

ELM consultation response

Q6 Do you have any comments on the design principles?

The aim of the ELM scheme is to develop (and deliver) a scheme that is successful and effective.

What will 'successful and effective' look like in terms of measuring public engagement with the countryside, food and farming?

Public engagement is enabled by infrastructure - roads, rights of way and access to open land and woodland.

The recurring themes throughout the 25 year plan are the need to provide for public health and well-being, recreation, engagement with environment, cleaner air, access to green space, green infrastructure, active green travel, preservation of the countryside, woodland and landscape, preservation of heritage and the provision of wildlife corridors.

The rights of way and open access land network provides the only interface between people and food producers and land managers. A powerful driver for national resilience, great health, tackling climate change, enabling green travel, enhancing local economies, promoting engagement with landscape, food and farming.

Since the public is expected to pay for public goods the design principle should reflect what the public wants and expects in return.

What are the design principles for a decent modern multi user accessible connected rights of way and open access network within ELM? What targets and priorities are associated with this?

Q7 Will ELM deliver the objectives?

Defra says ELM will be a powerful vehicle for achieving the 25 YEP goals, securing a range of positive environmental benefits

How will these public engagement aspirations be delivered through ELM?

Diverse sporting opportunities, recreation and active travel opportunities afforded through walking, cycling, riding and carriage and disabled vehicle driving connects people for all of their lives to the countryside and landscape through minor roads and the rights of way network.

The objective for the rights of way access land network is that it should be properly maintained with the target being usable for 95% of the time through compliance, more accessible to more users (on foot, with horses, bicycles and disabled vehicles) through an ELM improvements scheme,

ELM offers a unique opportunity to improve the rights of way network by enabling safe connections with dedicated new routes / open space and additional multi user rights where needed, catering for more users thereby offering better public value. Additional objectives with regard to rights of way are the preservation and enhancement of our national heritage of green lanes, many of which lie abandoned, unused and threatened, as access / wildlife corridors and the creation of new access and wildlife corridors for all non-motorised users where needed.

In order to deliver these objectives for which there is a clearly expressed public desire (further demonstrated during the Covid 19 pandemic) Defra must listen to the countryside using public as well as to farmers and food producers, properly testing and trialling access improvements and priorities building on the successful Paths for Communities Scheme (P4C) 2011 – 2013.

Q8 What is the best way to encourage participation, tackling barriers

Key barriers include land managers considering that the scheme is not appropriate for them, unwillingness to enter a scheme because of the influence of others – neighbours or other land managers at common meeting places (markets etc) or being at a certain life stage / learned habit stage, disillusionment with previous schemes, not been in a scheme before, the need to collaborate with others when used to isolation / own decision making, predictions about returns which might include negative positions regarding non or late payments in the past and practical barriers such as time.

With regard to public access provision through ELM, barriers to creating more access might include dislike of certain users due to past interactions / perceptions and concerns regarding the potential for damage, theft, dogs (stock worrying), disruption of operations, stock injury, rubbish, trespass and liabilities.

Tackle through strong leadership via trusted sources (farm networks, NFU, CLA), evaluating what works well, ownership and honesty about what went wrong in the previous schemes, good publicity, education and advice especially for the public, immediate returns of fair payments – paid on time, positivity, social approval within local communities.

Q9 Types of activities in each tier, are these correct?

Defra - please keep an open mind and prepare to modify, inclusion of certain activities in tiers may become more obvious as research and data from tests and trials comes forward.

With regard to public access and engagement, the rights of way network covers 140,000 miles in England and the rights to open access land and registered commons covers some 3.4 million acres.

The network in England is not fit for modern purpose with around 89 % single use (walking) and the extremely poor multi use network disconnected by barriers such as heavily trafficked roads. This problem is not being addressed.

By contrast access issues on land and water has been addressed in Scotland through the Land Reform Act 2003 by legislating for multi user rights on core paths, whilst the Welsh Government is giving serious consideration to sweeping reform to the rights of way network through the upgrading of many footpaths to allow for cycling and horse riding.

The English access network needs 1) regular annual maintenance to an accessible standard, 2) wholesale capital accessibility improvements to infrastructure (this is not the same as maintenance), 3) upgrading and creation of rights along physical routes and within open space / woodland to allow for safe connected non-motorised multi use green travel and 4) creation of route infrastructure, which includes enhancing existing and creating new green access and wildlife corridors and margins and corridors (many miles already existing and disused as green lane / drove heritage). Preservation of routes / rights / corridors (heritage / public value) through permanent recording on the Definitive Map and Statements.

Only by having defined what is needed i.e. annual maintenance, accessibility improvements, upgrading / creating rights, creating / preserving route infrastructure can we consider what tiers each of these should be in.

Most land managers in England have public rights of way on their land, and some have public open access space. Rights of way / open access land and aspirational or heritage routes may exist on a single holding or more likely cross many holdings. The rights of way and open access land network

provide the means for public recreation, engagement and green travel and support for the rural economy. The network is the main interface between the public, food and farming.

Therefore, it is imperative that all land managers should be able to maintain / improve and create new infrastructure and rights and collaborate with others to create the meaningful network the public wants.

This means maintaining to the proper legal standard (as cross compliance GAEC 7b former current Basic Payment Scheme), incorporating access improvements and the ability to upgrade and create new rights and create and preserve infrastructure within the same Environmental Land Management Plan. Landowners and land managers must be able to collaborate and co-operate with their neighbours (for community routes say) or with landowners and land managers (and organisations) farther away (for say linear trails)

This inclusivity of maintenance, improvement, creation, preservation and collaboration does not sit with having access in different tiers.

A multi-tiered approach to access does not work from the public perspective or value point of view. In order to deliver connectivity and accessibility improvements required we need all landowners and land managers to be able to participate.

Q10 Delivering environmental outcomes across multiple holdings

It will be critical for land managers to be able to deliver access maintenance, improvements, creation of aspirational routes and access / wildlife corridors and margins in collaboration with others across multiple holdings.

Support and guidance for statutory annual maintenance requirements should come from Government / Local Government.

Wholesale accessibility improvement works such as exchanging stiles for gates, enhanced signage and waymarking, mowing paths to enable positive path locating etc – criteria should be provided by Natural England working with Defra to produce a well - informed scheme that also encourages landowners and managers to work together where a right of way or open space crosses holdings.

Upgrading rights for multi-use and infrastructure creation – the aspiration for connecting / upgrading routes should come from a central local source where all those with an interest can and should record aspirations – this includes user groups (national and local), community groups and parish and town councils and the Local Access Forums. This source already exists – every Local Highways Authority has a statutory duty to produce a Rights of Way Improvement Plan (Countryside and Rights of Way Act 2000)

A huge amount of time and voluntary effort has gone into identifying where new paths are needed through extensive previous consultations but there is no obligation to implement ROWIPs. ELM is the golden opportunity to capitalise on community input in identifying route aspirations through co-operation with landowners and managers. ROWIP access aspirations need to be published in the public domain so that land managers can work with local communities and users to incorporate aspirational access into Land Management Plans.

Aspirations for local networks could also come from landowners and managers themselves, especially those who have sufficient land to offer real public benefit in designing stand-alone connecting routes and open access and woodland networks. However, access links from a farm /

estate network to neighbouring local access routes and quiet roads to enable safer green travel are obviously necessary.

There should be supporting guidance within the scheme dealing with these scenarios.

Q11 Delivering local environmental targets

Set local priorities for delivering access

Revisit the ROWIP (as Q10) – make these plans the number one powerful tool in the creation of connecting access networks through ELMs. If publicised landowners and managers can access the plans too and assess aspirational routes and open access on or across their land requested by the public.

Drive improvements and creation of rights and routes priorities through local community groups and local access forums working with landowners and land managers.

Q12 Calculating payment rates

Within ELM there needs to be both capital and revenue funds

With regard to access

A capital fund is necessary to provide for:-

Creation of permanent access rights payments - per linear metre possibly times width (amount of land taken up)

Creation of additional (multi user) open access rights e.g. foot only upgraded to horse / cycle - paid per acre or hectare

Direct fund / repayment provision for works such as installation of high-quality access infrastructure items (gates and stiles etc), surface improvements on new or existing routes. This could be calculated through private sector comparisons with contractors.

Habitat enhancement payments along access routes (wildlife corridors /boundary margins) – hedges, trees, walls etc, - this could be calculated through discussions with conservation bodies wildlife trusts or similar.

A revenue fund to provide for annual improvements along existing or new access route including habitat requirements such as mowing, works to trees and hedges, clearing drainage ditches etc – payment could be per metre or for specific activities.

A revenue fund is also needed to pay for access development time – time spent collaborating with other land managers, public bodies and user groups.

Q13 Blending public and private finance

Creating promotable well maintained, multi user long distance access trails and community circuits especially including pubs / cafes / heritage / other attractions that also attract visitors, offer opportunities for diversification and tourism. Collaborative working could include business planning for potential parking areas, farm shops and cafes or accommodation. Developers of these could be asked to help fund high quality trail and other access facilities through planning processes.

Local user groups and volunteers could raise funds to pay for access development and creation on routes that cross many holdings where some of the route creation is paid for by ELM on those land

holdings that are within the scheme and the user / voluntary groups raise funds to pay landowners who are not within ELMs using the same capital / revenue criteria.

Q14 Is advice always needed, when is it needed

In terms of maintaining, improving and creating access, advice will always be needed. Advisors must have empathy for both landowners / land managers and access users, understand the needs of different users, have a basic understanding of rights of way law and good practice and a willingness to explain the public benefit and help overcome barriers. Modern advice and support methods should be used – face to face, video backed up with written and illustrated guidance. Guidance should be available to assist with local or national access projects – for users and for landowners and managers.

Advice will be needed during the development of the Land Management Plan to assist the land manager in identifying 1) existing statutory maintenance obligations (if he does not already know them, 2) identifying access improvements that could be made to help and educate the public 3) accessing the ROWIP / collaborating with others to identify footpaths to upgrade to multi user bridleway / restricted byway and the installation works and legal agreements required 4) identifying and creating new routes needed for safety (crossing / avoiding roads, essential links or links to special places) 5) preserving existing green corridors (green lanes) / margins and creating /locating new access corridors and margins that cater both for access and enhanced biodiversity, 6) creating new additional open access rights through CROW 2000 s16 7) annual improvement works to maintain accessibility and bio diversity enhancements.

Advice will be needed to steer landowners through the legal processes of creating rights of way throughout each development project.

Q15 How will self-assessment work

All land managers in the scheme could sign an annual declaration to state / provide a brief report that a) statutory rights of way duties had been complied with (compliance), b) photographs of improvements / new infrastructure / access and biodiversity enhancements that are being funded c) copies of legal documents for express dedicated additional rights / routes or CROW Act s16 open access land additional dedications.

Q16 What key elements of Elm should be tested during the National Pilot

Any element of ELMs that is expected to be funded through the public purse should be properly tested. With respect to access this is the key element that interests and engages the public and should be given very high priority.

These are the key elements that should be tested in an access trial (assuming a willing landowner or manager and public user group / Local Authority participants)

- a) Compliance with statutory duties with regard to rights of way
- b) Accessibility improvements (what does this include?)
- c) Upgrading existing footpath to bridleway, capital works and dedication mechanism
- d) Creating essential links practical new route creation, capital works and dedication mechanism
- e) Creating a green access/ wildlife corridor with biodiversity enhancements, capital works and dedication mechanism as restricted byway

- f) Preserving and improving an existing green corridor (green lane / drove) for access and biodiversity purposes, capital works dedicating / preserving as a restricted byway dedication mechanism
- g) Dedicating additional access rights in open space through CROW 2000 s16

Q17 Other comments

The rights of way network is a national treasure and a powerful asset, deserving greater national recognition and investment through ELMs to unleash maximum value and potential for users and landowners, connecting people, landscape, farming and food.

The network is a vital asset in promoting health, enabling sport, recreation and green active travel, contributing to local economies through business and tourism. Its maintenance, preservation, improvement and enhancement is not a local affair but a national one and should no longer be left entirely to cash strapped local government to deliver.