

Summary

Welsh Government asked the Access Reform Advisory Group (ARAG) to develop advice for legislative options to provide for wider recreational access to the countryside. This note is a February 2021 update about progress.

Background

In 2017, Welsh Government issued the Sustainable Management of Natural Resources (SMNR) Consultation. This included proposed reforms relating to access to the countryside. The Government approach to the SMNR Access proposals, stated that:

- Our Natural Resources Policy illustrates that nature-based solutions can support physical and mental health. That is why we are committed, as a Government, to increasing both access to and enjoyment of our countryside for people – to take advantage of the many health and wellbeing benefits that getting outside can bring.
- An accessible countryside supports our efforts to boost Wales as a tourism destination.

On 4 April 2019, the Deputy Minister for Housing & Local Government [at that time] published a [Written Statement](#) setting out the Government's response to the access proposals within Chapter 4. In this statement, seven proposals were identified that required more detailed consideration of the way in which they should be taken forward.

The Deputy Minister committed to establish an 'Access Reform Advisory Group' consisting of a Steering Group and three Expert Groups (made up of cross-sector representatives) to consider these proposals further and make recommendations on their implementation. The role of ARAG is to consider in detail, how Welsh Government's more significant proposals to reform access rights should be implemented, plus the improved recording and planning of public access.

Policy Intent

The overall policy intent for the programme is to improve access for outdoor recreation through reform of the public rights of way network and open access land in order to support the Welsh Government's policies in areas such as public health and tourism. The reforms are intended to give greater access to the outdoors for a wider range of activities, and, to improve the processes that are currently associated with administering and managing public rights of way and access land. The Policy Intent for the three **Expert Groups** is as follows:

Expert Group 1

The remit of Expert Group 1 has been to consider in detail possible approaches: *"to increase the range of activities permitted on CRoW access land (including water bodies mapped under CRoW) and create new access land in coastal areas."* This work is split into two workstreams:

- **Reform 1A – New Activities on CRoW Access Land**

To reduce the restrictions on non-mechanically propelled recreational activities permitted on open access land. This includes potentially allowing the following activities [referred to in Reform 1 as 'higher rights']:

- Cycling

- Horse riding
 - Hang-gliding and paragliding; and
 - Non-mechanically propelled vessels on, or in, inland bodies of water (excluding reservoirs) currently mapped as open access land:
 - Bathing / swimming on, or in, inland bodies of water (excluding reservoirs) currently mapped as open access land.
- **Reform 1B – Coastal Access**
To extend CRoW access land to the coast, coastal cliffs and foreshore. Consideration is to be given to the merits of including the Wales Coast Path as part of the definition of new CRoW coastal access land.

Expert Group 2

The remit of Expert Group 2 has been to consider in detail possible approaches to: *“Increase the range of activities that the public can undertake by right on public footpaths; and to improve processes and reduce procedural burdens in managing temporary diversions, temporary closures and stock control related to public rights of way”*. This is split into two workstreams:

- **Reform 2A – Extend Activities on public footpaths**
To enable cycling and horse riding to occur by right on public footpaths, providing cyclists and horse riders with more opportunities to access the outdoors.
- **Reform 2B – Temporary closures and stock control on PROW**
To improve processes and reduce burdens associated with temporary provisions to facilitate short-term diversions or closures on public footpaths and bridleways. Also, to allow farmers more flexibility in relation to controlling stock on and adjacent to public rights of way while making the network more accessible for the public.

Expert Group 3

The remit of Expert Group 3 has been to consider in detail possible approaches to: *“improve the process of creating, storing and communication of statutory access maps and develop a more integrated approach to planning improvements to access provision”*. This is split into two workstreams:

- **Reform 3A – Access Mapping**
To deliver a more integrated and updatable system for statutory public access and for publicly accessible areas, and providing comprehensive and easily accessible mapping for public use.
- **Reform 3B - Integrated Plans**
To create the requirement for Local Authorities and National Park Authorities to develop integrated plans of public recreational access in local authority areas to facilitate and support delivery across multiple policy areas and integrating with other services.

Crosscutting Themes

The Expert Groups are also considering the possible implications for other key matters including; equality of public access, ensuring responsible recreation, the status of commercial recreational activities as part of access rights, and the role of local access forums within the context of these reforms. Also, to consider the links with the other reforms being considered within the wider Access Reform Programme and other Welsh Government work streams such as Land Management Reform.

Deliverables and timeline

The goal of the Access Reform Advisory Group is to deliver a draft Access Reform Report to the Welsh Government by April 2021. The process of drafting this report will be undertaken in

stages, each building on the previous stage. During this process, there will be several 'products' that will be made available to the public. These are summarised sequentially below:

- Problem Initiation Document - *completed*
- Policy Intent Documents [x3] - *completed*
- Problem Definition Papers [x3] - *completed*
- Option Identification Reports [x3] – *completed*
- Reform Options Analysis Reports [x6] – *completed*
- Option Selection Reports [x3] - *completed*
- Cross-cutting Theme Report - *completed*
- Access Reform Advisory Group (ARAG) Final Report – *in hand*

All papers and reports finalised and issued to date can be found on Welsh Government's access reform pages of their website <https://gov.wales/access-reform-advisory-group>

Update Since September 2020

The programme stages worked on with the Expert Groups have been as follows:

- Online Expert Group workshops for each Reform were completed in September with consideration of the *Analysis Reports* to refine each of the options [3 per reform].
- Development of reform options into an *Option Selection Report* for Expert Group members to consider when going into the final Option Selection Expert Group meetings.
- Development of Cross-cutting Theme workshops to be attended by a cross-sector group of Expert Group members in February 2021.
- Arrangement of the final Expert Group online meetings for January to consider the main reforms and to feedback about and identify members' preferred options. The information will be used in drafting the ARAG Final Report.

Option Selection Reports – Completed December 2020

Each report defined and revised 3 options for each of the 6 reforms. The revised options are as follows:

Reform 1A – New Activities on CRoW Access Land

- Provide for higher rights of access to CRoW access land by amending Schedule 2 of Countryside and Rights of Way Act (CRoW)
- Higher Rights selectively applied to CRoW access land subject to assessment of demand and suitability
- Higher rights applied to defined CRoW trails (corridor approach)

Reform 1B - Coastal Access

- Introduce Marine and Coastal Act 2009 (MACA) type legislation in Wales to provide CRoW open air recreation rights on foot to a defined coastal margin and coastal route
- Extend CRoW using section 3 powers to provide CRoW rights of access for open-air recreation on foot to mapped coastal land
- [Revised option] Apply higher rights to coastal land using preferred 1B or 1A option

Reform 2A - Extend Activities on public footpaths

- Statutory application of cycling and horse-riding rights to public footpaths
- Cycling and horse-riding rights applied by statute to footpaths with powers to exclude those rights based on unsuitability
- Selective application of cycling and higher rights to footpaths on a case-by-case basis

Reform 2B - Temporary closures and stock control on PROW

- Powers for registered land holders to temporarily divert public footpaths and bridleways by notification to a local authority. The land holder would have to provide a suitable alternative route.

- ii. Powers within an enforceable statutory access code for land holders to temporarily divert public footpaths and bridleways by notification to a local authority. The land holder would have to provide a suitable alternative route.
- iii. Provide a statutory mechanism for local highway authorities (LHAs) to make short-term, temporary diversions of public paths for specified agricultural and forestry land management reasons. A suitable alternative route and on-site signage would be provided by the landholder.

Reform 3A - Access Mapping

- i. Digital map of public access - development and collation of data to produce and publish one digital map for public access in Wales.
- ii. Digital definitive map of public access - development and collation of data to produce and publish one digital definitive map for statutory public access in Wales.
- iii. Digital map of public access - managed by third sector mapping and promotion organisation.

Reform 3B - Integrated Plans

- i. Integrated Recreational Access Plans (IRAP) will replace Rights of Way Improvement Plans as the statutory strategic plan for public access.
- ii. Revised and extended ROWIP Approach (ROWIP+)
- iii. National Strategic Recreational Access Improvement Plan - This would be an additional option rather than an alternative to 3B(i) or 3B(ii).

Expert Group Option Selection Meetings – January 2021

The Option Selection Reports were developed based on the analysis reports and fed back to the Expert Groups at their September meetings. The Selection Reports were considered by each of the final Expert Group workshops in January 2021. All meetings, as per Covid-19 restrictions, were held online and managed by an external facilitator. The meetings were for the option selection stage of the programme and asked Expert Group members to feedback about each option, state their preferred options with the information being used in drafting the ARAG Final Report.

Cross-cutting Themes Workshops – February 2021

As referred to above, two cross-cutting themes workshops are being held, one about 'responsible recreation' and another for 'local access forums' (LAFs), 'commercial activity/events' and 'equity of access'. The workshops will be attended by a sub-group of members drawn from across the three Expert Groups. The Cross-cutting Theme Analysis Report has been provided to Expert Group members and the workshops will provide an opportunity for members to provide comment and feedback about the report's content. The outputs from workshops will be used to form the advice and recommendations about the cross-cutting themes that will be included in the ARAG Final Report that will go to Welsh Government.

Access Reform Advisory Group Final Report – Completion May 2021

The Report will be the final output for the ARAG process, consisting of analysis of each of the reform options and the cross-cutting themes, consideration of the preferences and views of Expert Group members, together with recommendations to WG ministers on how to proceed. A published version of the report is expected to be issued by July 2021.

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