

# Sustainable Farming Scheme

## Response from the Open Spaces Society, March 2024

### Summary

- Public access is a vital element of the sustainable farming scheme (SFS) and should be added to the scheme rules, with a requirement to provide a certain minimum level of access.
  - Legal responsibilities on public rights of way and access should be in the additional regulations for scheme rules, with a requirement to have all rights of way and access in good order before funding is provided.
  - Local advice will be needed to ensure that the paths and access are in good order, and that the access is provided where people need it.
  - There should be an option of permanent access under the scheme.
  - New access must be publicised centrally, at least by means of an online map and database.
  - There must be a commitment from the Welsh government to provide its partner bodies with the necessary funding for this work.
1. The Open Spaces Society is Britain's oldest national conservation body, founded in 1865. We campaign to protect common land, town and village greens, other open spaces, and public paths, and people's rights to enjoy them, in town and country, throughout Wales and England.
  2. The society warmly welcomes the SFS and is pleased that it offers landowners and farmers the opportunity to provide improved public access. We believe that this public good is of paramount importance for people's enjoyment, health, and well-being, and is in line with the goals of the Well-being of Future Generations Act, and the Welsh government's access-reform proposals.
  3. However, we are concerned that the provision of access is only optional, and risks being given low priority, by government and farmers. We should like to see it boosted in the SFS so

that farmers are strongly encouraged to take it up, and to use the funds available to the best possible public advantage.

4. We note that one of the sustainable land management outcomes is 'maintaining and enhancing public access to and engagement with the countryside and historic environment' (page 14). During the debate on the Agriculture Bill the minister confirmed that 'the scheme will not pay farmers for existing statutory duties', ie 'maintaining' means 'improving' rather than just doing as required by law. However, this important outcome will not be achieved unless it is a mandatory action.
5. We note that Welsh government is considering the introduction of additional regulations into scheme rules, such as the requirement to meet legal responsibilities on public rights of way and open access (page 61). We strongly support this; it must be a requirement that landowners and farmers, before receiving any funding, ensure that all the public paths across their land, and all the open-access land, are in good order and easily accessible. And if it is later discovered that this is not the case, funding must be recovered and withdrawn. Those who abuse the law must not receive public money. Highway authorities should be given and encouraged to use direct contact with the Welsh government to report and follow up potential breaches. The public should be given an online tool to enable reporting of potential breaches, with feedback to ensure that the complainant is informed of the outcome of an investigation.
6. We note that access is included in the proposed optional actions (annex 2). Without prejudice to our view that access should be in the scheme rules, we strongly support this, and agree with the examples given of the activities which might be funded. However, this must be accompanied by checks of the paths and access on the land within the applicant's control to ensure that all is in good order before any funding is given.
7. We suggest that 'enhancing existing PRow to make them more accessible' should extend to a wide range of measures which will improve public accessibility and enjoyment, and which go beyond highway authorities' strict statutory duties. These measures ought to include:
  - replacing stiles with gates or gaps;
  - replacing gates with gaps;
  - mowing or rolling green lanes to restore an even surface for all types of user;
  - removing vegetation to restore full width to public use;
  - improving the surface for all types of user (but not so as to impair enjoyment by any type of user);
  - opening up views where obscured by vegetation or man-made structures;
  - interpretation boards;
  - signposting walks and rides (over and above statutory duty), such as circular walks and destinations;
  - path and access information displays in community venues (such as notice boards, village halls, pubs and cafés);
  - improving crossings of ditches, streams, and boggy patches to encourage greater accessibility.

8. We also strongly believe that there should be the option of provided permanent access. This is far preferable to permissive access because:
- it gives certainty, people know it is there in perpetuity and can only be changed through a legal process which includes public advertisement and the opportunity for public representation;
  - it is shown on Ordnance Survey and other publicly-available maps;
  - public money must provide value for money. Such value is poorly realised in a short-term scheme;
  - paddlers and swimmers navigating on water cross hundreds of land boundaries, requiring many agreements. If these are permissive, they are uncertain, and the loss of one agreement can jeopardise the utility of the rest of the waterway. It is far more efficient, cost-effective, and satisfactory for such access to be permanent.
  - farmers and landowners need not opt for permanent access unless it meets their objectives too—but if it does, there is funding available to underpin it.
9. The SFS will create a need for advisers on the ground, presumably from Natural Resources Wales, to determine whether the proposed new access, whether permissive or permanent, is where it will be of value to the public. It is no good providing access which no one will use. Welsh government must provide the resources to ensure the whole operation runs smoothly and gives maximum public benefit.
10. The new access will need to be publicised, preferably by means of an online map and database, otherwise it risks being a well-kept secret.
11. New woodland planting under option UA13 should not be at the expense of existing public access to open country. Where planting takes place on designated open country, provision should be made to retain existing public access in perpetuity notwithstanding such land may cease to qualify as mountain, moor, heath, or down.
12. The inclusion of payments for new and improved paths and access in the agricultural payment scheme will have many advantages, not only for the public but also for cash-strapped highway authorities who must maintain and protect the path network and whose job will be made much easier if owners and occupiers must have their paths in order before they can receive money.
13. Welsh government must commit to providing the necessary funding to its partner bodies to ensure that payments for access become a reality.

Kate Ashbrook  
General Secretary  
Open Spaces Society

