

Access Reform Programme

Policy Intent Paper: Expert Group 1
Changes to Open Access CRoW Land

Introduction

The Welsh Government is developing options to provide for wider access to the countryside, for the purposes of recreation.

This paper outlines the overall aims of Expert Group 1 in developing recommendations for future legislative and other changes relating to open access land.

Background

In 2017, Welsh Government issued the Sustainable Management of Natural Resources (SMNR) Consultation. This included proposed reforms relating to access to the countryside.

The Government approach to the SMNR Access proposals, stated that:

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

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

The Deputy Minister committed to establish an independent 'Access Reform Advisory Group' (ARAG) consisting of a Steering Group and three Expert Groups to consider these proposals further and make recommendations on their implementation.

Access Reform Programme Policy (ARP) intent

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

The role of ARAG is to consider in detail, how the more significant changes to access rights should be implemented and the improvement of the recording, planning and changing of public access.

Policy Intent for Expert Group 1

The remit of Expert Group 1 is to consider in detail possible approaches to delivering the intent of the reforms below, as developed from proposal 11 and 13 following the SMNR consultation. The overall policy intent for the Expert Group 1 work is:

To increase the range of activities permitted on CRoW access land (including water bodies mapped under CRoW) and create new access land in coastal areas.

This work is split into two workstreams:

Reform 1A – New Activities on CRoW Access Land

To reduce the restrictions on non-mechanically propelled recreational activities permitted on open access land. This includes the following:

- Cycling
- Horse riding
- Hang-gliding and paragliding;

and on, or in, inland bodies of water (excluding reservoirs) within open access land:

- Non-mechanically propelled vessels
- Bathing / swimming

Reform 1B – Coastal Access

To extend CRoW access land to the coast, coastal cliffs and foreshore. Consideration is to be given to the merits of including the Wales Coast Path as part of the definition of new CRoW coastal access land.

These reforms are to support the Access Reform Programme's aims and will set the foundation for the following:-

- To enable recreational use of inland bodies of water (excluding reservoirs) within open access land
- To increase the range of recreational activities permitted on open access land (whilst retaining restrictions on some activities (see below))
- To extend access to the coast, coastal cliffs and foreshore, facilitating continuous onward recreational journeys along the whole of the Welsh coast

The reforms are not intended to lift all Schedule 2 restrictions. It is anticipated that the following Schedule 2 restrictions will be retained:-

- Restrictions on organised games and camping
- Restrictions on sailing and bathing in or on man-made bodies of water

The Expert Group will consider the implications and issues for implementation of the above reforms, identifying barriers to delivery and putting forward options for overcoming these barriers.

Cross-cutting themes

In its work the Expert Group should consider as far as possible the implications for other key matters including for equality of public access, ensuring responsible recreation, the status of commercial recreational activities and the role of local access forums within the context of these reforms. Also, to consider the links with the other reforms being considered within the wider Access Reform Programme and other Welsh Government work streams such as Land Management Reform.

Deliverables and timeline

The Expert Group will be tasked with producing the following outputs which will be drafted by NRW secretariat following each Expert Group meeting:-

1. Problem definition paper - March 2020
2. Reform options paper – April 2020
3. Reform options analysis report – July 2020
4. Preferred options recommendation – November 2020

Details of the above documents and intermediate processes are set out in the Programme Initiation Document.

Principles of Engagement

In working towards these outputs, Expert Group members are expected to participate in constructive engagement in line with the behaviours set out in the Expert Group Terms of Reference.

The group should consider different options robustly and fairly while respecting differing views and interests. These options will be tested against criteria used by the wider Access Reform Programme as outlined in the Terms of Reference, namely:

- a. Extent of access
- b. Quality of access
- c. Permanency
- d. Clarity and Certainty
- e. Cost
- f. Monitoring and Enforcement
- g. Equity of Access
- h. Greater efficiency and transparency

Options should be reviewed and prioritised according to merit giving due consideration to their impact on all sectors.