

12th NATIONAL CONFERENCE OF LOCAL ACCESS FORUMS IN WALES

MEETING NOTE

19th October 2016, Hafod a Hendre, Royal Welsh Showground, Builth Wells, Powys

Present:	<i>See separate attendance list</i>
1.	<p>Introduction and outline of the day John Morgan, LAF National Representative</p> <p>John welcomed everyone to the Conference, and introduced himself as the newly appointed National Representative of LAFs in Wales and Tim Stratton as the Deputy National Representative. He noted that the Conference is an opportunity for LAF representatives to share information, give opinions and to ask questions, and for the organisations represented, including Welsh Government, and Natural Resources Wales to hear from LAFs.</p> <p>John was pleased to welcome Jean Rosenfeld, Deputy Chair of Flintshire LAF and the previous National Representative, he thanked Jean for all his contributions as the previous National Representative and was pleased that he was able to attend.</p>
2.	<p>Update from the Welsh Government on access and Local Access Forums in Wales: John Watkins, Landscape and Outdoor Recreation, Welsh Government (WG)</p> <p>The Cabinet Secretary had been invited to address the Conference but was unable to attend, due to Ministerial duties, John Morgan was very pleased that John Watkins who has responsibility for areas of WG work most relevant to LAFs on access was able to attend in her place. John Watkin's remit includes public rights of way high court cases, the Wales Coast Path and the funding for Rights of Way Improvement Plans together with responsibility for other recreational green space, including allotments and the Green Flag Awards.</p> <p>John Watkins thanked John Morgan for the opportunity to address the conference. Since the last Conference, when Sarah Smith had provided an update on WG work, there had been a number of noteworthy changes to impact the future of Wales:</p> <ul style="list-style-type: none">- Assembly election and the establishment of Carwyn Jones as First Minister of a minority labour government.- The publication of a new Wales Bill; considering the new devolution settlement for Wales, was being progressed through the Westminster Parliament

- The UK electorate's decision to leave the European Union

Last year, Welsh Government had carried out a consultation on 'Improving opportunities to access the outdoors for responsible recreation'. The consultation document drew from the evidence gathered during an earlier review of access legislation and encouraged discussion on a sliding scale of potential options, including making improvements to the administration of current access legislation; removing some of the restrictions to the types of recreation people can undertake and where; and an entirely new access settlement which allows much greater use of land for responsible recreation.

He noted that some 5,800 responses had been received to the consultation, with a significant number of those the result of campaigns by the CTC (and other cycling interests), paragliding groups, the Countryside Alliance, NFU and FUW. The consultation responses provided few revelations and confirmed opinions presented throughout the review.

All responses advocated a degree of reform to the current system, the reasons and motivations for reform differed. The consultation revealed that whilst motives for reform may differ, there is consensus the current system is perceived to be out-dated, disjointed, burdensome to administer and often difficult for the public to comprehend.

One unexpected result was the significant response from cycling interests. Almost 71% of the responses seeking to secure more opportunities for cyclists and other users to enjoy opportunities away from the ordinary roads network.

Having moved into the Fifth Assembly term, the WG remains committed to improving opportunities for public access to the outdoors. The Cabinet Secretary for Environment and Rural Affairs will decide on what changes, if any, are required to the legislative framework for access based on the responses received to the consultation and other evidence gathered. She made a commitment in Plenary to make a statement on this early in the New Year.

In making this decision consideration will be given to the current and future needs of access users, land managers and our natural environment, and what approach is the best for Wales. However, John Watkins noted that with the decision to leave Europe and make progress on the Wales Bill there is limited legislative space available during this Assembly term.

The Cabinet Secretary recognises that participation in outdoor recreation already contributes to a number of the priorities identified in WG new Programme for Government - Taking Wales Forward around health, environment and the economy.

<http://gov.wales/docs/strategies/160920-taking-wales-forward-en.pdf>

Facilitating increased access to the outdoors nearer to where people live and for a wider range of activities will enhance this contribution and help the Welsh Government to ensure better access to active travel opportunities and a fairer society.

With this in mind we continue to support local authorities with their rights of way improvement plans. We have re-issued guidance to local authorities on developing their new ROWIP based on advice from NRW.

The Draft budget for 2016/17 had been published on 18th October, this was a 12month budget. Whilst he was unable to provide confirmation, John Watkins was confident of being able to help fund the implementation of the plans for a further year.

WG were in the process of gathering evidence about the costs to local authorities and others to administer the current legislative system. This work is expected to be completed early next year.

WG is now funding the Green Flag Awards through the Keep Wales Tidy core grant. The Green Flag Award recognises and rewards the best parks and green spaces in the country and helps to drive up quality and standards.

Other related work relevant to access was work being carried out through a consultation on local air quality and noise management in Wales and a commitment to having green corridors which could also deliver tranquil areas and urban green space, for non-motorised traffic and would complement Active Travel.

John noted that whilst WG continues to look at how the legislative framework for access might be improved, they will also be updating guidance on the current system. The WG Rights of Way Guidance to Local Authorities had just been published, this comprehensive guidance replaces many of the old circulars:

<http://gov.wales/topics/environmentcountryside/consmanagement/rights-of-way-and-wider-access/rights-of-way/?skip=1&lang=en>

In terms of the role and functions of LAFs, and where LAFs feel they are going collectively and individually; questions had been asked in the Green Paper consultation. There is much that could be done without primary legislation to update role and membership of the Forums. LAFs had already provided a detailed paper on some of the changes that could be made but WG would be pleased to receive any further advice LAFs have. This would help WG and NRW in looking at how the guidance might be updated and whether there is a need for changes to the regulations.

John noted that the context for LAF working had changed (Area Statements, Public Service Boards etc.). The Welsh Government's aim

is to reduce the burdens on local authorities and landowners whilst enhancing the supply of quality opportunities to access the outdoors. It is also our aim to make access to the outdoors more representative and more obtainable regardless of people's means and abilities.

Discussion Points:

- Concern that there was no information in previous Guidance to LAFs about complaints procedures
- Improvements to areas of WG Forestry; some points made in response to the Green Paper had suggested access land should include woodland. NRW manage the Welsh Government Woodland Estate on behalf of WG, but it is a complex picture of different leases and agreements. WG are working to ensure NRW are discharging their duties as land managers. Permissive access is more in the gift of NRW their management and priorities on own estate, such as National Nature Reserves.
- NRW was starting to look at further improving accessibility, but the key need was to ensure that operations are undertaken safely. NRW is working on making the information about access land restrictions more readily available, as they are not satisfied with the current provision. IT staff were working on a map based solution but there is no timetable for completion yet.
- Concern about NRW refusal to consult on changes as a result of wind farm development. Jont Bulbeck noted that generally speaking the responsibility becomes that of the developer on such sites. Details of the case to be passed to Jont Bulbeck to follow up concern.
- It is important that the infrastructure for access be treated as a single entity and not split by managing for different reasons and different parts of WG e.g. between Active Travel and Landscape and Outdoor Recreation. WG First Minister had focussed on the need to be more joined up and how various agendas complement each other, and Ministers, and officials are working closely.
- Health was an area which access and recreation could contribute to, in the short term people recognise the benefit but there is disconnect between the benefits to be had in the future versus the pressures now. It was suggested that there is a lack of mechanisms to encourage people to get out for the benefit of their health.
- There is a need for LAFs to be aware of Public Service Boards and their rationale to identify where links and connections need to be made.

	<ul style="list-style-type: none"> • In terms of the work to assess the cost of administering the current legal process for rights of way, the assessment of costs should include the time of the individuals to gather evidence in support of claims, not just the local authority's time to process the order. • NRW's three legacy organisations, with three differing remits on access and recreation was exciting. NRW holds a manner of recreation and access opportunities. Work is in progress and starting to come together to look at future access provision for NRW. WG were resisting the principle of charging for access given the need for social justice.
3.	<p>Welsh Outdoor Recreation Survey (WORS)– Key Facts for Policy and Practice Jont Bulbeck, Access Team Leader, NRW</p> <p>Jont provided an overview of the Wales Outdoor Recreation Survey, which is led by Susan Williams. The results are representative of both the whole population, and of all visits made by adults living in Wales, but do not account for visitors to Wales. A number of key facts were shared and the full reports and further information about the survey is available on NRW's website: https://naturalresources.wales/our-evidence-and-reports/welsh-outdoor-recreation-survey/?lang=en</p> <p>Further detailed reports based on the most recent survey are being developed in relation to participation, economic benefit, health and attitudes towards biodiversity.</p> <p>Discussion points:</p> <ul style="list-style-type: none"> • Benefits from recreation for mental wellbeing are important but do not appear to be captured in the World Health Organisation guidance which appears to be focussed on physical health • The survey looks at outdoor recreation, without also analysing participation in indoor recreation it is hard to know whether people are more or less active. Organised sports are also excluded in the current survey, in future WORS would be incorporated in the all Wales Survey • It is important to encourage people to undertake their everyday activities e.g. shopping in more active ways • Noted that the methodology for this survey meant that people were telephoned on their landline and that this could have affected the type of people who were reached to participate in the survey. In the future it will be for the Wales Household Survey to address such methodology issues.

4.

A Farmers' View of Public Access Rights to the Countryside

Rachel Lewis-Davies, National Farmers Union Cymru Wales

Rachel set out the background to the NFU, the importance of farming and the organisations' work to encourage support for food and farming. She explained that there were two main issues she heard from members with regard to access:

- Access must be safe - noting that public perception of risk varies
- Access must be responsible

LAFs have a pivotal role to help facilitate between the interests involved in access and to find the common ground and in order to make progress and achieve the most benefits.

Discussion points:

- Concern that farming unions are not educating their members about their responsibilities for rights of way; landowners have responsibility for maintenance of stiles and gates, and to ensure they do not obstruct routes
- Whilst Rachel said she would not defend bad practice, she acknowledged that NFU have responsibility to inform members but asked how LAFs can help to engage effectively with the number of individual farmers, who are working in a complex regulatory framework
- In terms of how to encourage landowner representation, some LAFs struggle with this, Rachel encouraged LAFs to think about the culture of their meetings and emphasised that farmers being busy would be unwilling to invest time where the meeting culture is unconstructive to making progress. There were good examples of LAFs where there was a lot of common ground and positive contributions
- Whilst LAF members are individuals and not there to represent specific organisations; members are encouraged to report back to their networks including organisations with an interest
- Views were expressed about the importance of keeping LAFs 'local'

5.	<p>Horse Safety and the ‘Dead slow’ campaign Jan Roche, British Horse Society</p> <p>Jan Roche introduced the BHS’s road safety campaign aimed at reducing deaths and serious injuries arising from unsafe behaviour of vehicle drivers on roads. The campaign seeks to raise awareness and understanding of how drivers should behave when they encounter horses on roads. Jan shared statistics from the BHS accident reporting system and shared footage from a dangerous incident.</p> <p>The ‘Dead Slow’ campaign is being shared by BHS staff and is available on YouTube: https://www.youtube.com/watch?v=x_0FO7eECQo</p> <p>LAFs were encouraged to help publicise the campaign.</p> <p>Discussion points:</p> <ul style="list-style-type: none"> • Horse riders wear high visibility clothing and encourage cyclists to do the same to help improve their visibility • LAFs can help by maintaining contact with local BHS representatives • Budget cuts in local authorities are leading to reduction in maintenance and cutting of verges which provide a safety buffer and passing places for horses. Some authorities also block verges by placing all road signs on them. • LAFs should help ensure that Active Travel improvements do not have a negative impact on horse riding.
	<p>Lunch</p>
6.	<p>Open session: Advocating a future for public access rights in Wales</p> <p>Together with points included in the NFU presentation, four other organisations gave presentation advocating their view for how access should be developed in Wales; based on their responses to the WG Green Paper consultation.</p> <p>Presentations were given by: NFU Cymru: Rachel Lewis Davies, Environment and Rural Affairs Officer Ramblers Cymru: Angela Charlton, Director Wales British Horse Society: Mark Weston, Director of Access Cycling UK: Kieron Foster, National off-road advisor LARA: Andrew Knightly Brown, Chairman</p>

	<p>See separate presentation slides for further details.</p> <p>Discussion points:</p> <ul style="list-style-type: none"> • Discussion about the impact of the internal combustion engine on the enjoyment of tranquil areas by others. • Whether WG should implement s53 Countryside and Rights of Way (CROW) Act 2000 which introduces provisions for the extinguishment of certain unrecorded rights after 2026. • Impossible task for authorities to make progress whilst having their core funding cut. There is a need for funding from Welsh Government, without which, the benefits and income to Wales from the access network will be lost. • That funding into the current system, will not provide the solution. There is a need to take hold of the problem and simplify the system so that it works better to the benefit of everyone. • The economic impact of the closure of the rights of way as a result of foot and mouth was devastating. There was concern that economic impact along the same scale would happen if the network of routes is not funded. • Differing views about the need to prioritise and rationalise the rights of way network e.g. should routes be extinguished where they duplicate or do not appear to be useful, or simply not maintained so that they can be used in future. There was a suggestion that LAFs could be key in helping authorities to reconcile the network. • LAFs can help authorities in their work, volunteer support was also important. Ramblers Cymru invited LAFs to encourage their authority to take up the help of volunteers such as those supported by the Ramblers scheme. • Question of whether footpaths that are suitable could be made multiuser routes without much difficulty, or whether this would cause problems in practice.
7.	<p>Welsh Local Access Forums: present and future – function and structure John Morgan, LAF National Representative</p> <p>John Morgan set out the background to LAFs as statutory bodies established under the CROW Act and subject to The Countryside Access (Local Access Forum) (Wales) Regulations 2001. Further non statutory guidance was issued when LAFs were first established by the then CCW, at a time when there was no experience of how LAFs work.</p>

In looking at the question of 'LAFs in Wales – are they successful?' There were some areas of work that had been done:

- Response to the WG Green paper
- Report on the questionnaire about LAF Working Practice
- Paper submitted on behalf of the Welsh LAF Chairs

John suggested that a number of the issues raised were resolvable by LAFs and the appointing authority without changes to the Welsh Government Regulations but in some cases the latter would need attention. Though there were areas in which the role of the LAF could be usefully extended he felt it was unrealistic to extend the role of LAFs unless the issues raised were resolved.

John explored some of **the main influences on the success** of a Forum:

- Chair;
- Secretary and secretariat
- The Forum Members
- Relationship with bodies to whom they are supposed to give advice

Extending the role of LAFS:

- If the role of LAFs is extended it should be in the public interest, and the matters already raised needed to be dealt with prior to extending the role.
- There was scope to explore improving links with community councils
- Enhancing the role for LAFs in monitoring the delivery and success of ROWIPs

Regularising the Chairs of Local Access Forum Meetings:

The LAF Chairs meeting is important, and without it LAFs would be more isolated. The meeting allows for discussion of issues, and benchmarking, attendance from NRW and WG means that these organisations can hear from LAFs. John suggested that this meeting should be made statutory, in order to ensure its continued existence, and to increase its value and status. He suggested that the National Access Forum should be renamed to ensure that as a non-statutory Forum it was not confused with LAFs.

Discussion points:

	<ul style="list-style-type: none"> • There was agreement in the need to review the role of LAFs, LAFs were already taking a wider view of their remit and were for example considering Active Travel. • Other organisations were important e.g. National Trust • It was important for Chairs to visit neighbouring LAF meetings to observe and share experience • Suggestion that LAF Chairs develop benchmarking with endorsement from Welsh Local Government Association • Regulations should include complaints procedure where organisations do not consult • Each LAF has an NRW contact who attends or acts as a contact. Given NRW's wide remit, this person may not have direct knowledge of the issue but should be able to pursue the matter with relevant colleagues.
8.	Appraisal and closing of the Conference
	<p>Date of next meeting</p> <p>LAF Chairs meeting – 8th December 2016, Hafod a Hendre</p>