

Written evidence submitted by the Ramblers (AB26)

Executive summary

Our public rights of way network is a national asset that everyone should be able to enjoy. With farming accounting for over 70 per cent of land use in England and Wales, the Agriculture Bill will set the agenda for the countryside – and how we access it – for years to come.

Enabling more people to walk and connect with nature has never been more important. It can help tackle some of the biggest challenges we face as a nation: from the climate emergency to rising obesity levels and the mental health crisis. Our path network is the primary way that people access the countryside. It enables us to connect with nature, get outside and get active. It also brings huge benefits to rural communities, local businesses and tourism, and helps to improve our understanding of farming and the natural world.

Key messages

Our ambition is for the Bill to enable more people to access and enjoy the countryside. We fully support proposals in the Bill to move to a system of public payments for public goods – including public access. To protect and enhance access to the countryside for generations to come, the Bill needs to be strengthened so that it delivers:

1. Improved maintenance of existing public rights of way.

The Bill – and the payments system it introduces – must ensure that the regime is accompanied by a regulatory baseline of minimum land management standards expected of all those receiving public funds. This must include a requirement for landowners and managers in receipt of public funds to fulfil their existing legal duties to keep clear public rights of way that cross their land.

2. A public rights of way network that is enhanced through improvements or additional routes.

The Bill – and the payments system that it introduces – must allow for public funds to be directed to farmers in return for the provision of new routes that fill gaps in the path network. This could be to create circular walks or to improve the accessibility of existing paths to enable more people to get outdoors and benefit from the experience.

The Ramblers supports amendments proposed by Greener UK, in particular those relating to the establishment a regulatory baseline of minimum standards expected of recipients of financial assistance. If accepted, this would set a strong foundation for achieving objective 1 (above).

About the Ramblers

As Britain's largest walking charity, the Ramblers helps everyone to enjoy the freedom of the outdoors on foot. We are committed to supporting Britain's walkers and to protecting access to the places people love to walk. Our volunteers help make this possible: from leading walks and clearing footpaths, to organising local action to protect and expand the places people go walking.

Strengthening the Agriculture Bill

The existing path network suffers from significant gaps and some stretches are poorly maintained and impassable. For some, particularly those less physically able, easy access to the countryside is far from guaranteed. The Bill has a role to play in overcoming these issues which represent significant barriers to increasing the public's connection with, and understanding of, the natural environment.

There are two ways in which the Bill has the potential to help address these issues.

1. Improved maintenance of existing public rights of way

1.1 Context

The new agricultural payments regime should be accompanied by a new and improved regulatory regime that drives improvements to the maintenance of existing public rights of way.

The Highways Act 1980 requires landowners and managers to keep clear rights of way on their land. This duty, which will remain unchanged when the UK leaves the EU, is currently reinforced by the system of cross-compliance. This requires landowners and managers to, among other things, fulfil legal obligations for rights of way as a condition of receiving payments from the public purse. The Government has committed to ending cross-compliance in its current form and suggests it will establish a new, simplified regulatory regime. However, as published the Bill lacks clarity on the Government's plans for regulation and how this will be linked to payments for farmers – a shortcoming that must be addressed to help ensure rights of way are kept clear.

1.2 Amendment

We support proposals put forward by Greener UK, that the Bill must make it clear that receipt of public payments for public goods should be dependent on adherence to a regulatory baseline. This should safeguard basic standards of agricultural practice relating to the protection of the environment, public access and animal welfare. This will help ensure that recipients fulfil their legal obligations to keep public rights of way clear and accessible so that the public can connect with the natural environment with certainty and confidence.

1.3 Rationale

Rights of way are the primary means by which people can get outdoors. At the very least the Bill should result in an existing network that is better maintained so that people can access the countryside with certainty and confidence. This will also help secure continued public consent for supporting farmers from the public purse.

We regularly hear from our members and the wider public of problems relating to the ploughing and cropping of fields, where paths should have been reinstated, and inaccessible or poorly maintained access infrastructure. These are the responsibility of landowners and managers and, for members of the public, represent a real barrier to getting outdoors.

It is right to expect that all those receiving public funds comply with existing land management obligations to ensure a level playing field in the sector. Receipt of financial assistance for the delivery of specific public goods should require broader compliance with other rules and standards that are also in the public interest.

Cross-compliance is an incentive for farmers to fulfil their legal duties and many local authorities have reported that its introduction had a positive effect on the quality of the existing path network. The prospect of penalties aids authorities in their enforcement work and enables them to spend more of their limited resources on proactive work in relation to rights of way.

This is why we want the Bill to include a regulatory baseline of minimum standards that are expected of recipients of financial assistance. Landowner and occupier duties to keep clear public rights of way on their land should be included in these standards, alongside other standards relating to the environment and conservation.

The return on investment in public goods under the new regime will often be enhanced where existing access is well-maintained so that the public can experience, and benefit from, for example, enhancements in biodiversity, cultural heritage and air quality.

2. Enhancing the public rights of way network

2.1 Context

The new agricultural payments regime should result in a public rights of way network that is enhanced, through improvements or additional routes, where these are needed most. As published, the Bill states that public access is one of the public goods for which financial assistance could be given to farmers (Clause (1)(1)(b)). However, the existing text ('supporting public access') does not guarantee that funding would deliver new routes where they are need, or enhancements made to paths to make them more accessible.

2.2 Amendment

During the passage of the Bill in the last Parliament the Ramblers proposed the amendment below (placement adapted to reflect the 2020 version of the Bill). We are looking for clear commitments from government that public funds will be directed towards delivering real improvements in public access to the countryside.

Clause 1, page 2, line 9, leave out "supporting" and insert "enhancing"

Member's explanatory statement

This amendment would have the effect of ensuring that financial assistance could be provided to improve the accessibility of existing public rights of way. It would also ensure that financial assistance could be provided for the creation of new public access opportunities where these are most needed.

2.3 Rationale

Despite the extensive path network, there are many places where access to the countryside is far from guaranteed due to a lack of routes or the inability of some, particularly those less physically able, to access existing paths. The Bill is a critical opportunity to address this and enable more people to get outdoors.

Financial assistance for additional routes should be targeted, based upon assessments of current and future need. Resources already exist at a local level which could be used to identify the interventions that would be of greatest benefit to the public, including Rights of Way Improvement Plans, Neighbourhood Plans and Local Plans. Examples of the types of routes that could be funded include:

- New paths along field margins as alternatives to unsafe, narrow country roads.
- New paths at the rural-urban fringe to connect communities with nature on their doorsteps.
- Paths that create circular routes, enabling users to begin and end in the same place.
- Paths that connect communities with the countryside, transport hubs and local amenities.

Financial assistance should also be available for improvements to access on existing paths, particularly where this would benefit those who are less physically able. This could include improved access infrastructure (gates and stiles) to alternatives that are less-restrictive, enabling those with disabilities to be more confident that they can access and benefit from the natural environment.

3. Key facts about walking

- There are 140,000 miles of public rights of way in England and Wales. Walkers in the English countryside spend over £6 billion a year, supporting up to 245,000 full time jobs. ([Ramblers' Manifesto for a Walking Britain](#)).
- 85% of adults in England and Wales believe that being able to experience the countryside is important for children's understanding of the environment and food production. (*Ramblers/YouGov, August 2018*).
- More than eight out of ten adults believe that visiting the countryside is good for physical fitness (83%) and mental wellbeing (82%). (*Ramblers/YouGov, August 2018*).
- 60% of people surveyed by Ramblers and YouGov support farmers receiving extra funding to add new paths to their land.
- Nearly two-thirds (65%) of people support the principle that the money a farmer receives should be reduced if they fail to keep footpaths on their land clear (*Ramblers/YouGov, August 2018*).
- More than two thirds (69%) of people experienced problems with footpaths in the countryside, including overgrown paths and blocked gates. (*Ramblers/YouGov, August 2018*).
- The Ramblers' Big Pathwatch survey found that 9% of paths were 'difficult or impassable', some blocked intentionally and others unusable because of farming activity or poor maintenance. 14% of problems on the public rights of way network were the responsibility of landowners. ([Big Pathwatch survey](#)).

4. Conclusion

The Agriculture Bill is an opportunity to connect more people with nature, the countryside and the critical work that farmers undertake as custodians of the landscape. This will require, at the very least, commitments which ensure greater compliance with existing public access legislation. It also requires greater precision in the language used in the Bill so that farmers, landowners and managers are properly rewarded where they enhance public access. Taken together, these changes will provide a solid foundation for public access to the countryside for future generations.

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