

## Consultation on improving opportunities to access the outdoors for responsible recreation – Questions

Please return this form by post or email to reach the Welsh Government no later than 2 October 2015

### Consultation Response Form

Your name:

Organisation (if applicable):

email / telephone number: p

Your address:

**Question 1: What are your views on the principles outlined above [section 2]? If you would suggest changing them, please explain how and why.**

#### Comments

The principals appear reasonable on the face of it. Notably absent is the desire to establish further rights to better enshrine a general presumption of access for one and all to a wider designation of land. The worry is that without extended rights there may be an attempt to merely maintain the status quo by interested parties during the consultation phase which may not represent the wider views of the public and visitors.

**Question 2: Tell us your views on the issues highlighted above [section 4], and whether there are other key challenges you believe need to be resolved?**

#### Comments

I represent the outdoor educational sector and have spent 30 years engaged in Wales training mainly young people in life skills through the outdoor medium. There is undoubtedly great benefit for young people to engage directly with the outdoors facing challenge, learning team work, developing relationship skills and gaining a fuller appreciation of the natural world. Benefits will include increased confidence

and self esteem, better sociability and even improved academic achievement. There's also the chance to discover new recreational activities. The outcomes are nearly always positive and visitors from outside Wales take away a positive image. Wales offers possibly the best rock climbing in Britain and is probably one of the 3 best countries for single track mountain biking in the world. The canoeing/kayaking is also outstanding though the current situation is such that few can sample these rivers other than the very skilled club paddlers because of restrictions. For example the river Dovey is possibly the longest free flowing rivers entirely in Wales with a great range of river difficulty making it ideal for river touring. There is no access at anytime to this river in our lifetimes other than the estuary section. Although training young people in the outdoors is so beneficial access to venues becomes more difficult and expensive every year and therefore more restrictive, It means that many outdoor providers restrict themselves to very few venues rather than spreading over a wider area.

It's true that access legislation has been developed in a piecemeal fashion and as a whole does not seem truly integrated. A good example is the establishment of access land with little development of public footpaths in surrounding areas. It means that although people can roam widely on access land they are restricted to limited access points. Sometimes only short footpaths would link roads/parking etc to this land. No one wants to upset farmers, landowners, fishermen etc. However it's very common to be viewed and greeted negatively by these groups. For many this can ruin a good day. Criminal activity will take place whether there's a right of way or not. Excluding all to battle a tiny minority is not reasonable. If paths can be routed round farm yards (in a logical not long winded way) then all would benefit. So good to remove some bureaucracy but the ancient rights of way system needs to be protected for all.

**Question 3: What changes, if any, do you think need to be made to improve and simplify the procedures for recording, creating, diverting or closing public rights of way?**

**Comments**

As above. Simplify the process. Use online processes. Do inform all interested parties. Map out interested parties and keep register via rates information gathering possibly. Do use local recreationalists or their representatives plus planners plus land owners etc. to deliberate complex areas. Beware over simplifying leading to wholesale loss of rights. Rights are fundamental.

**Question 4: What changes, if any, do you think need to be made to improve and simplify the provisions available to local authorities for making improvements on the ground?**

Comments

Local Authorities are finite organisations and this should be recognised. Embrace modern technology but establish safeguards so there is virtually no chance of removal of access rights without the information reaching easily to interested parties who should have rights to contest without great expense. Maybe a job for re-vamped access committees working largely on line rather than ineffective committee meetings.

**Question 5: What non-legislative changes would you like to see in the meantime that you believe would help to improve the rights of way network in Wales and reduce the burden on local authorities?**

Comments

Adoption of some rights of way by local interested parties with limited funding and rules to allow for reasonable upkeep (not pristine) and style/gate repair. Invite suggestions for the re-routing and addition of rights of way from recreationalists and landowners and use planning to coordinate into an overall strategy for an area (e.g. Brecon Beacons). Chance of a better designed ROW network. Improve reporting avenues so all can report problems with rights of way rather than relying only on expensive teams of rangers. Put all on-line and take positive approach rather than worrying over simply maintaining jobs. In other words use the community more to report and maintain at limited expense. They're all our paths! Also there should be better access for motorised chairs. A new generation of chairs allow rough ground access bringing the summit of Pen y Fan in reach for those unable to walk except that the only restriction is the stile or narrow gate. These should be wider and if they need to restrict other vehicles then add radar keys. Access to the greater outdoors is very neglected for those with special needs. I don't mean more ramps etc but just recognition that a mobility chair user may indeed go "hill walking" for the day. We are all well behind on this one.

**Question 6: How should the number, role, membership, and purpose of local access forums be redefined?**

**Comments**

Make online. Make more accessible and transparent. Involve more people to reflect the range and numbers of people visiting access areas, Ensure membership is balanced so that there is at least an equal attempt to establish new access as well as serving to maintain restricted access in line with local interests. I would guess the technical skills should be pooled so that these forums don't waste time on technicalities. 23 sounds like a lot. Maybe more flexible units with one technical body overseeing with greater representation based on internet model to allow individual comment and collective decision making.

**Question 7: How should the rights and responsibilities surrounding dogs in the countryside be harmonised to provide greater certainty over what is acceptable and what is not, in a way that makes communicating messages about responsible dog ownership and handling more straightforward?**

**Comments**

Not my area of expertise. Dogs can be a problem in all walks of life so not sure if the outdoors represents a huge special area. Not sure of statistics of dog attacks or animal worrying and whether this whole area is other than a low key irritant. If so maybe education is the way forward backed up with the law of the land where dogs become a danger to others. Ground nesting birds are another issue however and if this is a problem scientifically then dogs should be excluded from certain nesting areas.

**Question 8: How could current legislation be changed to make it easier to allow for a wider range of activities on existing and new paths?**

Comments

Allow non motorised transport on rights of way. This would allow mountain bikes to be used wider as in many other countries. Technology means modern bikes are more fit for rough terrain. Some will site erosion issues but this should be very limited in extent and at hot spots where routes converge, Walkers create similar problems here and there. Some remedial action (National Park?) should alleviate this. There maybe some clash of interest with walkers but all need to act responsibly and consider others. Access codes need establishing and promoting. Attitudes can change and indeed this is one of the aims of wholesome outdoor activities. Where public right of way is allowed then so should access to adjacent caves on the hillside be a right. There is little reason for landowners to deny this. Some claim it affects the water supply but this is scientifically very unlikely. There does seem to be some strange restrictions on rights of way (no animals etc.) that seem archaic. Also consider restricting the liabilities of landowners for user's welfare. The reasonable view is that if a climber falls off and is injured then it would be their fault. Finally true wild camping where the site is unprepared, remote and accessed by foot or bike for one or two nights should be allowable without landowners permission on access land as in Sweden.

**Question 9: How could legislation better strike a balance between the various demands of motorised users, landowners and the natural environment?**

Comments

Other than motorised chairs (and farmers quad bikes?) there isn't much scope for too much motorised transport on natural terrain other than designated rights of way. This is because the scale of impact on the natural environment is simply too great. A team of 4 wheel drives will rip a deep wide muddy trail on one crossing of damp terrain. However its clear that motorbike scrambling is very popular in South Wales. The noise isn't a big issue as they're soon gone. So maybe designate open country according to how vulnerable, sensitive or valuable it is. Allow bikes onto less delicate areas (around quarries, spoil heaps, reclaimed land etc.). Protect vulnerable natural environment by monitoring for overall impact. All use has impact so set acceptable levels but accept that a limited amount of damage is inevitable. It shouldn't impact on the area in a way that leads to significant reductions in biodiversity. Preservation has to be practical too. Ensure the process isn't dominated by one set of interests.

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<b>Question 10: How should the need for new or improved access opportunities be identified, planned, and provided?</b>
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**Comments**  
It's true that all young people should have opportunities on their doorstep to engage with the outdoors. Look at the success of Bikepark in Merthyr. We just need more locals involved so that soon there's role models from the local community and more follow, We need to have more access to the reservoirs of South Wales for a wider range of activities. Windsurfing for example. The passport scheme is a step forward but this now needs to be none bookable and free like normal venues, Outdoor centres are expert at dealing with canoes and deep water. Most are licensed so inspectors have established this. So more freedom with more positive education. There are risks but there are huge benefits. Use the principal of no bureaucracy and no charge where there is no special conditions. Anything else leads to restricted access, We all need to promote access and get people involved. Also look at all the common venues used by outdoor providers and see if issues can be resolved and future access guaranteed. For example we once used mines at Dinas Rock that all of a sudden were lost after many years because of a change of heart by the landowner. We use morlais quarries near Merthyr for climbing but I believe mineral extraction rights still exist at this very important venue. Often all that is needed is a parking area to resolve conflicts.

<b>Question 11: What are your views on the benefits and challenges of creating a right of responsible recreation to all land in Wales?</b>
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**Comments**  
Wales has such an amazing natural landscape that is renowned by visitors. Some will venture a short distance from the road and others will commit to the wilder more remote areas. The aim is to ensure both have a fulfilling experience as possible whilst ensuring that all is sustainable. Being able to bike across the wilds of Wales is a joyful experience and more unique than realised on a world wide basis. That's why Wales is held in high esteem by adventurers. Lets keep that uniqueness by enshrining wider access rights. But lets encourage the more timid to venture further from the road with well designed paths, bike trails, educational signs, linked up areas of interest and a friendly outlook by all. Both extremes

can be channeled and educated so that the environment is protected.

**Question 12: What approach do you advocate to improve opportunities for responsible access for recreation on inland waters?**

Comments

Access to the excellent rivers of Wales is woeful. There isn't a way of satisfying fishing interests other than banning canoeing. If you're a canoeist on a river you are always a 2nd class user in the eyes of a fisherman (because they are almost all men). It's almost impossible to have a positive encounter such is the level of vitriol that exists generally. There are of course spate agreements when rivers reach a certain level (and fishing becomes impossible) which satisfies a limited number of usually local paddlers who have a good level of skill. If you are a novice (as almost all tourists are) then this is no use at all. It's too demanding-too dangerous. So despite all the pictures of tourists enjoying white water paddling in the sunshine in Wales this is largely a myth. Canoeing of this type is generally only available on a restricted number of rivers in the November to February season when there are fewer visitors and very few novices wanting to canoe in the cold months. There are very few exceptions in Wales. There's the sea (serious normally), the Cardiff whitewater centre (artificial), the Trewern (paid for access with dam release) and the Glasebury to Hay section of the river Wye. Despite 60 years of continuous common useage and the advocacy of voluntary agreements there was an attempt last year to restrict this section to spate only as advertised via the then environmental Agency website. If the "grid" had been followed then there would have been no more novice paddling in summer, numerous outdoor centres affected and the closure of local canoe hire companies. The existence of any paddling on inland moving water for novices in summer in Wales is on the brink of extinction. The tourist material will need to be careful not to break the trade descriptions act. But no-one wants to fight with those with fishing interests. Outdoor people aren't any more polluters than fishermen. Their plastic canoes leave no trace. They don't generally litter. They watch wildlife, they watch the fish moving in the water, they recognise the flora and fauna, they love the natural environment. It's not correct to cast them as the bad guys. So on this only piece of viable water there is pressure on canoeists. There is an officious notice board at Glasebury directed at canoeists. The advice/rules stated arguably go further than the local authority have jurisdiction over. The egress at Hay is a free for all with motorists using the free parking to escape charges in town making it almost impossible to park canoe trailers. Over the years the local council seem to be unable or unwilling to protect the interests of canoeists. There seems no likelihood of change. But it could be different.

It could be positive instead. This ongoing sore does no good for anyone. So yes lets have spate agreements on all rivers in Wales. Lets identify more rivers in Wales that can be paddled by novices in summer without conflict. Maybe like in France the volutary agreement could encourage canoeists to exit at 5pm leaving the river for anglers. But the rivers would need to be grade 1 or 2. Lets establish access and egress points at shorter interevals so that suitable short trips for novices can be made. This just needs to be a short path from a road. The Scottish model is a good one in this respect.

**Question 13: What approach do you advocate to improve opportunities for responsible access for recreation on the coast and in the marine environment?**

Comments

Climbers access many seacliffs without impacting greatly on others. They are aware of bird nesting issues and to my knowledge act responsibility under the good guidance of the BMC. It would be good to see many of these areas encompassed into the access land definition to establish rights of access. Commercial provders need to be encouraged to work together to establish acceptable ways of working at venues avoiding significant environmental damage and over crowding. The coasteering charter established by the National Trust in Pembrokeshie is a good example of this. However none of these arrangements should levy charges other than normally applied to the general public. Otherwise this charge will just be passed onto the users and becomes a tax on access. I believe there is too much store put on whether the activity is commercial. All providers sell their skills, equipment and services but not the land or water they use. Its therfore wrong to charge for general access above the normal leve;l applied to members of the public.

**Question 14: What would be the advantages and disadvantages of a statutory code of conduct for outdoor recreation in Wales?**



Comments

If more rights to access emerge then I think it important to promote an access code to supercede the various present codes. It would then be crucial to promote this code to all users. Educators in the sector I work in would naturally promote and follow such a code in our work. The disadvantage is that it becomes a tool to punish people and inflame conflict between users or it is badly constructed so that culturally it is out of touch. So saying don't use earphones on a bike sounds good but needs careful thought. Thr canals and rivers trust developed their code recently and that was an interesting process. But of course we must protect the natural environment but the best way is through education so that all come to value this land in an emotive way so the last thing anyone would want to do is seriously daage it.

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