

Senedd Cymru  
Pwyllgor yr Economi, Masnach a Materion Gwledig  
Bil Amaethyddiaeth (Cymru)  
AGR-43  
Ymateb gan: Ramblers Cymru

Welsh Parliament  
Economy, Trade, and Rural Affairs Committee  
Agriculture (Wales) Bill

Evidence from: Ramblers Cymru



## **Evidence to the Environment Trade and Rural Affairs Committee**

### **Stage 1 scrutiny of the Agriculture (Wales) Bill**

#### **Public Access and the Agriculture (Wales) Bill**

##### **Introduction**

Ramblers Cymru opens the way for everyone to enjoy the simple pleasures of walking. And we step up to protect the places we all love to wander.

We're the only charity dedicated to removing barriers so everyone can enjoy walking in green spaces, and to improving the most popular and least-known walking places. We're committed to campaigning to keep our countryside open to all and to fighting for the things that matter most to walkers.

As well as the proven mental and physical health benefits of walking, good access to the outdoors can help people learn about the countryside as a working environment, and better understand the important work undertaken by farmers.

This Bill – and the payments system it introduces – must be accompanied by a regulatory baseline of minimum land management standards expected of all those receiving public funds. This must include a requirement for landowners and managers in receipt of public funds to fulfil their existing legal duties to keep clear public rights of way that cross their land.

At the very least the Bill should result in an existing network that is better maintained so that people can access the countryside with certainty and confidence.

Ensuring the Agriculture Bill enables the delivery of a higher-quality access network for all should help secure public consent for continued investment in the sector.

## **Part 1: Sustainable Land Management**

### **The objectives**

1. We support the four objectives of Sustainable Land Management set out in Part 1.
2. We wholeheartedly welcome the explicit inclusion of public access under objective four. The existing public rights of way network and open access land are the primary means by which people can get outdoors, see and experience the natural world, and explore the culture and heritage of Wales. Indeed, the rights of way network is itself a historic and cultural resource, having evolved over centuries to link us to both the past and present people and places of Wales.
3. The existing path network suffers from significant gaps and many stretches are poorly maintained and impassable. For some, particularly those less physically able, easy access to the countryside is far from guaranteed. The Bill has a role to play in overcoming these issues which represent significant barriers to increasing the public's connection with, and understanding of, the natural environment
4. Along with other environmental organisations we suggest that the 4 objectives should be linked for consistency with the definition of sustainable management of natural resources (SMNR) in the Environment (Wales) Act.

### **The duty**

5. We would welcome a strengthening of the wording of the duty to ensure that there is balance in delivery across all four objectives. This will be crucial for the achievement of sustainable development and a fairer future for the people and environment of Wales.

### **Monitoring and reporting**

6. The legal creation, management, and enforcement of public access rights is undertaken through existing legislation, and many of the statutory duties rest with Highway authorities, most often the Local Authority. They also hold a wealth of information on the condition of the part network, including outstanding problems, proposed legal changes and pending legal cases related to obstruction of public rights of access.
7. As currently drafted, the Bill does not refer to Natural Resources Wales or local authorities as consultees under section 5 (3) in relation to indicators and targets. We would welcome their explicit inclusion as key consultees. NRW have an important advisory role in relation to public access, and local authorities have key enforcement duties. The consultation with Local authorities could perhaps be conducted through a body like the Welsh Local Government Association.

## Part 2: Support for Agriculture Etc.

### Welsh Ministers power to support

8. The power to support covers ‘agriculture and ancillary activities’ and public access is listed as a purpose for support under s8 (2(h)). However, the definition of ancillary activities (s49) does not include reference to public access. As physical creation of new public access points, or new dedicated open access land, or the management and installation of new/enhanced public paths across agricultural land will be one of the means by which the fourth objective is delivered, it is vital that the definitions linked to the power to support are robust.
9. Therefore, we would welcome the Committee seeking clarification from Welsh Government on whether the omission of *public access* from the ‘Ancillary activities’ definition is intentional and appropriate, and how it has reached the view that the Bill as drafted will facilitate the public access aspirations of the fourth objective.
10. The description of purposes under 8 (2) (h) includes ‘maintaining’ public access. The Highways Act 1980 requires landowners to keep clear public rights of way on their land and we believe that compliance with this existing legislation should be part of the regulatory baseline and eligibility checks in order to qualify for support under this section.
11. Some support for maintenance is already available to farmers and landowners under the Highways Act, including financial contributions to the costs of maintaining access ‘furniture’ (e.g stiles and gates). This will need to be borne in mind as government exercise any *Powers to support* under the Agriculture Bill.
12. It is important that any support under this new Bill which enables access enhancements should not be treated as entirely separate from landowners long-standing legal obligations (such as under the Highways Act 1980 and the Countryside and Rights of Way Act 2000). We would want compliance with existing access obligations to be part of eligibility criteria for support (Section 11) either as national minimum standards, or part of the universal actions expected of landowners under any future support.

### Other matters

13. Aside from a brief reference to the CROW Act (Schedule 2 Part 2 (4)) there is no reference in this Bill (or its explanatory memorandum) to interactions of the Agriculture (Wales) Bill’s proposed powers and other access-related statutes. We would welcome further information from government on how they have considered these interactions

and associated opportunities or consequences, including for local authorities.

14. For example, we would want to ensure that any financial assistance provided takes into account the opportunities already identified through rights of way improvement plans, developed by local authorities, to meet the needs of the public.
15. As a member of Wales Environment Link (WEL), we also support the points raised in their evidence submission, in particular the point raised under *Compliance checking and enforcement*. In relation to the importance of regulations being introduced in a timely manner for the start of the Sustainable farming Scheme.