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Notice of meeting / Hysbysiad o gyfarfod:

Local Access Forum

**Thursday, 7th September, 2017 at 1.00 pm,
Shire Hall, Monmouth**

AGENDA

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| 5.2. | Herefordshire Council Rights of Way Improvement Plan Review | |
| 6. | Future Work Programme | |
| 7. | Date of next meeting / member's training session: to be agreed | |

Paul Matthews
Chief Executive / Prif Weithredwr

MONMOUTHSHIRE COUNTY COUNCIL
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillors:

Belsten
Bilsborough
Brooke
Clarke
Fairey
Hampshire
Jones
A. Webb

Public Information

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Welsh Language

The Council welcomes contributions from members of the public through the medium of Welsh or English. We respectfully ask that you provide us with adequate notice to accommodate your needs.

Aims and Values of Monmouthshire County Council

Sustainable and Resilient Communities

Outcomes we are working towards

Nobody Is Left Behind

- Older people are able to live their good life
- People have access to appropriate and affordable housing
- People have good access and mobility

People Are Confident, Capable and Involved

- People's lives are not affected by alcohol and drug misuse
- Families are supported
- People feel safe

Our County Thrives

- Business and enterprise
- People have access to practical and flexible learning
- People protect and enhance the environment

Our priorities

- Schools
- Protection of vulnerable people
- Supporting Business and Job Creation
- Maintaining locally accessible services

Our Values

- **Openness:** we aspire to be open and honest to develop trusting relationships.
- **Fairness:** we aspire to provide fair choice, opportunities and experiences and become an organisation built on mutual respect.
- **Flexibility:** we aspire to be flexible in our thinking and action to become an effective and efficient organisation.
- **Teamwork:** we aspire to work together to share our successes and failures by building on our strengths and supporting one another to achieve our goals.

Nodau a Gwerthoedd Cyngor Sir Fynwy

Cymunedau Cynaliadwy a Chryf

Canlyniadau y gweithiwn i'w cyflawni

Neb yn cael ei adael ar ôl

- Gall pobl hŷn fyw bywyd da
- Pobl â mynediad i dai addas a fforddiadwy
- Pobl â mynediad a symudedd da

Pobl yn hyderus, galluog ac yn cymryd rhan

- Camddefnyddio alcohol a chyffuriau ddim yn effeithio ar fywydau pobl
- Teuluoedd yn cael eu cefnogi
- Pobl yn teimlo'n ddiogel

Ein sir yn ffynnu

- Busnes a menter
- Pobl â mynediad i ddysgu ymarferol a hyblyg
- Pobl yn diogelu ac yn cyfoethogi'r amgylchedd

Ein blaenoriaethau

- Ysgolion
- Diogelu pobl agored i niwed
- Cefnogi busnes a chreu swyddi
- Cynnal gwasanaethau sy'n hygyrch yn lleol

Ein gwerthoedd

- **Bod yn agored:** anelwn fod yn agored ac onest i ddatblygu perthnasoedd ymddiriedus
- **Tegwch:** anelwn ddarparu dewis teg, cyfleoedd a phrofiadau a dod yn sefydliad a adeiladwyd ar barch un at y llall.
- **Hyblygrwydd:** anelwn fod yn hyblyg yn ein syniadau a'n gweithredoedd i ddod yn sefydliad effeithlon ac effeithiol.
- **Gwaith tîm:** anelwn gydweithio i rannu ein llwyddiannau a'n methiannau drwy adeiladu ar ein cryfderau a chefnogi ein gilydd i gyflawni ein nodau.

Terms of Reference

Monmouthshire Local Access Forum is the statutory Local Access Forum for Monmouthshire (excluding that part of the county that falls into the Brecon Beacons National Park), as required under the Countryside & Rights of Way Act 2000.

The function of the Forum is to advise the local authority, Natural Resources Wales and others, as to the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area, and to advise and assist with the implementation of the Public Rights of Way Improvement Plan.

Membership

Members of the forum are appointed by the "Appointing Authority" (Monmouthshire County Council in accordance with the relevant regulations. The current membership of the forum is as follows:

Mrs Patricia Belsten

Mrs Irene Brooke

Mrs Anthea Fairey

Mrs Sheila Hampshire

Ms Gwyneth Jones

Mr Phil Mundell

Mr David Smith

Mr Mark Storey

Mrs Anne Underwood (Deputy Chair)

Cllr Ann Webb (the "Appointing Authority" representative)

Observers;

Representatives from Monmouthshire County Council and Natural Resources Wales

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MONMOUTHSHIRE LOCAL ACCESS FORUM

Minutes of the meeting held on Monday 22nd May 2017 at 1:30pm
Abergavenny Leisure Centre, Monmouthshire

PRESENT:

Members:

| | | |
|----------------------|-------|----|
| Mrs Anne Underwood | Chair | AU |
| Mrs Irene Brooke | | IB |
| Mrs Pat Belsten | | PB |
| Mrs Anthea Fairey | | AF |
| Mrs Sheila Hampshire | | SH |
| Ms Gwyneth Jones | | GJ |
| Mr Phil Mundell | | PM |
| Mr David Smith | | DS |
| Cllr Ann Webb | | AW |

| | | |
|-----|------------------|----|
| MCC | Mr Matthew Lewis | ML |
| | Mr Paul Keeble | PK |

Minute Secretary: Alan Clarke AC

1. Apologies

Apologies were received from John Askew, Elizabeth Hepburn and Ruth Rourke.

2. Introductions

AU welcomed members to the meeting and introductions were made around the table.

3. Declarations of Interest

There were no new declarations of interest.

4. Minutes of the Meeting held on 6th February 2017

The minutes of the meeting held on 6th February 2017 were agreed by those present and signed by the Chair.

6. Matters Arising

There were no matters arising.

7. Proposed New Delivery Model for Tourism, Leisure, Culture and Youth Services

Members noted the document presented by ML. He described the background which had led to the current and wider review of services.

A number of options had been considered and in March 2017 the Council had decided to progress just two, an in-house review or a new style, alternative delivery model.

Work was now proceeding to produce detailed plans for both options. The aim was to report in September with a go-live target of 1 April 2018.

ML explained that if the alternative delivery model (ADM) was chosen, a charitable trust would be set up with a trading company and a local authority owned company. The management of the assets would be devolved to the ADM who would be responsible for tourism, leisure, culture and youth services and would also take on around 400-450 Council employees. A budget would be provided by the Council towards the costs of running services but in the longer term there would be potential for savings with the ADM having access to external grants. As far as care of rights of way was concerned, the ADM would continue to work to the ROWIP on behalf of the Council.

AU said the Wentwood Forest project had benefited from the inclusion of Adventa and probably wouldn't have happened otherwise. Based on this experience, she felt reasonably confident about the current proposals.

PK joined the meeting at 2.05pm.

IB asked if the proposed changes would result in reduced accountability. **ML** said there would be sufficient checks in the system to cover this.

AW asked if there would be provision for scrutiny before determination of a final decision. **ML** said that there would but he had no details on this as yet.

GJ asked if there would be any impact on services caused by changes in the short term. **ML** said efforts would be made to guard against this, although there could be some short-term disruption during the implementation period. There are dangers and the Authority is aware of this.

IB asked how the changes would affect footpaths. **ML** said in the short term there won't be any changes, but in the longer term there may well be changes in the way in which rights of way are marketed. Also in the longer term the ADM should become more efficient leading to further savings arising from accommodation reorganisation. He said he would continue to report back to the LAF on the progress of the changes.

8. Report of the First Stage Consultation on the ROWIP Review

Members noted the report presented by **ML**. **IB** said there had been very little feedback from individual farmers and landowners who did not seem to have been consulted. She said this was particularly relevant for rights of way as their cooperation was needed.

ML said he thought the Country Land and Business Association and the National Farmers' Union had been consulted and he would check with **RR**. **Action: ML**

PM highlighted recent problems concerning access and blockages encountered during the Chepstow Walking Festival. This had been despite lengthy consultation with the relevant authorities.

ML said **RR** would be having more detailed discussions with the major land use providers within the County and with Natural Resources Wales. He said that while the

ROWIP could contain lots of aspirations, it was largely down to management on the ground by NRW. Monmouthshire was the first Authority in Wales to consult with NRW on ROWIP provisions.

ML said he was still happy to receive comments on the ROWIP. The LAF also needed to decide how it wished to work with MCC on the production of the final document. He suggested setting up a working group. It was agreed that **RR** should discuss this with **AU**.
Action: RR & AU

9. Report from LAF Chairs Meeting

AU reported following the LAF Chairs meeting held on 26th April. She said the Welsh Government still intended to issue a White Paper on countryside access but it was not included in the current legislative timetable. She said some of the problems highlighted at the meeting had been inconsistencies in mapping and the expense involved in making changes to the map.

AU said this was likely to be the last year of ROWIP funding. A new structure will be put in place although the details have yet to be announced.

AU said the meeting had discussed the importance of how LAFs liaise with National Parks. She said the arrangements seem to work well in Monmouthshire. The Members noted the paper circulated on this. There was also agreement that the LAFs should make an annual presentation to County Councils. **ML** confirmed that this had been agreed with MCC.

AU said there was likely to be a wider role for LAFs in the future. This gave rise to the need to raise the public awareness of the work of the LAF and to attract new members.

IB asked if the LAF could become a statutory consultee. **ML** said this would not be possible without legislation but he was happy to copy information in to a LAF sub-group. He said he would speak to Richard Garner to discuss how a practical process could be established. **PM** said the County needed to be broken down into smaller geographical areas in order to involve local interest groups.
Action: ML

AU said the new Glastir Advanced programme had been discussed at the Chairmans' Members noted the document circulated. **ML** said this would be a useful initiative for Monmouthshire to be involved in and it was agreed that this should be linked to the ROWIP sub-group. **ML** will discuss the details with **RR**.
Action: ML & RR

10. Mon Lane Care Scheme

ML said that unfortunately **JH** had not been able to attend today's meeting because of work commitments and therefore the site visit had had to be cancelled. **JH** was also proposing to step down from the LAF because of other ongoing commitments. **PK** said that **JH** still hoped to help out with Lane Care and he had suggested that another 4x4 user should be co-opted onto the LAF.

SH suggested that some of the conflict of use of ROWs by motorised vehicles could be alleviated if the Planning Department was more accepting of applications for use of

4x4s and motorcycles on designated courses on farmland. **ML** agreed that this was an issue the LAF needed to tackle, perhaps through a sub-group with a 4x4 representative. **AU** suggested that Traffic Regulation Orders needed to be built in to any arrangements in order to prevent nuisance.

DS suggested the possibility of a weekend meeting in order to fit in with **JS**' availability. **PK** will contact **JS** on this. **Action: PK**

11. Other Updates

a) M4 Inquiry

ML said the M4 Inquiry was continuing. LAF and MCC comments had been submitted and undertakings had been given on most of these. MCC did not have the resources to maintain a full watching brief but would aim to respond as necessary.

b) Brecon Beacons National Park

ML said Heads of Terms on an updated agreement with the National Park had been agreed and would be backdated to 1 April 2017. MCC's legal department were now drawing up a full legal agreement.

c) Living Levels

ML said he would arrange a full briefing on the Living Levels project for presentation at a future LAF meeting.

d) National Parks

AW said the Chief Executive of the National Park Authority would be speaking to the full MCC council shortly and this may be of interest to LAF members should they wish to attend.

e) Training

AU said some basic training for LAF members would be set up shortly.

12. Future Work Programme

Members noted the items listed on the Future Work Programme.

13. Date and Venue of Next Meeting.

To be advised.

The meeting closed at 4.00pm.

Signed as a true record of the proceedings:.....

(Chairman)

Date:.....

Monmouthshire Local Access Forum

AGENDA ITEM: 4

**SUBJECT: RESPONSE TO WELSH GOVERNMENT CONSULTATION PAPER:
TAKING FORWARD WALES' SUSTAINABLE MANAGEMENT OF NATURAL
RESOURCE**

MEETING: MONMOUTHSHIRE LOCAL ACCESS FORUM

DATE: 7 SEPTEMBER 2017

1. PURPOSE:

- 1.1 To allow the Local Access Forum to formulate a response to the Consultation Paper.

2. RECOMMENDATION:

- 2.1 For the Forum's consideration and views.

3. BACKGROUND:

- 3.1 Welsh Government has published a Consultation Paper on the Sustainable Management of Natural Resources which includes proposals relating to access to the outdoors, building on the previous Green Paper. Consultation responses are requested by 30 September 2017.
- 3.2 The full document can be viewed here:
<https://consultations.gov.wales/consultations/taking-forward-wales-sustainable-management-natural-resources>
- 3.3 Section 4: Access to Outdoors is appended for ease of use, including the identified proposals and the consultation questions. Note that there may be other parts of the consultation paper which although not directly related to outdoor recreation may also interest LAF members including Chapter 2: Forestry and Chapter 3: Designated Landscapes.
- 3.4 The Consultation paper includes specific proposals in respect of the regulations and guidance for Local Access Forums and John Morgan the National Representative, Chairs of Welsh Local Access Forums, has drafted a response on behalf of the LAF Chairs. That draft is also appended for information.
- 3.5 The Forum's views are sought to inform a response.

4. AUTHOR:

Matthew Lewis
LAF Secretary

matthewlewis@monmouthshire.gov.uk 01633 644855

Monmouthshire Local Access Forum

AGENDA ITEM: 5

SUBJECT: CONSULTATIONS

MEETING: MONMOUTHSHIRE LOCAL ACCESS FORUM

DATE: 7 SEPTEMBER 2017

1. PURPOSE:

- 1.1 To inform the Local Access Forum of two consultations:
 - (a) Proposed Glastir Scheme Permissive Access: Penallt
 - (b) Herefordshire Council Rights of Way Improvement Plan Review

2. RECOMMENDATION:

- 2.1 For the Forum's consideration and views.

3. BACKGROUND:

(a) Glastir

- 3.1 Requests by landowners who wish to add permissive access under a Glastir agri-environment scheme application require support by the local access forum, consequently the forum has a role in assessing any such requests.
- 3.2 A request has been received from a landowner at Penallt for the forum to assess their proposal for permissive access.
- 3.3 The forum has previously dealt with such a request by forming a sub group who were able to visit the site, meet the landowner and then assess the proposal. If agree the sub group will need to be convened shortly to allow the landowner to meet the Glastir application deadline.

(b) Herefordshire ROWIP

- 3.4 Herefordshire Council is reviewing its Rights of Way Improvement Plan (ROWIP) as it is required to do in accordance with the Countryside and Rights of Way Act 2000.
- 3.5 Herefordshire Council's explanatory text states:
"The current ROWIP was produced in 2007 with assistance from many individuals, groups and organisations and set out the Council's priorities for its public path network over a 10 year period. The Council is required to periodically review its plan and to further consult on it. A new ROWIP has been drafted with the help of Herefordshire's Local Access Forum. It is intended that any changes made are light touch, bringing the document up to date and reflecting new aims

and priorities. The assessments referred to reflect conclusions drawn from previously collected data that supported the original Plan.”

3.6 The Plan is available to view at herefordshire.gov.uk/consultations. The closing date for receipt of any comments or observations is 10th November 2017.

3.7 The forum may wish to consider how it would prefer to respond.

4. AUTHOR:

Matthew Lewis

LAF Secretary

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Consultation Response to the Welsh Governments Consultation Document Taking Forward Wales' Sustainable Management of Natural Resources

1. This Consultation Response is the response of the Meeting of Chairs of Welsh Local Access Forums. It deals only with the Local Access Forum section of the Consultation Document.
2. The Chairs of Welsh Access Forums meet two or three times a year to discuss matters of concern to Local Access Forums in Wales. An Annual Conference is organised on matters within the remit of Local Access Forums the last being in October 2016.
3. Through its work the Meeting of Chairs of Welsh Local Access Forums chaired by the elected National Representative, serviced by the NRW, can claim through its members and officers to be of the very few who have a good overview of the performance of Welsh LAFs and their methods of working.
4. This response is structured into three Parts and two Appendices as follows:
Part A: a summarised response to Proposal 27
Part B: comments on the changes identified on page 45 of the Consultation Paper
Part C: additional matters not raised on page 45
Appendix 1: a list of proposals arising from Part
Appendix 2: matters for inclusion in a protocol for County Councils and National Park Authorities.

Part A

A summarised response to Proposal 27 of the Consultation Document

5. Parts B and C of this Response contains proposals and detailed explanations for consideration. It is envisaged in this document that changes can be made through legislation, including amended Regulations, and through less strictly formal means.
6. The less formal means for changes and improvements are:
 - a. the establishment of a protocol for County Councils and National Park Authorities
and
 - b. a document for benchmarking recommending 'best practice' procedures for Local Access Forums.
7. These topics are dealt with in Part B. Though they will have less formality than legislation it is nevertheless important that the duties associated with this approach should be defined in legislation, possibly in the Regulations. It is considered that the duty for the development and regular review of the documents 6a and 6b should lie with NRW.

Part B

Comments on the Changes Identified on page 45 of the White Paper

'Amendments to enable deputies to represent members '

8. This suggestion is unhelpful to the method of working of Access Forums and is anomalous with respect to the role of Forum members and the appointment procedures of the Appointing Authorities. The following issues are pertinent:
9. . Given the way a Forum work the allowing of deputies would be disruptive to a Forum as there would be difficulties in members keeping up to date with the state of business, contributing to subcommittees and generally making effective contributions. LAF agenda items are commonly items carried over to one or more meetings before matters are concluded. A deputy cannot be expected to be kept up to date or updated on matters of previous meetings in supporting or otherwise a course of action or voting on a matter which may have some public significance.
10. It must also be recognised that Forum members are not appointed as representatives of any organisation. Forum members are there, and are appointed, so that the Forum can benefit from their knowledge of particular subjects when making contributions to Forum discussions. In this circumstance it would only be a Forum member who could appoint her or his deputy. Attendance at a Forum would be, in effect, at a member's personal behest. This is not an acceptable situation for a statutory body such as a Local Access Forum whose members undergo a formal appointment procedure.
11. . The CROW Act and the Welsh Government Regulations govern the appointment of Local Access Forum members by an Appointing Authority. Before considering an appointment an Appointing Authority will request aspiring Forum members to complete a formal application form to indicate relevant interests, geographical situation, gender, language and other criteria. Allowing a member then to arrange a substitute is not compatible with the justifiable formality of this initial appointment procedure.
12. The existing Regulations already provide for the attendance of non-members. A person can attend as a member of the public and there is no reason why such a person cannot report back to a non attending member. In addition, Section 15(8) of the Regulations state:
The Chair may invite observers and/or advisers to a meeting, and those invited may, if the person presiding considers it appropriate, contribute to the proceedings of the forum.

13. These considerations make it inappropriate and unnecessary to allow for deputies to Forum members as proposed in the Consultation Document.

'Steps to encourage a more representative range of members such as guidance on when and where to hold meetings to allow for those who work and or have caring responsibilities.'

14. Those familiar with Welsh Local Access Forums will know that these matters are continually in the mind of Forums to the extent that cluttering the Regulations with guidance on the topics is superfluous. Local Access Forums' coverage range from comparatively small urban areas to large rural areas with limited population. It is difficult to envisage sensible practicable guidance being produced by central government for the varied situations, geographical and otherwise, in which Local Access Forums exist. This is especially so for any proposed guidance on 'where and when to hold meetings'.

'Advertising for members on the internet and social media'

15. This is one of a number of ways of advertising for members at the time of a Forum's reappointment and it is of course acceptable. It is unlikely to save money as all means of advertising for members need to be adopted including the usual form advertisements in local newspapers.

'Guidance on how to promote the role s and responsibilities of LAFs to other public bodies. This includes how LAFs can engage more effectively with their Public Service Boards.'

16. On the topic of guidance the requirement lies more in guidance to the public bodies, with which the LAF is deemed to have a relationship, as to those bodies' responsibilities to the Local Access Forum. Nevertheless Guidance to LAFs on their role with respect to these bodies would not be unhelpful as there are uncertainties in LAFs as to what formal relationships exist with public bodies other than County Councils and National Parks. This topic is considered further in para 25 below.

17. In the context of Public Service Boards the implication within the Consultation Paper is that there is already some level of direct engagement with Boards. This is not the case though it is desirable that there should be some connection. Dealing with this issue should be straight forward. Welsh Government instructions (possibly statutory) lists people who should be invited to participate in PSBs. In this instruction there is the statement

'PSBs will also be able to invite other public service organisations to participate'

This offers a convenient way of instructing Public Service Boards to invite a Local Access Forum to nominate a member, probably its Chair, to a Board.

'Increasing the remit of a LAF from 3 to 4 years'

18. This proposal is supported
19. For newly appointed LAFs there is a 'bedding in' period when members with different Interests get to know each other, develop an understanding of others' general views on topics and gain a knowledge of how a LAF works together with what it has accomplished or attempted in the past. It takes time for a Local Access Forum to learn to work effectively.
20. With this proposal members' training and members' accumulated experience can Benefit LAFs over a longer period though not long enough for staleness to reduce effectiveness. There are also savings in administrative time and cost in avoiding an over frequent need to organise the appointment of a new LAF.
21. These considerations will benefit by an extension of the term of appointment to 4 years.

Part C

Additional Matters (Not Identified on page 45 of the White Paper).

Relationship with the County Councils and National Parks.

22. Though it is independent of a County Council or National Park in its decision making a LAF does depend on it for its servicing including its secretariat. At the present time most of the advice given by a Local Access Forum is to a County Council or National Park Authority.
 23. Establishing a satisfactory relationship with a County Council is a concern for many Forums though some have relationships which they regard as good. Nevertheless if the general experience of Forums over the last twenty years or so shows anything then it is the need to establish a protocol for their relationship with County Councils and National Parks. A protocol will be helpful to new Chairs, members and new secretaries who otherwise may have little feel for how they should relate to a County Council or National Park Authority. It also benefits officers and members of a Council and National Park in informing them on the roles and procedures appertaining to Local Access Forums.
 24. NRW is best placed to draft such a protocol with advice from Chairs of Welsh local Access Forums Meeting, from LAFs themselves and County Council sources. The Chairs Meeting has already considered a paper on this topic part of which is included as Appendix 2.
- It is proposed that an addition to existing legislation should place a duty on NRW to draw up and maintain a protocol for the relationship between a LAF and a County Council or National Park.

Clarifying and updating the Relationship between NRW, Welsh Government, the National Assembly and Local Access Forums

25. In Wales the erstwhile Countryside Council for Wales published its Local Access Forums Guidance 2 in 2001 title *the role, duties and functions of Local Access Forums*. . In its paragraph 5.1 it lists the CCW, National Assembly and, in some cases, the Forestry Commission, as a statutory duty, having regard to any relevant advice given to them by a Local Access Forum.
26. The CCW guidance was published 26 years ago and needs updating. The public bodies concerned are now NRW, Welsh Government and the National Assembly for Wales. The responsibilities are not clearly defined in the CCW publication which mainly mentions they cover Part 1 of the Crow Act. Few LAFs are clear as to their relationship with NRW and Welsh Government and, in our view, few Welsh Government and NRW field managers are aware of any relationship their organisation has with LAFs.
27. NRW is much involved with access facilities for the public which are closely related to its recreational activities. The current LAF remit is the proffering of advice on *the improvement of public access to land in that area for the purposes of open-air recreation and the enjoyment of the area, and as to such other matters as may be prescribed*
28. In its nature NRW's planning and management of its recreational activities fall well into this remit of Local Access Forums. The reference to 'CROW Part 1' in the CCW Guidance is too narrow an interpretation of the relationship Forums should have with NRW given the recreational activities that organisation carries out on its managed land. It is also the case that there is little or no local input into NRW's activities within a County. Arising from these considerations is a need to bring up to date the relationship between NRW, in its recreational activities, and LAFs. Thus:
- It is proposed that the relationship between LAFs and NRW should be clarified to the extent that NRW should 'have regard to' advice provided by a LAF on access and related recreational facilities which are within the statutory remit of LAFs.
29. This proposal can be statutorily implemented under either or both of Section 94(4) d of the CROW Act ('*such other bodies as may be prescribed*') and the Section 94 (4) remit which includes '*and as to such other matters as may be prescribed.*'
30. The CCW Guidance refers to the 'National Assembly'. It needs updating so that, similar to that suggested for NRW. Where in the unusual event whereby the Welsh Government or the Welsh National Assembly plan to implement facilities of a physical kind on the ground for '*public access to land for the purposes of open-air recreation and the enjoyment of the area*' then the Local Access Forum should be

able to provide advice. Thus:

- It is proposed that the relationship between LAFs with Welsh Government and the Welsh National Assembly be clarified to the extent that if these public bodies propose to create facilities within the remit of a LAF then they should have regard to advice provided by a LAF.

31. As with NRW this proposal can be implemented under either or both of Section 94(4) d and the Section 94 (4) remit in the CROW Act.

LAF Relationships with Other Bodies.

32. Whereas the CCW publication gives reasonable scope for LAFs to introduce topics of their own it is always helpful if there is formal support of an official nature.

33. Community Councils have a number of useful statutory powers in relation to public access including their maintenance, the creation of new paths and the ability to raise finance. The Regulations in England have prescribed Parish Councils under section 94(4) d of the Crow Act. Community Councils need to be similarly prescribed in Wales. This will provide Welsh LAFs with a locus for the reviewing, advising and enthusing Community Councils.

- It is proposed that Community Councils be proscribed under Section 94d of the CROW Act
34. Access projects significantly financed from the public purse can arise in a County with little knowledge of the County Council or the LAF. Currently there is no formal opportunity of reviewing what is going on within a County which depends on public finance from outside the County Council or National Park.
- It is proposed that legislation should provide for an LAF to overview publicly financed projects with the organisers needing to 'have regard' to any advice proffered by a LAF.

35. For various reasons it is likely a Forum will need to be selective in the choice of projects.

Benchmarking of Best Practices for Local Access Forums

36. Local Access Forums are varied in their procedures. There are circumstances when a variety of approaches is optimal taking Wales as a whole. What is not desirable is that variety exists because no advice is available on what is considered best practice even if following that best practice is not an obligatory duty of a LAF. New Chairs,

new Forum members and new secretaries should at least have best practice advice available to them. The Chairs Meeting is already starting to work up a series of benchmarks but ultimately the duty should lie with NRW given the current delegation from Welsh Government.

37. The page 45 changes on representation, guidance and advertising suggested in the Consultation Paper are best dealt with by incorporating them into the 'best practice' approach rather Welsh Government adopting a prescriptive approach in any future changes to legislation or the Regulations.

- It is proposed that the Regulations place a duty on NRW to maintain a set of best practice for LAF procedures, revised over time as necessary, with their adoption by individual LAFs being discretionary to allow for the varied circumstances of Welsh LAFs and Local Authorities. This to be in consultation with the Chairs of Welsh Local Access Forums Meetings and other relevant parties.

The Rights of Way Improvement Plan

38. Under the CROW Act Local Access Forums are statutory consultees in respect of the Rights of Way Improvement Plan (CROW Section 61(1) e. Partly because of this and of Welsh Government instructions Forums have been closely involved in the current revision of ROWIPs which is taking place in Wales. Holding this statutory position it makes sense that the monitoring of the progress of a ROWIP should also be a statutory function of a Local Access Forum.

- It is proposed that either in the Regulations or in future legislation the Welsh Government make the monitoring of the progress of a Rights of Way Improvement Plan a statutory function of the LAF.

The Appointment of LAF Chairs

39. The Chair makes a very significant contribution to the success of a LAF. A Chair does more than transact the business of the agenda in a timely fashion. From the Chair there is a need for a degree of executive direction and a controlled enthusiasm for the remit of the LAF. She or he must also have the time for the duties. Impartiality of course is a given but this should not prevent a Chair having a particular interest within the LAF remit.

40. The Regulations currently cover the election of a LAF Chair at the first meeting of a Forum after its appointment. This Consultation Response makes no recommendations on this topic but it is relevant for the Welsh Government to consider what other procedures might be considered given the importance of the role.

- It is proposed that Welsh Government review the options available for the procedure of appointing a LAF Chair.

Chairs of Local Access Forum Meetings

41. Regrettably, the Consultation Paper rules out the possibility of the Chairs of Welsh Local Access Forums Meeting having statutory status. In the context of a consultation this is disappointingly premature.
42. The Chairs Meeting avoids the danger that an LAF exists almost in isolation. Without it LAF Chairs would have little recourse to advice and discussion with their contemporaries on issues, procedures and experiences. There would be no ability to question policy makers in Welsh Government who are occasionally in attendance and little ability to question or influence officers of NRW which has certain delegated responsibilities from Welsh Government in respect of Welsh LAFs. Conversely, without the Meeting NRW and Welsh Government officials have no opportunity of orally discussing possible changes in procedures and policies affecting LAFs with the Chairs who have practical experience of their running. Asking for written LAF contributions is by itself often not enough to reach sensible conclusions on issues.
43. The Chairs meeting is already working towards resolving issues such as a protocol for the LAF relationship with County Councils, It is also moving towards a set of benchmarks for best practice in the working of LAFs including some of the issues raised in the Consultation Document. This work will be a valuable input in respect of documents mentioned in para. 6.
44. It is important to the success of Welsh LAFs that the Chairs Meeting can be supported in its role. In practice the most essential need is for the continuation of a secretariat currently provided for by NRW and that the Meeting itself has some form of official recognition. Thus:
 - It is proposed that the Regulations acknowledge the need for a Meeting of Chairs of Welsh Local Access Forums and place a duty on NRW to provide a secretariat with resources which allows for the administration for up to three Chairs meetings a year and an Annual Conference

Appendix 1

List of Proposals Made in Part B.

- It is proposed that an addition to existing legislation should place a duty on NRW to draw up and maintain a protocol for the relationship between a LAF and a County Council or National Park.
- It is proposed that the relationship between LAFs and NRW should be clarified to the extent that NRW should 'have regard to' advice provided by a LAF on access and related recreational facilities which are within the statutory remit of LAFs.
- It is proposed that the relationship between LAFs with Welsh Government and the Welsh National Assembly be clarified to the extent that if these public bodies propose to create facilities within the remit of a LAF then they should have regard to advice provided by a LAF.
- It is proposed that Community Councils be proscribed under Section 94d of the CROW Act.
- It is proposed that legislation should provide for an LAF to overview publicly financed projects with the organisers needing to 'have regard' to any advice proffered by a LAF.
- It is proposed that the Regulations place a duty on NRW to maintain a set of best practice for LAF procedures, revised over time as necessary, with their adoption by individual LAFs being discretionary to allow for the varied circumstances of Welsh LAFs and Local Authorities. This to be in consultation with the Chairs of Welsh Local Access Forums Meetings and other relevant parties.
- It is proposed that either in the Regulations or in future legislation the Welsh Government make the monitoring of the progress of a Rights of Way Improvement Plan a statutory function of the LAF.
- It is proposed that Welsh Government review the options available for the procedure of appointing a LAF Chair.
- It is proposed that the Regulations acknowledge the need for a Meeting of Chairs of Welsh Local Access Forums and place a duty on NRW to provide a secretariat with resources which allows for the administration for up to three Chairs meetings a year and an Annual Conference

Appendix 2:

Topics for Consideration in Developing a Protocol for County Councils and National Park Authorities.

The topics which could, perhaps should, be covered in any protocol or agreement or less formal discussion include the following:

- a. The need to establish the existence and purpose of the Local Access Forum to all services within a county or national park. This can be done by asking a Council to circulate to all services or divisions the statutory nature and purpose of the LAF and perhaps outlining circumstances in which the LAF can provide advice. Also to provide for further reminders from time to time to cover staff and organisational changes.
- b. In the role of Appointing Authority, when advertising for new members of a Forum applicants should be reminded that they should have time available to contribute not only to what are usually quarterly meetings of a Forum but also to sub committees which may be established for particular purposes.
- c. That a new LAF should be appointed and have its first meeting within four months of the last meeting of the former LAF.
- d. The Secretary should be a comparatively senior person competent in the role of providing guidance and advice to the LAF.
- e. The Chair of the LAF should be consulted where reorganisation, staff changes or budgetary adjustments affect the administrative arrangements and service for the LAF.
- f. It should be enabled that the Chair, Vice Chair and Secretary meet annually with the Council Leader, Chief Executive and appropriate Cabinet Member. This at the request of the Chair each year.
- g. It should be enabled that in the company of the LAF Secretary and Vice Chair, the Chair should be asked to make an annual presentation to a relevant Scrutiny Committee.
- h. To avoid the ambiguity which may arise from the Secretary being a County Council or National Park employee, formal communication between the LAF and the Council or National Park will be by letter addressed to the Chief Executive and signed by the Chair.

The foregoing are the matters viewed as being the most important on which to reach an understanding with a Council or National Park. For those wishing to consider it, Appendix 1 is a suggested template agreement bringing together the topics in a more formal way.

(End)

Chapter 4: Access to Outdoors

Summary

This chapter sets out the following proposals relating to access to the countryside:

- Achieving consistency in the opportunities available for participation in different activities and how activities are restricted and regulated;
- Simplifying and harmonising procedures for designating and recording public access;
- Improving existing advisory forums and how access rights and responsibilities are communicated to all interests.

What issues are we considering?

The current system underpinning access to countryside is too complex and burdensome. As such, Wales needs a better and fairer approach to public access for outdoor recreation, which is less burdensome to administer, provides for the wide range of activities people want to participate in and has sensible safeguards for land management activities. The Welsh Government intends to develop a coherent system for outdoor recreation, which allows for a broad range of non-motorised recreation on paths, open country and inland water.

At present the legislative framework lacks coherency, for example paths and areas of access land have different rules and regulations on who can go there and what activities are allowed. Often these rules have no relationship to the actual conditions on the ground.

The issue is further compounded as there is unnecessary inconsistency in the way paths and places open to the public are currently recorded, changed, and restricted.

We believe the law needs to reflect current recreational needs and be more flexible to changes in demand and participation. It is currently too difficult to make changes to public access, either to increase it or restrict it.

We have an opportunity to make Wales more attractive as an activity tourism destination, both home and abroad. In addition, we seek to develop opportunities for access to the outdoors for recreation near to where people live in order to increase levels of physical activity and promote the wider benefits to physical and mental health of being outdoors.

Improvements to the opportunities for public access to the outdoors for recreation will contribute to the goals set out in the WFG Act 2015 and complement the provisions of the Active Travel (Wales) Act and the Environment (Wales) Act. The success of the Wales Coast Path has already demonstrated how outdoor recreation can help to support the economy, improve health and instil a sense of national pride.

Making changes to legislation could reduce impediments which currently frustrate progress by making it difficult to provide improved access opportunities that allow for healthy exercise, or limiting the potential of activity tourism.

Current Position

Following a broad based review of the legislative framework for access and outdoor recreation, including the consultation in 2015 on improving opportunities to access the outdoors for responsible recreation⁴⁰, the Welsh Government has identified a number of areas to be improved in order to deliver a better and fairer approach to public access for outdoor recreation. The aim is to develop an approach which is less burdensome to administer, provides for the wide range of activities that people can take part in, with sensible safeguards for land management activities and the cultural and natural environments.

It is not our aim to take away or reduce access rights for existing users. It is about increasing access for all non-motorised activities whilst allowing for sensible flexibility for land management and safety.

There are a large number of statutes that make up the legislative framework for access and rights of way. The key pieces of legislation include:

- The **National Parks and Access to the Countryside Act 1949** was the first significant legislation to establish rights for visiting the countryside;
- The **Countryside Act 1968** includes provisions in relation to stiles, gates and signage on public rights of way, including signposting footpaths and bridleways, and the riding of pedal cycles on bridleways;
- The **Highways Act 1980** includes the main powers and processes for creating, diverting, and extinguishing public rights of way;
- The **Wildlife and Countryside Act 1981** includes a duty to keep the definitive map and statement under continuous review and provides the associated mechanisms for updating these records;
- The **Cycle Tracks Act 1984** gives power to highway authorities to convert footpaths into cycle tracks, either for cycling only or for both cycling and walking;
- The **Countryside and Rights of Way Act 2000** [“the CRoW Act”] created access on foot to open country, defined as mountain, moor, heath, and down. This Act places a duty on Natural Resources Wales to prepare, consult and issue maps of all registered common land and open country; a power on access authorities (local authorities and national park authorities) to ensure a means of access to the CRoW access land; makes various provisions in relation to public rights of way, including a duty on local authorities to produce Rights of Way Improvement Plans and new procedures relating to the removal of obstructions; and provisions for the creation of local access forums.

⁴⁰ [Improving opportunities to access the outdoors for responsible recreation](#), The Welsh Government, July 2015.

What changes are we proposing?

The Welsh Outdoor Recreation Survey⁴¹, commissioned by NRW is the largest survey of participation in outdoor recreation by people living in Wales. Key challenges highlighted in the recently published 2014/15 survey summary compliment responses to the 2015 Welsh Government consultation about the need for a more fit for purpose legislative framework.

“Change in activity preferences is often relatively unpredictable, and can shift rapidly. This highlights the need for recreation provision to be flexible, and where possible to accommodate a diversity of activities on the doorstep.”⁴²

Most of the almost 5,800 responses to the consultation were in favour of increasing opportunities for a wider range of users, notably cyclists but also, among others, horse riders and paragliders.

Flexible provision for different activities, and to allow sensible safeguards for land management and wildlife, would be supported by a consistent approach to access across land and water.

“Outdoor recreation provides benefits for both health and the economy. Health benefits are particularly associated with frequent participation in doorstep activities, whilst economic benefits are derived more from days out to the best of Wales’ iconic coast and mountains. A key challenge is to find the right balance of support for both of these different types of recreation.”⁴³

Balancing the desire to improve the excellent tourism offer provided by Wales with the need to enhance doorstep opportunities can be achieved in part by broadening the type of areas available for access and in establishing a fairer approach to the types of recreation in which people can participate.

The survey identifies beaches (28%), mountains (16%) and the coast (14%) as the areas people would most like to go to in the future. These aspirations reflect the appeal of Wales’ more iconic locations, which also draw visitors to Wales.

Achieving consistency in the opportunities available for participation in different activities and how activities are restricted and regulated

To help improve the opportunities for activity tourism and the options available for people to participate in outdoor recreation near to where they live, changes are needed to the rights associated with existing path networks and access land, in addition to establishing rights in areas where the public would most benefit.

Associated to this is the need to ensure appropriate regulation of activities to safeguard the interests of existing users, the natural and cultural environments and land management, including liability and responsibility.

⁴¹ Welsh Outdoor Recreation Survey Key Facts for Policy and Practice: Summary Report, Natural Resources Wales, December 2016.

⁴² Challenge 4, p.21 of the Welsh Outdoor Recreation Survey Key Facts for Policy and Practice: Summary Report, Natural Resources Wales, December 2016.

⁴³ Challenge 5, p.21 of the Welsh Outdoor Recreation Survey Key Facts for Policy and Practice: Summary Report, Natural Resources Wales, December 2016.

Increasing range of activities on access land and public rights of way

Wales has the greatest length of rights of way per square km (1.59km/sqkm) in the UK followed by England (1.46km/sqkm), Scotland (0.19km/sqkm) and Northern Ireland (0.01km/sqkm).⁴⁴ However, around 79% of the network in Wales is made up of footpaths, with the other 21% made up of bridleways and byways. In addition, access land designated under Part 1 of the Countryside and Rights of Way Act 2000 [(the CRoW Act) is subject to rights for the public to enter and remain on specified types land “for the purposes of outdoor recreation”. Restrictions included in the CRoW Act effectively restrict rights to those on foot (or a mobility carriage).

In order to increase the value of these routes and areas as assets to promote participation and tourism we seek your views on introducing changes to the rights and restrictions associated with them.

Proposal 10

To enable cycling and horse riding on footpaths to occur under the same conditions as those provided for cycling on bridleways under section 30 of the Countryside Act 1968. These provisions allow for cycling without placing additional burdens of maintenance and liability on the local authority; and they prioritise the ordinary users of those paths. Whilst it would not place additional liabilities or maintenance burdens on local authorities, it would enable them to plan and implement surface and furniture improvements to routes that would add most value to the rights of way network. It would place the onus of checking the suitability of individual paths on users.

Proposal 11

To amend or revoke the following list of restrictions on access, provided in Schedule 2 (1) of the CRoW Act 2000:

- (b) uses a vessel or sailboard on any non-tidal water;
- (c) has with him any animal other than a dog;
- (i) bathes in any non-tidal water; and
- (s) engages in any organised games, or in camping , hang-gliding or para-gliding.

Proposal 12

To allow, with appropriate authority, organised cycle racing on bridleways in order to bring rules relating to bridleways into line with footpaths.

We would welcome any further suggestions for change in relation to anomalous or unreasonable restriction on public rights of way.

⁴⁴ National Assembly for Wales Research paper, *Countryside access in the UK: a review of associated legislation and policy*, April 2014.

Extend access land to the coast and cliffs

Under section 3 of the CRoW Act there is provision to extend access land to the coast. We are seeking views on implementing this provision to enable improved access for users; reduced liability on land managers and better protection for marine wildlife, including cliff nesting birds and seals with pups

Proposal 13

To extend CRoW Act access land to the coast and cliffs.

Establish access on inland water

There is an enduring dispute over the rights of those participating in water recreation on rivers and lakes. Implementing proportionate and fair legislation to establish clarity over rights of access as well as ensuring greater consistency with other access areas and activities we believe will help to reduce incidents of unfettered access currently causing confrontation between recreational users and will enhance recreational opportunities on water for locals and visitors.

In order to ensure that the interests of other users, land managers and the natural and cultural environments are enhanced and protected with the establishment of access rights to inland water, we are seeking your views on our proposals to extend Part 1 of CRoW Act provisions to all rivers and other inland waters.

There would not be a universal right to access water from land adjacent to the water. Access and egress points would need to be identified by a statutory authority and mapped. Access or egress at any other point along the water would only be permissible where needed in an emergency or where permission is granted by the landowner. A level of reduced liability, similar to that already in place on access land under sections 12 and 13 of the CRoW Act could apply to land managers with access and egress points on their land and to the responsible authority for water access.

Proposal 14

To extend Part 1 of CRoW Act access land provisions to rivers and other inland waters

Proposal 15

To establish NRW as the authority responsible for:

- identifying appropriate access and egress points;
- implementing measures to promote responsible use, including the use of river level indicators; and
- mediating between the different user interests to facilitate user access agreements.

Introducing a statutory requirement for responsible recreation covering access land, public rights of way and water

We are of the view that Wales can learn from the approach taken by Scotland in relation to placing the onus on users to respect and protect the areas to which they have access. This would match the statutory duties already placed on land managers to ensure access areas are open and easy to use.

In order to protect the natural and built environments, access rights across CRoW access land and public rights of way will be dependent on the user behaving responsibly whilst undertaking recreation, with a failure to do so resulting in the rights being annulled. We are also seeking your views on guidance on responsible behaviour as part of the proposal for a statutory access code (see page 44 below under Statutory Code for Access in Wales).

Proposal 16

To establish a statutory caveat on all users to behave responsibly whilst exercising their right to participate in recreation on access land, inland water and on public rights of way.

Establish mechanisms for restricting access

There are circumstances where relying on responsible behaviour by users will not be sufficient to ensure land management, user and wildlife interests are protected. Under Part 1 of the CRoW Act restrictions to access can be imposed in special circumstances, namely, for reasons of land management; for nature conservation or heritage preservation purposes; to avoid the risk of fire; and to avoid danger to the public.⁴⁵ The duration of restrictions vary from a few days to longer. They can apply various limitations, including where people can enter and leave access land and restricting access with dogs during lambing season. They can also be used to prohibit any visits to an area. We believe these restrictions could usefully be extended and modified to apply to public rights of way and water.

Responses to the 2015 consultation demonstrated the need to tighten up restrictions on dogs in the countryside. Walking dogs is a key reason why many of us participate in physical activity. Evidence gathered by the Wales Outdoor Recreation Survey shows that around 39% of visits to the outdoors are made by people with dogs; and dog walkers are almost twice as likely to participate in frequent visits as those without.⁴⁶ However, without adequate control, dogs can pose a considerable threat to livestock, in particular, pregnant ewes and those with lambs. Therefore, we believe it is sensible to require dog walkers to place their animals on leads in the vicinity of livestock. Careful guidance and meaningful education is also required to encourage responsible behaviour, including bagging and binning dog waste.

⁴⁵ Natural Resources Wales website, "Restrictions on Access Land" April 2017.

⁴⁶ Pages 4 and 3 respectively of the Welsh Outdoor Recreation Survey Key Facts for Policy and Practice: Summary Report, Natural Resources Wales, December 2016.

Proposal 17

To enable temporary diversions and exclusions to be applied across all accessible land and water where circumstances require them and after the safety and convenience of the public have been considered.

Proposal 18

Dogs to be on a short fixed length lead in the vicinity of livestock at all times of the year. In all other circumstances they will be subject to “effective control”, a legally defined term already used in England under Schedule 2 paragraph 6A of the CRoW Act. Exceptional circumstances relating to safety and the protection of nature conservation will be identified and guidance provided by the access code.

Simplifying and harmonising procedures for designating and recording public access.**All Wales digital map of access**

There are currently a number of statutory maps covering access areas. These are often hard copy maps as required by legislation to be available to the public at reasonable times at the relevant authority offices (e.g. Local Authority or NRW offices).

In keeping with the commitment included in Taking Wales Forward to “go digital-first in our delivery of government services” we are of the view that information on accessible areas should be made more widely available to the public. This would benefit local people by demonstrating what is available on their doorstep and tourists when considering where to go and what to do.

One electronic map with information on all accessible areas, including public rights of way and access land, should replace existing statutory maps. This will increase clarity over where people can go and what they can do. In the medium to long term it will also reduce burdens on local authorities and other responsible bodies (e.g. National Park Authorities and NRW) in their duties to record public access.

Proposal 19

To enable the development of one statutory map of accessible areas and green infrastructure. Layers of mapping would initially include CRoW access land (including water), public rights of way and designations, including, National Trails. Legislation would need to allow further layers to be identified and added.

Reducing procedural burdens associated with public rights of way and access land

One of the key areas of access legislation in need of improvement relates to the recording and changing the rights of way network. The scope for change is broad but key findings from previous work, including the 2015 consultation, have identified the following:

- Enabling local authorities to create or divert routes by agreement across public land, and on private land where practicable and with the consent of land managers
- Amending the requirements around notification of orders, for example, updating the requisites for press notices to include electronic notifications;
- Amending the provisions around compensating landowners to reduce uncertainty and inequity; and
- Making it easier for Local Authorities and land managers to remove unnecessary stock control measures, including, stiles and gates.

The De-Regulation Act 2015 makes a number of changes to legislation in England to reduce the burden placed on local authorities and land managers in relation to rights of way. We believe some of those provisions relating to Definitive Map Modification Orders and Public Path Orders could usefully be applied in Wales.

Section 10 of the CRoW Act currently requires statutory maps of access land in Wales to be reviewed by NRW every ten years. The first of these was undertaken in 2015. In its evaluation report on the process and outcomes of the initial review, NRW advised the Welsh Government that a system of continual review would be more efficient and less resource intensive. We agree with this view and believe that people would be best served having up to date information on where they can access land legally. The proposal to digitise the mapping would further reduce the burden on NRW and facilitate better communication of any amendments.

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|---|
| Proposal 20 |
| To amend technical provisions relating to procedures for creating, diverting and extinguishing public rights of way; and the recording of amendments to the definitive map and statement. |
| Proposal 21 |
| To introduce provisions to allow flexibility in relation to stock control measures on public rights of way. |
| Proposal 22 |
| To amend the requirement for a decadal review of access maps to a process of continual review. |

Extending Rights of Way Improvement Plans (ROWIPs) to include access land and water and integrating with Active Travel provisions

Responses to the 2015 consultation on access highlighted the value of ROWIPs as a means by which Local Authorities identify, plan and prioritise their rights of way network. Evaluations of the development, content and delivery of the first ROWIPs (2007 – 2017) have highlighted their strengths and the benefits that have resulted.

Section 60 of the CRoW Act places a statutory duty on local authorities to develop ROWIPs and to review them every ten years. Local authorities are currently in the process of undertaking the first review.

With existing financial pressures there is now an even greater need to have clear evidence-based plans to target limited resources, providing the greatest public benefit by delivering across multiple policy areas and integrating with other services.

Under existing provisions Authorities may choose to extend the scope of their plans to include access land and other access provision that is important in their area. We believe there is scope for developing more integrated plans that require a more robust overview of access opportunities across local authorities, for example, the management of parks and gardens and green corridors for wildlife and active travel.

Proposal 23

To create a requirement on local authorities and National Park Authorities to develop integrated access plans to take effect anytime up to the date of the next review in 2027.

Repeals

During the review of access legislation a number of statutory provisions were identified as unsuitable or disadvantageous to outdoor recreation opportunities in Wales.

Under the Cycle Tracks Act 1984, local authorities can make an order to convert a footpath into a cycle track. The process means that the relevant paths are no longer recorded on the definitive map. They remain maintainable at public expense but anecdotal evidence suggests that they are sometimes overlooked when they cease to be on the definitive map and under the responsibility of public rights of way teams.

Since 2001 the Welsh Government has been implementing provisions under the CRoW Act. There are a number of provisions yet to be implemented, which are no longer pertinent or considered in keeping with the Welsh Government's priorities for access. These include provisions that are no longer necessary or are resource intensive for local authorities.

Examples of these include allowing the Welsh Ministers to designate areas within which paths can be closed for crime prevention or reduction measures; and provisions which set a cut-off date (1 January 2026) by which any unrecorded historical rights of way must be legally recorded or be lost. Implementation of these provisions would place an expensive burden on local authorities and risks losing a number of routes currently used by the public, which help promote economic, health and community well-being.

Proposal 24

To repeal the Cycle Tracks Act 1984. In doing this create a new type of public right of way, 'cycle paths', prioritising cycling and walking (and subject to proposal 10 above) to be recorded on the definitive map and statement. All existing cycle tracks designated under the 1984 Act would be recorded as cycle paths.

Proposal 25

To repeal unwanted provisions in the CRoW Act. In particular those relating to the 2026 cut-off date for historical routes under sections 53 – 56 of the CRoW Act.

Improving existing advisory forums and how access rights and responsibilities are communicated to all interests.**Statutory Code for Access in Wales**

There was a general consensus amongst many key stakeholder organisations of the potential benefits of a comprehensive statutory code for access and outdoor recreation. We believe that a statutory code along with a sustained programme of education and promotion by the Welsh Government and its partners will help promote fairer, better and more responsible access to the outdoors by users and fairer, better and more responsible management of provision by local authorities and land managers.

In order to ensure the code is equitable and practical we are of the view that it should be developed through a partnership approach with key stakeholders and a public consultation process before being submitted to the National Assembly for Wales for consideration.

Proposal 26

To develop a statutory code for access to the outdoors for recreation similar to that already in place in Scotland under the Land Reform (Scotland) Act 2003⁴⁷.

⁴⁷ Scottish Outdoor Access Code - <http://www.outdooraccess-scotland.com/the-act-and-the-code/introduction>

Local Access Forums

With the current constraints on funding and the increasing importance of having a joined up approach to social, economic, environmental and cultural well-being, local access forums (LAFs) continue to be an important resource for the improvement in opportunities for recreational access to the outdoors.

Responses to the 2015 consultation relating to local access forums revolved around their membership and remit. We have carefully considered the proposals sent forward in the responses and are of the view that most of the issues raised can be tackled by making changes to the regulations⁴⁸ rather than Part 5 of the CRoW Act itself and updating the guidance previously provided by what was then the Countryside Council for Wales.

Changes identified include (but are not limited to):

- Amendments to enable deputies to represent members who are unable to attend their LAF meetings;
- Steps to encourage a more representative range of members, such as, guidance on when and where to hold meetings to allow for those who work and/or have caring responsibilities;
- Advertising for members on the internet and social media – this could also assist in reducing the cost of re-establishing LAFs;
- Guidance on how to promote the roles and responsibilities of LAFs to other public bodies. This includes how LAFs can engage most effectively with their Public Service Boards;
- Increasing the term of a LAF from 3 to 4 years.

We are not of the view that statutory changes are required to the number of LAFs or to their statutory status or that of the associated national level meeting of LAF chairs and deputy chairs.

Proposal 27

To review the regulations and guidance relating to local access forums with a view to updating and clarifying their role and membership.

⁴⁸ Countryside Access (Local Access Forums) (Wales) Regulations 2001 (SI 2001/4002)

Questions

Question 15

Will these proposals deliver consistency in the opportunities available for participation in different activities and provide effective safeguards for land management and the natural environment?

Question 16

Will these proposals deliver a more integrated and up to date system for identifying, designating and recording publically accessible areas?

Question 17

Will these proposals provide significant clarification to ensure that the public, land managers and others are clear about their rights, responsibilities and duties in relation to access to the outdoors?