

Copies of late responses to the Welsh Government consultation ‘Improving opportunities to access the outdoors for responsible recreation’ (emails).

Contact details have been redacted.

Received 71 times:

I am writing to support proposals for Wales to adopt the right to responsible access similar to those created by Scotland in the Land Reform Act 2003.

In particular, I support the joint proposals made by CTC, the national cycling charity, Open MTB, Welsh Cycling and British Cycling which will help to reduce the costs and burdens associated with administering public paths, while also granting wider access to both locals and visitors alike.

The financial returns for such an action are considerable, as can be seen by the benefits the Act brought Scotland, where a Transform Scotland report estimated off road and leisure cycle tourism contributed between £236.2m and £358m per year.

The result will secure a transformational level of interest in the Welsh countryside, from within and outside, and will also go beyond the leisure cycling scene. Cycle travel for utility purposes, as seen in Scotland would also benefit, and would help deliver on Welsh aims for a healthier and more sustainable society as enshrined in the Active Travel Wales Act.

Received 15 times:

I write in response to the Welsh Government consultation titled “improving opportunities to access the outdoors for responsible recreation”.

Whilst I welcome the Governments intentions to create access to the outdoors for responsible recreation for families and young children, I feel strongly that this can be achieved using the opportunities already available to access both land and water.

I would oppose the suggestion within the consultation that Wales should follow the Scottish model for open access. Wales is geographically different to Scotland, the rivers are far wider and Wales has far more landowners with smaller pockets of land ownership.

I agree to the consultations acknowledgement of the cost in both time and money and the burden associated with the extinguishing or moving of footpaths and would welcome the simplification of this in order to make the process less costly and efficient for the landowner and local authorities.

I also copy in the Minister for Natural Resources, Mr Carl Sargeant AM.

Received 43 times:

In support of NFU campaign

Response

Response to the consultation, including references to the response by the overarching Welsh Local Access Forum group referred to as WLAF in the following text.

WLAF suggests adding to the principle 4, **Where appropriate**. That means that someone must be responsible for deciding what is appropriate and the rules, so not a wise modification to the principles if the aim is simplification. and I would suggest removing those two words from our comment.

Proposed principle 6b of WLAF. Care needs to be taken with this idea that protection isn't a higher principle than access. It would be counter to the Welsh Government heritage bill to prevent the public from engaging with the historic environment in the Stonehenge style of fencing it off and charging for admission to help protect it.

Section 3 of the green paper misses equestrian from para 3,

Answer to question 2. remove the word statutory from the code of conduct text. Reason covered in question 14.

section 4.2 of the green paper fails to consider equestrian value to the economy.

Question 3

Procedures for path diversion should also require agreement from user group representatives about what is needed. Otherwise there is a risk of the loss of unrecorded higher rights and concerns will be raised about landowners and HA's putting higher value on their views of benefits including reductions on costs of maintenance than on the needs of users.

My suggestion would be that where a diversion is requested by a landowner it would be possible to improve the network by incorporating in any simplified system benefits if the landowner agrees to increase user rights, ie bringing footpath upto bridleway status.

My other suggestion would be that in response to the issue of limited staff and resources, there should be encouragement to make engagement with volunteers and users easier. For example currently each HA has their own system for users to report obstructions. An online system common across Wales to report obstructions so visitors to an area can make a report, and online information on the location of obstructions and progress of clearing them will assist in peer pressure to encourage landowners and HA's to resolve problems they are responsible for and boost the tourism industry by dealing with a common complaint of guests who come across unexpected obstructions.

Question 5.

There is a need to support existing programs to digitise key historic maps and to digitise the finance act maps held at Kew. This would make it easier for volunteers

to assist in the improvement of the RoW network by identifying under recorded rights.

This program would fit in with the historic environment act currently being considered by the Welsh Government with assisting the public and landowners in understanding the heritage of the ROW network. There is a frequently trotted out myth that the footpath network is just the routes used by post men, but by showing the locations of hamlets and older cottages/holdings that may no longer exist, and encouraging people to understand the landscape the reasons why these routes were the preferred routes used by people travelling on foot would help people understand why these routes became commonly used as well as linking in with the Welsh Governments stated aims of encouraging the public to engage with the historical environment.

Question 6

While I think that its important to keep LAF's local, there may be some benefit to adding to CLAF's text a recognition that there will be a need for colaborative working between the LAFs within each administrative area. Something along the lines that Local knowledge is critical to effective working of the LAF's and locally held meetings would be important to volunteers, but also need for a standard structure to allow integration of LAF's within the new larger authorities.

I think we perhaps need to strengthen the comments by suggesting some form of requirements on HA to demonstrate working to professional standards based on records of consultation with the LAF, with the LAF being the organisation generating those records?

I think we have to spell out the fundimental flaw in the green paper covered by question 7

Question 7.

It is assumed by the authors of the green paper, that the only people likely to be accompanied in the countryside with a dog is a walker. Cyclists and horse riders often also take their dog with them when using the rights of way network, as do farmers using quads on byways to reach land remote to their holding. So any change on the requirement that the dog on a highway must be under control has to be appropriate to all user groups. Short leads are impractical and dangerous for all user groups other than walkers.

Many dog owners do not know that there is a common parasite which is deadly to sheep but is not killed by the standard wormers sold for dogs. An education program is needed.

Question 9

There was independent research carried out in Essex into the causes of the damage to green lanes. The conclusion was that the majority of the damage done to unpaved lanes occurs as a result of landowners using that route themselves. Measurements were taken of the ruts which confirmed that often the very deep ruts are created by large agricultural vehicles.

Question 12.

The understanding of the heritage of the rights of way network can be key to solving new issues. For example. During the period when parishes were responsible for maintaining the highways there are records of action taken against parishes which did not dredge their rivers making the highway impassable. The soft terrain by the side of rivers created difficult conditions for horses and carts, but it was common practice to drive or ride along the river, even in some cases early swing bridges constructed which could be closed to allow pedestrians to cross a river and opened to allow horses and carts to drive down the river. (As there was a need to soak wooden cart wheels on a regular basis as part of their maintenance this killed two birds with one stone.) Historical research into “dead end” routes to rivers may identify where the river was part of the highway network and resolve questions of access to water.

Question 14.

The green paper is starting from the point of view that after 60 years the current ROW legislation no longer meets needs. While a statutory code of conduct on what is considered responsible behaviour today may be helpful, it would equally create an additional burden to maintain. It would be difficult to future proof a statutory code, and simpler to publish guidance which would work alongside the existing legislation but would be easier to update.

Response

Carriage driving is the oldest mode of transportation, the beginning of the 20th century virtually every vehicle on UK roads was horse-drawn. By the end of the century they had been almost entirely replaced by the motorcar. Carriages and carts used many of today rights of ways.

In 1957 the British Driving Society was formed to encourage and assist, in all ways, people of all ages interested in driving BDS Wales has in the region of 600 members, it is estimated that there are at least a further 500 plus carriage drivers Wales who are non-BDS members. This is a conservative estimate and as there is no formal census of carriage drivers, therefore no accurate figures are available. However, it does demonstrate that there are a significant number of carriage drivers who could potentially use the roads. Many carriage drivers spend between one and 5 hours when they drive their equines out, many drivers spend this time entirely on the road network and do not use 'off-road' routes or bridleways, as there is no provision for carriage drivers to use the bridleway networks of which many have been over the course of time used by carriages. The majority of drivers travel along B or unclassified roads and many have to cross or use A class roads to access quiet lanes are finding these lanes are used as short cuts and cars travel along these roads at excessive speeds for the road conditions.

As the horse drawn carriages are classed as non motorised vehicles it is hoped through the Green Paper bridleways, cyclist routes & new off road routes will be accessible and not hitting the same stumbling block excuse “ if we make access for carriage drivers this will allow motor bikes and 4 x 4s onto the off road routes”.

Q1. What are your views on the principles outlined above? If you would suggest changing them, please explain how and why.

Principle 1 – The British Driving Society Wales would like more emphasis on Access for All users of the Countryside as the Paper seems to over emphasise cycling walking and horse riding and shows very little support to carriage driving.

Principle 2 - the Paper should go further to include roads as part of the infrastructure already available to support joining up existing rights of way and a suggestion is that all unsurfaced unclassified roads are added to the Definitive Map as Restricted Byways.

Principle 4 BDS Wales would like to see more increased flexibility to allow carriage driving to be included through the local authorities and national park authorities having the power to change or to join up the existing network to improve provision for higher rights users that all rights of way should have higher non-motorised rights that would be determined through suitability

Q2. Tell us your views on the issues highlighted above, and whether there are other key challenges you believe need to be resolved?

The data the Welsh Government has received through research does not reflect the impact carriage driving has on the health and economic impact of activities.

Carriage driving plays a major role in getting people healthy, building confidence, motivation and self-esteem and is an activity that is both competitive and recreational that is pleasurable for everyone of all ages from the young to the elderly to enjoy by having fun, learning and making or renewing friendships. Carriage driving also has a role in the sustainability of the Welsh Economy.

Access and Recreation could benefit greatly by better integration of the resources of various officers who work under the legislation listed and see more of joining up of Rights of way and planners to have a strategic approach especially when there is new highway development to include recreational access and linking routes, making more usage of grass verges for all users. There should be more emphasis on using disused railway lines as multiuser route and when multi users routes are being considered that they are open and accessible for all users including carriage driving and not as it is at present multi user routes are predominantly for walkers cyclists and horse riders and carriage drivers are excluded.

The improved provision for cyclists is at the cost of equestrians especially carriage drivers for example the Coastal Paths the National Cycle network and the lack of provision for carriage drivers to access the Welsh Governments Forest managed by NRW

Challenges it appears a system that is based on historical documentary or 20 years common usage evidence carriage drivers are finding it much harder to meet these needs because many of the tracks that were carriage or cart tracks have been made into footpaths or bridlepaths thus the 20 year ruling find it difficult to prove as the people who would have driven them are no longer living. Historical research is very time consuming (and costly) which is a resource many of us do not have.

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?

Changes need to be mutually advantageous to all concerned and a more Make use of volunteer's to assist with the long backlogs of Definitive Map issues, including long timescales to complete many Def Map processes.

There should be provision for the inclusion of quiet lanes which could be very useful as part of recreational networks.

Previous legislation meant that with designations of roads or routes used by cart to be downgraded to footpaths or bridleways and ignored the higher rights by not taking into account their original purpose used by carriages and should be primarily based on historic use and what the route was used for and yet BDS Wales recognises that many of these routes may now not be suitable for modern day usage but would like the opportunity to say so.

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?

Many paths could be made safer for walkers and equestrians restricting the speed of cycles and more signage showing different users

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?

Using the Local or National access Forum to engage with Local Community Councils to help them engage with user groups and to understand the groups role to rights of way.

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

Local Authority Departments such as planning, Street Scene, tourism should be represented on the Local Access forum committee. Recognised user groups to the Countryside are invited to send local people and that LAFs throughout Wales are singing from the same hymn sheet by looking at the bigger picture and are not talking shops being hung up on members own hidden agenda, there should be a balanced view.

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?

All dogs should be kept on leads when in the Countryside and there should be dog friendly areas within towns and villages where people can exercise their dogs off their leads.

Dog owners should not let their dog to be a nuisance or be allowed to invade people's space, jump up or wander and must be aware that when they see horses being ridden or driven that horses can be frightened by dogs on the loose or

barking and this can have serious impacts for horse, rider, carriage driver and other people if they rear up or take flight.

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?

Access to the countryside should be upgraded to a higher right – restricted byway where practical. A review should be carried out of how routes for cyclists could best fit in with the highways network to form an integrated whole and provide for usage by all non-motorised users and these should be added to the Definitive Map with a maximum status of Restrictive Byway where practicle

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

Many of these routes are historical routes used by carriages and by modern standards are nor practical for convoys of 4x 4 vehicles to use ad cause significant damage destroying the original surface together with the natural watercourses level thus rendering simple drainage impossible thus making large ruts which make these tracks impassable to all users. There should be a simple effective way for Local Authorities to use TRO's to save routes that are being destroyed and their should be in place a mechanism to educate the 4 x 4 people on the needs and aspirations of other users of the countryside. Make more use of abandoned quarries that are not suitable for other recreational groups.

Response

Hello

I have read with interest your Consultation Document and fully support the Governments concern. There can be no doubt that access to outdoor activities must be improved.

I have worked in Outdoor Education for many years and was based at the Sailing Centre at Llanishen Reservoir for over twenty. During my time there I witnessed first hand the benefits that people of all ages and backgrounds gain from participating in a range of outdoor activities. Although primarily a successful RYA Teaching Establishment with a reputation of producing international sailors including London 2012 silver medalist Hannah Mills. The Centre quickly realised the importance of using the whole site and not just the water. Having already developed strong links with local schools our Environmental programme was developed. Allowing schools to bring large numbers and link onsite activities with many areas of the curriculum

It is my strong believe that the outdoor environment offers motivating, exciting, different, relevant and easily accessible activities from pre-school years through to college and beyond. Also that outdoor learning experiences are often remembered for a lifetime. For some attending activities at Llanishen changed their lives.

I have highlighted some Key Points (attached) from the consultation document - all these points were achieved by Llanishen.

The site at Llanishen is now rather derelict - but if access could be restored it could quickly offer many of these key points once again. Perhaps the RSPB - Every Child

Outdoors explains a little better what is achievable.

I have with the help of previous staff members and users of the Centre developed a Three Phase Plan for the site which might be of interest. Please follow the link <https://youtu.be/-9fOBFeSTMw>.

Also attached are letters from RYA Cymru Wales & Cardiff and the Vale of Glamorgan Area Scout Council.

All our proposals have been shared with Julie Morgan AM and the Reservoir Action Group.

Response

This subject has been brought to my attention by a friend of mine. Like me, he is a keen cyclist and has been pressing for Open Access To All to be introduced in Wales. Like him, I am a supporter of open countryside being open to all, walkers, horse riders, mountain biking & off road cycling.

There are many benefits to be derived from Open Access To All, not least of all the economic benefits to the places that host visitors. It goes without saying that we should all be in favour of anything that gets people off their sofas and out into the countryside.

I sincerely hope that Open Access to all comes to Wales; a country that has huge potential.

Response

In response to the WG green paper on improving opportunities to change the legal framework related to access across Wales. My personal feelings as an active user, teacher and Education visits advisor on Outdoor Education Visits are:

1. We should maximise current legislative powers, our current legislation could not only be used to improve access opportunities without the need for a new legislative framework
2. It is essential that any new rights of access are based on the need to secure people's sense of freedom and adventure rather than imposing restrictions based on a fear of perceived liability. Many land owners and occupiers are fearful due to misguided or misunderstood concerns over legal liabilities. This I believe will be a key issue for Welsh Government to address to overcome barriers to make the outdoors more accessible
3. A relaxation in the law around wild camping. As defined under the Scottish Access Charter, wild camping could be permitted in some areas- This doesn't mean "free camping" as currently occurs in some honeypot areas close to the roadside such as Llanberis Pass, but rather genuine wild or remote camping, however, a practical management strategy need to be considered for sensitive areas, with greater clarity of where people can go and what they can do. This I believe would encourage more

people to have the confidence to make greater informed use of the outdoors for recreation.

4. Where there is a clear local demand for recreational access to land and water where there is currently no secured access, creating responsible recreation which is subject to seasonal/conservation restrictions as appropriate.

Access should be based on the "least restrictive options" approach - access should be secured in law but tempered by locally agreed access arrangements to protect the conservation, historic, cultural or land management practices of the area. This is an approach that has worked well locally for many years when discussing access for activity venues, many of which have secured access by virtue of being on open access land but where seasonal or temporary restrictions have been agreed to protect features of conservation interest

A country-wide statutory code could be adopted to promote confidence and to clearly outline the responsibilities of recreational users, land owners and occupiers. To be effective it would need considerable promotion and interpretation. This is one of the main keys to unlocking greater access to the Welsh countryside

Response

The current state of affairs with unregulated access to rivers by canoeists is likely to lead to the spread of invasive species which are already a problem in some rivers. The parasite Gyrodactylus Salaris which kills salmon, is widespread in Europe and can survive for up to six days on equipment and clothing. Responsible canoeing organisations are aware of this and seek to educate their members. However a disorganised and unregulated canoeing community run the risk of importing this and other invasive and potentially deadly organisms through ignorance. Strings of comments online speak of attempts to access up to six Welsh rivers in one day. This combination of increased and multiple access will inevitably lead to contamination of all Welsh rivers.

Response

A subject overlooked in the access to rivers is the financial and environmental support provided by anglers to sustain the river systems. Licence Fees to Natural Resources Wales make a significant contribution to its funding which has no counterpart by other users. As fish numbers diminish so does the number of anglers, and recent reductions in the budget and manpower of Natural Resources Wales amplify this loss in available resources dedicated to the health of the river.

Angling Clubs operate working parties to help identify and eradicate invasive species of flora and fauna and educate others to prevent their spreading. They are the prime educators in the conservation of fish stocks and have a concern for the rivers and the fish which is not equaled by casual users.

The localised focus of

Angling Clubs encompasses the health of the river system in total, reliant as it is on protection and retention of spawning grounds and a viable ecosystem from source to sea. Uncontrolled access to the river causes degradation of the ecosystem and

damage to fish stocks resulting in a poorer river environment. In previous years, the agreed system of access between anglers and canoeists took account of spawning grounds and times, along with other issues. If the health of the river ecosystem is to be guaranteed, it is essential that this arrangement should be developed and formalised, with enforcement by the river authorities. In order to effectively enforce any such agreement, it would be necessary to licence all river users.