

Access Reform: Briefing Note

Summary

Welsh Government has asked the Access Reform Advisory Group (ARAG) to develop advice for legislative options to provide for wider recreational access to the countryside. This note is an update for September 2020 for NRW staff about progress.

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 'Access Reform Advisory Group' consisting of a Steering Group and three Expert Groups (made up of cross-sector representatives) to consider these proposals further and make recommendations on their implementation. The role of ARAG is to consider in detail, how Welsh Government's more significant proposals to reform access rights should be implemented, plus the improved recording and planning of public access.

Policy Intent

The overall policy intent for the programme is to improve access for outdoor recreation through reform of 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 and managing public rights of way and access land. The Policy Intent for the three **Expert Groups** is as follows:

Expert Group 1

The remit of Expert Group 1 is to consider in detail possible approaches: *“to increase the range of activities permitted on CRoW access land (including water bodies mapped under CRoW) and create new access land in coastal areas.”* This work is split into two workstreams:

- **Reform 1A – New Activities on CRoW Access Land**

To reduce the restrictions on non-mechanically propelled recreational activities permitted on open access land. This includes the following:

- Cycling
- Horse riding
- Hang-gliding and paragliding; and
- Non-mechanically propelled vessels on, or in, inland bodies of water (excluding reservoirs) currently mapped as open access land:
- Bathing / swimming on, or in, inland bodies of water (excluding reservoirs) currently mapped as open access land.

- **Reform 1B – Coastal Access**

To extend CRoW access land to the coast, coastal cliffs and foreshore. Consideration is to be given to the merits of including the Wales Coast Path as part of the definition of new CRoW coastal access land.

Expert Group 2

The remit of Expert Group 2 is to consider in detail possible approaches to: *“Increase the range of activities that the public can undertake by 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 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.

Expert Group 3

The remit of Expert Group 3 is to consider in detail possible approaches to: *“improve the process of creating, storing and communication of statutory access maps and develop a more integrated approach to planning improvements to access provision”*. This is split into two workstreams:

- **Reform 3A – Access Mapping**

To deliver a more integrated and updatable system for statutory public access and for publicly accessible areas, and providing comprehensive and easily accessible mapping for public use.

- **Reform 3B - Integrated Plans**

To create the requirement for Local Authorities and National Park Authorities to develop integrated plans of public recreational access in local authority areas to facilitate and support delivery across multiple policy areas and integrating with other services.

Crosscutting Themes

The Expert Groups are also considering the possible implications for other key matters including; 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 goal of the Access Reform Advisory Group is to deliver a draft Access Reform Report to the Welsh Government by April 2021. The process of drafting this report will be undertaken in stages, each building on the previous stage. During this process, there will be several 'products' that will be made available to the public. These are summarised sequentially below:

- Problem Initiation Document
- Policy Intent Documents [x3]
- Problem Definition Papers [x3]
- Option Identification Reports [x3]
- Reform Options Analysis Reports [x6]
- Cross-cutting Theme Report
- Access Reform Paper

All papers and reports finalised and issued to date can be found on Welsh Government's access reform pages of their website <https://gov.wales/access-reform-advisory-group>

Update Since June 2020

The programme stages worked on with the Expert Groups have been as follows:

- Developing options proposals for the delivery of each reform and setting these out in [Reform] *Option Identification Reports*
- Detailed analysis of the reform options, including considering evidence from the Expert Groups, National Access Forum members, local access forums and NRW specialists, leading to...
- Draft Analysis Reports for each reform
- Arranging online September meetings of the Expert Groups for each Reform, to consider the *draft Analysis Reports* with a view to refining the options.

Further details about the recent work are outlined below.

Options Identification Reports – Completed July 2020

Each report defined and outlined 3 options for each of the 6 reforms. The options proposed by the respective Expert Groups were as follows:

Reform 1A – New Activities on CRoW Access Land

- i. Amended CRoW Sch. 2 Restrictions
- ii. Higher Rights Applied Subject to Assessment of demand/suitability
- iii. Higher Rights on Defined CRoW Trails (corridor approach)

Reform 1B - Coastal Access

- i. Marine & Coastal Access Act (MACA) approach
- ii. Extend CRoW to include coastal land using s3
- iii. Extend CRoW to include coastal land using s3 with powers to apply higher rights

Reform 2A - Extend Activities on public footpaths

- i. General application of higher rights to footpaths [s30 approach]

- ii. Higher rights applied to footpaths with powers to exclude based on unsuitability
- iii. Selective application of higher rights to footpaths applied on a case-by-case basis

Reform 2B - Temporary closures and stock control on PRow

- i. Diversion or closures by notification
- ii. Statutory access code diversion
- iii. Temporary diversion for works

Reform 3A - Access Mapping

- i. All-Wales Digital Map [of PRow and CRoW access]
- ii. Definitive Map of CRoW and PRow (Alternative Option)
- iii. Third sector Mapping and Promotion Organisation

Reform 3B - Integrated Plans

- i. Integrated Recreational Access Plans
- ii. Revised and extended ROWIP Approach
- iii. National Strategic Recreational Access Improvement Plan

Reform Options Draft Analysis Reports - September 2020 (refinement & completion by December)

Each of the Reforms (1A, 1B etc) above has its own analysis report with an additional report for the cross-cutting themes in preparation. Members of the Expert Groups and the National Access Forum Wales, local access forums (LAFs), and NRW specialists were contacted in May and June to contribute evidence for the analysis of the options. All comments and evidence were analysed by NRW outdoor access and recreation specialists and used in drafting the analysis reports. A big thank you for all those who contributed.

Expert Group Meetings – September 2020

The draft analysis reports will be considered with each of the Expert Groups in September. Due to Covid restrictions these have been arranged as online meetings. The draft reports will then be revised in the light of the comments made by the Expert Groups and be included as part of a review by Welsh Government of the ARAG work to date in November.

We will also discuss the ARAG work where it relates to LAFs with the national representative of the local access forums in Wales during September.

Option Selection Stage – January 2021

Expert Group members will be given the final analysis reports with refined key elements for each option so that they can discuss and decide upon one option that they recommend for each reform area.

Access Reform Report – Completion: April 2021

This will be the final output for the ARAG process, consisting of analysis of each of the selected Reform Options, with recommendations to WG ministers on how to proceed.

Contacts

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