



Comments for DEFRA regarding Environmental Land Management: policy discussion

We are very happy to see that providing public rights of way and access to open land and woodland is on your list of means to provide public good within the scheme. This is the most successful and effective way of engaging the public and allowing them to witness first hand the public good that they are essentially paying for.

Scotland has in place the Land Reform Act 2003 which legislates for multi-user rights on core paths. Wales is already on the verge of bringing in sweeping reforms to allow greater access to a much wider range of people on their rights of way network. The ELM policy provides the perfect opportunity to bring England up to the same 21st century standard by building on the successful Paths for Communities Scheme 2011-2013.

We urgently need to encourage landowners to provide access not only to walkers but also to disabled users, cyclists and horse riders. Increasing and improving the rights of way network to a high enough standard to allow active travel to be the default means of travel for local journeys for ALL of these user groups and therefore a much wider range of people should be a national priority especially in this post covid era and as the climate emergency continues unabated for the following reasons:

- improving public health thereby supporting the NHS
- reducing social isolation
- reducing emissions
- boosting tourism
- creating more jobs
- better accessibility will open up the countryside to the disabled, elderly and those in rehab
- improving road safety by encouraging non motorised traffic off the roads
- preservation and enhancement of our national heritage of green lanes
- creation of more much needed wildlife corridors
- promoting national resilience

The ELM policy also provides the opportunity to ensure that the rights of way network is properly and regularly maintained through regular payments for such. Payments should be made as follows:

- Capital payments for accessibility improvements to infrastructure across the board on current rights of way.
- Regular maintenance of that infrastructure.
- Creation of new rights of way with multi-user access with capital payments with clearly defined amounts for payment for quantity of land offered up and according to quality of land offered up.
- Habitat enhancement payments along routes (hedges/ wildflowers/ trees etc).



Barriers to the ELM scheme might include:

- lack of clarity
- poor perception of previous schemes due to non or late payments
- not having been in scheme before
- needing to collaborate with others when used to own decision making
- unwillingness to take part in the scheme because of negative influence of others

Tackle through

- clear education and publicity via trusted sources such as the NFU and CLA
- Identify what went wrong in previous schemes and address these issues
- Immediate returns of fair payments, paid on time

Barriers with regard to maintaining/ creating more public access routes via ELM scheme might include concerns/perceptions about possible damage, theft, operations disruption, livestock worrying by users' pets, liability, littering and trespass.

Tackle through

- Evaluating what works well, disseminating this knowledge via trusted sources (NFU, CLA etc)
- Better education for public user groups
- Increase social approval for provider through better publicity

There needs to be greater encouragement for landowners to collaborate with each other and with communities for the creation of new rights of way which have been identified by community groups and LHAs as well as for the improvement and maintenance of the existing rights of way. Routes are most often across multiple holdings. DEFRA should work with Natural England as well as user groups such as disability, walking, horse riding & cycling groups to produce a scheme that has clearly defined criteria for maintenance and improvement as well as basic standards for new route creation. There should also be encouragement to work alongside community groups with clearly defined criteria for liability and insurance for every stage of the initiative. There needs to be greater obligation to implement Right of Way Improvement Plans. Every Local Highways Authority has a statutory duty to produce a ROWIP and these should be published in the public domain encouraging landowners/land managers to work with communities and LHAs.

We are aware that payments will not begin until 2024/2025 as you phase out the current BPS. With regard to creating new of rights of way, it would be helpful if

- There was no minimum land requirement
- That payments can be collected retrospectively to Jan 2021 to encourage more landowners to come forward early as we urgently need to put focus on the Active Travel Network of the UK.



Possibilities for combining public and private finance:

Well maintained long distance active travel routes offer the opportunity for farmers to diversify by creating farm shops or horse and rider bed and breakfasts for instance. Community circuits offer better trade for pubs, cafes, heritage venues and so on. Developers can also be encouraged through planning processes to increase this flow of trade and tourism by investing in multi-user trailways that have a high standard of accessibility. There could also be business planning for potential cafes/restaurants, farm shops, parking spots, accommodation and so on along routes both existing and those in ROWIPs.

Where there is creation of new routes that cross multiple holdings, community driven volunteer groups can also raise funds to pay for access development and maintenance for landowners who are within the ELMS but using the same criteria.

Advice to landowners/ land managers required for

- Identifying access improvements to existing rights of way for multi-user groups
- Understanding statutory obligations for maintenance
- Understanding legal requirements for installation works
- Understanding all legal processes for creating new ROW
- Collaborating with others to identify new multi-user trails
- Creating new routes required for safety - linking towns, places of interest, public transport links, road crossings etc
- Preserving green corridors
- Identifying new active travel routes that allow both access and biodiversity enhancement
- Understanding how to maintain biodiversity enhancements.

This advice should be given when creating Land Management Plans.

Landowners/ land managers should provide regular photographic evidence and a brief report to show that they are complying with statutory duties and to show what infrastructure improvements/biodiversity enhancements they have made and that these improvements/enhancements meet certain standards. These standards should be laid out in consultation with Natural England, The Trails Trust and other user groups such as disability user groups.

Preserving our Rights of Way Network and enhancing it to the status of Active Travel Network for all user groups including disabled users, walkers, cyclists, and horse riders is of paramount National importance, now more than ever. This network is not only our heritage but a vital collective route to better health, reduced emissions, inclusivity, and improved economy.