

NRW Access Reform Advice: Briefing Update, December 2022

This briefing note is to update internal and external stakeholders about NRW's work to provide advice to Welsh Government for their Access Reform Programme (ARP).

Summary

NRW is providing support to Welsh Government's ARP through the provision of advice, the development of options for potential reforms to recreational access, including both legislative and non-legislative approaches. Up to March 2023 NRW will focus on the following areas of work: Enforcement of Dogs on Leads and responsible recreation actions and supplementing previously submitted advice, such as for the reviews of open access mapping.

Background

The Access Reform Programme consists of proposals to revise access legislation. Following its 2017 consultation about the reforms, Government grouped the proposals as follows:

- *Group 1* – reform proposals that were considered uncontroversial by stakeholders
- *Group 2* – reform proposals requiring more detailed consideration and advice
- *Group 3* – reform proposals related to access to inland waters (not considered within this briefing)

For 2021/22, Welsh Government has asked NRW to deliver advice about the following Group 1 legislative reforms:

- *Countryside and Rights of Way Act (CRoW Act) open access mapping reviews*
- *Local access forum (LAF) roles and responsibilities*
- *Enforcement of dogs on leads*

And NRW also provided some supplementary advice to Welsh Government about some detailed issues within the Group 2 reform areas.

More about Welsh Government's access reform programme, including the reports produced during 2020/21 by the Access Reform Advisory Group (ARAG), can be found here: [Access Reform Programme | GOV.WALES](#)

For 2022-23 Welsh Government have confirmed they will not be able to proceed with the primary legislation due to a lack of available time during this Senedd term. In the mean-time NRW is taking forward non-legislative recommendations for Welsh Government, in a developing learning and piloting phase of the programme. This years work will focus on two areas of advice: A) Dogs on Leads and B) actions supporting responsible recreation.

A) Enforcement of Dogs on Leads Advice

The 'Advice & Recommendations Paper: Dogs on short fixed-length leads in the vicinity of livestock at all times of year' was submitted to Welsh Government (WG) in March 2022.

Welsh Government's policy intent for this work is for legislative requirements and supporting actions for:

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.*

[*WG will be considering its preferred way forward for an appropriate access code following on from the ARAG advice.]

The enforcement of dogs on leads in Wales and England is part of legislation currently before the UK parliament. NRW is therefore working to implement a number of non legislative recommendations that will support WG's aims for enforcement of dogs on leads, together with the relevant parts of the UK legislation in Wales:

- Guidance must improve clarity and consistency of messaging across all land with public access and livestock to the general public and to landowners.
- There is an opportunity to utilise a Behavioural Insights (BI) evidence-based approach to identify where and how effective messaging for improved dog control in the countryside around livestock could be implemented. By collaborating with partners such as Natural England this would also expand on Countryside Code BI work already undertaken.
- To improve compliance, on-site signage should be as effective as possible, taking into account BI approaches and evidence, outlining what the requirements are for dog control in the vicinity of livestock and the possible outcomes of incidences.
- Messaging within guidance could outline increased penalties (set out in UK Bill) that would be incurred for dogs worrying and attacking livestock.

Behavioural Insights - Dogs on Leads

The work is to develop a Behavioural Insights (BI) based approach and associated activities to support NRW and WG in promoting responsible recreation with dogs in the countryside across varying types of access. It will identify how best to achieve positive behaviour change to reduce the incidences of livestock worrying (and events of disturbance to other vulnerable wildlife where recreation and conservation co-inside).

A Behavioural Insights approach is based upon three main principles:

1. Non-conscious decision-making processes. Despite a myriad of guidance, best practice, things that we know we should do – we fall back on habits, short cuts,

and 'work arounds' with regards to the processes and structures in place to get our jobs done on a day-to-day basis.

2. The setting of our behaviours – the characteristics of our immediate environment greatly influence our actions – the impact of this is that it draws us back into default habitual behaviours.
3. Behaviour, distinct from awareness, attitudes, or intentions. Basically, we frequently fail to act upon good intentions.

Proposals

- Work with NRW's BI lead specialist to identify approaches to carrying out BI based work and to achieve project proposal outputs. This will include scoping and procuring work to be commissioned externally.
- Carry out a brief in house literature review and analysis to refine the key issues, challenges and opportunities, already obtained through ARP work, to focus further BI intervention work. Other available BI literature within scope will be assessed alongside. This initial work will form the basis for developing a project brief and procurement for trialling selected target behaviour intervention options.
- Work with a commissioned BI supplier to develop an approach for exploring trial and intervention methods that seek to improve behaviours and reduce dog worrying incidents. This would upskill staff and stakeholders in BI approaches relevant to each target behaviour.
- Implement chosen interventions for trial and measure successes or failures of these (after pilot phase). In-turn, this would inform future decision making on the ground and within policy decision making. This would also hopefully add to existing tools for land managers and other stakeholders promoting responsible dog walking.

B) Responsible Recreation

Responsible recreation was a cross-cutting theme relevant across all reform areas. Specific responsible recreation advice was provided as part of the ARAG report for Group 2 access reforms in 2021/22 and was also part of NRW's considerations within the advice for Group 1 reforms in 2022/23 (and especially those that related to 'Dogs on Leads').

Within the ARAG report, the recommendation was made that "WG should fund a national responsible recreation information and education campaign that utilises behavioural insights"¹.

¹ This was mirrored in the Dogs on Leads reform area, of which a proposal for such work has been put forward separately.

Responsible recreation is relevant to all access reforms within the ARP. There has been strong support across sectoral interests for taking forward reform measures that support more responsible recreation.

Additionally, during 2020, concerns arose around Covid-19 lockdown measures and the lifting of restrictions with many more people choosing to access the outdoors. This led to considerable pressure on some sites where outdoor access and recreation is a predominant reason to visit.

For 2022/23 NRW is therefore taking forward a series of projects under the umbrella of the Countryside Code whilst delivering on recommendations made through the ARP to support responsible recreation.

Aims of project proposal

- Develop a strategic approach to promoting responsible recreation across Wales, delivering against WG's ARP objectives and recommendations.
- Influence visitors and users of the countryside to understand and follow the Countryside Code by means of promoting messages to desired target groups.

Responsible Recreation Activities for 2022/23

1. Create a strategic promotion plan including monitoring and evaluation of the reach of the Countryside Code since its refresh in 2021.
2. Seek to work with a bilingual speaking social media influencer to reach younger age groups.
3. Create engaging and captivating social media video content with the aim of again reaching younger age groups.
4. Work in partnership with NE to update the Code's branding guidelines (already in existence and produced by NE) and review the overall digital design of the Countryside Code images.
5. Contribute toward and develop promotional Countryside Code material for face-to-face events, shows and circulation.

Contacts

The main contacts within NRW for this area of work are:

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