



A mile of footpath upgraded to bridleway - used all day long by walkers, cyclists, horse riders and runners. It connects two rural communities bypassing 3 miles of dangerous rural road. The landowners were given a reward for agreeing to upgrade the route.

Written evidence submitted to The Trails Trust (AB11)

1. Summary

1.1 The Trails Trust creates public access by rewarding landowners to create / upgrade / preserve permanent rights of way needed to enable cohesive safe active travel networks to be used on foot, bike, horse and disabled conveyance. This approach was upscaled in the Government's Paths for Communities scheme 2012. TTT is due to test this mechanism within ELMs as a means to delivering public access on permanent rights of way as a public good.

1.2 TTT is concerned that the wording of the Agriculture Bill 1(1)(b) is vague, needs strengthening and an explanation needs providing in 1(1)(5).

1.3 TTT's evidence is that previous subsidy schemes have produced short term, poorly located permissive access, a poor investment for the public purse and for wildlife. Cross Department thinking is needed to appreciate and act on the opportunities offered by the minor highway and rights of

way network to enable green travel, recreation and sport, delivering on Government aspirations for public health and clean air improvements.

1.4 TTT is also concerned about the lack of priorities and targets associated with public access and engagement within the Environment Bill.

2. Introduction to The Trails Trust

2.1 My name is Rachel Thompson MBE. I work as permanent consultant to The Trails Trust (TTT), a company registered by guarantee (1998) and a registered charity.

2.2 TTT has an interest in clause 1(1)(b) in the Bill relating to public access: *'supporting public access to and enjoyment of the countryside, farmland or woodland and better understanding of the environment'*.

2.3 TTT is creating a permanent multi user network of connecting minor highways (U roads), tracks and paths (rights of way) for the purpose of vital green active travel on foot, bike, horse or disabled conveyance in the Mendip area. 80 new routes have been provided enabling hundreds of miles of travel through creating judicious connections to existing safe accessible infrastructure (minor roads / multi use rights of way).

2.4 TTT works with landowners and land managers, offering a capital reward to create new or to upgrade existing single use rights of way (footpath to bridleway / restricted byway) where

needed and to preserve and bring back into use our heritage of unrecorded rights of way and old roads.

2.5 Multi user rights of way infrastructure (bridleways and restricted byways) can be created anywhere, along headlands, next to busy roads, along land corridors which also provide wildlife corridors and extensive opportunities for biodiversity. Surfaces can be hard (stone) or soft (grass) depending on predicted use. A cultural heritage of unrecorded routes exist in the landscape, often green lanes that are precious, useful and need legally preserving.

2.6 The network enables inclusive all-purpose travel – commuting to work or school, leisure, recreation, sport, connecting communities to each other and to open space, providing crucial healthy engagement with nature, farming, food and each other, preventing loneliness and supporting the rural economy through tourism and business opportunities.

2.7 Highways and Rights of Way infrastructure exists in perpetuity, providing a lasting public legacy, a truly fantastic investment for the public purse.

2.8 TTT's approach was promoted and used in the Government's successful Paths for Communities Scheme (P4C 2012 – 2014). The scheme promoted the use of the TTT guide "Creating Multi-user Public Rights of Way" to those wishing to work with landowners to create multi user paths (bridleways) through the scheme. (This publication was supported by Natural England and Department for Environment, Food and Rural Affairs).

3. TTT Test and Trial

3.1 TTT is very pleased to have been awarded (with our Mendip Hills Area of Outstanding Natural Beauty Unit partners) a Test under the Government (Defra's) Environment Land Management Scheme (ELM) Test & Trial programme. ELM is exploring new valuation methodologies – understanding nature's role in underpinning business, economy, health and well-being.

3.2 TTT will test the provision of permanent sustainable access as a public good. Access in this context means the provision of multi user rights of way and open space providing for people and also habitat in a controlled way. This is a mechanism that has not been used previously within former agri-environment schemes.

3.3 TTT will test landowner opinions on the rewards expected for the inclusion of rights of way / open space creation, upgrades, preservation, maintenance and biodiversity mechanisms initiated either through the community, or directly by them (including collaborative approaches) through a future scheme that can be included in land management plans.

3.4 The inclusion of public access on rights of way (public goods) within land management schemes satisfies a key aim within the 25 Year Environment Plan - which has an ambition to "connect people with the environment to improve health and wellbeing", and an aim "to

improve existing green infrastructure". (Note Green Infrastructure" includes green routes such as public rights of way).

3.5 If created, the route network would connect local communities with landscape and open space and create and preserve green lanes (corridors) as landscape features and habitats.

3.6 Reward mechanisms based on £ / acre for establishing rights and £ / hectare for additional user rights within existing open access land or newly available access land / woodland is envisaged along with a revenue reward mechanism based on annual maintenance schemes for both access and habitat.

3.7 The Government's 25 year environment plan intends to deliver its goals of clean air, heritage and engagement with the natural environment through the Agriculture Bill.

3.8 TTT considers that clean air, heritage and engagement with the natural environment can be delivered by creating links to existing disconnected infrastructure (rights of way and minor highways). Providing safe green permanent infrastructure corridors and public paths, linking towns and villages to and around the countryside, will enable non-polluting healthy green travel, whether on foot, by horse, on a bicycle or disability conveyance.

4. TTT's concerns with the wording contained in the current Agriculture Bill

4.1 The clause in Chapter 1(1)(b) in the Bill relating to public access: *'supporting public access to and enjoyment of the countryside, farmland or woodland and better understanding of the environment'* is vague and woolly, giving no indication of the nature of the public access to be provided nor does it give any indication or recognition whatsoever of what the public want or expect from the access they are expected to pay for. People do not go out into the countryside just to enjoy it! There are highly beneficial elements to the public of green travel, leisure, recreation and sporting opportunities and highly beneficial elements to landowners of the public having an improved relationship with food and farming.

4.2 TTT would like to see the clause read:-

'supporting public access on a cohesive modern rights of way network to and around the countryside, including improved access to farm land, woodland and open space for the purpose of healthy green active sustainable travel, leisure, recreation and sporting opportunities and enjoyment and improved understanding of environment, landscape, food and farming.'

4.3 Similarly an explanation of public access provision (as a public good to be paid for by the public) needs to be provided in Chapter 1 (1) (5) along with *'better understanding of the environment'* includes *better understanding of agroecology'*. TTT suggests this amendment *'public access means public access on the public rights of way network (to include both the existing network and any rights of way upgraded or created as public goods) and improved public rights of access to farmland, woodland and open space.'*

5. TTT evidence

5.1 TTT has a unique record of creating permanent green travel networks through working with landowners and land managers to reward them to:-

- dedicate additional rights along existing paths (upgrading single use footpaths)
- create new rights of way to connect existing routes together, by pass busy roads or enable dangerous roads to be crossed
- preserve the heritage infrastructure of old roads and lanes and thereby enable the public to use existing infrastructure where exists. Green lanes and abandoned railways are an important resource as both public access and wildlife / biodiversity corridors.
- recognize that creating multi user routes (bridleways and restricted byways) provides accessibility for all (through gates and gaps), a best value legacy for the public and certainty and a means of educating the public about food and farming for landowners.
- dedication / creation is through a simple process known as express creation / dedication

5.2 The Government is committed to the provision of infrastructure. Without safe, accessible infrastructure, ambitions to deliver active (green non-polluting) travel, walking and cycling strategies (which despite these extremely narrow definitions we are assured by Government include horses*) and clean air strategies will fail.

***Robert Courts MP 09/07/2019** *“I ask the House to bear in mind that, although we tend to think of cycling and walking in the context of the strategy I mentioned, horse riders in areas such as mine and my hon. Friend’s are also vulnerable, and ought to be thought about in the context of active travel as well”.*

5.3 Less siloed cross Departmental action and thinking to include Transport, Health and Social Care, Environment and Rural Affairs, Digital, Culture, Media and Sport is required to deliver the permanent infrastructure legacy that we ALL want. Start delivering ambitions for clean air, active green travel and better health here now starting with this bill.

5.4 There is little recognition that together the Agriculture Bill and the Environment Bill present a huge opportunity to deliver a permanently connected network infrastructure of minor roads, rights of way and improved permanent public access to open space and woodland - by working with and rewarding those people who can actually deliver these aspirations – the land owners and land managers who own and manage the land.

5.5 Much of the desired network to deliver active travel, cycling, walking (and equestrian) strategies already exists.

We have:-

- 143,000 miles of unclassified road (single track urban, sub urban and rural lanes)
- 3,000 (at least) miles of abandoned unclassified unsurfaced roads
- 138, 000 miles of recorded rights of way including

- 37,000 miles shared bridleway / byway (foot, horse, bicycle)
- 101,000 miles single use footpath only – some of which can easily be upgraded to provide for multi-use.
- An unknown number of miles of unrecorded historic rights of way - which for perverse reasons is due to be cast into the bin of history on January 1st 2026 – in a move that will be regretted as much as or probably more than the axing of local railways (and does not accord with the 25 year Environment Plan)
- A large unknown and undelivered number of route aspirations recorded by local communities on Rights of Way Improvement Plans
- An increasing and unknown number of applications to record historic rights of way on Definitive Maps through the costly and increasingly adversarial modification Wildlife & Countryside Act 1981 process.

5.6 We are constantly told by Government that Rights of Way and Highways are a matter for Local Highway Authorities. However, the over whelming need for a safe active travel multi user network needs National attention and a National solution and should not be left to the piecemeal attention of cash strapped LHAs.

5.7 The payment of public goods through ELMs can provide the safe rights of way connections to this existing infrastructure thus producing an entire safe accessible network - meeting the Government's and the public's aspirations and targets for better health, promoting green active travel and saving our heritage of green lane and unrecorded rights of way heritage.

6. A network produced through ELMS:-

6.1 Must have permanent infrastructure – it is vital that routes in the network are legally recorded and legally protected by being properly classified as rights of way. Rights of way and minor highways represent best value secure investment for the public purse and a permanent network legacy for future generations.

6.2 Must be multi user – people do NOT want to be segregated. People want to engage with the landscape in groups of friends, family or alone, on bicycles, on foot – walking or running, with horses and ponies and disabled conveyances.

7. Two classes of right of way provide everything we need:-

7.1 'Bridleway' – this should be the default classification for all new and upgraded paths crossing land, offering multi use (foot, bike, horse), easy access (through gates & gaps) and surfaces that can be unsurfaced or surfaced.

7.2 'Restricted byway' should be the default classification for all new corridor routes- routes that are bounded by hedges, walls, banks etc. Restricted byways are legally protected from being ploughed – this offers inherent protection for the habitat and biodiversity contained within the corridor.

7.3 There should be a presumption against the creation of cycle tracks in the countryside – let's focus on inclusive permanent multi use rights of way – bridleways and restricted byways as above.

7.4 There should be a presumption against urbanising countryside routes with tarmac. Other materials exist that are more sympathetic to the landscape and are more user friendly.

7.5 Merely Investing 10 to 20% of the proposed new Agricultural subsidy (£40 - £80 million) into public green infrastructure (multi user rights of way and other paths) would be transformative in terms of enabling

- healthy travel for commuting, recreation, sport and leisure for walkers, cyclists, equestrians
- economic growth in the countryside through tourism, diversification opportunities and food
- clean air through reduction in motor vehicle use / emissions
- engagement / education landscape, nature, food, farming
- animal welfare issues (safe routes for horses).

8 Evidence from former subsidy schemes

8.1 Public access to and enjoyment of the countryside' on permissive or leased paths should be avoided except where an access trial might be required before creation. The evidence shows that:-

8.2 Previous environmental higher level stewardship public access schemes have failed to leave a lasting legacy of benefits to the public or to wildlife - representing poor value through the short term creation of permissive rights that only lasted for the duration of the payments.

8.3 Most routes created have now been closed, denying beneficial public access.

8.4 Previous stewardship schemes did not involve communities in helping to target access improvements where local communities want them or where they would support the visitor economy.

8.5 The public found it difficult to identify where the routes were since they were not recorded on Definitive Maps or shown by Ordnance Survey. High quality infrastructure such as gates to enable access have been removed or are no longer available and the value of these lost.

8.6 Within the old permissive access schemes there was no possibility of protecting, enhancing and creating green corridor routes as part of schemes or of providing lasting benefit to wildlife by doing so.

8.7 Many cycle routes being developed today are similarly on leased or licenced land, this is a backward step for all the reasons outlined above.

8.8 Users of permissive paths are visitors under the Occupiers Liability Acts. Users of rights of way are users of the highway meaning that landowners have a much reduced liability where access is along permanent rights of way.

9. Open Space and Woodland

9.1 Tree planting – the Government has an ambition to plant new forests. There should be a presumption of multi user access to all woodland provided through the public purse.

9.2 Consideration should be given to planting to enhance the landscape. Planting alongside rights of way and other boundaries helps to delineate the path line and provides for public enjoyment and engagement with the landscape.

9.3 Landowners can be rewarded under public goods for dedicating permanent access multi user rights within existing and new open space / woodland. There is provision for this under the Countryside and Rights of Way Act 2000 section 16 and recorded on the Open Access Land register.

10. The Environment Bill 2020

10.1 TTT asks for recognition of the need to prioritise and set targets to public access and engagement in the Environment Bill.

The bill sets out Environmental targets as below.

(1) The Secretary of State may by regulations set long-term targets in respect of any matter which relates to— (a) the natural environment, or **(b) people’s enjoyment of the natural environment.**

(2) The Secretary of State must exercise the power in subsection (1) so as to set a long-term target in respect of at least one matter within each priority area.

(3) The priority areas are— (a) air quality; (b) water; (c) biodiversity; (d) resource efficiency and waste reduction

10.2 TTT welcomes clause 1 (b), however TTT would **urgently query why** public access / engagement is not listed as a priority area - given the public health crisis and the public input into the climate emergency? Further TTT would **urgently query how** people’s enjoyment of the natural environment is to be enabled when there is no long term target associated with 1)b?

10.3 How can enjoyment of the natural environment be enabled without the public access improvements needed to remedy poor connectivity, the accessibility and the lack of available routes for all users?

10.4 Clearly there should be priorities and targets associated with 1)b. How will this grave omission be remedied?

11. Conclusion

11.1 TTT asks the Scrutiny Committee to recognise and prioritise the value of permanent multi user public access via the rights of way network and additional multi use access to open space and new and existing woodland and to amend the wording of the bill to reflect this.

11.2 Enjoyment of the Natural Environment includes access opportunities for sport, recreation, leisure, green travel and interaction with farming and food.

11.3 Partnership engagement between landowners and the public through ELMs offers the unique ability to create and preserve permanent access immediately where it is needed or where historic routes exist but cannot be used, along with habitat improvements and community goodwill.

11.4 ELMS – the golden bridge from landowners to the public – delivering a best value multi user green travel rights of way and open space network - fit for purpose, delivering on public health, cleaner air, and active travel strategies.

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