that headsets are available for the translation of Welsh into English, as well as to amplify the sound.

[3] Atgoffaf bawb i ddiffodd eu ffonau symudol, eu *paggers*, neu unrhyw ddyfais electronig arall, gan eu bod yn ymyrryd â'r offer cyfieithu a darlledu. Os bydd rhaid gadael yr ystafell mewn argyfwng, dylech adael drwy'r drws agosaf atoch a dilyn cyfarwyddyd y tywyswyr. I remind everyone to switch off their mobile telephones, their pagers, and any other electronic device, as they interfere with the translation and broadcasting equipment. If we have to leave the room in an emergency, you should leave via the nearest exit and follow the ushers' directions.

[4] Yr wyf wedi derbyn ymddiheuriad I have received an apology from Denise Idris

gan Denise Idris Jones. A oes gan Aelodau Jones. Do Members have any declarations of unrhyw fuddiannau i'w datgan? interest?

[5] **Leighton Andrews:** I declare an interest in relation to item 4 on Merlin. I will be absent for that item because my wife is director of BT Wales.

9.34 a.m.

Mynediad Cyhoeddus i Gefn Gwlad Public Access to the Countryside

[6] **Janet Davies:** Yn awr, trafodwn gasgliadau adroddiad Archwilydd Cyffredinol Cymru ar fynediad cyhoeddus i gefn gwlad. Y mae buddiannau mawr yn dod yn sgil cynyddu mynediad i gefn gwlad, gan gynnwys hwb i economi cefn gwlad a gwella iechyd y cyhoedd. Y mae gweithredu Rhan I Deddf Cefn Gwlad a Hawliau Tramwy 2000 wedi cynyddu nifer y tiroedd yng Nghymru sy'n agored i'r cyhoedd.

Janet Davies: We will now discuss the conclusions of the Auditor General for Wales's report on public access to the countryside. Great benefits come from increasing access to the countryside, including regenerating the rural economy and improving public health. The implementation of Part I of the Countryside and Rights of Way Act 2000 has increased the amount of land in Wales that is accessible to the public.

[7] Yn y sesiwn hon, edrychwn yn fanwl ar sut y gweithredwyd y Ddeddf ac ystyriwn arferion da i hybu mynediad y cyhoedd i gefn gwlad a rhai o'r pethau sy'n parhau i'n rhwystro rhag cynyddu mynediad ymhellach. Dylai'r gwersi a ddysgir o hyn fod yn werthfawr i Lywodraeth y Cynulliad wrth iddi ddechrau'r broses o wella mynediad i'r arfordir.

In this session, we will look in detail at how the Act has been implemented and we will consider best practice to increase the public's access to the countryside and look at some of the barriers that prevent us from further increasing access. The lessons learnt from this should be invaluable to the Assembly Government as it starts the process of improving access to coastal areas.

[8] Croeso i'r tystion. A wnewch chi gyflwyno eich hunain ar gyfer y Cofnod?

I welcome the witnesses. Could you introduce yourselves for the purpose of the Record?

[9] **Mr Jones:** My name is Gareth Jones, and I am the director of the Department for Environment, Planning and Countryside.

[10] **Mr Thomas:** I am Roger Thomas, the chief executive of the Countryside Council for Wales.

[11] **Mr Quarrell:** I am Gerry Quarrell, the head of the Assembly Government's countryside access team.

[12] **Ms Huws:** I am Angharad Huws and I work with Gerry on countryside access.

[13] **Janet Davies:** Dechreuaf gyda'r cwestiwn cyntaf, sydd i Gareth Jones. Beth yw'r prif wersi a ddysgwyd gennych o weithredu Rhan I Deddf Cefn Gwlad a Hawliau Tramwy 2000 y gellid eu defnyddio i wella mynediad y cyhoedd i'r arfordir?

Janet Davies: I will begin with the first question, which is to Gareth Jones. What are the main lessons that you have learned from implementing Part I of the Countryside and Rights of Way Act 2000 that could be used to improve public access to the coast?

[14] **Mr Jones:** First, I very much welcome the publication of this report. It demonstrates that the Government has done a great deal to implement increased access to the countryside as a result of the implementation of the Countryside and Rights of Way Act. Inevitably, in implementing a scheme of this nature, there are always some lessons to be learned. I would categorise the lessons that we have learned from this implementation in four ways. First, the fact that we delivered it within budget and on time has demonstrated that strong, strategic leadership from the Assembly Government, coupled with good-quality, robust project management by the Countryside Council for Wales, has been essential in delivery.

[15] Secondly, the impact and the importance of partnership working has been a key lesson for us in this, both at the strategic level, in terms of engaging stakeholders as early as possible in the implementation of the programme, and at the operational level, between the likes of local access authorities, local access fora and other stakeholders. That has been absolutely key to getting the best possible outcome for the people of Wales.

[16] Thirdly, communications have been terribly important. Let us be frank; at the outset, the implementation of this Act was not universally welcomed, particularly in light of the fact that it was being introduced at about the same time as, or just in the wake of, the foot and mouth disease outbreak, which had decimated the countryside and which led us to a wholesale package of closing up the countryside to the public. So, it was not universally welcomed at the outset, but an enormous amount of communication took place with stakeholders and landowners, crucially, to ensure that the eventual outcome, which, so far, has been a trebling of the available land, in terms of easy access for the public, has been achieved. So, communication has been a key lesson for us.

[17] Finally, the way in which we went about funding local access authorities and calculating allocations—and I think that we went about it in the right way—was simple and unsophisticated, but it led, eventually, to a good outcome, which vindicates our original decision. However, it was a very supply-led approach to the allocation of money, and we have learned from that that, in implementing the coastal programme, which we will be doing, a much more demand-led approach, in terms of looking for people to come to us with their bids and applications for how they will improve rights of way around the coast, is, perhaps, a better way of implementing the coastal programme, and we intend to do that.

[18] **Janet Davies:** Thank you very much. Catherine, you want to pick it up now, do you not?

9.40 a.m.

[19] **Catherine Thomas:** I draw your attention to paragraphs 2.1 and 2.2 that show the increase in the number of people who are visiting the countryside since Part I of the Act came into force. The information in those paragraphs suggests that the increase has been quite small. My first question is for Gareth Jones. What is the Assembly Government doing to encourage more members of the public to make use of the countryside?

[20] **Mr Jones:** There are a number of good examples in the report of how we are attempting to increase the number of people who access the countryside from a general perspective and, in particular, how we are trying to encourage under-represented groups to do so. Much of the individual work will be down to local access authorities, working with their local access fora, having to decide how they wish to press and encourage people from local communities to access the countryside.

[21] The Government's role in this is manifold: first, we are most certainly encouraging local authorities to do more work to get their communities into the countryside; secondly, there are a number of schemes to encourage disabled groups, working with disabled

representatives in our stakeholder groups, and schemes to encourage black and ethnic minority communities into the countryside. The report outlines, for example, the Mentro Allan scheme, which the Minister for Culture, Welsh Language and Sport introduced recently, which is attempting to get people out into the countryside to enjoy physical activity in ways that they have not done in the past. Forestry Commission Wales and the Countryside Council for Wales are also working to try to get people interested in using the countryside more. I do not know whether Roger wants to say anything on that.

[22] **Mr Thomas:** With respect to disadvantaged groups, we have increased our grant aid from just over £300,000 to £600,000 in the current financial year, from 2004-05. We are working with a number of groups on this and one of the key groups is the Black Environment Network. We also have programmes that are associated with improving health, as access to the countryside and improving health are strongly linked. Our research into environmental health has clearly shown that after spending three minutes in green space, we all begin to relax. The more that we can encourage people to enjoy the countryside, the better that it will be. We ran a conference, some two years ago, with the Wales Centre for Health, where we drew upon the experience of Finland. Finland had diverted spend from its equivalent of the national health service into countryside access, monitored the pre and post conditions, and shown that it had a healthier population for a lower cost than the cost of the national health service as a consequence. We brought the Finnish experts over here to Cardiff and we were able to impart that information.

[23] We have a pilot project running in south Wales now that is looking at increasing the number of socially disadvantaged young people who access the countryside. The year before last, we held a council meeting on the Gurnos estate to look at social disadvantage. People there live only 0.5 km from some of the best countryside that you can find in Wales, such as the national nature reserve at Taf Fechan, but they told us that they did not feel as if they had a right to go there and they did not have the right sort of equipment and clothes. The barriers to participation were quite interesting, so we have done work on that. We are working with socially disadvantaged people in south Wales and community workers in particular, so that we can equip those community workers with the tools to encourage people to get out into the countryside. It is really about increasing capacity and enabling others to help to get people into the countryside.

[24] **Mr Jones:** If I could add, Chair, more generally, Visit Wales is doing a lot to encourage people into the countryside. It recently produced its 'Walking in Wales' brochure, which not only encourages people in Wales, but also visitors to Wales, to use the countryside as a tourism opportunity. Because of the importance of trying to encourage young people to consider the countryside as somewhere they should visit, and somewhere where they can gain enjoyment and improve their wellbeing, the Minister for Education, Lifelong Learning and Skills introduced a series of educational packs for schools in Wales in November 2005.

[25] **Catherine Thomas:** May I come back on one point? You have answered a question that I wanted to ask in relation to what you are doing to encourage under-represented groups to use the countryside, and what you had to say about the various barriers to participation was interesting. How will you monitor their participation, because you have acknowledged the problem? You spoke about the health benefits of using the countryside, but how are you going to monitor this? If the situation is the same in five years' time and there has not been much of an increase in their participation, what do you propose to do then?

[26] **Mr Jones:** I will say two things at the outset, Chair, and then I will ask Roger to comment. CCW does an annual survey of visitors to the countryside, so that will give us some benchmarks and monitoring data that will enable us to at least get a feel for whether or not some of these under-represented groups are accessing the countryside. As far as the coastal programme is concerned, we are setting ourselves a target with regard to the percentage of the

network that will be accessible to disabled members of the public. We will monitor progress against that in the context of the applications that come to us for rights of way improvements on coastal areas, and in the context of how those projects are implemented in the future. It is a very difficult area, and, as the report recognises, in talking to some of these under-represented groups, they do not see this as a huge priority for them. It is a very important criterion and priority for the Government to do what it can to ensure that, where people from under-represented groups want to access the countryside, they have the opportunity to do so, and that they are encouraged in the first place not to see the countryside as somewhere, as Roger said earlier, that they do not have a right to be. For example, the countryside should not be seen as the realm of the middle class.

[27] **Mr Thomas:** There are 20 walking-your-way-to-health initiatives in Wales and, through Mentro Allan, they are being mainstreamed into the health agenda. So, medics are prescribing walking as an aid to good health. We monitor all the schemes that we grant-aid in terms of participation, so we will have figures for the uptake when we monitor the effectiveness of our grants in encouraging people.

[28] **Janet Davies:** Three people want to come in on this. Irene is first.

[29] **Irene James:** I do not know whether I should have declared an interest as someone who lives at the bottom of the Forest Drive in Cwmcarn. It is an area that is vastly used, and not only by locals; we see many disabled organisations coming in and many other people walk in the area. People are encouraged to come during the summer months, and just for a short period in the autumn. There is no encouragement for people during the winter months. What is being done to encourage people in for 12 months of the year?

9.50 a.m.

[30] **Mr Jones:** I accept the point and I know that walk well; it is, arguably, just as pleasant to walk it in the winter as it is in the summer.

[31] **Irene James:** Sometimes it is nicer.

[32] **Mr Jones:** And it is quieter. Visit Wales's work, in terms of encouraging people to walk in Wales makes the point that it should be an all-round activity where possible. It is the responsibility of local authorities, local access authorities and the local access fora advising them, to pick up on that point, which was a fair point.

[33] **Jocelyn Davies:** On the point that we should not see the countryside as being just for middle-class people, I attended an event here in Cardiff bay last year where the audience was made up of local people and they pointed out that, in the Welsh Assembly Government's 'Big Country' advertisements, which are very good advertisements, there was not one black face. That was obviously not deliberate but the perception is that you are promoting the countryside to white, middle-class people, because you do not portray other groups in those advertisements. That was noticed and that is the outcome. Do you have a comment on that?

[34] **Mr Jones:** I will not comment on the specifics, because that would not have been the intention of the advertising. We include representatives of Communities First areas, black and minority ethnic communities, and disabled representative groups on local access fora. They were well represented on the stakeholder group that designed all the work leading to the implementation of this programme. A number of announcements were made in Communities First areas, we have encouraged the Brecon Beacons National Park to be involved in the Mosaic programme, which is outlined in this document and has been pretty successful in trying to encourage members of black and minority ethnic groups across England and Wales to visit national parks. We have put money specifically into the national parks to enable them

to do some work on rights of way, which will enable disabled people to have rights of way and, I suppose, tangentially, that has an affect on people such as the elderly and young parents with pushchairs. I accept that there is always more that we could do in this area and I hope that I have made clear today that we are learning lessons from the implementation of Part I of the Countryside and Rights of Way Act 2000 to take us through into the coastal programme. The Wales Audit Office report recognises the good work that we have done so far but also gives us good pointers and good lessons to learn for the future. So, I completely accept your point and we are intent on continuous improvement as we move into the coastal programme work.

[35] **Mr Thomas:** I will add, if I may, that, in a previous job, I was involved in looking at why, across England and Wales, ethnic minorities did not apply to join organisations—that was where we started from. From that work, we learned that it was important to try to access people through the media that they use: their own magazines, journals and so on. That is important for us and we are trying to do that, and the Black Environment Network is helping us to ensure that we are using the right routes to get into these communities. It is no good just thinking of the traditional route; we have to look at where they go to search for information themselves.

[36] **Jocelyn Davies:** To come back on that, it was mentioned earlier that people did not think that they had the right clothes or the right kit; there could be a perception that you need an awful lot of stuff, when you probably do not, depending on the weather and where you go. Perhaps you could take that on board—you do not need to spend an awful lot of money on your gear to be able to go.

[37] **Mr Thomas:** A shining example is the Valleys Kids project in the Rhondda. The kids went on a ‘mission incredible’ bike ride from Holyhead back to the Rhondda Valley. We supported that—in fact, I cycled part of the way with them. Some of the kids were riding bikes that they had fabricated themselves, and they managed the journey through Wales very well.

[38] **Janet Davies:** I think that that is the moment to bring Leighton in.

[39] **Leighton Andrews:** A number of Communities First groups in my constituency have developed packs about walking for health. CwmNi in Treherbert has just produced a booklet about walks in that area. Do you have a breakdown by local authority area of the grant support that you are giving to Communities First groups, either through the support for healthy walking initiatives or other forms, that you could provide?

[40] **Mr Jones:** We could certainly provide that. I do not have the information to hand, but if Mr Andrews would like that information by local authority—

[41] **Leighton Andrews:** And by Communities First groups within local authorities.

[42] **Mr Jones:** Yes, I am sure that we could provide that. I will give you a note on that, Chair.

[43] **Janet Davies:** That would be very helpful. Moving on to the use of advisory groups, Carl is next.

[44] **Carl Sargeant:** Good morning, Mr Jones. I openly welcomed the access to the countryside initiative. I think that my colleague Mick Bates even made mention of it on his website at one stage. [*Laughter.*] What did the Assembly Government gain from the operation of the countryside opportunity steering group? You have mentioned some, but what were the key benefits?

[45] **Mr Jones:** The key benefit of the countryside opportunities steering group was the wide range of involvement that we secured. As you know, this group was established and chaired by the Minister. That gave it the sort of status that encouraged high-level involvement from a number of representative groups. I know that there has been some discussion as to whether a repeat of that group should be implemented for coastal access. We have already established a stakeholder group for that. Again, it involves a wide range of individuals, landowners in particular, and other underrepresented groups that I have mentioned and other stakeholders, such as ramblers and so on. We believe that that will give us the benefits that the countryside opportunities steering group gave us, without unnecessarily duplicating effort.

[46] If I may pre-empt a question that you or others may have, there has been some criticism that we were perhaps a little bit late in the process in introducing the group to steer the way that we implemented the strategy—and the report, fairly in part, points this out. It was a difficult time, and as I said earlier, we were in the period immediately following foot and mouth disease. It was a difficult time for us to engage stakeholders, and landowners in particular, who, for the previous year or so, and certainly during 2001, had been arguing vehemently—perfectly fairly and with some encouragement from the Government at the outset—that the countryside should be closed. So, in reality, implementation of this in the early stages of 2001 was, understandably, not universally welcomed. Therefore, our engagement with stakeholders generally, and with landowners in particular had to wait for some of the dust to settle on that particular crisis.

10.00 a.m.

[47] **Carl Sargeant:** On the coastal access group, is it the countryside group plus additional members, or are there some changes there?

[48] **Mr Jones:** By and large, it is the same group; there was always quite a lot of overlap between the stakeholder group and the countryside opportunities steering group anyway. Some might argue that that led to unnecessary duplication. The stakeholder group, which includes 28 organisations that represent stakeholders for the coastal programme, is a very widely drawn group, and includes, I believe, all the necessary stakeholders.

[49] **Carl Sargeant:** Thank you. Mr Thomas, did the national access forum assist CCW and other relevant bodies to improve access to the countryside? What use in the future, if any, will you make of the national access forum, and how will you do that?

[50] **Mr Thomas:** The national access forum is hugely beneficial and, indeed, the spin-off into local access fora is also hugely beneficial, in allowing us to bring together all the different interests. That has been one of the success stories of the delivery of access in Wales, in getting all the different interests together from the outset, understanding their concerns and dealing with them. That has been a big learning point for us and we certainly want to replicate that sort of approach as we move into coastal access. It seems to me that it is not possible to over-communicate with people.

[51] **Mick Bates:** Moving to on to paragraphs 1.15 and 1.23, we start to look at the collaboration with landowners and between public sector bodies. Those sections examine how the various public sector bodies involved in the implementation of Part I of the Act liaised and worked with farmers and landowners. Roger, to what extent were relationships between the public sector bodies and landowners critical to the successful implementation of Part I of the Act, and why was that particular bit so important?

[52] **Mr Thomas:** It was hugely critical to that success, because there were different beliefs, agendas and concerns. As I said in my last response, bringing those together around a

table allowed us to understand each others' problems, which was crucial. That understanding of why people were concerned often dispelled a lot of those concerns, but also allowed us to change the way in which implementation was occurring, so that we were able to take concerns on board and deal with them effectively. It could not have happened in the way that it has had those people not been brought together—public authorities, landowners and those who have an interest in rambling.

[53] **Mick Bates:** I have two points on that. I must emphasise the point made by Gareth Jones that it was an extremely difficult time, with foot and mouth disease, and the different attitudes towards biosecurity. For the record, could you list the public bodies that you were directly involved with as CCW, and perhaps say a little on the relationship between them, and why it was so critical to ensure that all these bodies were on board? Who were the main players in that?

[54] **Mr Thomas:** There is a long list of players.

[55] **Mick Bates:** I have seen the list, but you say that it was fundamental—

[56] **Mr Thomas:** In terms of public bodies, the local authorities were absolutely fundamental, as were groups such as the Wales Tourist Board, now Visit Wales, and what was the Welsh Development Agency and is now part of the Department for Enterprise, Innovation and Networks. Let me think, which other public bodies were crucial? *[Interruption.]* Yes, National Park Authorities, although I think of them as local access authorities, if I can use that term. Our work with the Countryside Agency in England was also important, because we were able to do things jointly and to share costs for a lot of the programme. The Welsh Assembly Government was also a crucial partner.

[57] **Mick Bates:** Thank you very much for outlining those on the public sector side. What plans do you have to improve relationships with landowners, on the other side of this equation?

[58] **Mr Thomas:** We felt that the relationship that we developed with the landowners—and we talked to a huge number of landowners through the local access fora—was very good in the main. As I said just now, it does not seem possible to over-communicate. We will always want to communicate early, and we have learned that the earlier we communicate the better—you need to get in there at the earliest possible stage, at the inception stage of plans, and take people with you and get them on board. There is ownership then: people feel that they have a part to play, and they can help to drive the agenda and the direction in which we are going. Landowners also know what is going on, so they can impart some good knowledge to you.

[59] **Mick Bates:** We will explore communications later in this meeting. Coming back to the point about ownership, there was a conflict, and I believe there were around 1,200 applications to look at maps. What was the key point in understanding the psychology of the people who own the land, and then telling them that there must be access to their land?

[60] **Mr Thomas:** I suppose that the landowners felt that the land was theirs, and the difficulty was that this, as far as they saw it, was a statutory invasion of their land. A key point was for us to say to them, 'This is where we are, it is the law of the land and we have to do it; if we do it together we can do a better job and there is an opportunity for you in this. We will work with you to make sure that we maximise that opportunity'. We can see that that is coming along now, because we have a good website which tells you what access is open and where the restrictions are in Wales. There are spin-offs that we can develop from that, in terms of linking to Visit Wales, which has links to accommodation and transport. Visiting Wales then becomes very easy for people, and we know that people are already trying to do

this—people are planning visits to Wales from abroad entirely through the web. That is where the potential lies. For landowners, the diversification opportunities there are huge, as you will know.

[61] **Mr Jones:** I will just add, if I may, Chair, that we well understand the attitude of landowners. I should say that, by and large, it is very positive. There is always the carrot approach as well as the regulatory stick approach. We have a number of agri-environment schemes running in Wales, such as Tir Gofal and Tir Cynnal, and we did have Tir Cymen, all of which, in return for allowing permissive access to land, gave farmers the opportunity to access additional grant levels and additional money for things such as rights-of-way furniture. I am also aware that local authorities work closely with landowners to, almost, buy goodwill from them by providing things like stiles and gates to improve rights of way on their land. So, it is not all about the regulatory and statutory requirements of landowners. We have a good record of working with landowners to try to improve rights of way to open up further access, either on a statutory or, sometimes, a permissive basis. By doing so, we are also improving the rights of way and people's ability to access that land.

[62] **Mick Bates:** Thank you for those comments. Managing change is always the difficult bit, and as time goes on it helps a lot.

[63] **Jocelyn Davies:** At the time, I am sure that all Assembly Members were lobbied heavily by landowners with all sorts of predictions about what would happen when all these thousands of people—

[64] **Leighton Andrews:** I was not lobbied.

[65] **Jocelyn Davies:** Perhaps it was before your time here, Leighton, but we were lobbied very heavily. There were all sorts of predictions, especially when the legislation was going through Westminster. I do not think that you were here then, Leighton. Landowners were saying that they would be subject to liability claims if there were accidents, and so on. Have any of those predictions come true? Have the landowners found it to be a real pain?

[66] **Mr Jones:** If I say 'no', you will always find an example of someone who has found it to be inconvenient.

[67] **Jocelyn Davies:** There will obviously be some examples, but what is the situation on the whole?

[68] **Mr Jones:** On the whole, anecdotally, it is true to say that the Minister's postbag is not stacked full of complaints from Assembly Members, constituents or the public about this issue. I have regular meetings with the National Farmers Union, the Farmers Union of Wales and the Country Land and Business Association, and it is not a big issue for them at the moment. So, although I cannot point to any hard evidence that there are not x number of nuisances in Wales in 2006, it does not appear to be the sort of problem that people perceived it would be at the outset.

10.10 a.m.

[69] **Mr Thomas:** We hold similar sorts of regular meetings, and our staff are out and about in the countryside. We have had few problems reported to us. Indeed, the subject has disappeared off the agenda for most of those meetings.

[70] **Janet Davies:** Thank you. I would just like to raise the issue of what we could call another player in this whole scenario: threatened plants, animals and habitats. Have you found that increasing use is causing a problem in this regard? On the other hand, have you had

increased reports from walkers about landowners' threatening habitats?

[71] **Mr Thomas:** That is clearly a question for me. *[Laughter.]* We do not believe that there has been any significant impact upon biodiversity as a consequence of the opening up of access. In fact, we view any connection that we can make between the public and our natural environment as being very positive, because one of our aims, as an organisation, is to get people in Wales to understand how important that the natural environment is to our health, economy, and general wellbeing. Being in contact with it is the way to achieve that, so, in my view, even if there were some slight damage, it would be totally overwhelmed by the fact that we are getting more people out into the countryside. We have not particularly had an increase in reports of any damage to biodiversity from people who are out in the countryside either.

[72] **Mr Jones:** The Government and the Countryside Council for Wales have always promoted responsible access to the countryside. There is no doubt that Roger can talk to you about the countryside code, and, as you know, a lot of work has been done recently on promoting it. I concur with Roger that there is no evidence, as far as I am aware, of damage to the countryside or of loss of biodiversity as a result. Loss of biodiversity happens more as a result of climate change than anything else.

[73] **Leighton Andrews:** My question refers to paragraphs 2.25 to 2.27 regarding relations between local access authorities and local access fora. Mr Jones, there have been some problems with these, so how can you improve the relationships between local access authorities and fora in the future?

[74] **Mr Jones:** This is a key relationship in the operational delivery of this programme. While I would acknowledge that there have probably been some difficulties between local access authorities and local access fora, I think that, in the main, they have worked pretty well. After all, local access fora are appointed by local access authorities, so they have the opportunity to appoint to their number people who they think will make a decent contribution and with whom they can work.

[75] So, the forum is there to influence decision-making within the sponsoring authority; it is not there in any sort of executive role. There is no doubt that local access authorities remind fora of that fact on a pretty regular basis.

[76] What you are talking about, Mr Andrews, are relationships between people in local access authorities and fora. It is down to them, locally, to make sure that they work. I think that there is an issue about disseminating good practice between local access fora. The chairs of these fora meet on a fairly regular basis, and officials from my department have met them on a number of occasions, as has the Minister. So, there is an opportunity for them to spread best practice between themselves, which can include spreading best practice with regard to how to build better relationships with their sponsoring authorities. I would accept that there may have been one or two issues, but I do not perceive that it has been a big problem.

[77] **Leighton Andrews:** I am surprised that you say that because, according to the auditor general's report, there are problems in a third of areas.

'Therefore, in a third of areas we found clear scope to develop a more effective working relationship between the local access forum and local access authority.'

[78] I do not know which third of Wales that is, but if they are some of the larger authorities, we could be talking about a substantial part of the land mass of Wales.

[79] **Mr Jones:** I noted the WAO's findings in this regard. The report does not go into detail about how significant the problems are between local access authorities and local

access fora. However, I would suggest that, even if there have been relationship problems between the two, the eventual outcome that we are achieving has vindicated the organisational arrangements put in place—the proof of the pudding, as it were. Local access authorities have the opportunity to change the membership of their local access fora if they think that they are not working as they wanted them to, as they have a specific term of office, after which they have the opportunity to change membership.

[80] **Leighton Andrews:** So, you do not agree with paragraph 2.27, do you?

[81] **Mr Jones:** I would not say that I do not agree with it, but it does not go into the significance of the problem. Inevitably, in any organisation where you have an executive body and an advisory body, it is rare that one set of relationships will always be working exactly as you would want it to work. Where there have been problems between the two, they have the opportunity to fix that over time, by changing memberships; Even if there are difficulties between the two, I am not convinced that that has had a significant effect on the implementation of this programme.

[82] **Leighton Andrews:** Changing memberships suggests that you just get rid of the troublemakers. Do you?

[83] **Mr Jones:** It is down to local access authorities to decide how they want to be advised within a framework on these issues. I am not suggesting that this is just a means to get rid of troublemakers, but, at the end of the day, it is all about relationships between an executive body and an advisory body.

[84] **Leighton Andrews:** I am not convinced by what you said, I am sorry. Turning to Mr Thomas, what is the role of the countryside council in improving the relationships between the authorities and the fora?

[85] **Mr Thomas:** As I said, we see our role as bringing together all the different parties. I would echo what Gareth has just said; although the audit report says that chairs are reporting poor relationships, that has not been our experience. We believe that, overall, the relationships have been effective. There is always room for improvement, and the audit report is helpful in several areas in taking better practices forward into coastal management. However, where there are problems with relationships, they will simply be about insufficient communication.

[86] **Leighton Andrews:** That all sounds very complacent.

[87] **Mr Thomas:** We have been very active, Mr Andrews, in bringing these points together. There is an awful lot of work behind this implementation of local access. The degree to which people in Wales have been pulled together is extraordinary. If you look across the border, for example—and I do not want to compare too much with England—you will see that open access in Wales has cost us significantly less than it has cost in England. That is because everyone has worked together.

[88] **Mr Jones:** To add to that, there are 29 local access fora and authorities; they have been in place for only three years. With the implementation of the coastal programme, we have an opportunity now to continue and, in some senses, to extend the role that these advisory bodies can have with the relevant local authorities. If we found that they were not adding value, or that the arrangements that we had put in place were not delivering the goods, with regards to the Government's objectives, we would need to look at it again. All that I would say to Mr Andrews is that I do not think that the evidence that that is the case is strong at this juncture.

10.20 a.m.

[89] **Leighton Andrews:** I take it that do you not agree with paragraph 2.27, then.

[90] **Janet Davies:** I was going to take this up. To what extent did you discuss these paragraphs with the Wales Audit Office before the report was published? Did you try to tease out the problems?

[91] **Mr Jones:** Yes, completely. We had an excellent relationship with the Wales Audit Office. I have not said in any way that I disagree with paragraph 2.27. All that I am saying is that I am not convinced that that is a significant issue in terms of the overall delivery of the Government's objectives here. We had a great deal of discussion with the Wales Audit Office. I think that this is an excellent report.

[92] **Jocelyn Davies:** I would like to make the point—[*Inaudible.*] There seems to be consensus that if there is not wonderful communication between advisory and executive bodies, then you change the membership of the advisory bodies. I think that that comment is rather more concerning than how significant you think that that paragraph is.

[93] **Mr Jones:** I do not think that there is any suggestion that there is not good communication between the two; that is not, as far as I can see, what the report says.

[94] **Jocelyn Davies:** Okay, perhaps I should correct myself and say, 'effective working relationship'.

[95] **Mr Jones:** As I have said, Chair, I do not think that I can add anything more, other than to say that relationships between bodies are always a matter of personal relationships. I do not think that this is a significant issue in the context of the delivery of this very successful programme.

[96] **Janet Davies:** Okay, thank you. I think that we had better leave it there and go on with Carl's questions.

[97] **Carl Sargeant:** Gareth, paragraphs 2.28 and 2.29 describe some of the good examples set, some of which you alluded to earlier in your contribution. It is probably fair to say that some of the successes from this document are due to being able to grasp the low-hanging fruit early on. What healthy activity promotion will you actively seek in rigorously promoting this exercise?

[98] **Mr Jones:** Some of this has already been done. Roger has alluded to the fact that local GPs sometimes prescribe walking as a means of dealing with health problems. Health Challenge Wales and the 'Climbing Higher' strategy both highlight the advantages for individuals of accessing and walking in the countryside. The Forestry Commission is doing some good work in the land that it has opened up to individuals in terms of providing calorie counters for people who use its land. It can therefore demonstrate that walking is having an effect on their wellbeing. So, there are many good examples. We have certainly built that concept of using the countryside into a number of our strategies. We have also written into the frameworks that we will encourage people to bid into both the rural development plan and convergence funding programmes to further improve things like rights of way, to provide those opportunities for healthy activity in the countryside. So, I take your point about low-hanging fruit; there are several really good examples where people are using access to the countryside to contribute to better health. We can always do more. I think that the coastal programme gives us that opportunity, particularly as we are talking about a significant length of coastline.

[99] **Mr Thomas:** I would like to add that, as one of the mechanisms for trying to

persuade people to make the most of our countryside, some research was undertaken which follows on from work that was done in the United States, particularly in New York, about green space and access to it. We launched our green-space toolkit back in June.

[100] From the research, we believe that it is possible to establish a green space within 300m of anybody's home in Wales, and the evidence from America is clear that, if you can get people into a local green space, which can be remarkably small, they will then move gradually to the local park. Once you have them going to the local park, they will visit the countryside parks and then go out into the big, wide world, hopefully. That toolkit has been launched, and all local authorities have one. We are currently looking to see whether it is possible to find businesses to sponsor the development of these green spaces on a local basis, because it is good advertising for local businesses anyway. This is for the local authorities to take forward, now—it has been proven to be successful elsewhere, and it is a key means of getting people to visit green spaces.

[101] **Mr Jones:** We have not mentioned the voluntary sector, and perhaps we should, because BTCV, with which I have had several successful meetings recently, is running its green gym project to give people the opportunity to improve their fitness through involvement in conservation activities in the countryside. It has been remarkably successful, where it has been introduced, and I am keen for the trust to extend its availability in Wales, and I had a meeting with the chief executive of BTCV recently.

[102] **Janet Davies:** For the record, that is the British Trust for Conservation Volunteers.

[103] **Carl Sargeant:** I was at an event with Trinity Mirror the other evening at which Walkabout Flintshire won an award for its community inclusion project. That is an example of the work that is going on.

[104] Mr Thomas, you mentioned what they are doing in New York in the USA and Finland. How do you measure the value-for-money aspect of Walking the Way to Health? You have alluded to evidence of good health activities, and I do not doubt that, but what are we getting in terms of value for money?

[105] **Mr Thomas:** It is very difficult to measure the outcomes of Walking the Way to Health, I am afraid, as we do not have the baseline data to do what they did in Finland—they collected information beforehand, which no other country has done. The figures that we are collecting are for the number of participants, and that number is increasing. As Gareth and I said, it is being prescribed by doctors, and my mother became a member of the Pantyffynnon Plodders in Ammanford after a heart attack, and she now goes walking every week. That is funded by Walking the Way to Health. It is difficult to measure, however. If there is one thing that always comes back to haunt us in these big projects, it is the fact that we often do not have the baseline data to show how things were before we embarked on such programmes.

[106] **Mark Isherwood:** I want to pick up on the voluntary sector aspect, because I have done some work with the green gym scheme in north Wales, and there was also a reference to Walkabout Flintshire. These are grant-funded voluntary bodies; they are helped by the council with office space and, as we heard, they have won awards, and they are reaching an ever-increasing number of people in and outside Communities First areas. However, the funding is unsustainable. Funding is used to cover their insurance costs and simply to promote the walks, because the volunteers provide all their time and expertise for free. How are you factoring sustainability into the statutory and voluntary schemes?

[107] **Mr Jones:** The BTCV does talk to me about funding, as you can imagine, as it does with its main sponsor bodies in Whitehall. It does secure Government funding, of course, for the operation of that particular charity. The charity has grown considerably over the last few

years. It now has a full-time office in Wales, with two members of staff, which it did not have until a few years ago. So, we would need just to keep an eye on this—the voluntary sector is not within my portfolio, but I understand the point about the sustainability of this important sort of contributory body, and it is something that my opposite number in the Department for Social Justice and Regeneration and I would need to keep an eye on. If we felt that this or similar bodies, which were making a significant contribution and were, frankly, punching well above their weight in the context of the overall contribution to conservation in Wales, became unsustainable, we would need to address that with Ministers.

10.30 a.m.

[108] **Mark Isherwood:** It initially had three-year start-up funding, but there is nothing after that and it is concerned that it will not be able to fund its insurance after next year, so please bear that in mind. I will now move on to my main questions—

[109] **Jocelyn Davies:** Just on Walking your Way to Health, I know that you mentioned the number of participants. I may not have caught everything that you said at the end because of the noise above us, but to measure the success, you need to know whether someone keeps attending, because if you compare it to gym membership, I know many people, and I could name them, who have joined a gym, have gone twice and then have never gone again. With something like this, you need to know, not only how many people go, but whether people keep going all the time. So, could you provide us with that evidence? It is said that, with walking, people will keep going, but with the gym, they attend twice and then do not go again. In the case of walking, they will form friendships and keep doing it.

[110] **Mr Thomas:** We already have evidence, but I do not have it with me today. However, we collect data and the continued participation of people is important, particularly if this activity has been medically prescribed, because then the physician will obviously want to know that the medication is being taken. So, I will look into that and write to you.

[111] **Jocelyn Davies:** Thank you.

[112] **Mark Isherwood:** Paragraphs 2.32 and 2.33 tell us about joint working between some local access authorities, community councils, the probation service and other agencies in maintaining the access infrastructure, such as gates and footpaths. What is the Assembly Government doing to encourage further development of such joint working between access authorities and community councils?

[113] **Mr Jones:** While I cannot point to anything specific that we are doing, in the context of disseminating good practice, there are some good examples of where this is already happening. We held a conference in 2004 and propose to hold another next year to enable us to try to disseminate some good practice. No doubt we will come on to communication issues and how we might spread best practice a bit better. We are very much in favour of these close working relationships within authority areas. The authorities also meet fairly regularly at county surveyor meetings, where they talk about what works well in their areas. So, it is more about getting individual local access authorities to learn from others, to pick up good practice from others and to try to implement that in their areas. This is one example of where using other resources and other organisations is improving the overall objectives.

[114] **Mark Isherwood:** Related to that, what progress are authorities across Wales achieving on producing definitive access maps? For example, I am aware of areas where signposts have gone up before access is cleared. It is then dangerous for people to follow such signposts. What consideration has been given to the increase in motorised access and how are you managing that?

[115] **Mr Thomas:** On motorised access, the Assembly Government has asked us, in terms of next year's draft budget, to undertake some pilot project work with the Forestry Commission and others to see how we can more effectively manage motorised access because, in fact, linking back to the earlier question, there is one activity that has damaged biodiversity, but not as a consequence of open access, namely the indiscriminate use of motorbikes and four-wheel drive vehicles off-road, which has been increasing. So, we will run a pilot scheme next year to see whether we can develop areas where people who want to undertake this sort of activity can go and do so without causing problems for others.

[116] **Mark Isherwood:** That could also have wider economic benefits for the local communities.

[117] **Mr Thomas:** Yes. There are communities that benefit significantly now from people who undertake illegal activities, but they also come to stay and spend money locally.

[118] **Mr Jones:** I will just add that we are aware that not all maps are exactly bang up to date or, indeed, terribly fulsome. Local authorities have that statutory duty. The production of rights of way improvement plans, which must be completed by next year, gives impetus to this question, because local authorities, in having to produce those plans, must know what the network looks like in the first place, both in terms of its physical appearance on the ground and its state. So, the hope is that local authorities will use this as an opportunity to improve the mapping of networks in their areas. However, I reiterate that this is the responsibility of local access authorities.

[119] **Mark Isherwood:** What is the Assembly Government doing to encourage the four probation services to increase the amount of community service work that is undertaken in countryside access projects?

[120] **Mr Jones:** I am not aware of anything specific that we are doing on the supply side, in terms of encouraging the probation service. There has been much more encouragement to get local access authorities to involve such groups.

[121] **Mark Isherwood:** Will you—*[Inaudible.]*

[122] **Mr Jones:** I will certainly take that away. It could well be part of the way in which we promote further work on this.

[123] **Mark Isherwood:** Jumping to paragraphs 1.25 to 1.33 and Assembly Government funding, how did the Assembly Government arrive at the £2.4 million per annum figure for local authorities to assist with the implementation of the CROW Act? What consideration has been given to looking again at the distribution formula so that it better reflects land areas and lengths of footpaths?

[124] **Mr Jones:** The original figure of £2.4 million was a calculation that was made in the regulatory impact assessment that was prepared for the UK Government on the overall estimated costs of implementing the Countryside and Rights of Way Act. So, it had legitimacy in terms of the amount that we believed that local access authorities would need. The main elements for calculating the formula were originally access authority population and land area. Then, in discussion with the Welsh Local Government Association, we put in another factor, which was whether or not the local access authority included an area of outstanding natural beauty within its boundaries. Those factors were selected at the time—we are talking about 2001, or earlier—because they were factors that we believed were legitimate in terms of calculating the amounts that should be allocated, and we had accurate information on them.

[125] There has been some criticism that perhaps we should have used the length of rights of way within the formula for access authorities. I can understand that criticism, partly—had we had that information, we might have used it as part of the formula, but we did not have up-to-date information on that at the time. One could also argue that the length of rights of way, as an additional criterion, is only of partial use, because it does not tell you what state those rights of way are in at the moment. One could end up funding a local access authority with a great deal of money for a big rights of way network in its area that is already in pretty good shape.

10.40 a.m.

[126] As I said at the outset, it was a pretty simple, unsophisticated formula in terms of calculating allocations, but I think that if one looks at the annexes in terms of what has been spent over the period and, frankly, takes into account the relative sums of money involved, I think that that will vindicate our decision to go for the fairly simple and transparent approach.

[127] **Mark Isherwood:** I hope that you will accept that the anomalies in here are genuine. Can you give us any assurance that you will take action to try to redress those?

[128] **Mr Jones:** In the context of the coastal programme, we are going to go for a completely different way of allocating the money. We have decided to go for a demand-led approach. We want access authorities with coastlines to apply, to make bids to us, with propositions as to how they will improve rights of way along the coast, based on things such as the volume of work required to improve them. It will be a wholly different way of allocating resources.

[129] **Mark Isherwood:** In your extended answer, you answered the next question that I was going to ask. Thank you.

[130] **Janet Davies:** Alun, do you want to come in on this and declare an interest?

[131] **Alun Cairns:** I should declare an interest in this matter, in that land that is under my ownership has a public footpath going through it. I need to put that on the record.

[132] **Jocelyn Davies:** You should lobby Leighton. [*Laughter.*]

[133] **Alun Cairns:** Mr Jones, I am a bit disappointed with your answers to Mr Isherwood, to be frank. You suggested that the figures on use and lengths of footpaths might have anomalies in them because there may well be good access over some of the footpaths and not over others. Does that mean that you are prepared to penalise the access authorities and local authorities that will have done some work in preparation for this? Is that not the case?

[134] **Mr Jones:** No, not at all. I think that the key point that I made—if I did not make it clear, I will do so now—was that the reason that we did not use it was because we did not have accurate information. Without that accurate information on the lengths of rights of way, it would have been impossible to devise an accurate allocation method. I think that the second point that I made was that even if we had had that information, it would have been partial, because we would not have had information on the quality of rights of way.

[135] I am not suggesting that we would penalise access authorities for work that they had done previously to get their rights of way up to snuff. However, the whole objective was to improve the network and open up access land by making sure that rights of way to that access land are accessible to as many people as possible. All I am saying is that many authorities may not have needed to have spend quite so much money as others, if they had already considered access a priority in their area and spent money on it.

[136] **Alun Cairns:** Is the CROW funding ongoing or was it just a one-off?

[137] **Mr Jones:** It is ongoing; it is £2.4 million per year.

[138] **Alun Cairns:** So, in terms of the allocation formula, with the benefit of hindsight and better information, are you going to change it? Are you going to change the way in which you distribute money?

[139] **Mr Jones:** There are no plans to do so. The money is not hypothecated.

[140] **Alun Cairns:** So, on that basis, you are prepared to say, 'We made our judgments on the best information that was available at the time; the information is now available, but we are still carrying on because it is more convenient'.

[141] **Mr Jones:** I would not have put it like that.

[142] **Jocelyn Davies:** I know that you would not have.

[143] **Alun Cairns:** That is what it amounts to, is it not?

[144] **Mr Jones:** No. The formula that we have arrived at was agreed with the Welsh Local Government Association as being a perfectly reasonable formula to allocate money to local authorities. That money is now in the general local authority allocations; it is not hypothecated or separated out in any way. Unless and until the Welsh Local Government Association comes to us and says, 'This is now not the best way of allocating money', I see no reason to look again at the way in which we allocate money, given, as I said earlier, the relatively small sums of money involved here.

[145] **Alun Cairns:** So, in terms of the anomalies in the bullet points in paragraph 1.28—I do not want to read them out but, for example, the first one highlights the very grave difference between Cardiff County Council and Conwy County Borough Council—you are saying, 'It is a bit inconvenient but we will carry on now'.

[146] **Mr Jones:** As I say, we arrived at the allocation in conjunction with the Welsh Local Government Association. There has been no—

[147] **Alun Cairns:** Forgive me for interrupting. I am sure that the WLGA has an enormous range of pressing priorities and, perhaps, because of the relatively small scales, this would not be its first priority when it sits down with the Minister to allocate its funding formula—WLGA officials would not say, 'Let's talk about CROW funding'—but I am surprised that, with the benefit of additional information, hindsight and experience, we are not looking at changing the formula. We now have information, which we did not have then, that would enable us to distribute money fairly. That is all that authorities are asking for: fair distribution. Is that not right?

[148] **Mr Jones:** Local authorities have not pressed me to change the way in which this is allocated. Much of the CROW Act has now been implemented and much of the money will now be used for ongoing maintenance work. As I say, unless and until there is that pressure from local authorities or the WLGA, as far as I know, there are no intentions to change the allocation formula.

[149] **Alun Cairns:** I think that I have made my point. With the benefit of hindsight, what is your best estimate of the cost of implementing the CROW Act overall?

[150] **Mr Jones:** I think that, since 2001, the Government has put in place something like £18 million of funding, which would be money that we have allocated to local authorities and to the Countryside Council for Wales to manage the project, undertake the mapping and so on. We have allocated additional money to the likes of the national parks to do some additional works, in particular, to improve access for the disabled, and money for the Forestry Commission too. So, I would say that it was in excess of £18 million, but that is not to say that that is all the money that has been spent on CROW-type activity. As the report makes very clear, individual authorities are spending more than £2.4 million a year on this type of activity; I think that the report talks about £5 million in one place.

[151] **Alun Cairns:** That is the sort of information that I am looking for. How much they are spending in order to meet their obligations? How much funding is coming from the Welsh Assembly Government, is there a difference and what is the size of the difference?

[152] **Mr Jones:** There is a difference. Even before the CROW Act, local access authorities had a statutory duty to maintain rights of way within their areas, and they were spending money on keeping them up to snuff. The report says—and correct me if I am wrong—that access authorities are spending around £5 million a year on maintaining rights of way in their areas, of which the Government is specifically, although not in any hypothecated way, providing the £2.4 million that I mentioned earlier.

[153] **Alun Cairns:** That is according to an unfair formula, but we have made that point.

10.50 a.m.

[154] **Janet Davies:** I am going to bring Mick and Leighton in but I just want to come in on this funding. The population criterion was not necessarily that out of order, because long lengths of mountain paths take very little maintenance on the whole, whereas if you have rights of way through more populated areas, they are used a great deal more. I am a member of the local community council where I live; I have been for nearly 30 years. We have had huge problems because there are rights of way that are very important to the village. People walk across a field to access the local cemetery, so that right of way obviously requires considerable maintenance. The community council has handed responsibility back to Rhondda Cynon Taf County Borough Council because there was such a small amount of money being made available for maintenance of that type of right of way. Do you think that enough money is being made available for this, given that it is a statutory duty on the unitary authorities to maintain these rights of way? Where I live, very little money is spent on this.

[155] **Mr Jones:** First, let me say that there are record levels of money going into this work, which I believe the report states. However, the report also states—and I have no reason to argue with this—that, in order to get the rights-of-way network up to a good standard and maintain it in a good condition thereafter, it would take an upfront investment of something like £26 million and £8 million a year thereafter. I may not have the figures exactly right. Clearly, at the moment, and according to the report that, again, I have no reason to doubt, local access authorities are not putting that sort of money into their maintenance budgets for rights of way. So, I suppose the conclusion is: no, not enough money is being spent.

[156] **Mick Bates:** Alun has obviously made the point very effectively, but I wish to emphasise the fact that data are now available to ensure that there is a relationship between the amount of open access land and rights of way to make a more proportionate distribution of funding. There have been minor changes to the formula. However, in my authority, Powys, we have 28 per cent of all the open access land, but we receive only 13 per cent of the available funding. As you rightly said, this is a result of the formula. I am surprised that you do not seem to have said that you would or do have a group giving consideration to altering the formula in order to distribute the available funding in a more equal way. Powys is sparsely

populated, so the proportion of funding that is received is very low compared with urban authorities. However, that does not help to improve access, which is the main aim of this programme.

[157] **Mr Jones:** I do not know how many times I should say this, Chair, but there are no plans to revisit the formula. On the point about open access, I am not wholly convinced that the amount of open access land is a legitimate criterion for allocating the formula anyway. Open access land, in general, does not require capital works or large amounts of expenditure to enable people to access it. What require capital works—and I would accept this point—are the rights of way to the open access land. As I have said many times, that, arguably, is a reasonable criterion, but I would argue that the amount of open access land probably is not.

[158] **Leighton Andrews:** I wish to reinforce the point that you made, Chair, about the complexities in more populated areas with regard to the management of rights of way. In Valleys communities, we have a history of having land for which people have not managed to record the ownership in an effective manner, as any solicitor helping you to buy property in the Valleys will tell you. There is a whole series of issues in relation to this, and, for the record, I would not want there to be an assumption on the part of the committee that there is a consensus on Mr Cairns's views on the formula.

[159] **Janet Davies:** I do not think that there is a question there, but Mr Thomas would like to come in on that.

[160] **Mr Thomas:** I just wanted to make a point on the formula, which is the importance of the population as a criterion. Although the legislation was there to introduce open access, the purpose behind the legislation is to get people to use it, which comes back to my point about linking people with their natural environment. Therefore, I think that population is an important factor in determining how we spend the money.

[161] **Mick Bates:** I think that Leighton's point needs to be clarified. I draw your attention to the final sentence in paragraph 1.29:

[162] 'Because accurate figures are now available, both for the distribution of CROW land and rights of way, the Assembly Government will be better placed to distribute future countryside access funding.'

[163] The report makes that quite clear. Therefore, this is part of the process that Alun has brought to attention in this examination.

[164] **Leighton Andrews:** Chair, may I come back on that?

[165] **Janet Davies:** I do not want the committee to start falling out during an evidence session.

[166] **Leighton Andrew:** I am sorry, Chair, but this is important for the record and for the kind of report that we subsequently draw up in terms of recommendations. Simply because the report states that the Assembly Government will be better placed to distribute future countryside access funding does not necessarily mean that it needs to change the formula to do so.

[167] **Janet Davies:** I was going to make the point that our committee report is what comes out of this session, based on the report. That does not mean that we have to accept everything within the report. I think that this is a complex issue and that what we would like to do as a committee is to make the point that there are several factors that go towards deciding the funding base. I hope that we could all agree on that.

[168] **Alun Cairns:** Habit should not be the overriding factor.

[169] **Janet Davies:** Right, having had this slight disagreement, perhaps we could go on to the issue of CROW pilots. I ask Irene James to take up the questions.

[170] **Irene James:** Thank you, Chair. I refer to paragraphs 2.14 to 2.20, on the extent of public consultation about access to and use of the countryside. Gareth, although local access authorities are consulting the public about rights of way improvement plans, there is only limited consultation with the public regarding countryside access. What does the Assembly Government propose to do to promote greater public engagement in improving countryside access?

[171] **Mr Jones:** You are right to say that local authorities should consult locally on their improvement plans. They should also be using the conduit of their local access fora to get views from their local communities as to how they should implement the programme and their new programme of improving rights of way, which should be available by next year. As far as what we are doing directly is concerned, it is more limited than is the case with local authorities, but we promote a lot of work that is going on in terms of countryside access in our monthly magazine to farmers and landowners, *Gwlad*. Therefore, we are trying to keep people up to speed with what is going on in that context.

[172] A number of newsletters have been written by local access authorities, and I mentioned some of the work that Jane Davidson has been doing in producing education packs for primary schools last year. I also mentioned a number of initiatives that are ongoing in trying to engage underrepresented groups in accessing the country more regularly and more easily. Therefore, in a sense, what the Government is doing is at a much more strategic level. Roger may want to say something about the countryside code issues, which are a helpful bit of marketing as well as encouraging responsible use of the countryside. However, the principal work on marketing the countryside is down to local access authorities.

11.00 a.m.

[173] **Mr Thomas:** Awareness of the countryside code is in fact very high. From our surveys, 70 per cent of the population and nearly 80 per cent of regular visitors are well aware of the countryside code, and 30 per cent of people who do not go to the countryside know about the countryside code, so there is that awareness. Promotional work is also going on from my organisation through campaigns such as Natural Buzz and My Favourite Place, whereby we are seeking to get people to identify the places that they think are important. One campaign was about places that were important to them in Wales as a whole, and the other campaign was about places that we all go to when we just want to chill out for a few minutes, which, obviously, are closer to home. We are trying to feed through the message that these places are changing as a consequence of climate change, and this is what it might look like in the future, just to continue to keep people on board about the changes that are happening in the natural environment, and to get them more involved in going out into it.

[174] **Irene James:** Thank you for that response, because I was going to ask you to further develop the points that have come out of paragraph 1.8, which mentions organisations that do not normally use the countryside, but are now starting to use it. I will go back to the point that I made earlier as someone who lives near such an area. We now see many people coming to that area that we did not used to see. We see many black and ethnic people coming there to have barbecues and accessing the countryside. What is going on so far, particularly in my area, is good.

[175] **Mr Thomas:** We have more work to do, particularly with socially disadvantaged

groups. An awful lot of our good countryside is very close to Communities First areas, and we need to target and are targeting those populations.

[176] **Irene James:** In your defence, I see on a daily basis that these people are coming in. More has to be done—more always has to be done—but there has been a start. Sorry, I am probably answering my own question.

[177] **Mr Thomas:** We would encourage that. [*Laughter.*]

[178] **Janet Davies:** I was going to call a break now, unless someone wants to take up the issue that Irene asked about.

[179] **Mick Bates:** To follow on from that, Chair, mention was made of the countryside code, and I would like to follow up that aspect; I think it important to do so. Roger mentioned the countryside code, and I would like to examine some of the issues that surround your research on that in figure 6. You have a target to achieve 80 per cent public awareness by 2008, but you have some way to go, although there is an awareness of the code itself and particular aspects of it. How will you increase awareness, not only to reach your 80 per cent target, but also to ensure awareness of some of the key issues that are contained within the code?

[180] **Mr Thomas:** We have a number of programmes that are promoting access. In that work we are promoting the countryside code and responsible access, because that is key—it is all about responsible access. As I said in the previous answer, we are measuring that and we believe that we have already moved on from the figures that are quoted here, and we can show improvements arising from our campaigns.

[181] **Mick Bates:** Is that towards the 80 per cent awareness of the countryside code?

[182] **Mr Thomas:** Yes, I can definitely say that. I will have to send you a letter to tell you about the various aspects, but I know for sure that we have increased awareness of the code itself. I can drop you a line about the various aspects within the code, because we also question that.

[183] **Mick Bates:** That would be useful in order for us to see the effectiveness of this, because although you pointed out that it is a public awareness of their responsibilities, there is also the issue of respecting the rights of the landowner within this. What particular aspect of respect for landowners' rights are you promoting to achieve some of the targets, such as on the leaving of litter and all the usual things that are the subject of complaints that are received by us about increased access, such as damage to plants, although there only seems to be anecdotal evidence? How are you taking forward that aspect of the countryside code to ensure that the landowners' rights are also respected?

[184] **Mr Thomas:** We do a lot of promotional work on the three key areas—leaving gates open, leaving dogs off leads and litter. Those are the three big issues, and they feature very strongly in our campaigns and our work at shows around Wales during the year—it is included in everything that we do on access, because we are trying to promote responsible access throughout.

[185] **Mick Bates:** That is fine, but there is a comment in the report about the ability of people to employ wardens to ensure that walkers are responsible when they are on land with open access or rights of way. How many wardens have been employed through that right?

[186] **Mr Thomas:** I cannot answer that question. We have not employed any. I do not know whether or not local authorities have. We are trying to promote ownership among

walkers rather than having to have someone to tell them what to do. We think that it is perfectly realisable to get individuals to behave properly.

[187] **Mick Bates:** That is quite a valid point; however, that right does exist. Only last night I was in an area where people were complaining about dog attacks. I think that there may be a need to look at that right to employ wardens in order to ensure that responsible access is the norm. These figures reflect a lack of awareness of some of the issues contained in the countryside code, but do you not feel that it is necessary to employ people to enforce some of this?

[188] **Mr Thomas:** If there are particular hot spots—and I was not aware of that—it may be necessary to have some sort of arrangement. Maybe we can help out there in any case, because I have two seconded police officers in CCW. Their mere presence, when we send them into hot spots, on any issue, usually deflates the issue and it goes away. I would be quite happy to use them and their links through directly to the police wildlife crime officers. If we know where the hot spots are, and those get reported to us, we will certainly do our bit and obviously local authorities will also have a part to play.

[189] **Mr Jones:** I cannot give you figures, but I am aware of local access authorities that have employed wardens.

[190] **Mick Bates:** It would be useful to have the details.

[191] **Mr Jones:** We can certainly provide you with that.

[192] On the point about dogs, we do understand that. This is an issue of responsibility that is outlined in the countryside code, but it is also enshrined in the legislation: dogs have to be kept on a lead at certain times—between 1 March and the end of July—in all circumstances. Additionally, where lambing is taking place, for example, walkers with dogs can be excluded and it is required that dogs are kept on a lead at all times near livestock.

[193] **Janet Davies:** Thank you. We will have a short break now.

*Gohiriwyd y cyfarfod rhwng 11.07 a.m. a 11.25 a.m.
The meeting adjourned between 11.07 a.m. and 11.25 a.m.*

[194] **Janet Davies:** Welcome back. We move to paragraph 2.30 and to case study E. Mr Jones, to what extent is inadequate transport a barrier to improving public access to the countryside? What measures has the Government taken to help to overcome this barrier?

[195] **Mr Jones:** The report refers to CCW's household survey, which cites a lack of public transport and of car parking in some areas as a barrier. I agree that transport provision is an important issue in terms of countryside access. We have seen local access authorities implement some useful local initiatives, some of which are outlined here, but a good example is the Brecon Beacons bus service, sponsored by the national park. The Government has provided sustainable development funding for the service in the Clwydian range, which I am sure some committee members will know about, to bus people from Loggerheads Country Park to other parts of that area of outstanding natural beauty. There is also a good example in Pembrokeshire, which I believe is outlined in the report, of the Greenways service.

[196] So, there are some good examples of where local access authorities are trying to provide transport for people to visit areas, and, in association with that, doing some improvements to car parking in those areas as well. However, I accept that local access authorities should be addressing this area and that they will need to put some money into it; indeed, I would encourage them to do so.

[197] **Janet Davies:** I notice that these examples are either in the national parks, or—as with the Clwydian range, I believe—in areas of outstanding natural beauty. It seems important to spread this and to persuade Valleys authorities, for example, to develop such transport.

[198] **Mr Jones:** I would agree. As far as the coastal programme is concerned, as part of the bids that come in, we will encourage people to address this issue as well. On the Valleys and other areas of Wales, I mentioned earlier that I hoped that some bids would come to us as part of either the rural development plan for Wales from 2007-13 or the convergence programme, which addressed some of these issues. I would be excited to see bids coming in to us for projects that integrated not just improvements to rights of way, leading to better access to open and other countryside, but that also addressed some of these connected issues, such as an integrated transport system, to link into those opportunities.

[199] **Janet Davies:** Alun, you are going to take on the section from paragraph 2.34 onwards, are you not?

[200] **Alun Cairns:** Yes. Mr Jones, I want to talk about disabled access. What is the Assembly Government doing to help to make the countryside more accessible for the disabled? The report highlights some good practices, as well as some not so good practices. Could you give an assessment of the state, please?

[201] **Mr Jones:** We can always do better. We are working closely with Disability Wales, which is a member of the stakeholder group, and has been involved from the outset in providing advice to us. I know that, in many instances, it also provides advice to local access authorities on how disabled members of the public can be encouraged to use rights of way and open-access land, and how to make it easier for them to do so. You are right to say that there are some good initiatives around, many of which are outlined in the report. However, there are simply not enough of them.

11.30 a.m.

[202] We need people to learn from the best practice of some of the authorities that are doing good work. In particular, it is fairly obvious what sort of things need to be done. Concerning rights of way and open access, there will always be some bits of land where it is simply impossible for local authorities to do the necessary work to make them accessible, because of gradient or whatever. However, there is certainly a lot that they can do with regard to the furniture, the condition, and the surface of that land that will improve access and will encourage people to use the countryside more. At the risk of repeating myself, I would just say that I certainly encourage bids for the coastal programme to address some of these issues. There are a number of examples where national park authorities, through some specific funding from the Welsh Assembly Government, have invested in access projects for the disabled.

[203] **Alun Cairns:** So, bearing in mind your experience and the negotiations and discussions with Disability Wales, what guidance has been issued to local authorities?

[204] **Mr Jones:** We are producing some statutory guidance for local authorities on taking account of the needs of disabled people. It is all about providing stiles and gates, and setting targets for footpath improvements to meet the needs of the disabled. I will just have to check when that is likely to be ready.

[205] **Mr Quarrell:** It will be ready in the new year. We will consult on it before Christmas.

[206] **Mr Jones:** I think that we are planning to go out to consultation next week, and we will produce that guidance in the new year. That will be statutory guidance.

[207] **Alun Cairns:** In that, what monitoring will there be of the implementation of the guidance?

[208] **Mr Jones:** With regard to the rights of way improvement plans that local authorities will have to produce, we will need to check that they are implementing what they say that they will implement. I am not aware of any specific monitoring with regard to this statutory guidance, but, because it is statutory guidance, it will form part of the general discussions that we have with local authorities about how they are implementing all of the different guidance that we provide for them. I will need to make sure that my colleagues who monitor the general performance of local authorities take this up as an issue that they need to monitor.

[209] **Alun Cairns:** Can you tell me what the Assembly Government is doing to increase the representation of disabled people on the local access fora, or are these some of the troublemakers—to paraphrase someone? [*Laughter.*]

[210] **Mr Jones:** That is really for local access authorities to do. As I have said before, we engage disabled groups considerably in the more strategic groups, but, locally, it is for local access authorities to decide who are on their fora. I do not have figures, but perhaps my colleagues do. I know that most local access authorities engage with representatives of disabled groups. Do we have the numbers?

[211] **Ms Huws:** No, we do not.

[212] **Mr Jones:** We can let you have the information, if you would like, Mr Cairns, for each of the local access fora and how many representatives of disabled bodies are included.

[213] **Alun Cairns:** The report offers some guidance. For example, paragraph 2.39 talks about some involvement, but there are worrying gaps across 22 local authorities. I think that the Assembly in the past, on an all-party basis, has emphasised the principle of equalities across its policy areas, and I am sure that this is an area in which the Assembly would want to be seen to be encouraging and facilitating. I appreciate the point that you made about it being a matter for local authorities, but there is a responsibility to drive it through on that basis.

[214] Mr Thomas, the guide, 'By All Reasonable Means', was published a year later than it was in England. Why was that?

[215] **Mr Thomas:** I cannot give you a direct answer, as I will have to check. I do not know why. As far as open access as a whole is concerned, we were very pleased with how the programme was implemented. I could write to you to let you know, but I do not know why it was a year later, or whether that meant that it was late in itself.

[216] **Alun Cairns:** Finally, what are your plans to follow up that publication?

[217] **Mr Thomas:** We are doing a lot of work on equality issues, encouraging all sorts of groups to participate in the countryside. As an organisation, we are putting all our staff through an equality training programme, which is conducted online, with the whole organisation going through a series of modules in conjunction with the Equal Opportunities Commission and others. We have a programme called Phoenix, which is funded by Objective 1, for the national nature reserves, and that is putting disabled access in the most popular of our national nature reserves to ensure that people can get there. So, there is a lot going on and there are many grant-aided schemes. I can send you details of these, if you want to have them.

[218] **Leighton Andrews:** Paragraphs 2.59 and 2.60 relate to the dissemination of good practice. How effective is the current dissemination of good practice, Mr Jones?

[219] **Mr Jones:** You can never really do enough. There are some very good examples, and we are leading a number of conferences. I am aware that local access authorities and those with responsibility for this work have regular meetings to disseminate good practice. I have seen copies of several newsletters that have been produced. However, you can never do enough, and I would agree with the report, which says that, while there are many good examples, we need to do more and encourage more. We have a conference arranged for early in 2007, at which we will bring together stakeholders and the main players in the context of countryside access, and we will make that point strongly, perhaps with some good examples of where good practice has been implemented, and challenging those that are not picking up on good practice on why they are not affording it the sort of priority that others are.

[220] **Leighton Andrews:** The report makes a specific point about interactive information technology and the lack of it. Mr Thomas referred to people planning walking trips using the web, and Visit Wales has a walking section on its website. The Ordnance Survey has done a lot of work on putting its maps online and so on. What are you doing to encourage the use of technology to communicate good countryside access practices?

[221] **Mr Jones:** I am very supportive of, and attracted to, this idea. CCW's website already includes details about easily accessible and open-access land and the like. We have held some discussions about whether the website might be expanded by including a section on good practice, so that local access authorities and, indeed, others who are interested, such as the advisory bodies, local access fora and so on, can see what is going on elsewhere and pick up on good practice. I do think that this recommendation in the report is particularly useful and, having started discussions on it, we should be able to take it forward pretty quickly.

11.40 a.m.

[222] **Mr Thomas:** Most of the case studies given in the report were grant-aided by CCW or were initiated by us. Good practice is getting a much better airing now through the various communication means that we have. We fundamentally believe that our website should include best practice on moving forward. We are currently redeveloping our website and, as Gareth said, we are discussing that. However, this is not only about electronic information; that is how you hook someone in, but the important part then is the workshop and the visit, in order to see it in practice. Having it available on a website is not enough. That is the hook with which to catch people and the checklist that the Wales Audit Office has provided is an example of how a website can be developed and can disseminate good practices.

[223] **Leighton Andrews:** Are you not wasting a lot of the intellectual property that is being built up? I am sure that there is not much commercial value in it, but people are developing Walking your Way to Health and the information is normally in physical products, such as packs. That material should also be available on the internet. In many cases, it is not, as far as I can see.

[224] **Mr Thomas:** I agree. As an organisation, we are trying to produce all our publications in an electronic format and we would expect to see everything available through links or on our revamped website.

[225] **Leighton Andrews:** Does that include information on Walking your Way to Health?

[226] **Mr Thomas:** Yes. All that information is now included and we hope to launch that in

February.

[227] **Irene James:** Is there any systematic analysis of what good practice is? Good practice in one area may not be good practice in another area.

[228] **Mr Thomas:** The important point is to ensure that everyone is aware of what each other is doing. For example, I could advise you of a better way of doing it, or I could simply adopt what you are doing because it is better. So, it is about awareness-raising in the first instance and that, in itself, then determines what is current best practice.

[229] **Irene James:** Is there any analysis of that because, as I said, what works in one area does not always work in another? Do you have any analysis of what is working in one area so that it can be passed on to another area?

[230] **Mr Thomas:** Only in the sense that we encourage and facilitate workshops between the various authorities, and those things are discussed. So, it is done through those sorts of communication methods. There is no formal analysis of what works. Perhaps we need to develop that area and I can take that away and ask questions about it.

[231] **Irene James:** My question was about that, because if you do not have any analysis of what works in one area, how can you impart that good practice to another area?

[232] **Mr Thomas:** We do have that knowledge.

[233] **Irene James:** But it is not being passed on, is it?

[234] **Mr Thomas:** We are passing it on, but we are not analysing it. I am sorry, but I thought that your question was on whether or not we analyse it.

[235] **Irene James:** My question was on both aspects.

[236] **Mr Thomas:** We are simply passing it on at the moment.

[237] **Leighton Andrews:** Paragraphs 2.61 and 2.66 suggest that countryside access only has a limited priority at local authority level, so what are you doing to encourage it to have a higher political priority? That question is to both of you.

[238] **Mr Jones:** The priority that it has been accorded has increased, partly due to statutory reasons, such as the implementation of the Act, and partly due to the fact that we have provided more money for it and that Government Ministers, and we, as their representatives, are taking much more of an interest in how local authorities are doing in this area. So, it is fair to say that the priority has increased, and the situation is not the same in every local authority. There are sometimes good reasons for that, such as their having more reason to keep their land accessible because it is a bigger contributor to the local economy or whatever, but sometimes there are not-so-good reasons, for example, it has simply slipped off the local authority's radar screen, for whatever reasons.

[239] The Minister has met with local authority leaders and local access fora, and we, as officials, meet local access fora regularly and attend their conferences. So, we are doing what we can to afford this the priority that the Government thinks that it needs, but there is only so much that the Government can do on this. As I said earlier, the money is unhypothecated, and the Government does not seek to micromanage these issues at the local authority level, so, at the end of the day, the priority that is accorded to it locally is largely down to local access authorities. However, we are doing a great deal more than we have in the past to get this issue further up local authorities' agendas.

[240] **Leighton Andrews:** Before Mr Thomas comes in, have you had any contact with the Heads of the Valleys programme in terms of this whole issue of countryside access? That is an example of local authorities working together and the environment was one of the programme's big themes in the early years. That is just an illustration.

[241] **Mr Jones:** There has been some contact and I know that CCW is a member of the Heads of the Valleys steering group and has been discussing this. In the context of the outcome of Sir Jeremy Beecham's work and the Government's response, I would argue that this was a success before Beecham was known about, because there is a great deal of working together here between local authorities and others. However, there is clearly more that we can do. Your point about local authorities working together, particularly where there are rights of ways that straddle local authority borders, for example, is something that I am interested in getting local authorities to think about in the context of our response to Beecham. Roger, do you want to speak on the Heads of the Valleys issue?

[242] **Mr Thomas:** From the inception of the programme, a seconded member of staff has been working directly with Patrick Lewis and he has been fundamental in identifying the environmental opportunities that exist. As you have said, that is one of the huge attractions of that area.

[243] To answer your question more generally, we are seeking earlier engagement with the natural environment by exploring health and economy angles with local authorities, so, walking tourism and town walks, particularly those developed with us through grant aid during the foot and mouth disease outbreak, have continued. Authorities are still continuing to develop walks around towns and circular routes. An initiative that we are currently running with the WLGA and third-sector bodies is trying to bring together all the people involved in countryside management in Wales into something that we are loosely calling the Welsh institute of countryside management. There is no body to which they all belong, and the aim of that is to see whether people can be trained to common standards, because they are doing a fairly similar job, and then to work out more effective means of deploying them. If you go around Wales, you will find that, at certain honey-spot sites, there might be three or four wardens from different organisations—my organisation, the National Trust, national parks and so on—where one would do. There will be other areas that have no wardens at all. So, we think that that is a way of spreading the national resource more equally around the country.

[244] **Mr Jones:** On the issue of priorities, one way in which local authorities could accord this a higher priority would be to mention this in their local government strategies, as the Government has done in terms of 'Climbing Higher', our walking and cycling strategy and our environment strategy. I will take that forward and work with the WLGA on that, because it is something that local authorities could do to push this issue further up their agendas.

[245] **Jocelyn Davies:** Could we perhaps look at the rights of way? I know that it was mentioned earlier, but the household survey that CCW carried out in autumn 2005 found that over a third of people who never used the countryside cited poor footpaths as the key barrier. You also have a consultant report, looking at rights of way, which suggests that the situation is not that rosy; it says that users would encounter a problem every 230m and would find a footpath unusable every 650m, and that the performance data show that the condition of footpaths here is three times worse than that in England. Signage is also a big problem, obviously, if 61 per cent of signs are either missing or inadequate. I know that you are going to say that it is the local access authority that has the legal duty to maintain them—I know that you will stress that point—but if we put that to one side, Mr Thomas, perhaps you could tell me how easy it is to use the rights of way network in Wales. Why is the network in such a state?

11.50 a.m.

[246] **Mr Thomas:** Historically, it has not been afforded the importance that we are giving to it now. We also need to recognise that the criteria used in the report mean that what would be regarded as insignificant to many of us using the paths gets recorded as a blockage because it is an impediment to the progress of some. We should be using the report on the condition of the rights of way to actually target the most serious problems and the problems located in the areas that are most frequently visited, because although the whole network is not used extensively, there are areas of very high use. Those are the areas that I think we need to make sure are right.

[247] **Jocelyn Davies:** Mr Jones, the obvious question is: what is the Assembly Welsh Government doing about it?

[248] **Mr Jones:** Let me say at the outset that I think that the premise of your question is right: the rights of way are not good enough. That is why we have asked local authorities to produce improvement plans by the end of next year, to demonstrate to us precisely what they are going to do to get their houses in order. We are talking about a significant amount of 'way' here; there are roughly 25,000 miles of rights of way in Wales. I do not want to argue with the evidence, as I have already said that I would accept that the rights of way are not good enough. However, perhaps the performance indicators need to be looked at as well. Perhaps we need to look at the way in which we assess rights of way at the moment, using a pretty small sample, as the report rightly makes clear.

[249] There are some good examples and we are putting money in. If the Assembly's budget is approved, next year we will be putting some more money into the coastal programme, which will also be used for improvements to rights of way. So, we are doing a lot and, yes, the local authorities are doing a lot. If one accepts the figures in this report, maintenance of the full network will cost more than what is being put in at the moment. I simply refer to some of the points that I made earlier about making bids to some of the bigger strategic funds that we have available. I would hope that some of the bids to our coastal programme, for example, will lever in more money from the likes of convergence or rural development funding, so that more money and more effort can go into improving the rights of way.

[250] **Jocelyn Davies:** You mentioned the performance indicators and the fact that you think that they may need to be tweaked. Do you envisage that those indicators might change?

[251] **Mr Jones:** Yes, we are working with the local government data unit in the Assembly Government on that issue. Frankly, I think that we need new indicators, so, yes, I would envisage that they will change.

[252] **Jocelyn Davies:** You have this easy-to-use standard and I do not think that we could ever expect that 100 per cent of every right of way would be easy to use. Therefore, what kind of level of performance do you think would be acceptable? You mentioned funding earlier. Do you have any estimate of how much it would cost to bring the majority or all of the footpaths up to that standard?

[253] **Mr Jones:** The work that the Wales Audit Office did on this has been particularly helpful, I think, because it has outlined the initial costs and the ongoing revenue costs that would be necessary to keep the rights of way network up to standard. It is a significant amount of money—I believe that the report says that the capital cost, or at least the upfront cost, is £26 million, and then it is £8 million a year on an ongoing basis. I have to say that that is a pretty tall order when one looks at how much is going in at the moment. I would not like to suggest a target figure or say, 'We have been successful if we get to 80 per cent' or 'We

have been successful if we get to 90 per cent'. These are not things that lend themselves well to targets, but rather to indicators. I think that providing we can get an agreed set of indicators and demonstrate that we are making good progress in the context of the money that is going into it, I think that local authorities, we, CCW and others can at least see that progress is being made.

[254] **Janet Davies:** Thank you. I think that it is highly appropriate, Mick, that you have the piece on encouraging the co-operation of reluctant landowners. [*Laughter.*]

[255] **Mick Bates:** I cannot think for one minute why you should say that, Chair. However, thank you for that introduction. Paragraphs 2.80 to 2.82 state that, although landowners have a duty to provide and maintain path furniture, some

'local access authorities provided path furniture which landowners installed at their own expense.'

[256] and that

'They believed that the value of the goodwill generated by this approach was likely to exceed the costs of enforcement'.

[257] Can you tell us more about the approach adopted by some local access authorities whereby they do not seek to recoup from landowners all of the relevant costs incurred in installing path furniture?

[258] **Mr Jones:** This is always going to be a balancing act between regulations and providing help to landowners to provide good access to their land. While the regulations exist—and I am not going to be the one to sit here and say that individual landowners are flouting the law—a number of local authorities have taken the view that in order to get a quicker result from landowners in making their land readily available—and there are some great examples of people making their land available—providing some of the necessary furniture on the rights of way is a price worth paying.

[259] I made the point earlier about not just local authorities but the Government directly funding some improvements to rights of way to open up access. There are some fantastic examples of farmers and other landowners not only welcoming this but bringing groups of schoolchildren onto their land, showing them the benefits of understanding more about the countryside, animal husbandry, biodiversity and the like. While I fully accept the point that, in some instances, as the report states, it may be that local authorities and the Government, in some senses, are funding things that landowners themselves ought to be funding, there is a balance to be struck between the goodwill of farmers and getting the countryside open as quickly as possible. We have had a fantastic result in trebling the amount of land that is open to access by the public in a very short space of time. It is a price worth paying. I will not sit here and castigate those authorities that have done that, because they clearly believe that they have done so for good reasons.

[260] **Mick Bates:** Thank you for that answer, Gareth. I do not wish to demean the achievements that you have just outlined. However, it seems that there is some vagueness about the costs. Have you attempted to make an estimate of the extent and the cost of this practice?

[261] **Mr Jones:** No.

[262] **Mick Bates:** Finally, one of the issues that arose earlier about the disaggregation of the total costs of the implementation of Part I of the CROW Act gives me concern because

clearly, you have not made any attempt to estimate the cost of this practice. I believe that this may well be reflected in the earlier paragraphs of the report where there is a comparison between the costs in England and in Wales. It appears that there is a certain lack of trying to collect the evidence here to give the true cost of the implementation of the CROW Act in Wales. There are figures for England but not for Wales. Why is it that we do not have true figures for the implementation of this Act?

12.00 p.m.

[263] **Mr Jones:** I do not think that I would accept that. Our evidence base is as good as, if not better than, that in England. No doubt, the Public Accounts Committee had some information about that yesterday. From the information that we have, we believe that, in terms of providing furniture for landlords and landowners, local authorities are probably not spending more than about £10,000 to £15,000 a year. It is relatively small beer in that context, but it is all part of the money that we know is currently being spent on this issue from local authorities.

[264] **Mick Bates:** But surely you see the point. You have admitted that you do not know the cost of the practice with landowners that we have just discussed and yet you are saying that there is a true cost in the implementation of the CROW Act. Those two statements do not add up, do they?

[265] **Mr Jones:** The costs that I have outlined are embedded within the total of what we know that local authorities are spending on this issue. I reiterate that we are talking about very small sums of money here in the context of the overall programme. Our belief is that each authority is unlikely to be spending more than £10,000 or £15,000 per annum on path furniture. To give you an idea, we are talking about around £100 to £150 each for gates and stiles. So, they are relatively small sums of money that local authorities believe are worth investing to encourage landowners to be positive and to get the countryside open quicker than would otherwise be the case, and to make it more attractive and more pleasant for people to walk on the paths, because good furniture on a right of way is an attractive element.

[266] **Mick Bates:** But you still cannot give me what you think is the true of cost of implementing the CROW Act in Wales.

[267] **Mr Jones:** I have given a figure of around £5 million a year that local authorities are spending on rights of way maintenance. We know what the Government is spending and that is embedded within that figure and we know, as I have said, broadly, that the Government has invested something like £18 million plus over the last five and a bit years on Part I implementation. So, the sums are relatively easy to do in order to determine what is being spent on the Act in total.

[268] **Mick Bates:** I am not happy. It states earlier on in the report,

[269] ‘An overall calculation of the cost of implementation was not possible in Wales as some local access authorities were unable to disaggregate all the elements of their expenditure’.

[270] **Mr Jones:** That is true, but we know how much has gone into it and how much in general, as the report makes clear, local authorities are spending.

[271] **Mick Bates:** I am sure that we will get to understand that point.

[272] **Janet Davies:** Do you wish to come in on this, Mr Thomas?

[273] **Mr Thomas:** As Mick drew a comparison with England, in terms of indications with England—and the PAC was looking at the same issue yesterday, as Gareth has just said, with Natural England—we know, for example, that the mapping cost in Wales, per unit of open access, was only one fifth of that in England, because of the way in which Wales undertook the project. We also know that the overall cost is somewhere between one fifth and one tenth per unit of access open, and that is all because of the partnership working, the pilot project and the way in which it was approached in Wales. So, there is a really good story to tell here. If England had introduced open access in Wales, it would have cost millions of pounds more. [*Laughter.*]

[274] **Mick Bates:** But you do not know the true costs.

[275] **Janet Davies:** I will bring Carl in at this point.

[276] **Carl Sargeant:** I have just a small point on some of the questions that Mick has raised. I accept that the amounts that you have mentioned are relatively small where the funding authority is purchasing furniture for a landowner. Could you explain the legal position of this? Is it the responsibility of the landowner to develop open access and if that is the case, is it legal not to pursue reimbursement of the furniture costs, and is it equitable? Why should people bother if the local land authority is going to put up a gate for someone who was reluctant to do so?

[277] **Mr Jones:** It is the responsibility of landowners. However, local authorities have powers to assist with that process. There is nothing illegal here. Local authorities have the vires to assist with or contribute to the provision of furniture.

[278] **Jocelyn Davies:** It is fair to say that these are small sums. It has generated a good deal of good will and has enabled the policy to be implemented. It has probably saved money; if you have to take legal action, because someone has refused to do it or cannot do it from within their means, local authority costs will rise, and that could mean that the policy might not be implemented. So, this seems to be a highly sensible way forward. We cannot make a like-with-like comparison with England, because there was the sanction that farmers would not receive their single farm payment. As it turned out, they did not receive their single farm payment in England anyway. [*Laughter.*] That was for all sorts of reasons. However, the sanction was that, if they did not comply, they would not receive their single farm payments. In Wales, that was not used as a threat, and it has been a much more amicable way forward, and, on the whole, I think that we have saved money. I know that that is not a question, but feel free to agree entirely with me. [*Laughter.*] They know the overall cost, and that is good enough for me.

[279] **Mr Jones:** Chair, I am very grateful for the recognition that my department did so well in getting the money out to farmers last year. Indeed, we will do so again this year, unlike others perhaps. We do not have that condition in the cross-compliance regime, which is what you are referring to. The report makes it clear that that is a result of a different legal position in Wales. I believe that we have much better agri-environment schemes in Wales—Tir Cynnal and Tir Gofal, both of which contain provisions to assist farmers and landowners and to ensure, by compliance with those schemes, that they are making land available for the public to access.

[280] So, I would argue that although it is in the cross-compliance regime in England, we do not know to what extent that is being complied with. The inspection rate within the cross-compliance regime is only 1 per cent. We do not know what the results are from the cross-compliance inspections in England. They are, in any case, behind on their inspections compared with Wales. I would argue, simply, that our way of addressing this is almost certainly better, and it is certainly not proven to be worse, than the English approach.

[281] **Leighton Andrews:** On this point, you do not have the power to operate a cross-compliance regime, as paragraph 2.84 states. Does that mean that the Department for Environment, Food and Rural Affairs in the UK Government has that power? How has that arisen?

[282] **Mr Jones:** I think that that is a moot point, Mr Andrews.

[283] **Leighton Andrews:** Do not point that moot at me. [*Laughter.*] Sorry, the *Goon Show* jokes are the best.

[284] **Mr Jones:** The legal advice in England was that DEFRA had the powers to insert this as a clause within its cross-compliance regime. I am aware of the fact that this might be challenged.

[285] **Janet Davies:** The issue is that legal advice is just that—legal advice—until it has been proven or otherwise in the courts.

[286] **Leighton Andrews:** Are you going to seek the power to operate a cross-compliance regime?

[287] **Mr Jones:** My understanding is that that is not possible, given the legal basis of the National Assembly for Wales.

[288] **Janet Davies:** This is becoming quite interesting. I understood that different legal advice was given to England and to Wales, but you are saying that we do not have the powers anyway.

[289] **Mr Jones:** I am saying that different legal advice was given on the basis of the powers that we have.

[290] **Janet Davies:** Right, I see; that is clarified. Thank you. That brings this evidence session to a close. I thank you all for your helpful answers. This has been a very interesting session. You will receive a transcript before the committee's report is published, so that you can ensure that it is accurate.

12.10 p.m.

**Ymateb Llywodraeth Cynulliad Cymru i adroddiad y Pwyllgor Archwilio ar
Contract Merlin: Galluogi'r Cynulliad Cenedlaethol i newid ei brosesau busnes
drwy TGCh**

**The Welsh Assembly Government response to the Audit Committee report on
the Merlin Contract: Enabling the National Assembly to change its business
processes through ICT**

[291] **Janet Davies:** Jeremy, would you like to make some comments on this?

[292] **Mr Colman:** Thank you, Chair. This response to the committee's report seems to be as satisfactory as one could hope for. We will continue to monitor the project generally, in particular the Government's compliance with what it says that it will do. This remains a very important and large project at which we will be looking, whether or not this committee has made recommendations. The recommendations have added force to that work. However, I do not think that there is any requirement at the moment for the committee to take any further action.

[293] **Janet Davies:** Thank you. Are there any comments? I see that there are not.

12.12 p.m.

**Cofnodion y Cyfarfod Blaenorol
Minutes of the Previous Meeting**

[294] **Janet Davies:** Are you all happy with the minutes of the previous meeting of 12 October? I see that you are.

*Cadarnhawyd cofnodion y cyfarfod blaenorol.
The minutes of the previous meeting were ratified.*

**Cynnig Trefniadol
Procedural Motion**

[295] **Janet Davies:** The last item on the agenda is to consider and, where necessary, amend our draft committee reports on the NHS waiting times. I ask a Member to propose the appropriate motion so that we may go into private session.

[296] **Jocelyn Davies:** I propose that

the committee resolves to exclude the public from the remainder of the meeting, in accordance with Standing Order No. 8.24(vi).

[297] **Janet Davies:** I see that the committee is agreed.

*Derbyniwyd y cynnig.
Motion carried.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 12.12 p.m.
The public part of the meeting ended at 12.12 p.m.*