

Access Reform Programme

Policy Intent Paper: Expert Group 2
Flexibility on Public Paths

Introduction

The Welsh Government is developing options to provide for wider access to the countryside, for the purposes of recreation.

This paper outlines the overall aims of Expert Group 2 in developing recommendations for future legislative and other changes relating to public rights of way.

Background

In 2017, Welsh Government issued the Sustainable Management of Natural Resources (SMNR) Consultation. This included proposed reforms relating to access to the countryside.

The Government approach to the SMNR Access proposals, stated that:

- Our Natural Resources Policy illustrates that nature-based solutions can support physical and mental health. That is why we are committed, as a Government, to increasing both access to and enjoyment of our countryside for people – to take advantage of the many health and wellbeing benefits that getting outside can bring.
- An accessible countryside supports our efforts to boost Wales as a tourism destination.

On 4 April 2019, the Deputy Minister for Housing & Local Government published a Written Statement setting out the Government's response to the access proposals within Chapter 4. In this statement, seven proposals were identified that required more detailed consideration of the way in which they should be taken forward.

The Deputy Minister committed to establish an independent Access Reform Advisory Group (ARAG) consisting of a Steering Group and three Expert Groups to consider these proposals further and make recommendations on their implementation.

Access Reform Programme Policy intent

The overall policy intent for the reform programme is to improve access to outdoor recreation using the public rights of way network and open access land in order to support the Welsh Government's policies in areas such as public health and tourism. The reforms are intended to give greater access to the outdoors for a wider range of activities, and, to improve the processes that are currently associated with administering public rights of way and access land. The role of ARAG is to consider in detail, how the more significant changes to access rights should be implemented and the simplification of the recording, planning and changing of public access.

Policy Intent for Expert Group 2

The remit of Expert Group 2 is to consider in detail possible approaches to delivering the intent of the reforms below, as developed from proposals 10, 17 and 21 following the SMNR consultation. The overall policy intent for the Expert Group 2 work is:

- **Increase the range of activities that the public can undertake as of right on public footpaths; and**

- **To improve processes and reduce procedural burdens in managing temporary diversions, temporary closures and stock control related to public rights of way.**

This is split into two workstreams:

Reform 2A – Extend Activities on public footpaths

To enable cycling and horse riding to occur by right on public footpaths, providing cyclists and horse riders with more opportunities to access the outdoors.

Reform 2B – Temporary provision to facilitate short term closures and stock control on PRow

To improve processes and reduce burdens associated with temporary provisions to facilitate short-term closures and stock controls on public footpaths and bridleways. Also, to allow for more flexibility in relation to controlling stock on and adjacent to public rights of way while making the network more accessible for the public.

The Expert Group will consider the implications and issues for implementation of the above reforms, identifying barriers to delivery and putting forward options for overcoming these barriers.

These reforms are to support the Access Reform Programme's aims and will set the foundation for the following:

- A Rights of Way network that can be more readily adapted to:
 - Allow for more flexible management of livestock
 - meet the needs of walkers, horse riders, cyclists, people with disabilities and others with mobility issues.
 - have regard for reasonable adjustments required under the Equality Act 2010 and provided for with BS 5709.
- A more resource efficient process for temporary diversion and temporary closures on Public Rights of Way.

Cross-cutting themes

In its work the Expert Group should consider as far as possible the implications for other key matters including for equality of public access, ensuring responsible recreation, the status of commercial recreational activities and the role of local access forums within the context of these reforms. Also, to consider the links with the other reforms being considered within the wider Access Reform Programme and other Welsh Government work streams such as Land Management Reform.

Deliverables and timeline

The Expert Group will be tasked with producing the following outputs which will be drafted by NRW secretariat following each Expert Group meeting:-

1. Problem definition paper - March 2020

2. Reform options paper – April 2020
3. Reform options analysis report – July 2020
4. Preferred options recommendation – November 2020

Details of the above documents and intermediate processes are set out in the Programme Initiation Document.

Principles of Engagement

In working towards these outputs, Expert Group members are expected to participate in constructive engagement in line with the behaviours set out in the Expert Group Terms of Reference.

The group should consider different options robustly and fairly while respecting differing views and interests. These options should be tested against criteria used by the wider Access Reform Programme as outlined in the Terms of Reference, namely:

- a. Extent of access
- b. Quality of access
- c. Permanency
- d. Clarity and Certainty
- e. Cost
- f. Monitoring and Enforcement
- g. Equity of Access
- h. Greater efficiency and transparency

Options should be reviewed and prioritised according to merit giving due consideration to their impact on all sectors.