

NRW Access Reform Advice: Briefing Update, November 2021

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 are providing advice to Welsh Government about three Group 1 reform areas within their Access Reform Programme. We are involving internal and external stakeholders to input to our advice through liaison and consultative groups. The final advice is due to be provided to Welsh Government by the end of March 2022.

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*

NRW is also providing some supplementary advice this year to Welsh Government about some detailed issues within the Group 2 reform areas.

ARAG (Group 2 reforms) Advice and Outputs

As per earlier briefings, the Access Reform Advisory Group (ARAG) worked during 2021/22 to develop advice to Welsh Government for Group 2 reforms to do with:

- Changes to CRoW open access land
- Flexibility on public paths
- Communicating access rights

The ARAG's final report was submitted to Government at the end of April 2021. Since then, all the outputs produced by the ARAG, including the final report, have been translated and put in an accessible format. Welsh Government aim to make them available

on the access reform pages of their website by the end of November 2021. The link is: [Access Reform Advisory Group | gov.wales](https://www.gov.wales/access-reform-advisory-group)

ARP Group 1 Reform Advice Updates

Open Access Mapping Reviews Advice

NRW has to produce maps of common land and open country to which Countryside and Rights of Way Act (CRoW) rights of open-air recreation apply; reviewing and re-issuing the maps every 10 years.

Welsh Government has asked NRW to advise on achieving their [draft] policy intent for this area of reform, in particular to achieve an improved, more efficient and responsive CRoW mapping review process. Welsh Government has proposed that the current requirement for NRW to review CRoW access maps every 10 years is changed to a continuous review process.

NRW's work so far has included:

- ✓ Establishing a liaison group, made up of most of the CRoW mapping statutory consultees, including Cycling UK, and NRW specialists, to inform the development of NRW's advice
- ✓ Information gathering – e.g. reviewing: all relevant legislation; looking for examples of alternative approaches and processes relevant to the CRoW mapping process
- ✓ Consultative questionnaire - completed by the liaison group members
- ✓ Draft 'issues paper' – to summarise the available information considered and the issues identified for developing an improved CRoW mapping review process

The next steps in the process are:

- Sharing the 'issues paper' with the liaison group
- Finalising the issues paper in the light of liaison group comments and input
- Develop reform options and analysis papers – with consultation from the liaison group
- Working with input from the liaison group to produce a final advice report for Welsh Government by April 2022

Access Reform Programme – Local Access Reform (LAF) Advice

The role of local access forums (LAFs) is to advise on the improvement of public access to land in their area for the purpose of open-air recreation and the enjoyment of the area.

LAFs are statutory forums which local authority or National Park Authorities are required to set up for their area. There are currently up to 22 LAFs operating in Wales. Membership of a LAF is unpaid and as such, LAF members, including the National Representatives dedicate their time and knowledge on a voluntary basis. Local authorities appoint and manage the work of the forums.

Welsh Government's intent for the LAF reform is to:

- Review [LAF related] regulations and guidance to support the effective working of local access forums and update and clarify their role and membership

Government noted in their policy intent they have no intention to:

- make Statutory changes to the number or to the status of LAFs
- make the national meeting of LAF Chairs and Deputy Chairs an additional statutory body

The NRW work completed to date includes:

- ✓ Draft Policy Intent – setting out the scope, aim and objectives for the work (subject to Welsh Government approval)
- ✓ Information gathering stage – e.g. reviewing relevant legislation and guidance for Wales (and elsewhere); research information
- ✓ Establishment of an advice liaison group to input to the advice, including representatives of: LAF chairs, deputies, secretaries; plus representatives of recreational users, landholders and the public sector
- ✓ Drafting of an ‘issues paper’ – summarising the available information considered and the issues identified with achieving the reform to LAFs that Government is seeking

The key next steps in this process are:

- A consultation workshop with the liaison group about the findings of the information gathering and the issues arising for the proposed reform
- Finalising the ‘issues paper’ in the light of stakeholder input
- Develop reform options and analysis papers – in consultation with the liaison group
- Working with the liaison group to produce a final advice report for Welsh Government by April 2022

Access Reform Programme – Dogs on Leads Advice

Welsh Government’s draft 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.]

Government’s draft policy intent states that the ‘Dogs on Leads’ reform is not intended to affect the following:

- Wider work on the proposed Animal Welfare (Kept Animals) Bill introduced to the UK Parliament (8th June 2021) containing new measures to deal with livestock worrying across England and Wales. However, the ARP ‘Dogs on Leads reform’ work will strongly link to the content of the bill and there are opportunities for the reforms to complement each other

- The measures and powers to take enforcement action against those not complying with the requirements to have their dogs on leads in the vicinity of livestock (as reforms affecting such matters are expected to be contained in the UK legislation - see preceding point)
- Assistance dogs or other dogs legitimately working on or otherwise accessing the land and in the vicinity of livestock (with or without the landholder's permission)
- Where access for dogs may be restricted by existing measures, e.g. through byelaws or control orders, that already limit where dogs can go, or limit their access at certain times of year, to protect nature conservation/ ground nesting birds for instance

The NRW work completed to date includes:

- ✓ Information gathering; including looking at a number of legislation areas, statutory and non-statutory guidance and reports from organisations such as the RSPCA, The Kennel Club, National Police Chiefs Council
- ✓ Establishment of a liaison group made up of external stakeholders to input to the development of NRW's advice
- ✓ Drafting of an 'issues paper' – summarising the available information considered and the issues identified with achieving the reform to 'Dogs on Leads' that Government is seeking

The key next steps in the process for this work:

- A consultation workshop with the liaison group to consider the results from the information gathering and the issues arising for the proposed reform
- Finalising the 'issues paper' in the light of stakeholder input
- Development of reform options and analysis papers – in consultation with the liaison group
- Working with the liaison group to produce a final advice report for Welsh Government by April 2022

Contacts

The main contact within NRW for this area of work is:

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And finally...

Many of you involved in access reform work with NRW will have dealt with **Jayne Carter** over the last couple of years or so. Jayne started with us in January 2020 and has been doing great work co-ordinating and supporting the project since then. Sadly for our ARP advice work, Jayne is now moving on to another role in NRW. We'd like to thank her for all she's done and wish her all the very best in her new job.