

Commons Public Bill Committee

Call for evidence (by 20.11.2018) – Agriculture Bill 2018

Written evidence submitted by: Sunderland City Council (09/11/2018)

1.0 Executive summary.

The Agriculture Bill includes powers for the Secretary of State to give financial assistance for purposes including public access. It would be expeditious to modify s.1(1)(b) of the Bill to read as follows [suggested modification underlined]:

supporting public access to and enjoyment of the countryside, farmland, or woodland and better understanding of the environment, in particular where this supports rural economic diversification and off-road network connectivity.

2.0 Sunderland City Council is the Highway Authority for its area. This includes management of the public rights of way network, delivery of Rights of Way Improvement Plan objectives, and improving the overall highway network pursuant to improved road safety and lower KSIs on adopted public highway. We submit this evidence in the hope of promoting more effective implementation of s.1(1)(b) of the Agriculture Bill 2018.

3.0 Rationale.

3.1 Public access is rightly recognised in the Bill as a public good in general, but it can also be critical to versatile access based rural economic diversification. Economic regeneration and diversification are as important for rural areas as for urban.

3.2 The national bridleway network is fragmented and inadequate. This constrains growth of the equestrian sector and the broader public access benefits bridleways present, including in particular safe off road riding/cycling for recreational and commuting purposes.

3.3 In the rural west and south of Sunderland, the equestrian sector experienced rapid growth from 2000-2012. Loss of permissive bridleway access as a possible element of the Countryside Stewardship scheme has ‘stranded’ numerous rural businesses. Without the financial cushion of access grants, land managers are presented with prohibitive and unmitigated higher ‘lawful visitor’ based occupiers liability under the Occupiers Liability Act 1957 if they permit the higher form of access.

- 3.4 Modifying s.1(1)(b) as above would rightly recognise the ‘public good’ of rural economic diversification, including into the equestrian sector, and unlock potential rural economic strengthening coupled with public benefit.
- 3.5 Para.52 of the Explanatory Notes to the Agriculture Bill identifies s.1(1)(b) to be targeting ‘public goods’ and ‘societal benefits’ as provided for by the section. But it does not adequately recognise the interdependent coupling of rural economic strengthening by diversification into the equestrian stable/livery sector, and the ability of non-land-owners and wider public to keep/ride horses and enjoy/value the landscape. This is particularly important near larger conurbations where there is growing demand for the exercise and wellbeing/mental health benefits provided by riding in the urban fringe and adjacent rural areas.
- 3.6 Exercise of Secretary of State powers to enable payments to land owners for provision of *permissive* bridleway by upgrade of public footpath or new route (*rescindable routes*) will be welcome. It is recommended that tiers of payment include provision for larger payments for dedication of permanent additional access rights by way of upgrades of footpath to bridleway or new public bridleways (public highway rights) where local highway authorities in conjunction with land owners support such creation agreement under s.25 Highways Act 1980.
- 3.7 Similar benefits can arise by s.72 Highways Act 1980 agreements to widen highway corridors, thus to gain adequate space to meet s.71.HA1980 imperatives to provide adjacent to roads margins “necessary or desirable for the safety or accommodation of ridden horses”. Therefore Secretary of State powers under s.1(1)(b) should extend to providing financial assistance to implementing dedication of additional land to adopted highway verge pursuant to s.71HA1980 objectives. This may include provision of new fence/hedge/wall to define the widened boundaries. These sorts of roadside links can be cost effective ways to provide critical safer off-road network linkage, whether on road verge or on the far side of existing road boundaries.
- 3.8 New secure rights, as provided for by s.25 and s.72 highways Act 1980 creation/widening agreements are preferable to permissive rescindable rights because this would provide network certainty for public enjoyment of and safety in the rural environment, and the stable/livery businesses on which those who ride but do not have their own horse and/or stable depend.
- 3.9 It is also recommended that special consideration be given to supporting new permanent bridleway or s.71HA1980 road verge creation where this connects networks to existing or proposed suitable crossings of the trunk and principal road networks, rail corridors and water courses, as these commonly sever networks which would otherwise offer far greater public benefit and equestrian sector resilience.