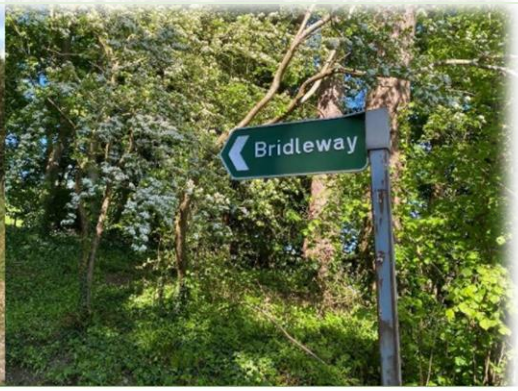




ELMs 159: HOW TO INCENTIVISE GREEN INFRASTRUCTURE ACCESS AND BIODIVERSITY CREATION




BY THE MENDIP HILLS TEAM



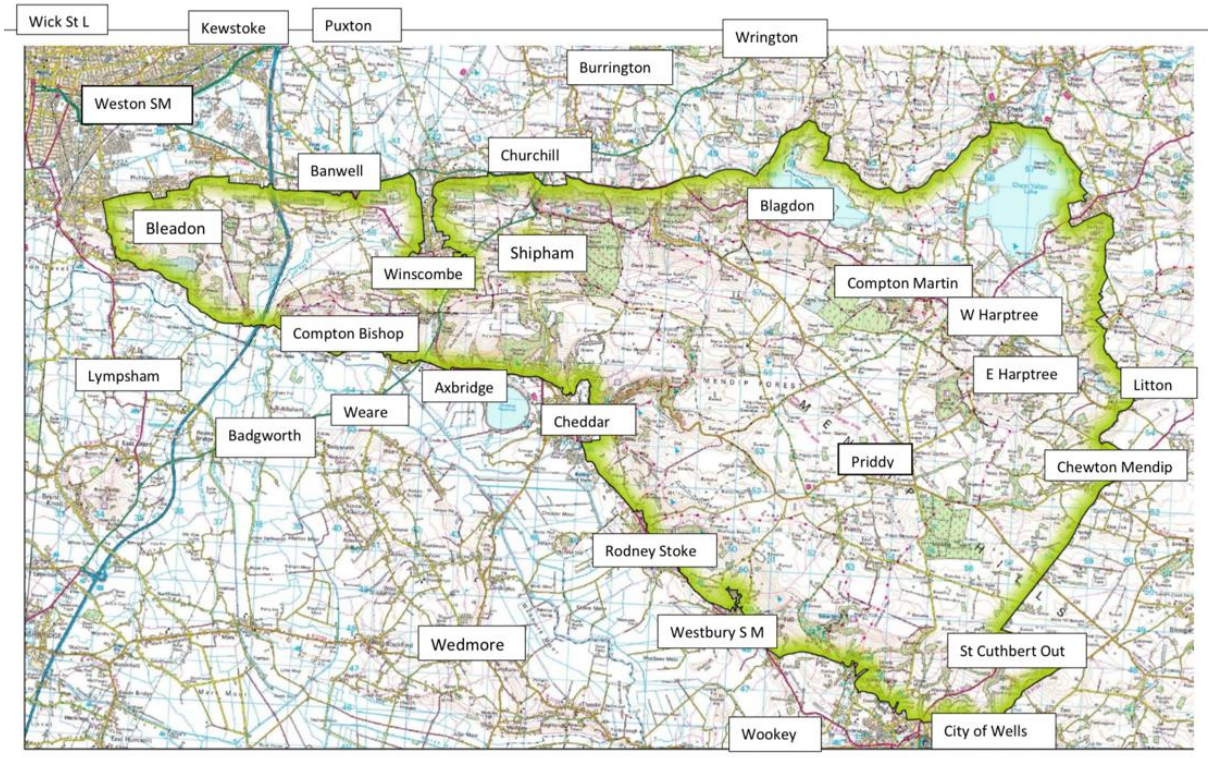
Written by Rachel Thompson MBE consultant to The Trails Trust

Abbreviations that may be found in the text.

AONB	Area of outstanding natural beauty
ATV	All-terrain vehicle
BANES (C)	Bath and North East Somerset (council)
BPS	Basic payment scheme
BR	Bridle road (way)
CSS	Countryside stewardship scheme
DEFRA	Department for Environment, Food & Rural Affairs
ELMs	Environment land management schemes
ELS	Entry level stewardship
ESA	Environmentally sensitive area scheme
FP	Footpath
FWAG	Farming and Wildlife Advisory Group
HA80	Highways Act 1980
HB	Hedgerows and boundaries scheme
HLS	Higher level stewardship
KM / km	Kilometre
LHA	Local Highway Authority
MTB	Mountain bike / biker
NE	Natural England
NFU	National Farmers' Union
NNR	National nature reserve
NS (C)	North Somerset (Council)
OS	Ordnance Survey
PROW	Public right of way
RB	Restricted byway
ROWIP	Rights of way improvement plan
RPA	Rural Payment Agency
RUPP	Road used as a public path
SCC	Somerset County Council
SSSI	Site of Special Scientific Interest
TTT	The Trails Trust
UCR	Unclassified county road
UUR	Unclassified unsurfaced road
WCA81	Wildlife & Countryside Act 1981
25 YEP	25 Year Environment Plan
4 x 4	Four by four motor vehicle suitable for off road

1. Executive summary

The ELMs 159 test took place in the Mendip Hills Area of Natural Outstanding Beauty and the surrounding area, which included part of the Chew Valley and Somerset Coast and Levels to the north and part of the Somerset Levels to the south. The test ran between February 2020 and June 2021 and covered an approximate area of 300 square kilometres (30,000 hectares).



The test team included local agricultural consultants and a Natural England (public access) specialist, facilitators from The Trails Trust and advisors from the Mendip Hills AONB unit.

1.1 Overview of activity undertaken.

The team designed a strategic connected and accessible rights of way improvement and nature recovery network plan for the test area by connecting aspirational access routes and open space green infrastructure to existing multi-user rights of way and quiet highways.

50 landowners and land managers of holdings over which the aspirational access routes ran were interviewed to explore their willingness to engage with a permanent public access and biodiversity ELM scheme. The scheme would include creating and improving permanent green infrastructure routes (rights of way) to provide a cohesive network offering green active travel and countryside access, nature recovery and economic benefit.

The creation of an area wide multi-user public access network and enhanced biodiversity together is a mechanism that has not been used previously within former agri-environment schemes.

A key driver for the test was the recognition that previous environmental higher-level stewardship permissive public access schemes failed to engage landowners through a valuation process or to leave a lasting legacy of benefits to the public or to wildlife.

In 2010, financial incentive for 6392 kilometres of permissive public access and 13661 ha open space, was withdrawn. This short-term creation of permissive routes, many of which closed with the scheme, represented extremely poor value to the public purse. Thus, the ELMs 159 test investigated the willingness of landowners and managers to engage with the provision of permanent access and biodiversity as a public good.

The members of the test team interviewed the participants with a questionnaire designed to capture experiences and opinions and a tool box containing access and biodiversity advice and information.

1.2 Identification of themes and research questions.

Theme number and brief overview of research questions	
1	Capture holding size, business, mission, primary and secondary purpose, countryside stewardship scheme membership. Does any variation make a difference to willingness to enter a scheme?
2	What barriers are there to upgrading or creating permanent access or to enhancing existing access? What are the solutions?
3	How do landowners and land managers consider that access creation, improvements and maintenance tasks should be valued?
4	Do landowners and land managers recognise the value of permanent access? How willing are they to deliver access and enhanced biodiversity based on an aspirational route over their own holding? What solutions and mitigations to barriers work?
5	What advice do landowners and land managers think is needed to provide permanent public access? How willing are landowners and land managers to collaborate with others? How might collaboration work and be rewarded?
6	How do landowners and land managers think a future scheme could work, how willing are they to incorporate access into a future environment land management plan?

	A further three themes were added as the test progressed.
7	How does access and biodiversity co-exist in green infrastructure corridors?
8	Is permissive access a public good compared to permanent access?
9	How can landowners and land managers best engage with and educate the public and through which mechanisms? Miscellaneous questions arising through discussions.

1.3 Summary of key learning points and mechanisms.

1. The aspirational access route surveys show that the current public access network of rights of way and open space predominantly only work for activities on foot by able-bodied people. The survey also showed that the network could be improved permanently and deliver multi-user (foot, bicycle and horse rider) and disabled access, nature recovery and support farmers to exploit new economic opportunities that could stem from the new connected permanent network of green access and biodiverse infrastructure.

2. The test engaged with a wide variation of participants.

- 94% participants have a secondary diversification or employment.
- There was no variation in willingness to create, enhance or maintain permanent access and deliver environmental outcomes between owners and managers of land holdings of differing acreages, land uses, missions and proximity to large conurbations.
- The majority of test participants recognised the economic, environmental, social and health benefits of a permanent connecting access network and are willing to undertake or oversee works to create and improve access and enhance biodiversity.
- Advice is needed, particularly on rights of way creation and cross compliance from trusted advisors with immediately available helpful sources available, to maximise delivery of access and biodiversity benefits.
- Test participants are willing to collaborate to deliver multi-user green infrastructure access with wildlife recovery and biodiversity benefits.

3. Barriers to access are overcome by:

- Creating infrastructure in the right location, preferably a route within a green corridor (between two hedges or stone walls) or alongside a boundary feature.
- Providing a valuable new habitat corridor that will encourage people to stick to a particular path and reduce disturbance to the wider site, holding or landscape.
- Ensuring that the provision of public education through clear written, electronic messaging and other means is a priority.
- Choosing the appropriate permanent access dedication or creation process.

4. Incentive and valuation.

- Permanent green infrastructure access and biodiversity is incentivised by offering landowners and land managers a fair and reasonable reward for permanent access creation, improvement works and annual improvement activities.
- Reasonable route realignment trade-offs would help with upgrading existing routes to provide for multi-user access (equestrian and cycling).

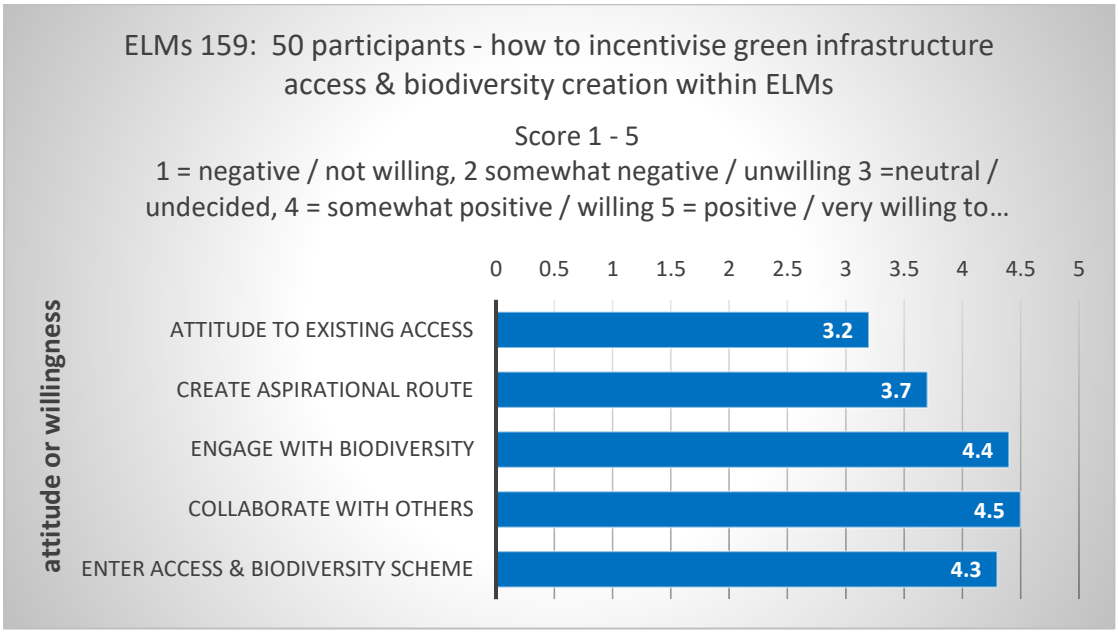
5. inclusion of permanent access and biodiversity in ELMs.

- ELMs must be flexible so that willing landowners who own land which is vital for the completion of a route can participate in access improvements without having to score highly on other criteria.

- 84% of test participants said there must be an external scheme to include all potential participants and ensure success.
- Participants recognised that permissive access routes are significantly less of a public good than identifiable recorded permanent routes because of their impermanence and the consequence of possible impacts on users or on landowners with network dependent business from one part of the network being closed. This extended to a concern that any visitor-based business that they might develop (shop, café, accommodation) on the back of a better network would be at risk were access to be permissive).

The graph below illustrates the average of participants' attitude and level of willingness to engage expressed throughout the interviews.

90% of participants were willing or very willing to enter an access and biodiversity scheme.



Examples of participants' comments:

'This scheme would be a great thing to bring the community together after COVID, we need to remember that farmers lead an isolated life, they have mental health issues too and

might find strangers scary, therefore bringing them into the conversation about public access is a good thing.'

'We think that ELM presents a great opportunity to enhance biodiversity, fund the critical ecological recovery and to enhance public health and well-being and to educate users through access. The organisation that we represent is very willing to engage.'

2. Introduction

2.1 ELMs 159 Background and context.

Definition of Green Infrastructure

Natural England says (2009)

'Green Infrastructure is a strategically planned and delivered network comprising the broadest range of high-quality green spaces and other environmental features. It should be designed and managed as a multifunctional resource capable of delivering those ecological services and quality of life benefits required by the communities it serves and needed to underpin sustainability. Its design and management should also respect and enhance the character and distinctiveness of an area with regard to habitats and landscape types.'

The West of England Joint Green Infrastructure Strategy (2020, p6) recognises that *'Green Infrastructure can be embedded in grey infrastructure (for example roads, rail and flood schemes) and is not in competition with it.'*

The importance of permanent public access.

This test highlighted landowner and land manager recognition of the value of a permanent rights of way network to both themselves, to the public and to wildlife. They recognised the value of a connected, accessible and safe rights of way network that works for everyone, for users and for landowners and farmers.

Over the last seventy years there has been a failure to recognise or to deliver a connected, accessible and safe rights of way network that works for everyone.

The 1949 National Parks & Access to the Countryside Act first created the legal record of public rights of way on definitive maps. The procedure was revised in the 1968 Countryside Act and again in the 1981 Wildlife & Countryside Act. WCA 81 allowed the public to challenge the flawed and incomplete definitive map of rights of way through the presentation of evidence. In 2000 the Countryside and Rights of Way (CROW) Act designated certain types of land as open access land on foot, still misunderstood today by some of the public to include all land. The CROW Act limits the right of the public, to record unrecorded rights by introducing a 2026 cut-off date for applications based on historic evidence, but a commitment was made that the government would have a programme to identify and record unrecorded routes before that date, but that programme ceased in 2008.

Little has been done to create sustainable green travel networks or to provide an inclusive modern network meeting the need for recreation and health-giving public access to countryside and landscape. Green infrastructure that should and can work for both country and city dweller, for the disabled in mobility scooters - walkers with wheels, for people who cannot or shouldn't climb a stile, for horse riders who may be children or women who feel safer alone in the countryside on a horse, for carriage drivers who may be elderly people unable to walk, venturing out with a Shetland pony and a trap, for cyclists who are people who come from all walks of life.

Any of these may be disabled, disadvantaged or have mental health issues – the path network should work for them but it doesn't.

Millions of people, public tax payers and tourists want to explore the countryside safely on accessible routes with the vast majority wanting to do 'the right thing' by landowners and farmers. The current public rights of way network excludes the disabled, cyclists and horse riders from almost 80% of paths, only catering for able-bodied walkers on footpaths, access land, along coastal paths and national trails, whilst a silent majority battle along the roads attempting to connect with what little multi-use accessible network exists, or don't go at all.

Rural roads, populated with fast moving, and often heavy traffic cut through the countryside creating barriers to the green travel network. Charming and biodiverse country lanes have excessive 60 mile per hour speed limits which excludes them for use by children, families, less confident cyclists (particularly women) and horse riders and carriage drivers.

The current dysfunctional multi-user network doesn't work either for landowners and farmers who want to keep the public safely away from their operations and who miss out on the economic opportunities a connected network can bring. Neither does the network work for nature and biodiversity that declines further every year and needs green infrastructure wildlife corridors to aid recovery.

Over the years there have been glimmers of hope. In 1968 cyclists were given the right to share bridleways. The 1980 Highways Act introduced the power for LHAs to enter into creation and dedication agreements but these powers are left mostly unused on the shelf. Rights of Way Improvement Plans introduced over 20 years ago, promised an integrated network but delivered little in many counties due to a lack of funding. In the CROW Act 2000 RUPPS were helpfully automatically re-recorded as Restricted Byways. Frustrated by the lack of progress by public bodies The Trails Trust (TTT) explored and documented the use of Express Dedication by Common Law (EDCL) as a mechanism for landowners to use to create new PROW, particularly bridleways. In 2011 - 13 the highly

successful Defra funded Paths for Communities (P4C) scheme built on The Trails Trust method of working with landowners, incentivising and rewarding them for creating strategic permanent multi-user public access routes.

This ELMs 159 test built on the TTT approach to explore if the Environment Land Management scheme (ELMs) could be upscaled and make significant, landscape scale improvements to deliver the safe permanent access and biodiversity infrastructure that connects towns and villages to the countryside and meets everyone needs.

Government commitments.

In 2019 Lord Gardiner, the then Parliamentary Under Secretary of State for Rural Affairs and Biodiversity said:

'The cornerstone of future agriculture policy will be payment of public money for environmental public goods. Paths that provide access to farmers' land enable people to access and spend time in the natural environment. Infrastructure is required for horse – riding, recreational walking and cycling and providing access to green space and countryside for disabled people. This is important for maintaining and improving physical and mental health and wellbeing and therefore provides public benefits.'

Together the Agriculture and the Environment Acts are intended to deliver the government's 25 Year Environment Plan, including the delivery of public access and biodiversity as public goods. In the plan government promises this:

'We will scope out how we could connect people more systematically with green space to improve mental health, using the natural environment as a resource for preventative and therapeutic purposes.'

'We will support farmers to turn over fields to meadows rich in herbs and wildflowers, plant more trees, restore habitats for endangered species, recover soil fertility and attract wildlife back. We will ensure broader landscapes are transformed by connecting habitats into larger corridors for wildlife, as recommended by Sir John Lawton in his official review.'

In June 2021 the Prime Minister Boris Johnson said 'we will build back greener, fairer, more equal and in a more feminine way.'

The ELM 159 Mendip Team considers that ELM represents a once in a lifetime opportunity to invest in and deliver a safe, accessible, valuable, permanent network for people and wildlife by incentivising and financially rewarding landowners to create and improve paths, to create additional access rights targeted in the right place, to preserve our heritage of historic green lanes and to help deliver local Rights of Way Improvement Plans and nature recovery.

ELM can create:

- the strategic sustainable green travel infrastructure networks that are crucial for the health and well-being of local communities, for visitors and for the recovery and long-term protection of habitat and wildlife.

- networks of permanent routes and open space providing access solutions and beneficial opportunities for landowners to diversify through the provision of goods and services and the chance to educate the public about food and farming.

ELM 159 Team Approach.

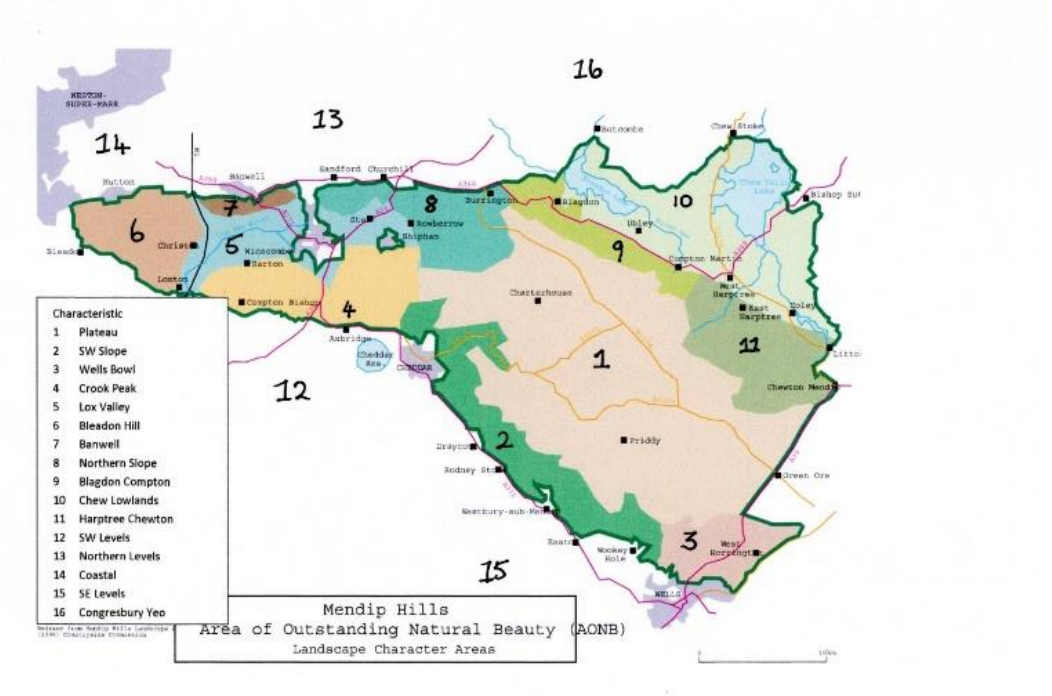
In order to discover what would incentivise landowners and land managers to enter a scheme to deliver green permanent access infrastructure and biodiversity, the team decided on a five-stage approach.

Stage one – design a real-life Rights of Way Improvement Plan for the test area.

Stage two – survey the chosen aspirational routes and open spaces, identified in the plan, on the ground.

Stage three – identify 50 participants over whose land an aspirational route runs.

In order to gain participation from a wide cross section of landowners and land managers, locations and sectors the test area was divided into 16 terrain characteristic areas and this map compared to the aspirational route map to identify participants from each area.



Stage four – design a questionnaire and option lists designed to draw out participant experiences and opinions on existing access, the value of access and biodiversity creation and improvements, landowner and manager willingness to participate and collaborate, advice and guidance needed, and views on planning an access and biodiversity scheme.

Stage five - interview the participants using the questionnaire and option lists and the aspirational route survey as discussion tools to answer key policy questions on how to incentivise access and biodiversity that could inform the design of the new ELM scheme.

2.2 Themes and research questions to be answered by the test.

The test is using a new mechanism to inform a scheme.

Testing the opinions and willingness of landowners and managers to provide and maintain permanent sustainable access and enhanced biodiversity, is a mechanism that has not been used previously within agri-environment schemes.

The questionnaire and the option lists were structured to explore:

- Common ground between the 50 landowner and land manager participants.
- Opinions and willingness to enter an access and biodiversity scheme.
- Whether negative responses can be improved and through which mechanisms?

Theme 1. Variation between participants.

- Question 1: What is the variation in land holding size, business mission and purpose and participation in countryside stewardship schemes?
- Question 2: Is there a variation in willingness to create, enhance or maintain access and deliver environmental outcomes from owners and managers of land holdings of differing acreages, land uses and proximity to large conurbations? Does the approach need to be tailored accordingly?

Theme 2. Barriers and solutions.

- Question 1: What are the barriers to creating and enhancing access and biodiversity green infrastructure networks within the defined area?
- Question 2: What are the potential solutions?

Theme 3. Valuing and incentivising permanent access and biodiversity creation, improvement and maintenance.

- Question 1: What is the valuation for the creation of different types of access, including routes contained within green corridors, that cross land or for recreational open access land which offers the freedom to wander?
- Question 2: Does valuation vary in different scenarios such as upgrading spatial rights from users on foot to other user groups such as equestrians and cyclists?

Theme 4. Willingness to participate.

- Question 1: How willing are participants to create, enhance or maintain access and to deliver environmental outcomes through the development of green corridors?
- Question 2: How willing are the participants to create the aspirational route?

Theme 5a). Advice and guidance.

- Question 1: What expert support will participants require to help them plan?
- Question 2: What is the type and nature of guidance and advice required to ensure access is included as part of an ELMs plan

- Question 3: What data and information will participants require?

- Theme 5 b) Collaboration.

- Question 1: What are the collaborative mechanisms required to engage neighbouring landowners in the creation of joined up routes planned to cross multiple holdings?
- Question 2: What are the perceived barriers to working collaboratively?
- Question 3: What payment levels and mechanisms will be required to enable collaboration across holdings?

Theme 6. Incorporation into a land management plan.

- Question 1: How does an access and biodiversity scheme fit within the proposed ELM system?
- Question 2: How will access be incorporated into a land management plan?
- Question 3: How will participants instigate improving or creating access on their own land and / or in a collaborative partnership with neighbouring landowners?
- Question 4: Due to the variation in landholding type it is expected that owners who have never participated in previous schemes may be interested in participating in an access and biodiversity scheme. How should this be managed?

Theme 7. Delivering environmental outcomes with public access.

- Question 1: How can access and biodiversity co-exist and deliver beneficial outcomes for humans and wildlife? Discussed by Tim Haselden, Mendip Hills AONB unit.

Theme 8. Delivering a permanent network using permissive access mechanism.

- Question 1: Do the participants recognise the value and opportunities arising from a permanent access and biodiversity network?
- Question 2: How useful is a permissive access trial?
- Question 3: Where does permissive access sit in an ELMs access and biodiversity scheme as a public good?

9. Additional themes highlighted in discussions.

- Question 1: How can a higher standard of public education, behaviour and understanding of farmer and animal needs be promoted and through what mechanisms?
- Various other matters arising during interviews.

3. Outline of methods used, data collected and limitations.

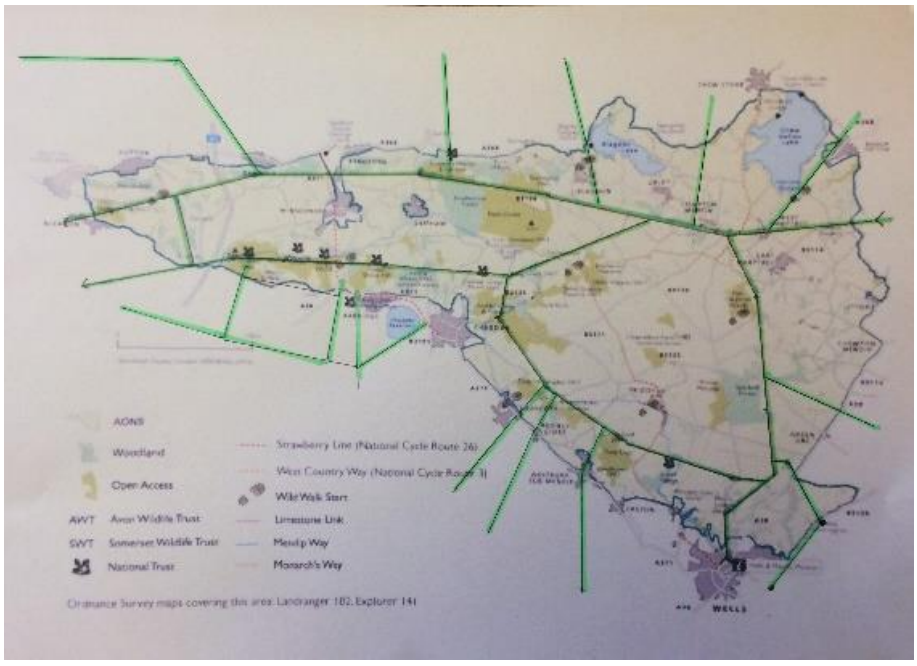
3.1. Define test area.

The Mendip Hills AONB and nearby North Somerset and Somerset Levels is an ideal test area. The area includes differing terrains, from the remote isolated limestone plateau which extends to wooded slopes and coombes in the north towards Bath and Bristol, the steep warm escarpment descending to the flat river and rhyne landscape of the Somerset Levels in the south, the Somerset Coast and Bristol Channel to the west and the rolling farmland and pasture to the east towards Frome.

The Mendip Hills are ringed by a number of communities built on the lower slopes and levels, some of which are targeted for extensive development. The landscape and geology mean that there is wide variation in farm sectors, businesses, land type, land holding owners and managers and locations. The landscape includes a wide variation of designated areas of Sites of Special Scientific Interest and nature reserves along with numerous scheduled ancient monuments and the remnants of a mining industry dating back to the late Bronze age.

For the purposes of the test the area considered was greater than the AONB and included the adjacent towns and communities that would naturally access the area or would benefit from created or improved access provision. The largest conurbation adjacent to the network is Weston-Super-Mare with a population of 76, 143 (2014 census).

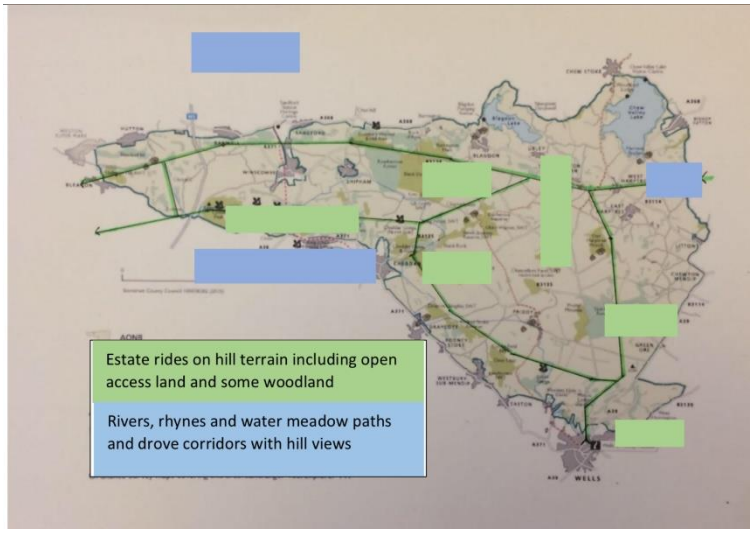
3.2. Create an aspirational network plan (ROWIP) for the test area.



Based on the OS Explorer series, a multi-user strategic network of linear and community connections (shown on the map, left) bypassing and crossing roads and rivers and creating 3 to 10 mile circular routes was designed. All these routes and open spaces deliver access to countryside, green space, nature and heritage. The map gives an indication of the strategic network designed. The comprehensive network of rircular routes is not shown.

The network was designed by identifying:

- Existing quiet lane routes that could be used in the network (single track unclassified county roads (surfaced and unsurfaced)) – these were marked in yellow.
- Existing multi-user off road routes – rights of way designated as bridleway, restricted byway and byway – these were marked in green.
- Aspirational routes that made connections to yellow and green routes to create missing links in linear and circular routes chosen by reference to location and to available data sets – these were marked in pink.



Local areas in the network where estate rides on large holdings could be expanded and improved or were being planned were also identified (shown in green on the map left).

River, lake and rhyne areas on the levels and in the Chew Valley (shown blue) were also identified as being particularly valuable for community access and biodiversity networks.

Data sets and policies accessed to inform which routes to choose included:

- OS Explorer map data as depicted showing barriers (roads, railway lines, rivers).
- Government Rights of Way Improvement Plan (ROWIP) route priority data.
- ROWIP aspirational route data collected by communities, user groups (where known).
- Government 25 Year Environment Plan highlighting the importance of heritage.
- Lists of public definitive map applications to record unrecorded rights / routes.
- Other known routes, whether aspirational, customary or permissive, informed by local communities or user groups.

Aspirational route infrastructure and existing rights targeted for multi-use were:

- Existing public footpaths that could be upgraded.
- Corridor routes that had no recorded rights along them (green lanes).
- Publicly maintainable cul-de-sacs that could be extended to the next public highway.
- Missing links that could be created along boundaries or through open access land.

Possible limitation – data on aspirational community routes may be lodged in data sets held by user groups, examples include British Horse Society Dobbin system and Cycling UK's Missing Links Campaign, or may be shown on maps held by local user groups or on the LHA ROWIP. The existence of this useful data may not be known about or be available in the public domain.

3.3. Aspirational route access & biodiversity assessment.

a) Numbered survey and photographic record documents were created for each aspirational route and space. A data base to record the data collected was created.

b) The 101 (pink) aspirational access routes and 2 open spaces identified were surveyed.

c) Access data was recorded relating to community area (local authority and parish), route priority, route attributes, access structures and exits.

Community route priority (scoring system for the number of priorities delivered.) Priorities 1 – 9 taken from the ROWIP, 10 from 25 Year Environmental Plan. 11 to 15 added by the ELM 159 test team.	
1. Feature / access to countryside	9. Route around town / development
2. Local economy /tourism promotion	10. Heritage of space or route
3. Avoiding busy road (M /A / B / local)	11. Linear - connecting communities
4. Circular route for leisure / recreation	12. Proximity to long distance trail
5. Route by water	13. Route to open access space / woods
6. Route crossing road, railway, river	14. Route through open access space
7. Continuation of cul-de-sac	15. Spatial access within open space
8. Route enabling local journey	
All other route data.	
Route infrastructure type, length, width, area, surface types and conditions (score), signage, proximity to open access land, current land use, terrain type, heritage, features and special place attributes.	
Detailed route descriptions, site photographs and notes on works that would be required to accommodate multi-use.	
Structures - number / type of gates, stiles, bridges and barriers installed.	
Public use - current, customary, historic and permissive, where known.	
Safety - highway exits (scored by type of road met, exit visibility (scored).	

d) Biodiversity data along the aspirational route was collected. This included:

Biodiversity survey data collected	
Desktop study of landscape character area and key characteristics, land-based designations, site-specific designations, known protected / priority species, priority habitats, Natural England schemes and targeting, ecological connectivity / landscape cons. priority and any other relevant data.	
Field survey (where access rights on foot permit) to note main land use types, main habitat / terrain types, AONB special qualities, features of interest and overview of dominant species seen at time of survey, strengths of current land management for nature, weaknesses / threats of current land management for nature	
Suggested enhancements based on 16 priorities and scored high / medium / low.	
1. Drystone wall repair (or creation)	9. Pond / wetland restoration including floodplain.
2. Hedge planting (native species)	10. Ditch restoration (not dredging)

3. Hedgerow restoration	11. Grassland creation / enhancement
4. Woodland / copse creation (native species)	12. Heathland creation / enhancement
5. Woodland enhancement	13. Buffer strip creation
6. Tree avenue creation	14. Wildflower margin establishment
7. Specimen tree planting (in hedge or field)	15. Installation of bird boxes
8. Pond / wetland creation	16. Installation of bat boxes (also including dormouse boxes)

There is more about the biodiversity survey methodology in the appendix.

A limitation might be the time of year when access surveys were conducted which could affect surface conditions found. The access surveys were conducted from February to September 2020 – during a dry period.

3.4. Choose 50 participants.

Desk top exercises were undertaken with the agriculture consultants to scope holding & business type, holding size, terrain type, location and land use. A map of participants shown scattered over the test area was produced, based on the OS Landranger series (not shown in the report). The list of participants to be invited to interview was reviewed frequently with the agricultural consultants over the interview period to ensure the that the 16 landscape character areas, aspirational test routes and collaborative working scenarios were adequately covered.

A possible limitation is the need to engage known trusted local agriculture consultants to ensure participant willingness to engage with schemes. The engagement in the test by two such consultants ensured a high level of participation. Only 3 potential participants invited to interview declined: one very elderly gentleman who didn't want to join a scheme, another gentleman who having been reminded of the loss of the basic farm payment wanted to concentrate on how he was going to go forward and another gentleman who was unwilling to engage with the paperwork.

3.5. Design a 'how to incentivise permanent green access & biodiversity creation' questionnaire.

In order to capture opinions on policy themes and willingness to enter a scheme, a questionnaire with option lists (to be found in the appendix) was designed in six sections, laid out in nine distinct discussions. A data base was designed to record the participants' experiences, opinions and willingness from each section.

The data collected during the discussion phases of 50 participant interviews was as follows:

Section	Discussion	Data collected using the questionnaire and option lists.
1	1	About the participant, business and holding.
2	2	Existing and former access rights and permissions.
	3	Encounters with the public, customary access.

	4	Route infrastructure, structures and maintenance.
	5	Access experiences, barriers and solutions.
3	6	Incentivising and rewarding access creation, access and biodiversity improvements and annual activities.
4	7	Understanding community and wider benefits, willingness to create the aspirational route, to undertake works, mitigation of concerns, and access solutions.
5	8	Advice and guidance needed, collaboration willingness and scenarios.
6	9	Incorporation in ELMs, final willingness to enter a scheme, participant response variation data.

3.6. Assemble toolbox.

Advisory, educational and legal documents required to stimulate discussion, accompany research questions and answer participant queries about routes, access and biodiversity process, infrastructure, structure, creation processes, users and user education was collated and taken to the interviews. The level of detail contained within the toolbox was not required at the majority of the interviews but may be useful data for formulating advice at a later date.

3.7. Plan interviews.

The approach, whether in person or by a telephone call inviting potential participants to an interview, was decided by the agricultural consultants. Once the interview was agreed, pre-interview information packs for participants were assembled containing:

- An explanatory letter about ELMs 159.
- The relevant aspirational route survey(s) (example in appendix).
- Questionnaire and option lists (examples in appendix).

Packs were either hand delivered or sent by post at least a week before interview.

3.8. Participants interviews.

Structured interviews were conducted, normally led by the agricultural consultant, with the facilitator completing the questionnaire, data lists and capturing discussions and opinions.

The facilitator collated the interview data on the interview response data base and recorded opinions and comments in a numbered participant discussion document. The data base and discussion documents were checked and agreed by the relevant agricultural consultant.

Limitation 1 – carrying out interviews in the middle of a pandemic. The need for social distancing was overcome by sitting in gardens, barns and garages when restrictions permitted and otherwise by conducting video interviews. There was no discernible difference in either approach but face to face was much preferred – often involving tea and cake.

Limitation 2 – time. There was not sufficient time to identify the land owners and managers of every aspirational route or section of route.

3.9. Analyse survey and participant interview data.

The route survey data and the interview data were analysed. Network creation, access and biodiversity route survey methodologies were written. Based on the data collected, a report was written answering policy questions and reporting on themes. Any additional themes coming forward through the research were highlighted and discussed.

4. Results and discussion arising from the access and biodiversity network design and aspirational access surveys.

4.1 Result of the public access community network design mapping exercise.

The public access community network depicted 101 aspirational access routes (approximately = 110 KM) plus 2 aspirational open access areas (247 hectares or 610 acres) needed to achieve a connected and accessible multi-user active travel and recreational network for use on foot, bicycle, disabled vehicle and with a horse.

4.2 Results from the aspirational access surveys.

The surveys were a useful snapshot of the current state of the public access network and confirmed that the network does not function on the ground.

Multi - users, particularly users of mobility vehicles are excluded by barriers which include stiles, kissing gates, Bristol gates, broken bridges, unopenable field gates, barriers with no adjacent gaps, cul-de-sac bridleways, restricted byways and country lanes terminating in the middle of nowhere and dangerous road locations and crossings where users of promoted long distant paths are expected to walk around blind bends up fast busy roads, with no safe footway provision or signage to the next section of off-road route.

103 individual access surveys were carried out on foot, horse-back or bicycle where access rights or permissions existed. Where public access rights or permissions did not exist, the route was assessed from the nearest publicly accessible location (usually a road or adjoining right of way) with further assessment carried out by reference to the OS Explorer map data.

94 of the 103 access routes or areas were also surveyed for biodiversity and habitat enhancements that could be incorporated with access creation.

Aspirational access results found.
52 routes were recorded as a footpath for the whole of the route length.
16 routes were recorded as footpath for part of the route.
29 routes had no recorded public access rights for the whole length of route.
3 routes were found to be bridleways (recently upgraded / not shown by OS)
1 route ran through open access land with rights on foot.
2 open access areas had recorded rights on foot.
16 part routes would need the creation of multi-user rights (bridleway or carriageway – restricted byway).
In total 68 footpath routes / part routes would need upgrading to bridleway or carriageway (restricted byway).
In total 45 routes would need multi-user rights creating (bridleway or carriageway – restricted byway).
3 open access areas would need multi-user activity rights dedicating.
At least 31 routes and the 2 open spaces were already in use by horse riders and or cyclists, either by permission, by custom or by historic but unrecorded right.

Local council interest.

The test area is covered by 3 local highway authorities and 2 district councils who would have an interest in the community green travel access and recreation network.
30 communities (parishes) would also directly benefit from the network if created.

Identification and delivery of community priorities against the 1-15 community priority score.

The aspirational routes scored an average of 9 priorities per route, a high level of delivery against ROWIP / 25 YEP and test team priorities.

Route attribute results.
Infrastructure types: 23 corridor routes, 17 boundary routes, 12 routes crossing open land, 49 mixed routes, (40 of the last 3 types included some corridor sections), 2 open spaces. Surfaces: predominantly stone / earth / grass with an average score of 2 (good). Structures: 60 stiles (including ladder stiles), 130 pedestrian gates (predominantly kissing or narrow stock gates), 127 field gates*, 37 Bristol gates, 41 bridle gates, 51 bridges, ten barriers and 1 staircase. (*Includes field gates thought to be in situ on aspirational access that need creating). All the structures would need replacing or improving to facilitate multi-use and disabled mobility use, for whom currently the network has very poor provision. Signs and waymarks: very cluttered with route direction, information and instructions generally very confusing.

		
Bristol gate	Field gate	Well-designed bridge

Route exit locations and scores and exit visibility score results.
150 route exits onto a quiet unclassified lane, right of way or aspirational route. 51 route exits onto an A or B road (or a C road known to be busy), where users needed to cross where frequent fast or large vehicles were likely to be encountered. 123 road exits had a visibility score of 1/2 good or very good, 11 exits scored as 4/5 poor or very poor – 4 of these are where users of promoted long distance paths have to cross. All AB and most C roads could be successfully bypassed by the good network planning undertaken at stage 1.

Final aspirational access network results.
Overall the aspirational test network delivered an average of 9 community priorities per route or space - range of 5 for the lowest scoring route and 14 for the highest. Even a score of 5 equals a very valuable access route addition for a local community.
Structures averaged 4 per kilometre.
Route exit score average 1 (lightly trafficked) and average exit visibility <1 very good.

Areas of work to deliver the public access components of the network.

Actions that could be delivered by ELMs

- Dedication and creation of multi- user (bridleway, RB, open access) rights.
- Replace or improve all access structures.
- Install structures and signs.
- Carry out bridge surveys, repair and replacement (for landowner owned bridges).
- Environmentally appropriate surface works where needed.
- Review, install or replace install educational and directional signage.
- Carry out safety works at exits.
- Continue existing corridors if required and where feasible.
- Biodiversity enhancements as advised.

Actions that are probably outside the scope of ELMs.

- UCR / UURs (single track country lanes) - reduce speed limits and provide motor vehicle driver education on shared spaces used in the network.
- Realign some existing routes to boundaries if required, permitted and feasible.
- Carry out bridge surveys, repair and replacement (for local authority owned bridges).

Choosing the correct dedication or creation of public access rights mechanism.

Which rights to dedicate – footpath, bridleway, carriageway status (restricted byway) or open access rights depends on several factors such as:

1) Upgrading an existing right of way (for example footpath to bridleway) dedication via - Highways Act 1980 s25 or express dedication at common law. The EDCL process was laid out by DEFRA see: http://www.thetrailstrust.org.uk/pages/downloads.php
2) Creating or upgrading an open access space for specific activities. For use on foot, with a horse and, or for cycling - dedication via s16 of the Countryside & Rights of Way Act (CROW Act) 2000 and/or landowner relaxing general restrictions on access land.
3) Creating new linear routes or linear access spaces chose either 1) or 2) depending on the best solution for operational requirements, such as the need for closures and diversions for tree felling or structural works.
4) Providing permanent protection of a green corridor by dedicating as a carriageway (RB) as in 1) above.

Route characteristics.

The surveys also confirmed that the characteristics of most routes on the ground are similar in available width, surface type and condition, irrespective of the recorded rights along them, indistinguishable in many instances between footpath, bridleway and byway, perfectly capable of being shared by all users.

Example pictures:
Left- the path is one metre wide for a considerable length and is a restricted byway with rights on foot, bike horse and carriage.
Right – a 3 metre track originally designated as footpath (now dedicated as bridleway).

4.3. Results and discussion arising from the interviews with 50 landowners and land managers (the ELMs test participants).

NOTE: All the data on the following themes, including complete data sets and numerous participants' interesting and informative opinions and comments can be found in appendix 1 entitled 'participant interview results.'

Theme 1. Variation between participants.

Questionnaire Discussion 1. Identifying variations between test participants.

1) What is the variation in land holding size, business mission and purpose and participation in countryside stewardship schemes?
2) Is there a variation in willingness to create, enhance or maintain access and deliver environmental outcomes from owners and managers of land holdings of differing acreages, land uses and proximity to large conurbations? Does the approach need to be tailored accordingly?

RESULTS from discussion 1.

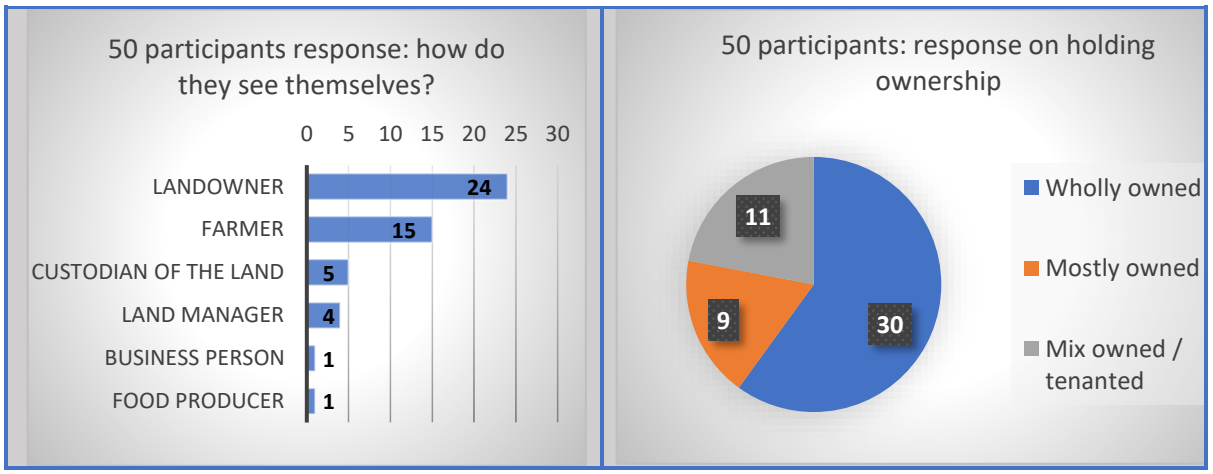
Participants' age and gender - the team added variation these to the research question.

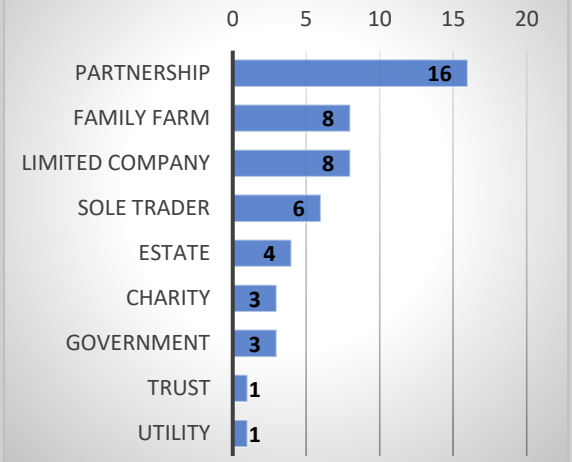
23 (46%) participant interviews were conducted with a male interviewee on his own. 7 (14%) were conducted with a female on her own.

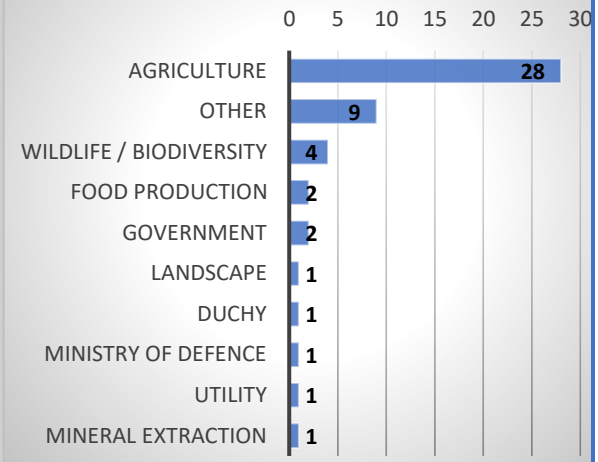
The total number of female interviewees was 18 (25%). The total number of male interviewees was 54 (75%). Average male age was 53, average female age was 56 (where age stated). The 50 test participants had an age range of 30 – 82 (where stated) and came from a wide range of landowning and land manager interests scattered across the test area.

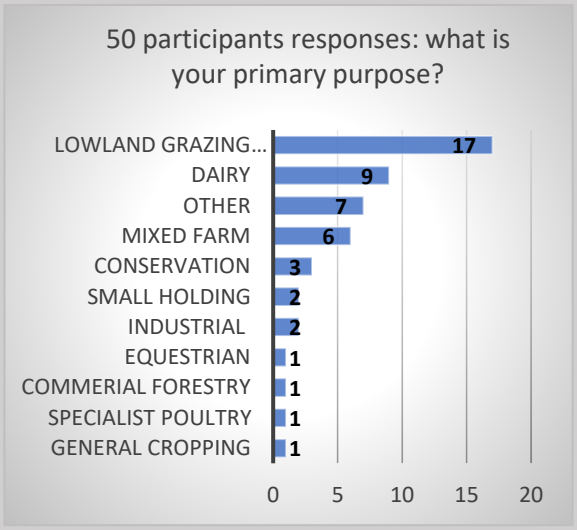
About the test participants, their holding, business mission and purpose.

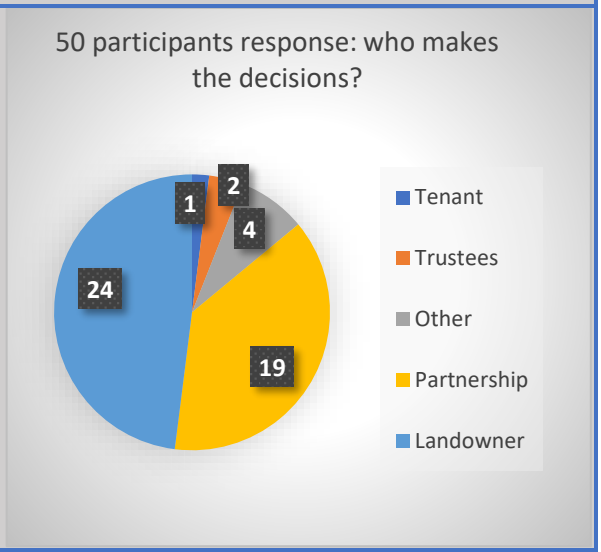
The graphs illustrate that the test engaged with a wide selection of participants, holding sizes, missions and purpose. 94% have diversified from their primary purpose. Nearly half (46%) are not currently in a countryside stewardship scheme.

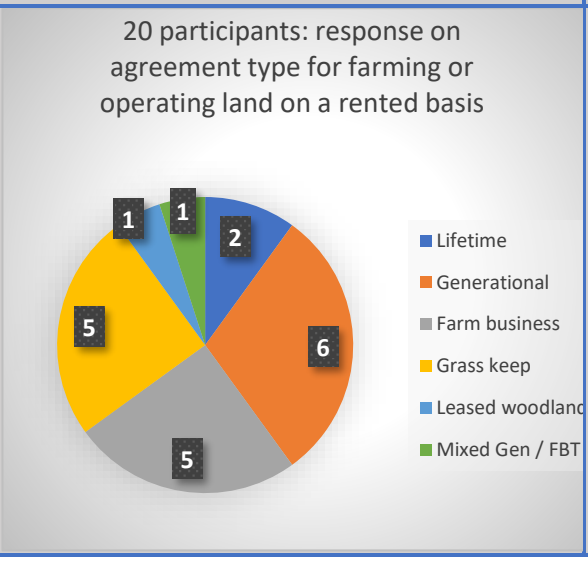


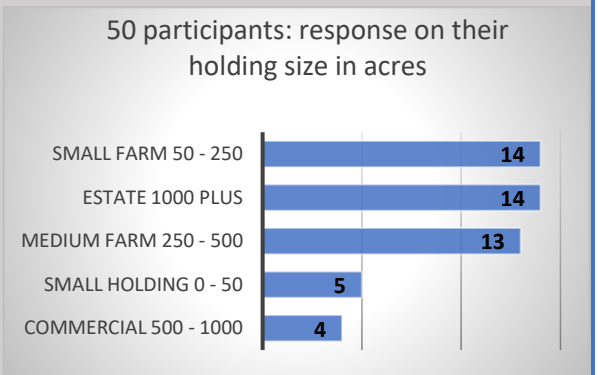

50 participants: response on organisation type
0 5 10 15 20
PARTNERSHIP 16
FAMILY FARM 8
LIMITED COMPANY 8
SOLE TRADER 6
ESTATE 4
CHARITY 3
GOVERNMENT 3
TRUST 1
UTILITY 1

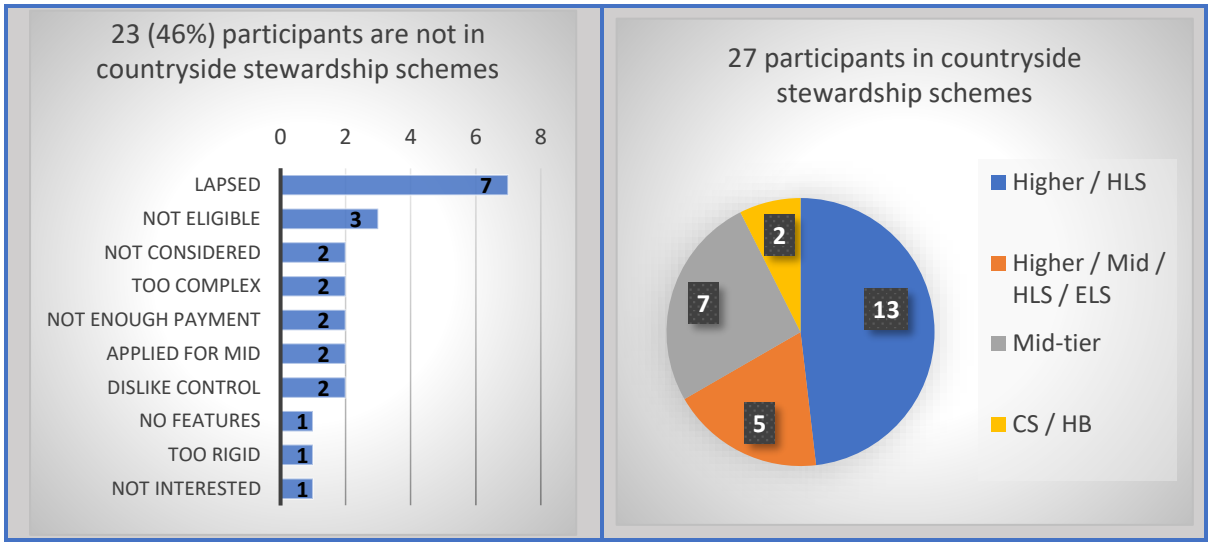

50 participants response: what is your main mission?
0 5 10 15 20 25 30
AGRICULTURE 28
OTHER 9
WILDLIFE / BIODIVERSITY 4
FOOD PRODUCTION 2
GOVERNMENT 2
LANDSCAPE 1
DUCHY 1
MINISTRY OF DEFENCE 1
UTILITY 1
MINERAL EXTRACTION 1


50 participants responses: what is your primary purpose?
LOWLAND GRAZING... 17
DAIRY 9
OTHER 7
MIXED FARM 6
CONSERVATION 3
SMALL HOLDING 2
INDUSTRIAL 2
EQUESTRIAN 1
COMMERIAL FORESTRY 1
SPECIALIST POULTRY 1
GENERAL CROPPING 1
0 5 10 15 20


50 participants response: who makes the decisions?
1
2
4
24
19
Tenant
Trustees
Other
Partnership
Landowner


20 participants: response on agreement type for farming or operating land on a rented basis
1
1
2
5
6
5
Lifetime
Generational
Farm business
Grass keep
Leased woodland
Mixed Gen / FBT


50 participants: response on their holding size in acres
SMALL FARM 50 - 250 14
ESTATE 1000 PLUS 14
MEDIUM FARM 250 - 500 13
SMALL HOLDING 0 - 50 5
COMMERCIAL 500 - 1000 4



Key fact: 47 (94%) participants had a secondary diversification or employment. These included outside employment, property and land letting, equestrian market services, conservation, contracting, tourism and more. Only 3 (6%) said they had no secondary purpose or diversification.

Two participants felt prevented from diversification because of the conditions of the agricultural tie on their home.

Factors from discussion 1 (participants' age, holding size, mission, purpose, current countryside stewardship scheme participation) were compared to proximity to the larger conurbations and to the aggregated willingness scores gathered throughout the test.

These factors were found to be evenly spread throughout an analysis of the 50 participants' final aggregated positivity and willingness scores. (See participant interview results section 6.3 in the appendix section).

There was no variation in overall positivity or willingness to create, enhance, maintain access, to provide an aspirational route or to collaborate with others due to factors explored in discussion one. The approach does not need to be tailored according to any or the factors explored or proximity to large conurbations.

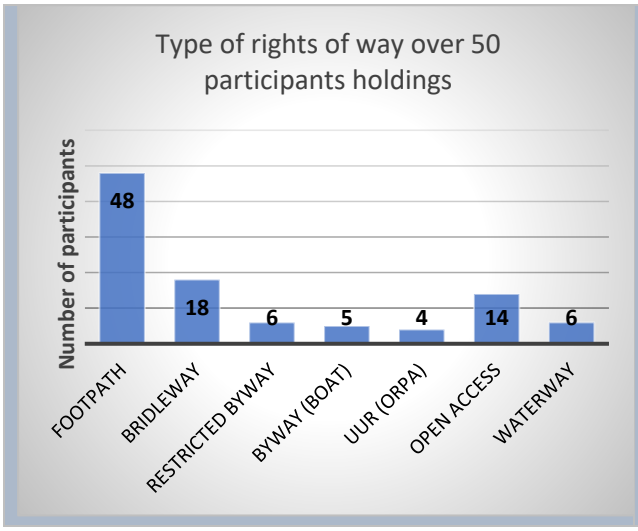
Theme 2. Barriers and solutions.

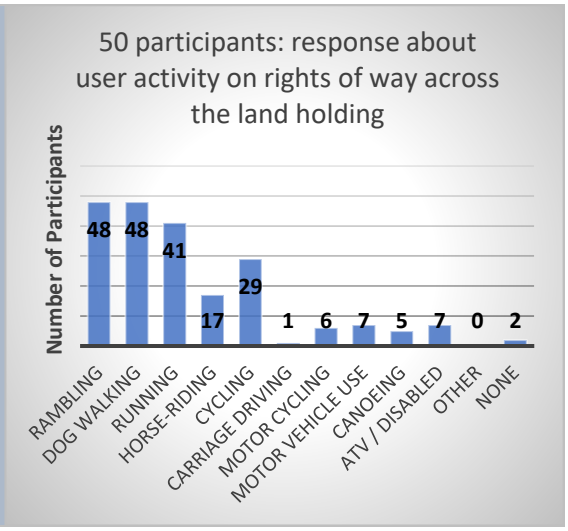
1) What are the barriers to creating and enhancing access and biodiversity green infrastructure networks within the defined area?
2) What are the potential solutions?

To enable answering these questions the team first explored participants' opinions and concerns in distinct questionnaire discussions 2 – 5. These discussions covered public and permissive access that exists over the holding, public use of routes and space, other permitted public activity, encounters and customary access, preventative measures taken, preferences for types of infrastructure, existing structures, maintenance and support for maintenance, impact of access on operations, barriers to access and solutions that could be provided through ELMs.

Questionnaire discussion 2. Existing access on the holding.

Exploration of rights of way designations, permissive access, user activity and other permitted activities across the holdings.





RESULTS from discussion 2.

The graphs illustrate that public access provision over participants' holdings is predominantly for people on foot.

Provision for the disabled is poor with only 7 participants recalling that they had seen someone using a disability scooter.

21 participants said that they had granted permissive access with 50% granting access for pedestrians and 50% for horse riders – an indication of access equality being delivered by landowners rather than what the state or the dictates of history decide and deliver. Permissive access is dealt with as a separate theme (8).

The participants are very generous in allowing the public to use their land when approached. 39 (78%) permitted a wide range of public activities – 23 permitted trail

hunting, 20 metal detecting, 14 rough shooting. A wide range of other activities were permitted, including motor cycling & scrambling, canoeing & sailing, fishing, educational tours, accompanied walks, walling classes, sledging! climbing, camping & caravanning, events, vineyard tours, archaeological digs, hawk walks, filming and various other activities.

One participant said:

'we allow and welcome a wide range of public activities. These include metal detection, rough shooting and the support of a large number of village events that happen in normal years such as the church fete and the tug of war. We are very pleased for our land to be used as a free asset to support the community in these things.'

Questionnaire discussion 3. Encounters with the public on routes and space where the public have no right or permission to be and public use of customary routes.

RESULTS from discussion 3.

Encounters off public access routes.

This discussion revealed a high level of exasperation and concern with the public '*who are everywhere'* and '*they (the public) have a perception that there is a right to roam everywhere.'*

45 (90%) participants confirmed that they have frequent encounters with the public straying from designated routes.

Common themes about public access and encounters included:

- Numerous complaints about dogs – off lead, worrying and injuring stock and wildlife, damaging crops, sticks damaging machinery, poo bags left, mess not picked up, dogs washed in troughs, dangerous dogs, commercial dog walkers with a multitude of dogs.
- Mixing of public with stock, machinery, operations and in yards and buildings.
- Mountain bikers using footpaths, trespassing, propping gates open and failing to close, creating wild trails, being aggressive or rude, descending noisily at speed sometimes at night frightening stock causing cows to break legs and shoulders and lambs to be rejected.
- Runners, similarly, running through stock and at night with noise and lights frightening stock.
- 4 x 4 using droves and bridleways destroying surfaces.
- 24-hour criminal activity, especially hare coursing, shooting, lamping, gates left open.
- Cars parked everywhere, litter, anti-social behaviour.
- Miscellaneous public activities – wild camping, sun bathing, para gliding, flying drones, foraging, lighting fires, barbecues, picnics, building tree houses, horses off routes, falconry, swimming, fishing, climbing, holding raves.
- Concerns about where to put the bull, 'the bull had to stay in.'

A clear need for public education was expressed. One participant summed this up

'no one is on the case to educate them, it's left up to farmers, we're just trying to make a living.'

37 participants (74%) took measures to prevent trespass and straying.

Measures taken included:

- Installing fences, cattle grids, gates, bollards, barriers, CCTV, locking gates, signage.
- Patrolling, engaging with people, having a quiet chat.
- Helping people, showing kindness, giving people somewhere else to go for play or sport.
- Realigning or re-routing rights of way (through official and unofficial diversions) to field boundaries to prevent straying, interaction with stock, crops, yards, buildings, operations.

Some farmers are wary of engaging with people. One participant summed this up,

'I do speak to people but receive a lot of abuse. How would they like it if I came to their garden and behaved like it or spoke to them like that?'

Other participants said they had been significantly threatened.

There was a general feeling that encounters were more frequent closer to larger communities – Weston-Super-Mare, Wells, Wrington, Axbridge and Cheddar and at honey pot sites in the hills.

Use of customary routes.

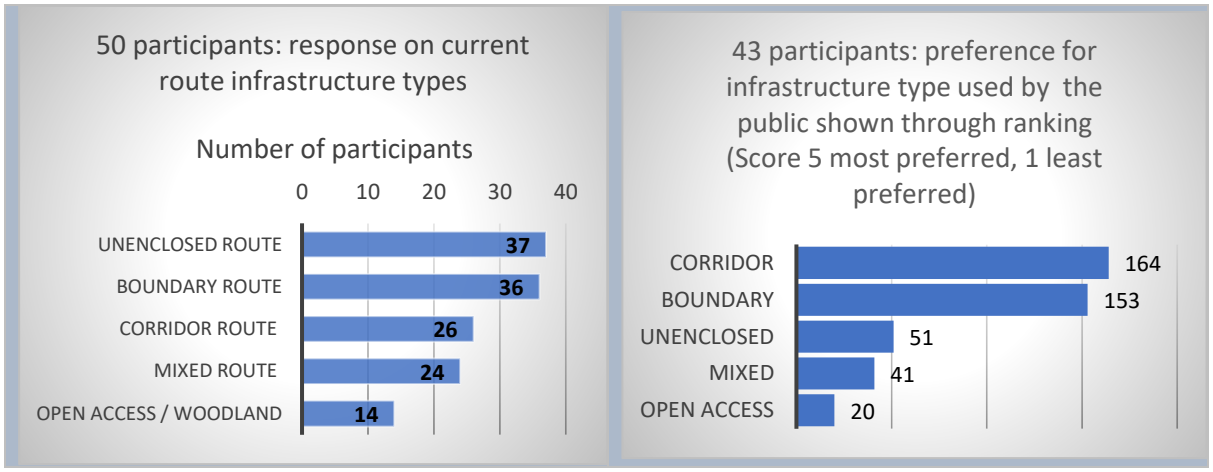
Four participants acknowledged public use of open land, a route or drove with no existing recorded public rights or specific permission given and seemed unconcerned - *'people' (walkers, horse riders and cyclists) 'have always used that.'*

Questionnaire discussion 4: infrastructure terrain types and structures.

This discussion explored:

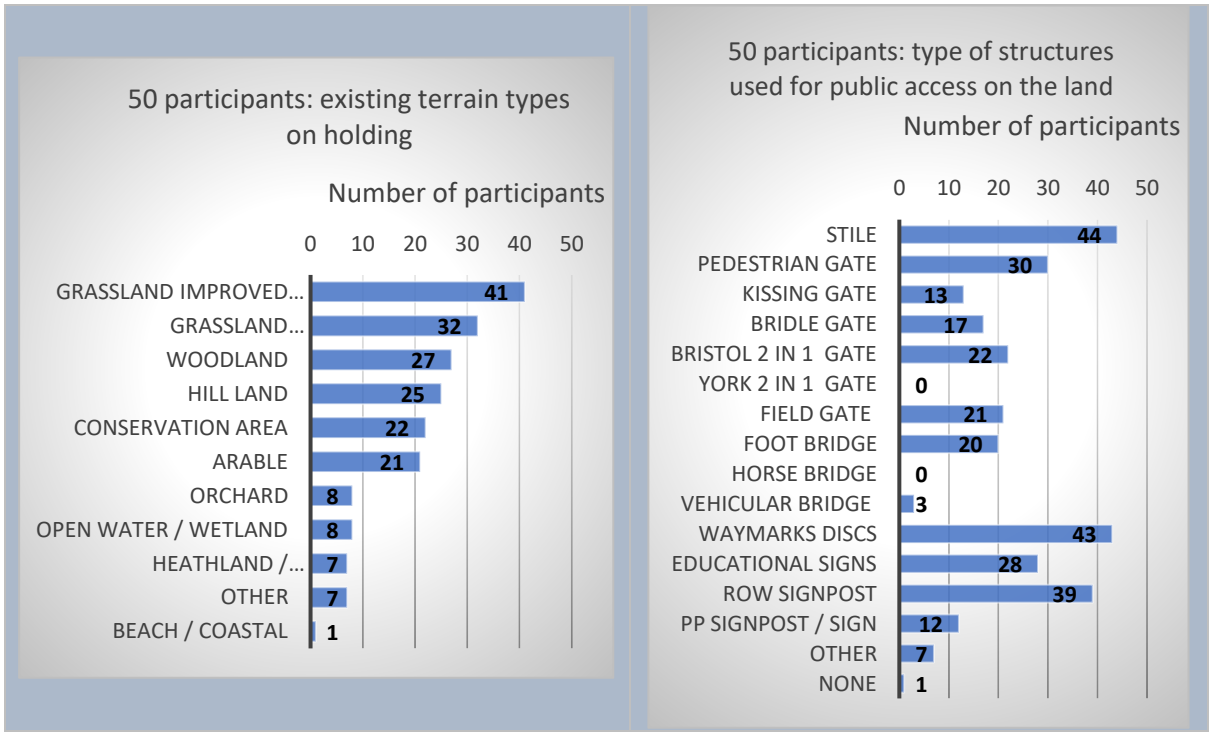
- Preferences for route infrastructure and terrain type crossed if an existing route was proposed for upgrading or a new one created.
- The structures for public access that exist.
- Who carries out maintenance and how much support do participants receive?

RESULTS from discussion 4.



RESULT regarding preferences for access route or space infrastructure.

Through ranking (86%) of participants showed a clear preference for corridor (164) and for boundary routes (153).



RESULT: regarding preference for terrain crossed: 32 (64%) participants had no preference for the type of terrain crossed by a route. Of the 18 who expressed a preference, the majority preferred a route to cross grassland or to go through woodland.

RESULT: regarding structure types installed across the holdings. The graph illustrates that stiles, kissing gates, narrow pedestrian gates, Bristol gates are predominantly installed on the participants' holdings.

<u>RESULTS about participants' maintenance activities.</u>

44 (88%) said access structures were well maintained for public use
39 (78%) said route surfaces were maintained so as to be accessible for 95% of the year.

The amount of maintenance varied considerably. The results showed that participants engaged in a

(MODERATE (3) (score =1 low, 5 high) amount of maintenance.

Maintenance support: 38 participants felt supported / partially supported by the LHA, volunteers, users or another agency, 10 felt unsupported.

<u>Participants' comments on maintenance undertaken.</u>

'We take our access responsibilities very seriously. The company has two employees whose job it is to know where all the routes are, regularly inspect them and clear, mow and spray surfaces (as appropriate) and deal with hedge growth etc. We give them all the resources they need. Immediately any furniture is out of repair, it is repaired or replaced.'

'Not much maintenance is needed, if a stile falls apart we go and mend it, obviously it's in our interests that the sheep don't get out. People sometimes saw the step off the stiles so they can get the dog over.'

Questionnaire discussion 5. Impact of public access on participants, barriers and solutions.

RESULTS from discussion 5.

Following the discussions about existing access, the questions 'what are the barriers to creating and enhancing access and biodiversity green infrastructure and potential solutions, were answered by asking the test participants to consider a list of 28 access impacts in a rapid 'intuitive barriers to access' test.

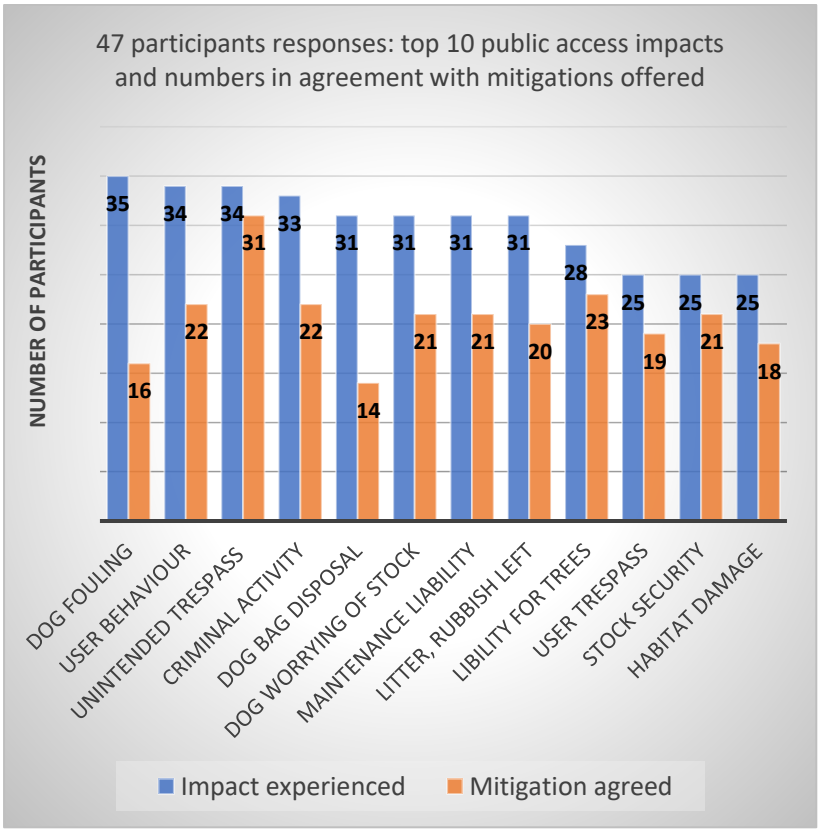
Barriers to public access.

36 participants (72%) said public access has an impact or partial impact on current operations. 38 participants (76%) thought public access will have an impact or partial impact on future operations.

47 participants who engaged in the rapid test recorded a total of 625 public access impacts regularly experienced.

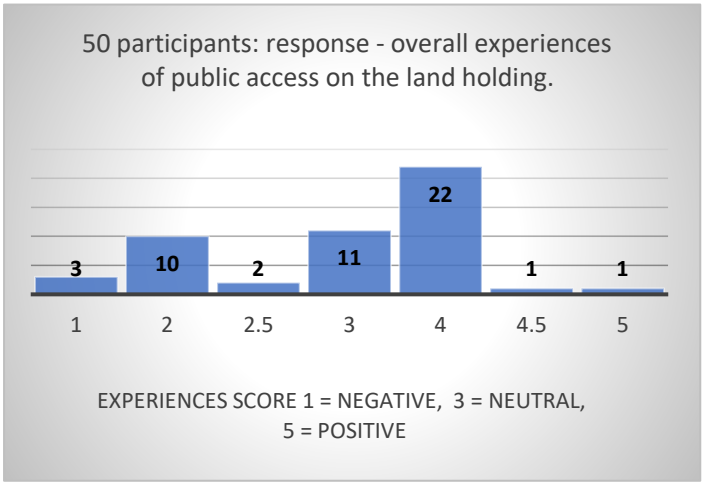
Potential solutions.

The graph illustrates the top ten access barriers compared to solutions that could be offered through ELMs. 47 participants said they agreed with 440 mitigations or solutions offered. The highest proportion agreed that unintended trespass could be mitigated through solutions offered, far fewer agreed that issues with dogs could be mitigated through solutions offered.



Solutions offered
User education
Clearer signage / waymarks
User containment
Clearer explanation / requests
Monitoring
Police action
Legal (dedication)
Annual assessments
Route diversion (permanent)
Route diversion (temporary)
Improved structures
Improved surface
Protection of utilities
Reduction of widths
Use of barriers

Participants' comments about the impact of public access.



At the end of discussions about existing access on the holding participants were asked to score their overall public access experiences. The graph illustrates how positive the 50 participants were about public access on their holding. The average positivity score for existing access was 3.2 (neutral) with a range of 1 to 5.

These are an example of typically varied participants' comments.

'Access impacts are progressively worsening and that is going to continue, people just don't understand the impact they have on the places they are visiting and the amount it costs to manage access. They need to be much more educated about the effect dogs off leads have on wildlife and nesting birds and dog mess not picked up which can cause sheep to abort their lambs.'

'I don't consider access impacts on the company's farming operations and is not likely to in the future. This is due to the effort the company makes to keep paths open, accessible and well-marked and the continuing work to keep users away from stock and crops.'

Theme 3. Valuing and incentivising permanent access and biodiversity creation, improvement and maintenance.

Questionnaire Discussion 6. Valuation and reward for providing access as a public good.

1) What is the valuation for the creation of different types of access including

a) Routes contained within green corridors (picture left - a contained restricted byway route),

b) Routes that cross land or for

c) Recreational open access land which offers the freedom to wander?

2) Does valuation vary in different scenarios such as upgrading spatial rights from users on foot to other user groups such as equestrians and cyclists?

Participants were asked to suggest access valuation criteria by considering the aspirational route over their own holding.
A number of scenarios were also laid out in the questionnaire to aid thoughts on valuation and reward. These were:

- Upgrading an existing public footpath to public bridleway so that additional users are catered for (horse riders and cyclists).
- Creating a new route so that (for example) the public can avoid travelling along a busy road or access a direct crossing point.
- Enhancing biodiversity along upgraded or newly created routes.
- Providing permanent protection for access and wildlife by creating a restricted byway as a wildlife corridor route.
- Providing access to open space or woodland for additional users (e.g. horse riders, cyclists).

It was made clear to participants that valuation concerned dedication of multi-user access rights over land (bridleway, restricted byway or open access land rights), with the land remaining in the owner's title.

RESULTS from discussion 6.
24 participants (42%) agreed with a simple basic land valuation approach, 14 (28%) based on local value.

The majority agreed that measuring length by appropriate width compensated for infrastructure variations – whether a green corridor, boundary path or path across open ground answering question 1 a, b, c, above.

44 (90%) agreed that valuation for open access land should be based on the area given.

33 (68%) agreed that additional valuation factors besides land value should be considered, including user impact, operational loss and recreational value when creating a multi – user right of way route.

45 (92%) thought that consideration of these additional factors was important when dedicating rights in open access space. This answered question 2. Participants thought there would be more users and a bigger impact when rights to open access land are created.

Valuation of capital improvements and of annual and seasonal activities carried out.

40 (82%) participants agreed with a set payment rate for capital works on access routes or space.
42 (86%) participants agreed with a set payment rate for annual activities on access routes or space.

However, the majority of participants were concerned that previous schemes had not adequately covered the true cost of materials and labour or provided any element of profit. They agreed that:

- Smaller tasks and activities should be paid 100% set allowance for capital items, labour and profit
- Major scheme proposal or projects should be individually costed for development / capital works / labour / time for facilitation and collaboration.

Participants' comments on valuing access and biodiversity as a public good.

'The scheme should be flexible, periodically reviewed and straight forward enough so everyone would know what to expect and could calculate the expected access reward for a scheme proposal themselves.'

'Open access land cannot really be used for farming except perhaps for low level grazing but any cows and sheep on it are basically just tidying it up.'

'The fairest way would be to offer a valuation payment per acre created and an additional payment for expected user groups (walkers, horse riders, cyclists etc) as the more user impact the less the landowner would be able to use the land for any profitable use.'

'Valuation needs to account for a trade-off between accommodating the public on a good quality route and being able to manage a business. Routes need to be well designed and in

the right place. Whilst agreeing the public need a known network of created rather than permissive infrastructure it should be possible to move a path more easily because things always change in the future.'

'Major schemes such as developing an access and biodiversity corridor, including surfacing, need to be individually valued and quoted for as each will be different depending on the environment.'

'DEFRA needs to think about 3 elements for access creation and improvement

1. A straight forward reward scheme of standard payments for e.g. installing a stile, repairing a surface payment per metre (as mid-tier example).

2. A development scheme e.g. providing a mile of doubled hedged green infrastructure (bridleway) including major surface works, costed, submitted, possibility of inspection.

3. Combination of those e.g. a scheme of simple installations plus a major item that would require one off cost and perhaps inspection (e.g. provision of a bridge)'

Incentivising valuation.

Drawing on the responses a possible mechanism for incentivising permanent creation of public access and biodiversity infrastructure (rights of way and open space) and entry into a proposed ten-year individual holding ELMs plan looks like this:

1. Payment of a one-off capitalised reward based on 4 elements

V = Local land valuation for land area (acreage or length x width) included in route or space.

L = User impact / loss of operational use (income forgone.)

R = Enhanced recreational value (suggest could be based on ORVAL www.leep.exeter/ac.uk).

D = Legal dedication and creation costs to be funded at a flat rate.

2. C= Capital works costs (structures + labour) for physical route creation of new or upgraded routes and existing public access capital improvement works.

3. A = Annual payments for public access maintenance and improvements (as capital).

At the end of a ten-year scheme involving continual monitoring and improving, a permanent access route will have been established with a robust surface and well grown biodiversity enhancements such as hedging.

ELMs incentivising the creation of public rights value equation = V + L + R + D + C + A

Theme 4. Willingness to participate.

1) How willing are participants to create, enhance or maintain access and to deliver environmental outcomes through the development of green corridors?
2) How willing are the participants to create the aspirational route?

Questionnaire discussion 7.

RESULTS from discussion 7.

Before scoring 'willingness' participants were asked to choose and rank which of the community priorities identified in the aspirational access and biodiversity survey they agreed to be beneficial to deliver on the land holding?

The top 5 priorities favoured by 50 participants were:
• 42 (84%) access to the countryside. • 40 (80%) provision of circular routes. • 38 (76%) avoiding busy roads. • 35 (70%) local economy / tourism. • 28 (56%) linear routes connecting communities
• Ranking revealed access to heritage was also recognised as being important.

Participants were then asked which wider benefits and opportunities, stemming from the access network if created, they agreed with?

Top 4 priorities favoured by 50 participants were:
• 47 (94%) public health and well-being. • 39 (78%) opportunities to educate users. • 34 (68%) opportunities for tourism accommodation. • 30 (60%) wider rural economy benefit.
Ranking revealed facility development to be equally important to education of user.

Participants' comments about priorities and wider benefits.

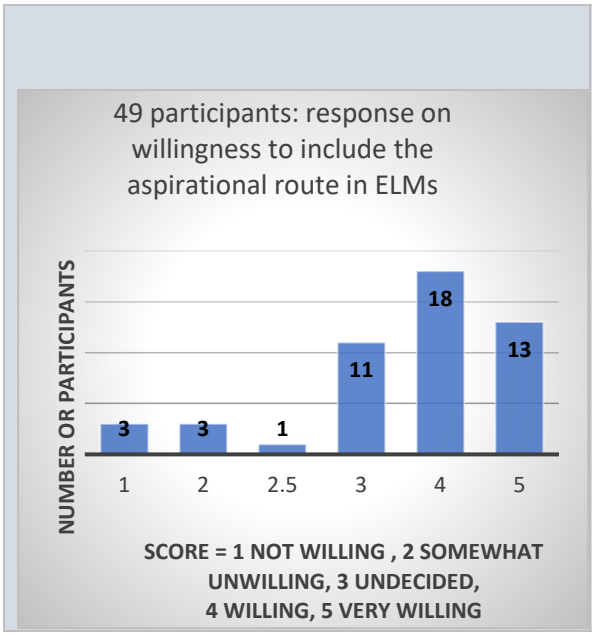
'I have a privileged lifestyle living on the farm compared to so many people residing in town or living in flats in Bristol who ought to have access to the countryside, it's essential.'

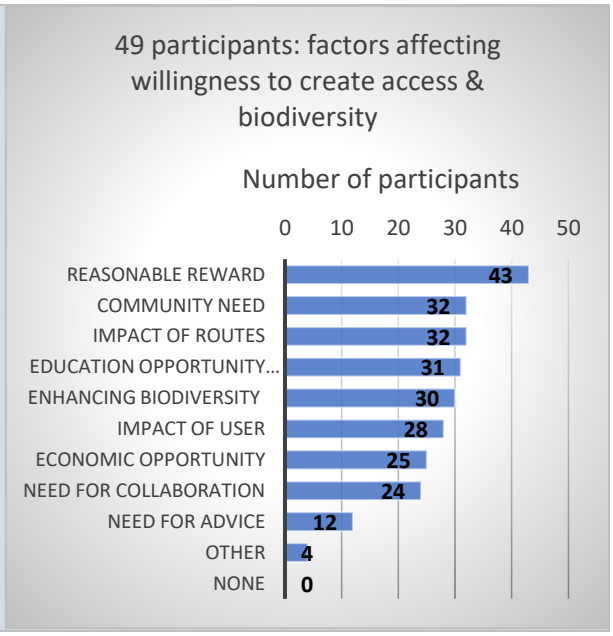
'I agree with all the wider benefits and opportunities that could arise from a permanent linking network, public health and well-being rank highest followed by the opportunity to educate the public.'

'We are adding another benefit 'the effect of green space and nature on mental health and recovery for illness and addiction' that's really important.'

Factors determining participant willingness to create aspirational access in ELM.

The graphs show that 31 (63%) participants were willing to include the aspirational access route in ELMs. 43 (86%) are incentivised by a reasonable reward. Over 60% were also incentivised by a range of factors including community need, impact of routes, education opportunities and enhancing biodiversity.





ASPIRATIONAL ACCESS POSITIVE RESULT AVERAGE = 3.7 (WILLING)

Participants' comments on willingness to include the aspirational route in ELM.

'We are very positive about the aspirational route, that's a really good route and yes it's already a footpath we would be happy to upgrade that.'

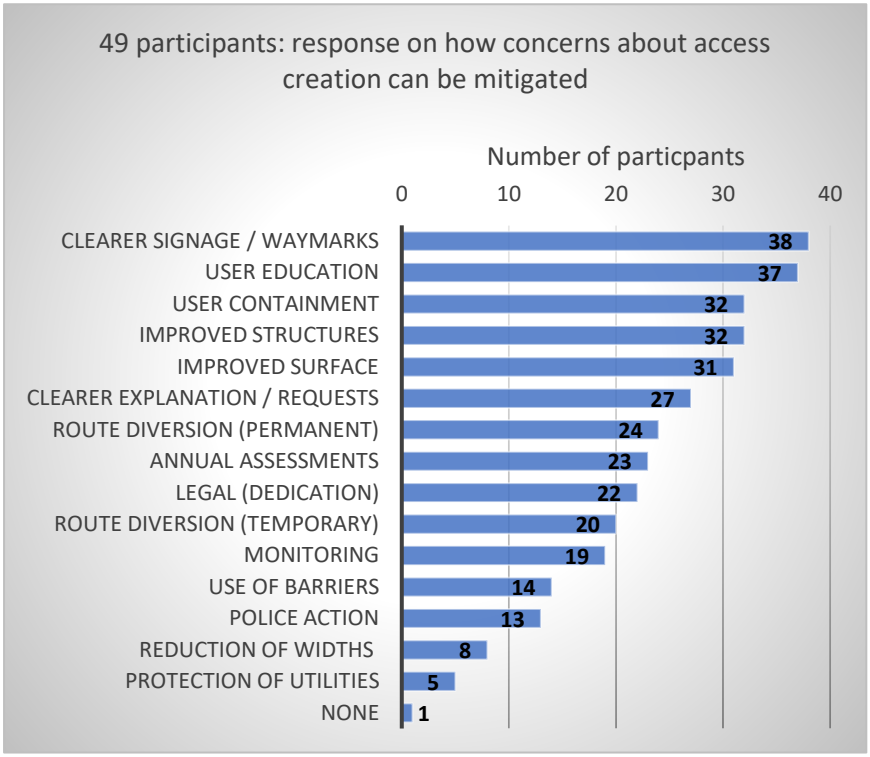
'I would want it enclosed / contained along a boundary to reduce any liabilities that might arise especially from the disturbance of livestock.'

'I am disappointed in the aspirational route, I would have liked to have seen more about how it fitted into the wider network, it was not very ambitious.'

'We think that that all the factors affecting willingness to create a multi-user route have a bearing. A reasonable reward is clearly the greatest factor and with our aspirational route in mind we would need to collaborate with neighbours and consider the impact of the route and users especially on livestock.'

Can concerns about the proposed access be mitigated using the suggested solutions?

The graph illustrates that the majority of participants thought clearer signage, user education and containment, improved structures and surfaces are key mitigations to any concerns they have in providing access.



Participants' comments.

'The mitigation for any concerns about this impact are user education and clear signage ensuring that people stick to the route, and installation of improved structures and surface.'

'We agree with most of the mitigating solutions particularly user education, clear messaging and signage, the ability to contain users at certain times of the year with temporary fencing.'

'User education has never been so important as it is now, the majority of people could benefit from education into rural life, it's absolutely key, how are people supposed to know anything if we don't tell them? We are rebranding all the paths on the holding, making them easier to understand and follow with simple clear signage so people know where they are going.'

The participants were asked if they were happy to provide an alternative route if the aspirational route was not suitable.

45 (92%) participants said that they would consider access to an alternative or relocated route or open space.

One participant commented: '*We are happy to consider an alternative route and are in fact already plotting one on the map.'*

The participants were asked if a time limited permissive trial of the aspirational route would be useful?

50% participants said YES, 50% said NO to a time limited permissive access route trial.

Participants' comments on a permissive access route trial.

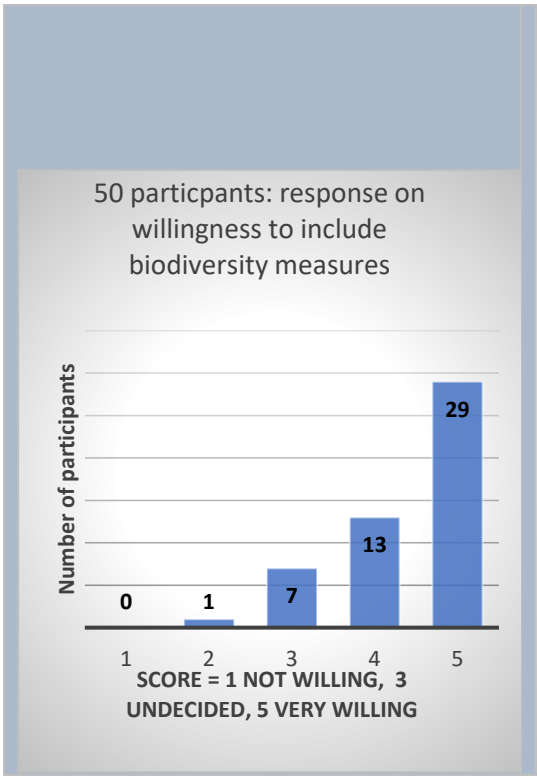
'Landowners who might be unwilling to dedicate straight away for the capital reward could say run a permissive route for (e.g. up to 5 years) in a (for example) a 10-year scheme and when happy with the location and use could dedicate and then receive the reward for creating the route in perpetuity.'

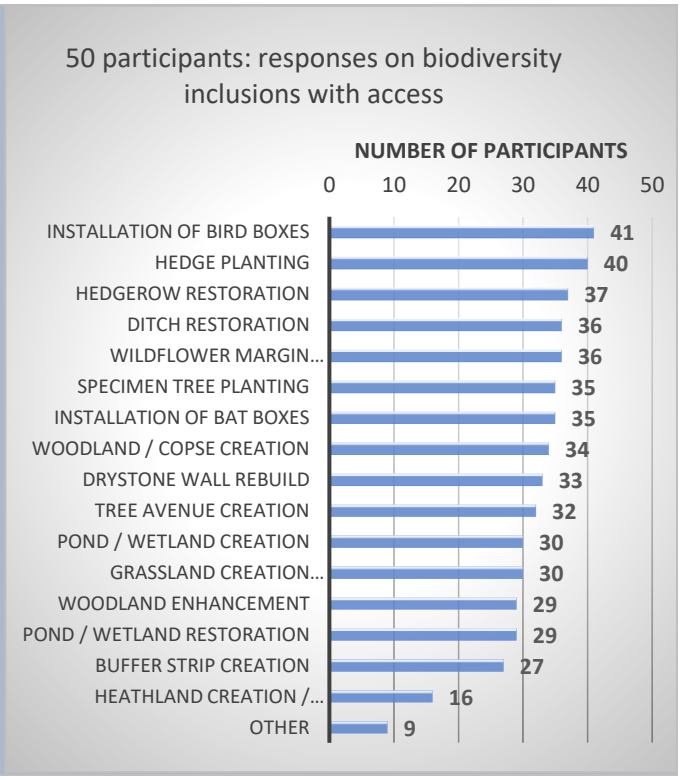
'No, you can't take it away people might think they can just carry on using it' and 'No not a permissive trial that would be difficult with the number of landowners involved along there – what if one wanted to pull out?'

Note: permissive access is explored as a separate theme – see theme 8.

Willingness to include suggested biodiversity measures along with the proposed access within an ELMs plan.

The graphs illustrate that 84% of participants were willing or very willing to include biodiversity works with access.





BIODIVERSITY WITH ACCESS POSITIVITY RESULT AVERAGE = 4.4 (WILLING)

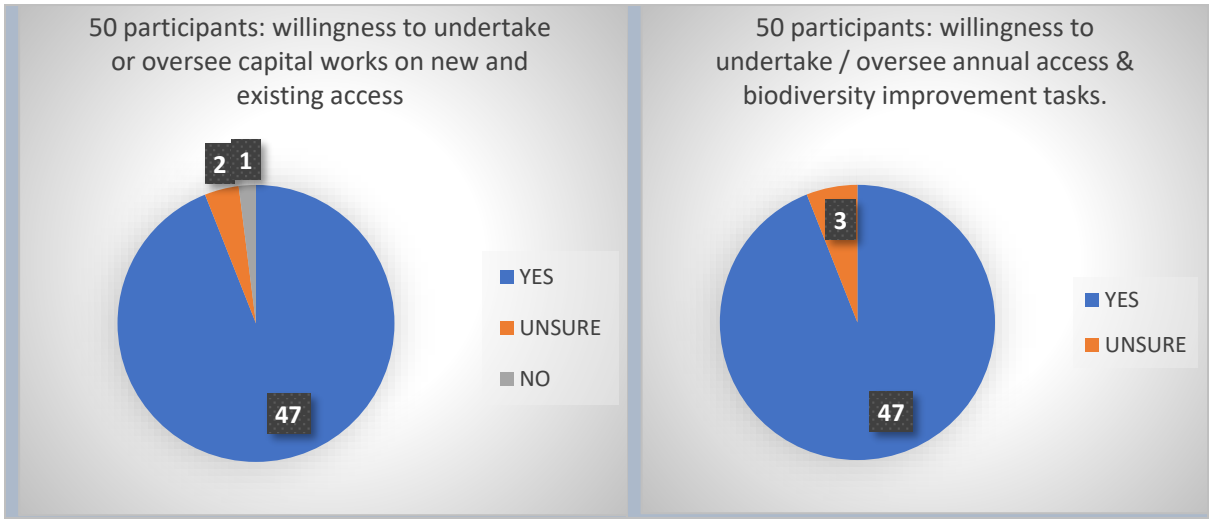
Participants' comments about biodiversity with access.

'Public access is having a very detrimental effect on habitat and wildlife. This is almost entirely due to dogs off lead. Once they get in the hedge and disturb or chase ground nesting birds with chicks, those chicks will not survive. The failure to pick up dog poo, leaving dog poo bags hanging or chucked around are serious issues too. The current situation is noticeably worse with so many more people out walking especially with dogs. Whilst we want to welcome people to the countryside these issues need urgently addressing.'

'Liabilities arising from the severe outbreak of Ash die-back disease is now a major concern on the land holding. I would be keen to see annual tree assessments in a new scheme, the inclusion of a professional doing annual assessments to protect landowners is a welcome idea.'

Willingness to undertake capital improvement works and annual activities.

The participants were asked how willing they were to undertake or oversee works in the new or existing access space. The charts illustrate a high level of willingness.



RESULTS regarding the undertaking of capital access and biodiversity creation works* existing access improvement works* and annual activities. * Aggregated score for all capital access improvement works.

Top 5 works and activities favoured by 50 participants	
Capital works and improvements	Annual activities
44.5 (89%) biodiversity measures	47 (94%) clearing
44.5 (89%) replace old gates with new.	45 (90%) biodiversity management
44 (88%) clearance.	45 (90%) tree inspections and works
43 (86%) install / replace waymarks.	45 (90%) mowing routes and space
43 (86%) install / replace signposts.	45 (90%) adjusting or repairing structures

Participants' comments on taking on responsibility for creation and improvement works.

'The trouble is that it takes too long for the Authority to resolve issues whereas farmers are on site and some would want to deal with issues instantly.'

'There is current confusion over who is responsible for what with regard to access – land managers, local highway authority etc. It makes economic sense for land managers to be rewarded for certain tasks on rights of way, provided properly rewarded.'

This discussion showed a high level of participant willingness to create, enhance or maintain permanent public access and to deliver environmental outcomes through the development of green corridors.

Overall willingness, however was tempered by concerns over the impact of routes and users on participants' operations, by the impact of ash die back and concerns about stock and users mixing.

There was a very clearly expressed desire amongst participants for ELMs to provide user education, clear messaging and signage, including through electronic means, that will not render landowners liable due to the wording used.

Theme 5a). Advice and guidance.

1) What expert support will participants require to help them plan?
2) What is the type and nature of guidance and advice required to ensure access is included as part of an ELMs plan?
3) What data and information will participants require?

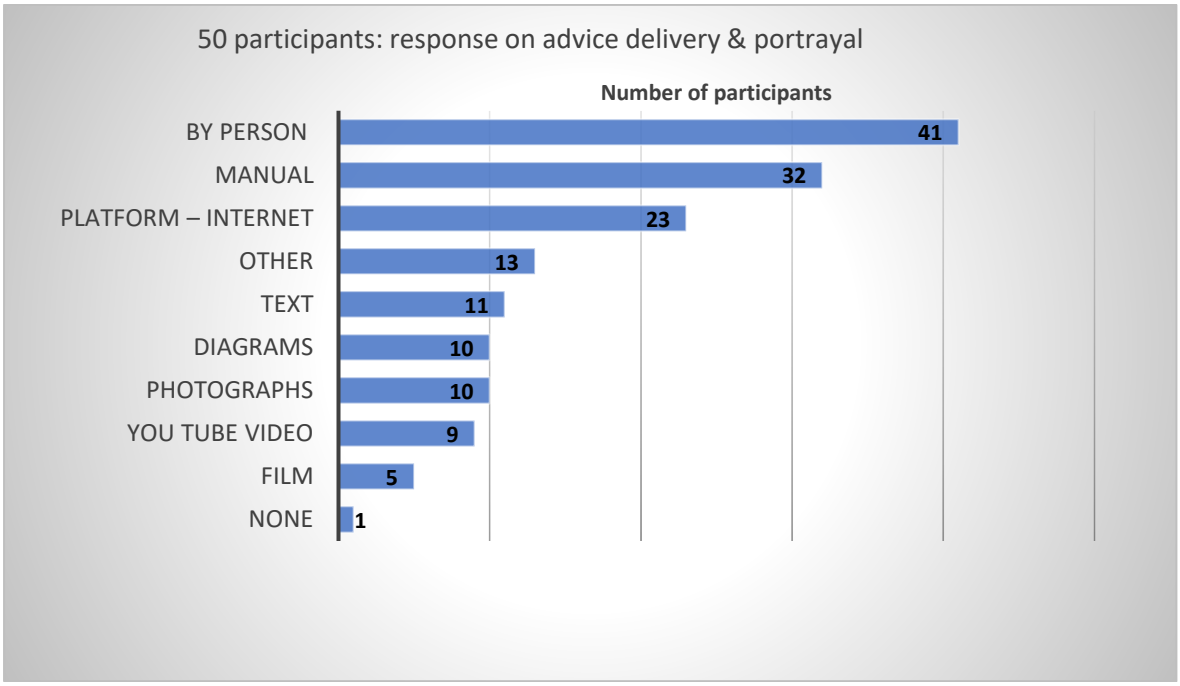
Questionnaire discussion 8a)

Results from discussion 8a

1) The need for and type of expert support.

43 participants (86%) agreed that they would need specialist advice through ELMs. 7 (14%) would source their own advice or have it provided through their organisation.
41 participants (82%) favoured support and advice from a trusted, competent person.

2) Type and nature of guidance and advice.
The graph illustrates the nature of advice provision most favoured by participants.



Other delivery methods requested:

A telephone or video helpline.

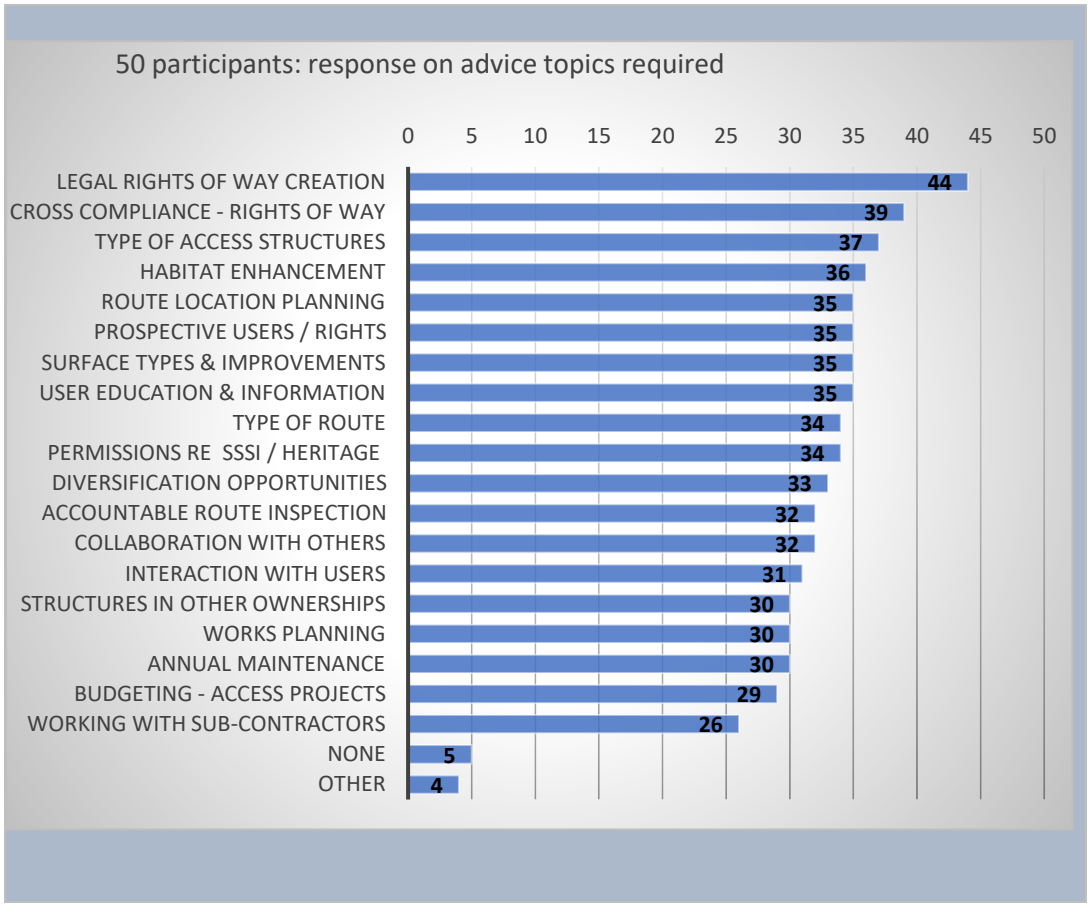
Written agreements with holding maps, plans and calendar of works to be done.

PDF documents on specific subjects.

3) Data and information required.

The graph illustrates participant' agreement with advice topics required.

44 participants (88%) wanted advice on legal rights of way creation.
39 participants (78%) wanted advice on cross compliance relating to rights of way.



Other advice requested:

Car park provision.

Badgers digging up path surfaces.

Countryside code promotion.

Liability and insurance issues connected with permanent access creation.

Help with a maintenance plan.

Biodiversity advisor to be available.

Participants' comments on advice and guidance.

'There should be an ELMs website where you can download a management scheme with all the elements needed so that you can plan in a simple way.'

'A bespoke agreement is crucial.'

'DEFRA should provide a panel of approved ELMs experts under the scheme to give initial free guidance and advice to take the hard work out, using those who know what they are doing, that advice list is too much for one person. You need to get somebody to show you how it can be done, a panel maybe like FWAG should then produce a plan for X cost. Those who want to participate in ELMs should be able to apply for help to the panel with their proposed environmental land management plan ideas and get preliminary good and not conflicting advice. Landowners and farmers are hardworking and busy, they don't get up and think 'what shall we do today?' They need encouraging to enter the scheme and help to produce an 'initial plan.' There's a danger of conflicting advice and the costs of paying a consultant which would be off putting. An expert panel could produce a brief report with an idea of expected costs and reward payments so that farmers would know what to expect out of it, what the bottom line is.'

Theme 5 b) Collaboration.

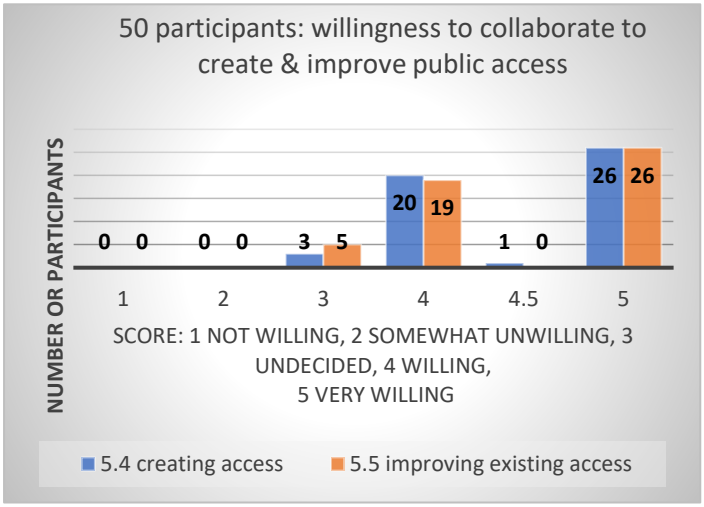
1) What are the collaborative mechanisms required to engage neighbouring landowners to engage in the creation of joined up routes planned to cross multiple holdings?
2) What are the perceived barriers to working collaboratively?
3) What payment levels and mechanisms will be required to enable collaboration across holdings?

Questionnaire discussion 8 b).

Results from discussion 8b).

1) Willingness to collaborate.

The graph illustrates the willingness of participants to collaborate with others.

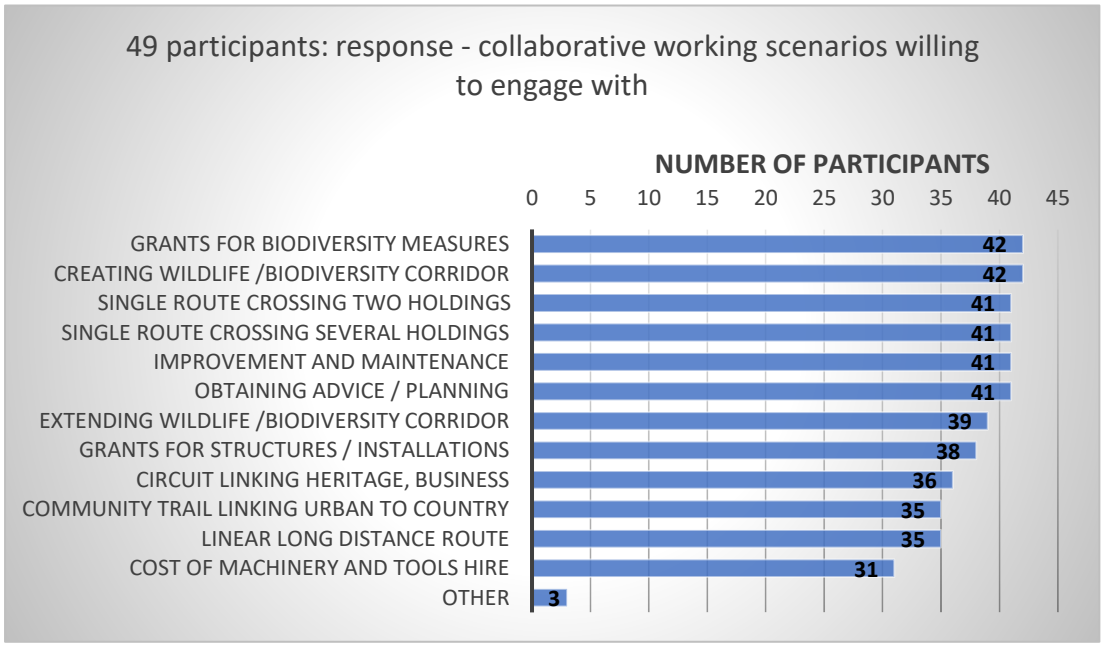


47 (94%) participants were willing or very willing to work collaboratively with other land managers to create permanent access and biodiversity.

45 (90%) were willing or very willing to improve and maintain existing access and biodiversity.

2) Collaborative scenarios or mechanisms.

The graph illustrates collaborative scenarios most favoured by participants.



Participants' comments:

'Collaboration is vital for nature recovery in the creation of green corridors across holdings and in assessing and agreeing between local providers what works best.'

'Collaborative working is to everyone's benefit and is essential.'

3) Barriers to collaboration.

Barriers were perceived to be lack of leadership, time, finance, facilitation and the need for collaboration with other interested parties.

One participant said

'Collaboration for rights of way, open space and biodiversity development projects will need the investment of a number of interested parties, including landowners and land managers, organisations specialising in biodiversity and nature recovery and user groups and others in the local community.'

Funding collaboration.

47 participants (94%) said that it was essential to fund resources and a facilitator or project co-ordinator through ELMs.

The majority agreed that a facilitator is needed to organise collaboration within any project cluster to guide landowners and land managers through a preliminary assessment, project planning, development, ELMs agreement, delivery and maintenance plan stages.

Participants thought that facilitation could be valued on a number of attributes such as:

- A percentage of the project proposed based on complexity.
- Route length or open space acreage.
- Scheme value, estimated time and costs.

Facilitation funds mentioned as good examples by participants, were the countryside stewardship scheme facilitation fund and a fund available through and run by the Farming and Wildlife Advisory Group.

Participant comments.

'Development projects need to be owned and facilitated by someone – this could equally be landowners, community or user groups or a parish council. A collaboration, facilitation and development fund needs to exist within the ELM scheme, that is open to the wider community in partnership with landowners.'

Theme 6. Incorporation into a land management plan.

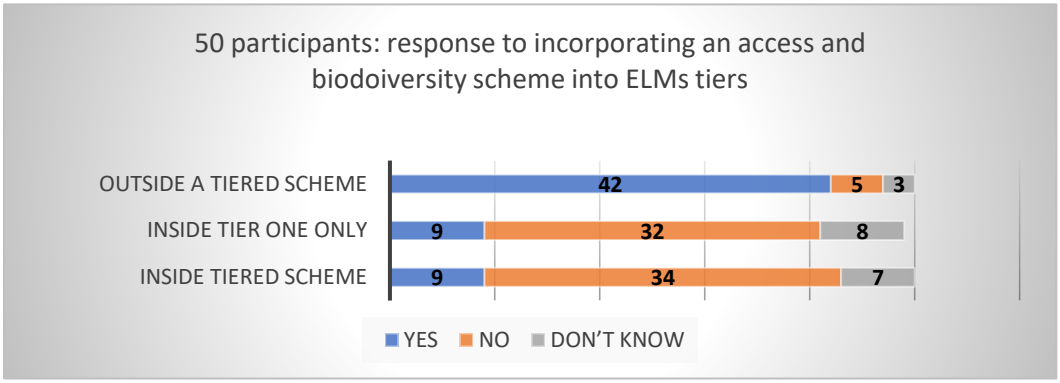
1) How does an access and biodiversity scheme fit within the proposed ELM system?
2) How will access be incorporated into a land management plan?
3) How will participants instigate improving or creating access on their own land and / or in a collaborative partnership with neighbouring landowners?
4) Due to the variation in landholding type it is expected that owners who have never participated in previous schemes may be interested in participating in an access and biodiversity scheme. How should this be managed?

Questionnaire discussion 9.

Results from discussion 9.

1) Fitting an access and biodiversity scheme into the proposed ELM system.

The graph illustrates how participants considered an access and biodiversity scheme should be incorporated within ELM.



18 (36%) participants said the scheme could fit into an ELM tier system, with half (9) of those suggesting access should be in tier 1 only.

12 (24%) of the 18 thought there also needed to be a stand-alone scheme outside the tier system.

30 participants (60%) thought an access & biodiversity scheme should be an external scheme NOT in the tier system at all.

42 (84%) test participants thought that an access and biodiversity package is required outside of the ELM system.

Participants' comments that sum up the majority position.

'Referring to our experience of countryside stewardship, we don't think that a tiered scheme will be flexible enough to accommodate public access needs. Access should be in a stand-alone scheme that anyone and everyone could engage with.'

'Having never been in a countryside stewardship scheme I cannot visualise what is meant by a 'tiered system' or how access and associated biodiversity would fit into that. Access

affects so many different holding sizes and types it would be better to offer a stand-alone scheme.'

'I don't think that 'pigeon holing' all these elements into a rigid tier system will work and that will have an adverse effect, actually preventing wider collaboration. '

'I think that the access package will have to sit outside the tier system. I have done all I wanted to in the former scheme and I can't really envisage formally joining the new tier scheme. There will be lots of people like me with small acreages of land very willing to give access and biodiversity a go.'

2) How will access be incorporated into a land management plan?

Land management plans.

Participants said that a green infrastructure access and biodiversity scheme must be available both internally for ELM scheme participants and externally for those who don't want to participate in other scheme elements. in ELM itself or who may not be eligible.

All land management plans must ensure cross compliance as now. Landowners and land managers must survey all their public rights of way, noting whether they comply with the law (ploughing, reinstatement and cutting back adjacent and overhanging vegetation, the condition and operability of all their structures, gaps, gates and stiles) and the presence and visibility of signposting and waymarking, and any poor surfaces where land management operations are the cause or contributing.

Delivering access and biodiversity creation, improvement and annual activities as a public good through ELMs.

Public access and biodiversity may need to be delivered by a majority of land owners and land managers, collaborating across different holdings and landscapes. Instigation for the provision of permanent green access infrastructure is highly likely to come from outside - from multi-user and disability groups who are so poorly served by the existing network, from conservationists, keen to promote nature recovery and from councils with green active travel agendas.

Requests for infrastructure may come forward at any time. Landowner, land manager or voluntary efforts to deliver collaborative schemes will fail if the landowner of one crucial element is either stuck in a ten-year scheme without the means to enter an access and biodiversity scheme or is outside the scheme altogether.

Therefore:

- All ELM plans need to be structured so that the public good components for access and biodiversity delivery can be activated by a willing landowner at any time.
- An external scheme needs to be equally available and flexible.

ELM plan components.

Access components to be included in ELM plans.
Structures to comply with BS5709 and accessible to the disabled.
Paths are waymarked with appropriate educational interventions included where needed.
Surface vegetation maintained, poor surfaces repaired, signposts installed.
Proposals for schemes to create and upgrade green infrastructure access and biodiversity with the appropriate infrastructure and structure installations.

An external funding scheme should offer a similar range of funded interventions and access infrastructure upgrade and creation support for landowners and land managers who are outside ELMs.

3) Instigation of access and biodiversity creation and improvement.

How will participants instigate access and biodiversity creations or improvements on their own land or within a collaborative partnership with neighbouring landowners and others?

Several participants spoke of the value of simple local schemes and of being keen to collaborate with their neighbours, for example in the provision of a single route crossing two holdings.

Instigation per se was not discussed. However, it is clear that advice and guidance on how to instigate and plan beneficial access, with an explanation of community priorities and diversification opportunities that can arise from a network, needs to be included in ELMs.

Data accessed by the team to design the network plan would be helpful to landowners and land managers, to user and community groups and to councils who want to instigate access.

Essential data on roads and rights of way across or adjacent to the holding is available on OS Explorer maps. This data is useful in considering upgrading and creating access to aid network connectivity, particularly in assessing barriers that need to be crossed or avoided such as roads, rivers and railway lines.

Community sourced aspirational route data located in data bases such as LHA ROWIPS & definitive map applications lists should be made public along with a central record of the access and conservation organisations who want to collaborate with landowners and land managers to create and improve access and biodiversity.

4) Are people who have not participated in previous countryside stewardship schemes interested in participating in an access and biodiversity scheme? How should this be managed?

23 (46%) participants are not currently participating in countryside stewardship schemes.

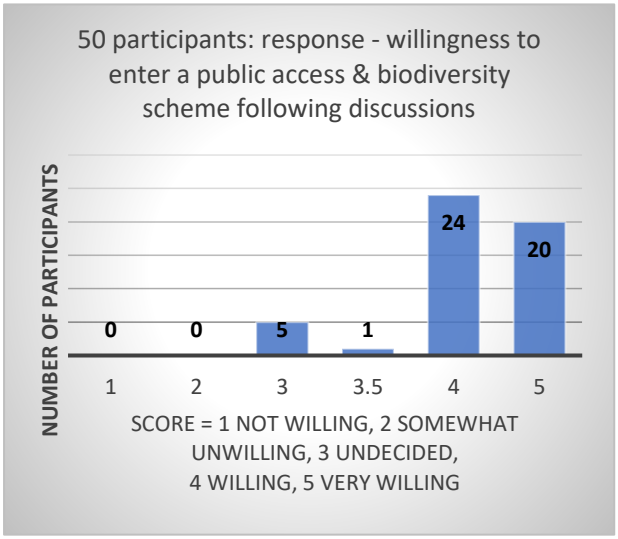
Of these, 20 participants said that they were willing or very willing to enter an access and biodiversity scheme and 3 were undecided. The scheme needs to be adaptable and flexible

with an external element, as discussed, in order to engage with all those who may want to deliver routes, invest in their communities and in nature through the creation of permanent access and biodiversity green infrastructure.

Participant' willingness to enter an ELMS access and biodiversity scheme.

At the conclusion of the interview participants were asked to record their willingness to enter an access and biodiversity scheme.

The graph illustrates that 45 (90%) participants were willing or very willing to enter an access and biodiversity scheme in ELM, 10% were undecided, 0% were unwilling.
WILLINGNESS POSITIVITY RESULT AVERAGE SCORE = 4.3 out of 5 (WILLING)



Participant's final comments about an ELMs access and biodiversity green infrastructure scheme.

'Across the whole estate public access and protection of the environment is at the forefront of our minds, this ELMs proposal sits very favourably with that strategy.'

'It would be good if access schemes involving long linear routes and circuits could look at upgrading and diverting routes from the centre of fields to boundaries through a simple application process that assesses the advantages for everyone and would ensure success.'

'I am very willing to participate in an access and biodiversity scheme subject to the rewards being sufficient. But I am concerned about the future of farming. Food production is not even mentioned in ELMs.'

'ELM needs to be like a jigsaw where you can pick which public goods you buy into and where on your holding.'

'There is a real need to be flexible, as a scheme progresses things change, you might want to add options.'

'We really welcome people to the farm and onto the land but there needs to be a much higher standard of education, behaviour and understanding of the farmers' and animals' needs.'

'ELM is seen as a critical avenue to nature recovery and public education, health and engagement through access.'

Final comment from two participants in partnership: *'It's so nice to have two people land on our doorstep enthusing about access in ELMs, this might help us agree to let people across our land!'*

Theme 7. Delivering environmental outcomes with permanent public access.

How can access and biodiversity co-exist and deliver beneficial outcomes for humans and wildlife? Discussed by Tim Haselden, Project Development Officer, Mendip Hills AONB unit.

Background

The Government's Designated Landscapes Review (Glover et al. 2019) re-emphasised the importance and role of national landscapes, such as the Mendip Hills AONB, in providing recreation and access for the public, whilst also ensuring habitats and nature are protected. This ELM Test gave us an opportunity to look at how we do this by working together at a landscape-scale to embed the Lawton (2010) principles of Bigger, Better, More and Joined Up habitat.

The West of England Nature Partnership and the West of England Joint Green Infrastructure Strategy both emphasise the importance of biodiversity to both nature recovery and health and economic prosperity.

The 94 biodiversity survey reports written for this ELM test aimed to enhance the 'green' in 'Green Infrastructure' and to consider how access improvements could contribute to the Nature Recovery Network as well as the Rights of Way Network, improving connective green corridors for both people and wildlife.

It is unlikely that many of the 94 aspirational access routes surveyed for biodiversity would be adversely affected by the enhancements to the routes identified. This is likely to be because the ones surveyed on the ground were all accessible on existing Rights of Way. There may be more potential impact on biodiversity if routes are created or upgraded on currently inaccessible or more wildlife sensitive sites. In this case then routes should be designed sensitively to avoid any undesirable effect on biodiversity.

At interview, 84% of participants said that they were willing or very willing to include biodiversity enhancement with access. The average willingness score from participants to carry out some sort of biodiversity improvement on their land was 4.4 out of 5. 42 of the 50 participants stated that they were "willing" or "very willing" to engage in biodiversity measures. With such high levels of agreement, it was not possible to look at correlations between willingness and landholder type.

Finding solutions to barriers.

The most sustainable new or upgraded access routes should consider their impact on the surrounding land and its heritage and implement appropriate mitigation measures. If planned well, with current biodiversity in mind, new routes could potentially help to reduce impact and disturbance to the most sensitive sites or honeypot locations.

The creation and/or enhancement of access routes is a mechanism for joining up these, enhancing and extending our existing natural habitats. The biodiversity interventions identified in this ELM Test are examples of how Green Infrastructure can be a key component in addressing biodiversity loss. There are examples identified through this ELM Test on Mendip that demonstrate how creating new or upgraded access routes in the right place could boost biodiversity and help land managers meet the 'public goods' identified in the ELM Scheme.

For example:

• A new, defined route through open access land, or where an existing right of way could be realigned away from a sensitive area, may encourage people to stick to a particular path and reduce disturbance across the wider site.

• The installation of stock-proof fencing in combination with a new native hedgerow or drystone wall along both sides of an access route would provide valuable new habitat and an enhanced green corridor for wildlife and people, whilst also keeping the public and dogs on the route, reducing disturbance to livestock / crops and wildlife in the field and on the wider site.

• New / improved signage and interpretation on the ground could help to educate users on the different rights of access created along a route and how to behave in the countryside (i.e. how to follow The Countryside Code), reducing disturbance to livestock and wildlife.

• New native hedgerows or trees along a path (or within a field) could link up existing woodland habitat, providing valuable future homes for wildlife, as well as important navigation routes for species such as bats.

• Unmanaged grassland buffer strips and ponds along or adjacent to access routes could also provide valuable habitat for wildlife including pollinators and ground-nesting birds, whilst reducing soil and water runoff, contributing to reduced flood risk and improved water quality downstream.

• Protecting established historic green lanes and droves may also provide a positive opportunity to protect wildlife habitats and the Nature Recovery Network whilst also improving the access network.

• The Test participants recognised the significant public good value of a permanent well-located green infrastructure network and the opportunities that can bring for sustainable green travel, healthy recreation, and for nature and economic recovery.

Access to the countryside undoubtedly brings benefits to society, including physical and mental health (Jones, 2020; White et al., 2019), and economic benefits (Keniger et al., 2013; The Land Trust, 2018). The Coronavirus pandemic has also increased the desire and demand for accessing green space (RSPB, 2020). A growing body of evidence also shows that access to the countryside is crucial to the long-term success of nature conservation projects (Richardson et al., 2016).

Public Education.

Feedback from some Test participants suggested the need for ELM to provide user education, clear messaging and signage, including through electronic means. There was also concern that this should not render landowners liable, for example, due to the wording used. Huddart & Stott (2019, p. 455) also agree 'that there needs to be an emphasis on best-practice management…including education, changing user behaviour, and the use of codes of conduct.'.

There are numerous options available for encouraging sustainable recreation through education including:

- Improved and specific signage.
- Key messages across all organisations.
- Education programmes in schools.
- Face-to-face on-site contact with increased number of rangers and well-informed volunteers (see Lake et al., 2020 for a review).

Overall the aim should be to manage and improve outdoor recreation, in particular in protected landscapes such as National Parks and AONBs, so that any negative impact of visitors on the natural environment is reduced with pressure distributed away from honeypot sites but not at the expense of disturbing or preventing the restoration of sensitive habitats.

People should be able to connect to place and nature; establishing a much-needed link and affiliation to our natural heritage in today's modern society (Jones, 2020).

"No one will protect what they don't care about;
and no one will care about what they have never experienced"
Sir David Attenborough.

Data and advice.

Fundamental to the success of the approach shown in this Test (and sustainable recreation in general) will be understanding and influencing user numbers and behaviour across a landscape and being able to provide decision makers and groups of landowners and land managers with accurate, reliable and easily accessible data. Access to the Magic Map Application is a helpful starting point, but a well-informed and up-to-date Nature Recovery Plan / Local Nature Recovery Strategy, plus the support of Natural England advisors (and funded staff from Protected Landscape Teams or environmental NGOs) equipped with local 'on-the-ground' knowledge, will be required to help make the right decisions in the right places.

Creating permanent green infrastructure access and biodiversity in the ELMs scheme.

The new ELM Scheme should aim to provide a framework to enable farmers and land managers to support recreation whilst protecting and enhancing the landscape, its wildlife and heritage, and sustainable farming practices.

One Test participant considered that, as an organisation dedicated to nature conservation, their land holdings were already well managed for biodiversity and that any suggested additional measures would need to be carefully evaluated on a site-by-site basis. However, it was also recognised that biodiversity enhancements across the entire landscape are a very important route to nature recovery and that it is important that this is reflected in the future ELM Scheme. The creation and/or enhancement of access routes has the potential to support an increase in biodiversity and nature recovery at a landscape-scale if delivered well.

The creation and/or enhancement of public access routes is a mechanism for joining up these ecological networks, enhancing and extending our existing natural habitats. The biodiversity interventions identified in this ELM Test are examples of how Green Infrastructure can be a key component in addressing biodiversity loss.

New or upgraded access routes in the right places and with the right interventions could boost biodiversity and help land managers meet the 'public goods' identified in the ELM Scheme.

More incentives for permanent rather than permissive access could also help ensure wildlife habitat is not destroyed when an agri-environment scheme comes to an end.

Theme 8. Delivering a permanent network using permissive access mechanism.

1) Do the participants recognise the value and opportunities arising from a permanent access and biodiversity network?

2) How useful is a permissive access trial?

3) Where does permissive access sit in an ELMs access and biodiversity scheme as a public good?

Background

Testing the opinions and willingness of landowners to inform a scheme to provide and maintain provision of permanent sustainable access with biodiversity, rather than permissive access provision, is a mechanism that has not been used previously within former agri-environment schemes.

The team wanted to learn from and avoid the failings of the previous environmental higher-level stewardship public access scheme. This scheme failed to engage landowners through a valuation process or to leave a lasting legacy of benefits to the public or to wildlife. Previous stewardship schemes did not always involve communities in helping to target access improvements where local communities wanted them or where they would support the local or visitor economy.

Financial support for the permissive access options within agri-environment schemes was withdrawn as part of the Comprehensive Spending Review in 2010. Existing agreements under the original Countryside Stewardship Scheme (CSS) and Higher-Level Stewardship Scheme (HLS) were allowed to run their course to expiry as intended, with final agreements ending by 2021.

Since 2010, agreements providing about 2,080 kilometres of CSS and 4,312 kilometres of HLS permissive linear access paths (footpath, bridleway/cycle routes, reduced mobility access and upgrades to existing paths) have expired, in accordance with the terms of the agreements, along with around 4,000 ha (CSS) and 9,661 ha (HLS) of permissive open access. These 6,392 km of paths and 13,661 ha of open access were present on about 3,000 sites. Agreement holders with permissive access options were initially encouraged to continue offering access, if practicable, without payment, but there is no record of the extent to which this occurred. During 2021/22 Natural England, on behalf of Defra, will be conducting research to determine what happened to access provision after the end of Stewardship agreements to help inform future public access provision within schemes.

Former access schemes represented poor value to the public purse through the short-term creation of permissive rights that only lasted for the duration of the payments. Most routes have now been closed, with farmers citing lack of incentives and concern over public liability issues, denying beneficial public access and failing to protect, enhance or create green corridor routes to provide lasting benefit to wildlife.

1) Recognition of the value and opportunities arising from a permanent access and biodiversity network.

In discussions with test participants the concept of permissive compared to permanent access was explored within the context of providing a sustainable green travel multi-user network with a beneficial legacy of green access and biodiversity connections linking to and extending the value of the existing quiet road and public rights of way network.

21 (42%) test participants had granted permissive access over a designated route or access area.

15 (30%) participants had provided a footpath (1 to divert a public footpath away from operations).

14 (28%) participants had provided a bridleway or horse path.

1 participant had allowed spatial access for people on foot and 1 had allowed spatial horse access in a wood.

The participants were asked what circumstances prompted the giving of permissive access, whether it was formalised in any way and if the access was still available?

- 10 had been approached by a local user group or a single user.
- 3 had taken up the access option available through higher level CSS.
- 9 had various reasons including charitable policy, own initiative (2), inherited, natural England request (possibly HLS), customary (unsure / couldn't remember), riding school route, track originally created for operations, diversion away from property.
- Only the HLS scheme provision paths had been rewarded.
- 20 participants had created a permissive route where no access rights existed.
- 3 participants allowed horse riders and cyclists to use public footpaths.
- 19 participants said that the access was still available including 2 or (possibly 3) HLS schemes that were no longer being funded.
- 1 bridleway had been designated as permanent through the definitive map application process.
- 2 routes had been closed - 1 higher lever stewardship (HLS) bridle route and 1 route due to a land sale.

The majority of test participants recognised that investing in relatively short lengths of well-located permanent green infrastructure route in their 'own cabbage patch' connecting into the network, made the whole network ('the whole cabbage patch') significantly more usable, promotable, beneficial and valuable to the them, their communities and to nature recovery in the area. Collaborating with and relying on others for the success of business stemming from the network also means that permanent links were recognised as crucial.

There was acknowledgement and understanding too that users of a legally created route 'are users of the highway and not visitors invited onto the land' and that landowners have no control over highway users, therefore liability is much reduced, this was a positive to path dedication

Value of a permissive access trial.

When asked if they favoured a short-term permissive path trial in advance of dedicating creating rights, 50% of participants declined saying that it would be 'difficult' 'confusing' or 'challenging to take the path away once the public had got used to it.'

One participant said

'I am not keen on a permissive route or trial. Permissive access schemes have been entered into on our farms under the provisions of the former higher countryside stewardship scheme, these were difficult. Once the access was no longer funded by the scheme the permissive access was discontinued, but people still tried to use it. I think a similar danger would exist with this scheme if access was short term permissive provision.'

Of those that did favour a permissive trial, it was seen as a useful stepping stone to permanent creation. Another participant said

'Landowners who might be unwilling to dedicate straight away for the capital reward could say run a permissive route for (e.g. up to 5 years) in a for example a 10-year scheme and when happy with the location and use could dedicate and then receive the reward for creating the route in perpetuity.'

Participants understood the concept of developing a permanent network of routes as a public good giving everyone opportunities to benefit.

One participant said *'obviously this infrastructure needs to be permanent because if someone withdraws you could lose the whole thing'* and *'it's no different to the road network, you wouldn't make that permissive, would you?'*

Permissive access delivered as a public good in ELMs.

Permissive access can be of great benefit on local estates and large holdings and for specific user activities where one landowner controls the access or benefits from it.

One participant, representing a large holding where a planned network of routes and other facilities is a key marketing strategy, wanted the scheme to provide for permissive access saying *'we are very willing to participate but in permissive access creation not permanent creation, willingness therefore qualified that the scheme should allow for permissive path creation.'*

Another participant said that they would like to provide a permissive path so that the public could walk safely to a nearby café but if the cafe closed, the path would not be required any more.

16 (32%) participants who had previously allowed permissive access were incentivised by discussions and were willing or very willing to dedicate their test aspirational route, a further 3 were undecided but were still willing to enter an ELMs access and biodiversity scheme.

More incentives for permanent not permissive access would also help ensure wildlife habitat is not destroyed when an agri-environment scheme comes to an end.

The benefits and opportunities that a connecting permanent network brings to communities, to the environment and to landowners and land managers were discussed and recognised by the majority of participants, mirroring The Trails Trust's long experience that landowners can be incentivised to dedicate permanent rights of way where benefit and opportunity are recognised, the route is located in the right place and a reasonable reward is offered.

A landowner who some years previously dedicated a bridleway, a vital missing link connecting into the local network allowing users to avoid miles of rural road, was a test participant and was content to repeat the process, agreeing both aspirational routes across his landholding in principle.

Within ELMs, permissive access is significantly less of a public good investment than the creation of permanent routes that:

- Extends the value of the existing public network, developing a cohesive permanent legacy of infrastructure through creation permanent missing links where needed.
- Enables promotion of sustainable green travel and recreation.
- Provides identifiable routes and space for visitors as well as local people.
- Aids long term nature recovery through the development and long-term protection of green infrastructure.
- Increases the value of existing infrastructure through the ability to upgrade and improve existing footpaths for multi-use and disability use.
- Offers reduced occupier's liability through public 'highway' or open access use.

9. Additional themes highlighted in discussions.

1) How can a higher standard of public education, behaviour and understanding of farmer and animal needs be promoted and through what mechanisms?

2) Various other matters arising during interviews.

Promoting a higher standard of education, behaviour and understanding of farmer and animal needs.

The need to educate public path users was raised by the majority of participants. The main themes were concerns about irresponsible dog walkers, night-time user activities causing stock injury, mountain biker ignorance on how to pass stock and refraining from riding on footpaths, public ignorance of right to roam legislation, inappropriate and anti-social behaviour on the rights of way network. One participant summed up the general view:

'I hope that user education is something that ELMs could address with signage and electronic means, as good user behaviour is key to landowners and farmers creating and delivering additional public access.'

Mitigation suggestions included:

- Use of a QR code that could be scanned and would give the public information and instruction.
- Simple clear signage – noting the danger that if signs were too wordy they would be ignored.
- Visitor counters, particularly at honeypot sites to aid planning plus annual assessments and fixed-point photographs.
- Rangers – one participant said 'such as 'the Mendip Hills AONB unit members' as a tool for 'user education / advisory / eyes on the ground capacity.'
- Rebranding paths with simple clear directional signage.
- One estate is developing an App to be used when people are exploring, providing information on heritage, nature and education about farming and how to behave.
- Education of children at a young age about the countryside and farming and follow it though into early adulthood.
- Develop an instant feedback system to report issues such as problems with gates like the ROAM report system used by one of the LHAs where issues are reported on paths by users and photos can be uploaded.
- One participant suggested that information about the place, farm, stock, livery availability and anything users needed to know could be fed electronically to people's phones, with the farmers able to update information such as the presence of stock through a central hub, a 'two-way street' with users being able to report anything amiss with the route directly to the landowner. Each route could be

marked with numbered identification marks (part of the way marker), which in addition to being the means of conveying information to the user could also allow users to report issues.

Education is needed for landowners and land managers too, to include:

- Obligations towards protected landscape and designations such as SSSIs, NNRs, scheduled monuments, protected species and habitat.
- Approaches to and engagement with the public and how to educate people.
- Liabilities - one participant asked if there are liability issues creating routes for horse riders. Others about dedication processes, and the variation in liabilities on permissive and permanent paths and open access land. This signposts a need to include education about creation processes and liabilities on rights of way and in open access land.

Provision of facilities for instance car parking and bicycle racks.

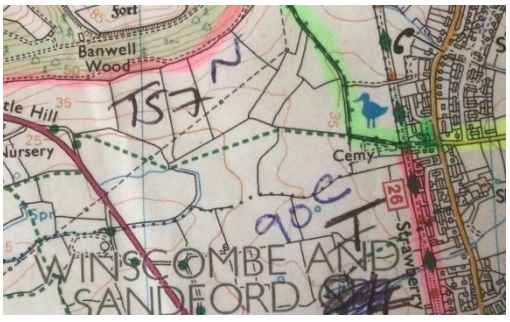
The need to provide temporary carparks to '*accommodate users who currently park poorly or dangerously on narrow rural roads.'* One participant suggested *'car parking should be paid for as it is in town.'* Another asked *'if funding could be available for the repair of verges damaged by cars and also for the provision of bike racks to incentivise active travel.'*

Path realignments and rationalisation

A majority of participants thought that it should be easier and less costly to either temporarily or permanently realign paths away from yards, buildings, operations or stock.

Some rationalisation where multiple paths make it *'difficult to get the bull out'* would be welcome. Realignment or rationalisation within agreed parameters would also boost willingness to upgrade footpaths and create multi-user routes – being seen as part of the valuation package or a reasonable trade off. One participant summed up the general view:

'The factor affecting willingness to dedicate a route is the potential for slight realignment when (for example upgrading a footpath to a multi-user route). This would be a great solution for landowners contemplating collaborative schemes such as circuits and linear links where a slight realignment to field boundaries on upgrading would not jeopardise public enjoyment, add or take away mileage but would help to keep people and dogs safe away from stock etc and allow the farmer to get on with his work.'



In the example, left, the footpath south of 'T57' provides a network connection and the means to cross an A road.

A slight alignment to run along the northern boundary would not inconvenience users and is in fact where everyone currently walks.

Cost of legal formalities

One participant noted the *'horrendous (£1500) cost'* of temporary short-term rights of way closures for a few days of operational work, negatively impacting on profitability when identical adjacent 'open access' tracks could be simply diverted for no cost.

Inclusivity matters.

Two participants asked why horse riders are banned from a local Forest Enterprise wood (with a large sign).

Both the access surveyors and the participants noted the presence of large numbers of stiles, kissing gates, narrow pedestrian gates and Bristol gate installations. These prevent use by less abled people whether on foot or in a mobility vehicle.

One participant said the ability to provide a gap or a gate slightly off the 'official line' if it provides accessibility for all users (such as provision of a gate in a wall next to a stone (heritage stile) or a gap next to a vehicle barrier, is crucial to improve route accessibility.

One participant was concerned that creating multi-user routes would mean stiles and kissing gates would be replaced with equestrian style gates, worrying that stock could be let out.

The solution was agreed to be integrated York gates to replace Bristol gates or gates built on H frames which don't move over time and are hard to steal, and have self-closing mechanisms and gate furniture such as stock proof handles.

Ash dieback

At least half of the participants mentioned the liability, cost and concern of dealing with ash dieback and the need to fell trees along roads and rights of way. One participant said that he had felled 80 tonnes, another said that the cost was £100,000. Another said *'the inclusion of professionals doing annual tree assessments to protect landowners is a welcome idea.'*

Agricultural tie.

Two participants felt penalised by agricultural tie conditions which forced them to farm in certain ways when they might prefer to do something different including providing public goods.

Solar Energy

One participant asked if ELMs could support the generation of solar energy from panels placed on farm rooves.

5. Conclusions.

5.1 Aspirational access route plan

The task of identifying individual access routes in the Test area to target for upgrading or creating was easy and straightforward through the use of the OS Explorer Map, ROWIP and Definitive Map application data sets and local knowledge. Surveys were a useful tool for exploring the viability of the route on the ground. No reasons were identified that this could not be done in other locations, whether to identify a single beneficial route such as a missing link in a circuit or a route to bypass a busy road. The task of identifying individual routes or designing community networks though this approach could be done easily by individuals, collaborating landowners, user or community groups.

5.2 Identifying biodiversity

The biodiversity survey reports aimed to enhance the 'green' in 'Green Infrastructure' and to consider how access improvements could contribute to the Nature Recovery Network as well as the Rights of Way Network, improving connective green corridors for both people and wildlife. The creation and/or enhancement of public access routes is a mechanism for joining up these ecological networks, enhancing and extending existing natural habitats.

5.3 Key findings in line with research questions.

Theme 1. Identification of variations in land holding size, business mission and purpose and participation in countryside stewardship schemes compared to a variation in landowner and manager willingness to create, enhance or maintain access and deliver environmental outcomes. Does the scheme approach need to be tailored accordingly?

There was no variation in willingness to engage with access even though there seemed to be more frequent encounters with the public closer to large communities and in honey pot sites in the AONB. The scheme approach does not need to be tailored accordingly.

Lack of willingness variation was not due to a lack of variation in test participants. The test engaged with 50 participants with an age range of 32 – 80, 75% male, 25% female, with land holdings of varied sizes, from 0 – 50 acres to 1000 + acres. 4 participants represented organisations that between them owned around 1 million acres nationally. A wide range of organisations, missions and primary purposes were represented with 56% engaged in agriculture and 52% occupied with lowland grazing livestock or dairy farming. Only 6% were totally reliant on their core mission, 94% having diversified into a wide range of secondary purposes and income streams. Just over half, 54% are currently participating in countryside stewardship schemes.

Theme 2. What barriers are there to upgrading or creating permanent access or to enhancing existing access? What are the solutions?

Barriers to access exist both for the public and for landowners and land managers. There were serious concerns about a wide range of issues but agreement that mitigations and solutions provided through ELMs could work.

The access situation on participants' holdings mirrored the access survey. Provision in the test area is overwhelmingly for able bodied people on foot with 96 % of participants having footpaths across their land and seeing ramblers and dog walkers, only 36% having a (multi-use) bridleway and 34% seeing horse riders and the majority referring to widespread use of footpaths by cyclists. The proliferation of stiles, narrow gates and kissing gates, noted in the access survey and in the interviews, are a barrier to miles of path for large numbers of older and less mobile people and families with pushchairs, almost a guarantee that large numbers of the public will cluster around carparks with easy access to countryside through a gap or a gate.

The provision of multi - user access enabled through modern self-closing gates is a solution to considerably spreading the access load across holdings as well as promoting active travel and mobility scooter use - walking with wheels.

There is widespread exasperation amongst land managers with the public 'who are everywhere', mountain bikers who ride on footpaths and most especially night-time user activities that frighten and injure stock. In the rapid intuitive barriers to access test, issues with dogs occupied 3 of the top 6 impacts listed along with user and criminal behaviour and unintended trespass. There was majority (70%) approval of the impact solutions that could be offered through ELMs which included public education and containment and improved structures.

Over 70% of participants said that access has an impact on operations and could not see that changing, perhaps even worsening.

There were very real concerns expressed about the mixing of dogs, people, machinery and stock. This naturally led to participants strongly identifying with access infrastructure being contained or running along boundaries (picture right), where access can be temporarily contained.

Sensibly located new routes, an offer of some realignment of existing routes to be upgraded, improved structures and surfacing, education and preferred routes promoted to the public were all seen as good solutions provided by access, instead of the usual view of all public access being a blight on the landscape.

Theme 3. How do landowners and land managers consider that access creation, improvements and maintenance tasks should be valued?

Participants wanted the valuation for creating access and for carrying out improvement works and activities to be fair. It is not enough to offer a basic land value or a set value for works based on income foregone. 68 % thought that the capital reward for access route creation needed to not just repay land value and compensate for operational use loss due to impact, but to also be an investment in the public good – the recreational value. This thinking rose to 90% when considering the investment in open space due to a heavier use impact and 'impossible to farm' scenario.

Whilst over 80% agreed with a set payment regime for works, the majority thought that set payments, in the current countryside stewardship schemes, did not adequately cover material and labour costs, let alone provide any profit.

A possible formula for calculating permanent access creation is: V (local value) + L (loss of use / impact perhaps a % of V) + R (recreational value – perhaps also a % of V) + D (dedication set legal costs) + C (capital works) + A annual works payments.

Theme 4. Do landowners and land managers recognise the value of permanent access? How willing are they to deliver access and enhanced biodiversity based on an aspirational route over their own holding? What solutions and mitigations to barriers work?

The majority (62%), were immediately willing to include the aspirational access route and 92% agreed access to an alternative route if the aspirational route was not suitable. A massive 94% were willing to undertake or oversee access and biodiversity creation and improvement works.

84% of participants overwhelmingly recognise the importance of access to the countryside and 94% the power they have to deliver green infrastructure and countryside benefits for public health and well-being.

Asking participants to consider the bigger picture, the value of a landscape scale connecting network and the substantial part they can play in delivering it, was a revelation for everyone involved. This is a question that has not been asked of landowners as a group before. Provision of circular routes, helping users avoid busy roads and enhancing economic opportunities for all were recognised as key positive factors in aspirational route network design.

Willingness however, was tempered by ensuring that routes and users don't impact negatively on operations or injure stock and by concerns regarding liabilities arising from ash die-back disease. There were questions too about how public access and biodiversity can co-exist together, which have been answered in theme 7.

These concerns reiterated a strong desire for users to be contained either temporarily or permanently within green corridors and for ELMs to provide user education, clear messaging and signage, including through electronic means, that will not render landowners liable due to the wording used.

Theme 5. What advice do landowners and land managers think is needed to provide permanent public access? How willing are landowners and land managers to collaborate with others? How might collaboration work and be rewarded?

The need for specialist advice within the scheme was clearly agreed with by 86% of participants, with a minority saying that they would source advice externally or through their organisation. 82% favoured advice delivered by trusted experienced advisors. FWAG was mentioned several times as a positive example of trusted advice. There needs to be a written plan or agreement to work to (the ELM plan) and varied sources of back up where people in a hurry can source advice – a dedicated website, a manual and a helpline manned by an expert.

All the advice topics found majority approval with 88% wanting specialist advice on rights of way creation, 78% on cross compliance and 74% on the type of access structure to install.

Over 90% of participants were willing to work collaboratively in a wide range of scenarios to create and maintain green infrastructure across holdings. Collaboration was seen as vital for nature recovery as well as for public access. 94% overwhelmingly agreed that leadership is needed to deliver projects. Funding for facilitation and resources is needed and could be valued as a percentage of a scheme.

Theme 6. How do landowners and land managers think a future scheme could work, how willing are they to incorporate access into a future environment land management plan?

The participants thought that successful delivery of permanent green infrastructure in an access and biodiversity scheme depends on the ELM scheme being adaptable, flexible and above all available to the key players, landowners who have the power to dedicate rights and land managers who need to agree.

Whether access is arranged within schemes or in a tiered system, 84% of participants pointed to the need for a ‘go to’ external access scheme to engage landowners who do not want to sign up to ELMs or may not be eligible, but none the less are willing to help create access and biodiversity. These landowners will be critical to collaboration and project success and delivery.

Green access and biodiversity infrastructure creation is highly likely to be instigated by external interests such as multi-user groups denied adequate access for so long, conservationists with a keen eye on the ticking climate clock anxious to assist nature recovery and councils with green travel aspirations to fulfil. ELMs needs to be able to respond by giving willing landowners and land managers access to the tools and resources they need.

Aspirational access data sets available from sources such as LHA ROWIPs must be made available along with collaborator (landowner / user) contact details held in an easily accessible central or local source.

Theme 7: The co-existence of access and biodiversity

At interview, 84% of participants said that they were willing or very willing to include biodiversity enhancement with access. The creation and/or enhancement of public access routes is a mechanism for joining up these ecological networks, enhancing and extending existing natural habitats. The biodiversity interventions identified in this ELM Test are examples of how Green Infrastructure can be a key component in addressing biodiversity loss.

New or upgraded access routes in the right places and with the right interventions could boost biodiversity and help land managers meet the 'public goods' identified in the ELM Scheme.

More incentives for permanent rather than permissive access could also help ensure wildlife habitat is not destroyed when an agri-environment scheme comes to an end.

Theme 8: Is permissive access a public good?

This test shows that, with the right incentives the test participants recognised the significant public good value of a permanent well-located green infrastructure network and the opportunities that can bring for sustainable green travel, healthy recreation, and for nature and economic recovery.

Test participants were not averse to providing routes in perpetuity, thereby offering local opportunities and a sound investment for public funds. The majority of those who had given permissive access in the past were in favour of dedicating the aspirational route as permanent. 50% of participants offered a permissive trial declined, recognising the difficulty of taking a route away from the using public.

The failure of the previous scheme to provide a legacy of connecting and accessible access for significant public investment has not been forgotten. To give and then deny access to green space, especially where it was used, valued and cherished, particularly amongst those for whom existing provision is so poor and disconnected, negatively impacted on landowner and public relationships.

The permissive access that had previously been given by some test participants for the most part:

- Ran over a single large holding owned by one person or organisation.
- Was for a specific purpose or benefit to the landowner as well as the users.
- Had been funded through the former higher-level scheme.

More incentives for permanent rather than permissive access could also help ensure wildlife habitat is not destroyed when an agri-environment scheme comes to an end.

Theme 9: other themes arising from discussions.

Thoughtful ideas emerged on how to enable public education. It was recognised that *'most people want to do the right thing, they just don't know what that is.* 'Conversely there was recognition of the need for landowners and land managers to be educated on how to approach and engage with the public.

There was much exasperation with the legal costs of temporary closures and diversion and with rigid legislation, inflexible processes and liability concerns that prevent beneficial interventions. These included the provision of temporary car parks, gates being placed next to a stile and reasonable path realignments to keep the public safe or prevent dogs injuring stock and wildlife.

Spending time talking to so many landowners and land managers, in a relatively short time period about public access, was a real eye opener for the whole team. The additional themes highlighted how keen participants were to find solutions to access issues, to take control rather than access being 'something that is done to them.'

5.2 Recommendations for further follow up work.

Aspirational route identification and community network design.

Designing and surveying a green infrastructure access multi-user network for the test area / landscape was an interesting and informative task. Key elements for designing a linking aspirational network was understanding the opportunities offered by the OS Explorer Map and the community priorities and designing scoring systems for route attributes.

The test methodology for identifying and surveying aspirational routes and designing community networks needs to be written and made widely available to help others and to replicate the test in other landscapes.

Historic access rights.

If landowners are keen to upgrade and create multi-user routes through ELMs, consider if the scheme can be used to re-dedicate historic routes to avoid the costly definitive map application process.
This mechanism could be especially value where corridor routes are required for access and biodiversity. Thus helping to preserve green lane heritage and infrastructure, crucial wildlife corridors for nature recovery and public access.
Re-dedication has been done in some areas through the Highways Act 80 s25 or by EDCL (by TTT) to allow for landowner and user certainty and to enable some beneficial re-routing. What can be learnt from these experiences?

Network issues.

UCRs and UURs (surfaced and unsurfaced country lanes), whether urban to rural connections or existing in an entirely rural setting, are of significant value for the green access travel and biodiversity network.

What can be done to preserve these significant spaces, particularly UURs that are at risk from the 2026 closure of Definitive Maps? How can these spaces be made safer for multi-user travel and for wildlife, for example by lowering speed limits and educating motor vehicle users – interventions that have already been applied in urban areas? Why don't rural children get to cycle, walk and horse ride safely in their communities?

Theme 2. Barriers to access and solutions.

Route location and infrastructure type can be significant barriers to access.

Landowners and land managers say that restricting people permanently in green corridors or temporarily at certain times of year to prevent them travelling through operational locations or mixing with stock and wildlife would reduce impacts and help promote multi-use route creation.

How could reasonable, temporary or permanent realignments to boundaries, where terrain allows, and diversions (for example away from yards) be enabled and be less costly? Work on this is being done by landowners in North Somerset, what can be learnt from this?

Themes 2 and 4 Access and biodiversity creation and improvement work.

Poorly designed, inoperable and inappropriate structures are the single largest accessibility barrier. Failure to leave a gap or provide a gap at the correct width next to a barrier also prevents legitimate users. Surface improvements needs to be sympathetic and appropriate for the environment.

Work needs to be done to produce standards for:
Choosing the appropriate structure type for different uses, locations and for best practice installation techniques
Sympathetic environmentally sensitive (non-urbanising) surface improvements, appropriate for green travel users and for biodiversity.
Enabling multi or disability use through the placing of a gap next to e.g. a vehicle barrier or a gate next to an existing structure e.g. stone stile (that is not to be removed because of heritage value). How can this be done so that occupiers are confident of not being liable, because the new structure is 'off the definitive line?'
Educational and directional signage and way marking – could there be countryside code standardised signage so that signs are instantly recognisable such as road and traffic signage shown in the highway code?

Lack of public education.

The lack of public education regarding appropriate behaviour in countryside access space and the consequent impact on operations, stock, wildlife and habitat, particularly with regard to dogs, is a significant barrier to access.

What can be done to reach specific user groups? Which are the most useful mechanisms for engaging with the public, through electronic means in addition to written signage? How can clear messaging be used without increasing liability on occupiers?

Theme 3. Valuation.

Incentivising permanent access creation = V (local value) + L (loss of use / impact perhaps a % of V) + R (recreational value – perhaps also a % of V) + D (dedication set legal costs) + C (capital works) + A annual works payments.

Test the valuation equation in real life situations in a pilot scheme.

Theme 5 Advice and collaboration.

Work needs to be done to prepare advice topics and design a facilitation fund.
Include suggested best practice solutions and mitigations for known access barriers with the advice and guidance.

Other work required on liabilities, dedication and network issues

Liability for trees.

The liability for trees along and within public access spaces has been brought into sharp focus with the advent of ash dieback disease. Liability for trees is a significant barrier to access creation.

What can be done through ELMs to mitigate this barrier perhaps through provision of expert annual assessments within access space and funding to help with tree disease crises?

Operational works on rights of way.

Some operators need to close rights of way for works (such as in forestry or along old railways where structures need to maintained). The cost of temporary closure and diversion is a significant barrier to creating rights of way routes in the normal way. Dedicating linear access space rights via the CROW Act 2000 offers significant advantages in permitting temporary closures removing these obstacles where landowners need to seek frequent closures. Where land is dedicated public access can be closed using statutory restrictions.

Rights within open access spaces do not require recording on definitive maps and statements.

How should dedicated multi- user rights be shown on OS maps so that the public is informed? This is particularly important where linear open access routes form a network link such as along old railways that are converted into multi user paths.

Collaboration.

Funding and training need to be provided to enable facilitation and project management.

How could this be available both inside ELMs and externally to third parties who will want to instigate and manage projects in partnership with willing landowners and land managers?

Theme 6 Including access and biodiversity in ELMs.

How can the access and biodiversity 'package' (reward and creation, improvement works and annual activities) be available internally to all ELMs participants and externally to those outside ELMs?
How can land management plans be flexible and adaptable enough to accommodate access and biodiversity creation and works, when instigation or agreement to collaborate requests could happen at any time? Should the access and biodiversity scheme 'package' be built into all ELM individual holding plans and be capable of requests for activation at any time?

Theme 7

Comments from some participants during the Test interviews highlighted the need for land managers to benefit from helpful guidance on wildlife-friendly land management. This could also provide land managers with useful knowledge to get the most out of the new ELM Scheme.

A decision-making tool / framework could be developed to identify and flag up sites of current high biological and heritage value. When combined with the route prioritisation for access based on the ROWIP, routes could be identified that bring most gain for both people's health and biodiversity.

Theme 8 Permissive access.

The provision of permissive access is not the correct tool for creating access and biodiversity strategic networks on which so many people, including landowners and land managers and biodiversity depend.

What is the place for permissive access?
As a stepping stone to permanent access creation via a time limited trial, how will this be managed?
Where multiple paths are offered for public recreational benefit on large holdings (estate walking / riding / mountain biking). Should this be available through ELMs? If so what should the value and payments offered be compared to creating permanent access?
How would permissive access be promoted to all the public who have funded it?

Theme 9. Arising from discussions and not otherwise dealt with.
Exclusion of certain users.

Two participants (both landowners) asked why horse riders are banned from a local Forest Enterprise wood.

Work needs to be done to ensure that Government leads by example on its own land, through the provision of fair and equal multi-user access.

Agricultural tie.

Two participants felt penalised by agricultural tie conditions which forced them to farm in certain ways when they might prefer to do something different including providing public goods.

Can work be done to ensure tie conditions are fair and reasonable in changing times?

Please see the 'participant interview results' in the appendix for complete data sets, interesting and informative participants' comments.

What the ELMs 159 Test interviewers said at the conclusion of interviews.

Michael Clements Test and Trial 159 Personal Evaluation

I was keen to get involved with ELMS following Brexit and the phasing out of Basic Farm Payments as I was concerned at the loss of farming income and its impact on my farmers. I was particularly concerned in areas where there are no high-profile habitats or species and opportunities to join ELMS will be very limited. I was attracted to an access pilot as it is something that affects every landowner and something that can be claimed alongside productive agriculture. I also believe that the current network of ROW created by archaic legislation is a fragmented patchwork which is not fit for modern day purposes and in too many cases does not suit land owners or user groups. In my time with the NFU some of the most acrimonious disputes were involving ROW with entrenched positions on both sides. I believe the key is getting ROW in the right place for everyone and the ELMS money gives us a great chance of bringing all sides together and creating modern multi-user routes where users want to go but away from farmyards and dangerous livestock/machinery and sensitive habitats. By creating new routes which should ease the congestion on existing paths, we do not need major changes to any legislation to have an effect.

The timing is perfect as Covid lockdown has seen access explode on the Mendips and highlighted the need /benefit and necessity of managing this to everyone's benefit; landowners, users and conservationists. Several of our larger landowners are also in the process of formulating their own plans to create routes and opportunities to educate the public and improve their PR. There must also be opportunities created by the increased demand and obvious attraction of the Mendip Hills as a resource. Similarly, I believe that farmers are ideally placed to maintain our ROW and have the machinery/labour and expertise to provide a value for money remedy for overstretched councils and reducing budgets whilst supplementing farming incomes.

I feel totally vindicated in my opinions having undertaken our interviews. All the landowners have stressed the need for ROW to be in the right place whilst being realistic as to the needs of the modern world and keen to recoup some of their lost Basic Farm payments. Being 'in the right place' is about allowing them to farm but also the safety of users who increasingly do not know how to handle livestock or the workings of the countryside. Education was mentioned time and again. I myself was not aware of the growing concern of night-time use with lights and noise being particularly unsettling and damaging to livestock. This grew during our trial and several ideas of using modern websites/technology to inform, guide, educate and advertise to users along these routes with input from individual landowners gathered momentum as an idea/benefit of such a scheme. There were very few landowners who have not diversified in some way and stood to benefit in one way or another.

I am most proud of the fact that our pilot has been done on a 'real' basis using real surveyed routes and none of the difficulties have been ignored. I truly believe if the finance was in place we could put this scheme into practice….the response from landowners has been that positive.

Michael House Test and Trial 159 Personal Evaluation

I was very happy to become involved in this Test and Trial and my thoughts on the process are as follows:-

- A strong desire to become involved in the design of future support payments for farmers and landowners to follow the phasing out of BPS - just what would public money for public good look like.
- I was keen that ELMs would provide sufficient options and be attractive and available to ALL farmers and landowners and if I could add to the inclusion of workable options then this would be a success.
- Virtually all farmed land has existing rights of way, so this access test and trial seemed to fit this bill and be easily aligned to the phrase 'public money for public good.'
- The great majority of Rights of Way issues I have been involved in, as part of my role with NFU, were dealing with disputes and problems. I see ELMs could help reduce these issues and create a network of rights of way throughout the countryside in the right place to suit both the farmers and landowners, thus minimising disruption to their general farming practices. With ELMs having a choice of options for creation of rights of way for all, can only foster engagement with access opportunities and perhaps create further diversification options.
- This was going to be a massive ask - with preconceived thoughts and experiences of problems famers had with rights of way. Instead, I found a willingness I was not expecting. Almost without exception, there was an enthusiasm to engage in creating rights of way in the right places on their land and an enthusiasm to create and design rights of way for all users that they would be proud of. Access seemed not to be the problem I had perceived it to be.
- The timing could not have been better with starting the surveys in the autumn after a summer of COVID lockdown when all interviewees had found an explosion of the number of people using their rights of way.
- There was a great desire to engage in taking up access options within ELMs and we now have a wonderful opportunity to put this in place - the access options within ELMs need to be simple, affordable, rewarding, and available to all farmers.
- It is also a great pleasure to work with colleagues who are so passionate to help create this access option within ELMs.

Lynn Myland Test and Trial 159 Personal Evaluation

I have a tremendous passion for the countryside, especially using rights of way to access it. For many years I have been a keen advocate of the environment and the importance it has

on my/our health and wellbeing. So, when I was given the opportunity to join the DEFRA Test 159 through The Trails Trust "How to incentivise access ... I was very pleased.

The challenge of surveying the key routes to and through the Mendip Hills AONB was just that, challenging. We followed a very thorough process identifying and mapping existing routes, with I believe no trespass or deviation from the existing right of way. I found this exercise pretty sad, the routes were often not maintained, not signposted, blocked and frustratingly only open to active walkers. Disabled, equestrians and cyclist are deprived of this asset.

When it came to setting up and interviewing landholders, I was somewhat apprehensive. Oh, how pleasantly surprised I became, with the positive attitude and eagerness to be part of this test, landowners and managers were really engaged. Some creative visions. It has given me a real boost to see what could be achieved. If landholders, especially farmers, are allowed to participate in the creation and with less bureaucratic legislation ELM could achieve something really special that benefits all. And by all, I mean the environment, the landholders and the community.