

To: [BrexitanTir.BrexitandOurLand@gov.wales](mailto:BrexitanTir.BrexitandOurLand@gov.wales)



TEL 01491 573535  
EMAIL [hq@oss.org.uk](mailto:hq@oss.org.uk)  
WEB [www.oss.org.uk](http://www.oss.org.uk)

# Consultation on Support for Welsh farming after Brexit

## 1 Introduction

1.1 This is the response of the Open Spaces Society to the Welsh Government's consultation on its proposals for future agricultural policy.

1.2 The Open Spaces Society (OSS) was founded in 1865 and is Britain's oldest national conservation body. It campaigns to protect common land, village greens, open spaces and public paths, and people's right to enjoy them.

1.3 The society welcomes the opportunity to respond to the consultation.

1.4 We have responded under the same question headings as the consultation paper.

## 2 Questions

**1. We propose a new Land Management Programme consisting of an Economic Resilience scheme and a Public Goods scheme. Do you agree these schemes are the best way to deliver against the principles? If not, what alternatives would be best?**

2.1 We agree. But the consultation paper gives no indication of the apportionment of funds between the Economic Resilience scheme and the Public Goods scheme. We are concerned that the Economic Resilience scheme will become a covert mechanism for continuing to channel subsidy to farmers, with little or no public benefit, and that political drivers will orientate most of the available funds to the Economic Resilience scheme.

2.2 We therefore wish to see the great majority of the funds directed towards the Public Goods scheme, so that public support is used to pay for public goods.

**2. Does the Welsh Government need to take action to ensure tenants can access new schemes? If so, what action would be best?**

2.3 We have no view on mechanisms which best ensure that tenant can access new schemes.



The Open Spaces Society 25a Bell Street Henley-on-Thames RG9 2BA

Charity no 1144840 Registered in England and Wales, limited company no 7846516



**3. From your experience of current programmes, what do you feel would work well for the future?**

2.4 It would not be appropriate for the society to comment on this question.

**4. Do you agree with the focus of the Economic Resilience scheme being on growing the market opportunities for products from the land throughout the supply chain, rather than restricting support to land management businesses only?**

2.5 We have no comment on this question.

**5. Are the five proposed areas of support the right ones to improve economic resilience? Are there any areas which should be included but currently are not?**

2.6 We have no comment on this question.

**6. Of the five proposed areas for support, which are the priorities, both in terms of funding, and the sequence of delivery? For example, are certain measures needed in advance of others?**

2.7 We have no comment on this question.

**7. Should we be investing in people, for example to bring in new ideas, skills and people into land management and the supply chain in Wales? If so, how should we look to do this?**

2.8 We support forms of diversification which promote appropriate public access to the countryside, including educational access (such as farm visits for children).

**8. We have set out our proposed parameters for the public goods scheme. Are they appropriate? Would you change anything? If so, what?**

2.9 We note in para.6.5 that, 'land managers will be able to provide a mixture of public goods and economic outputs from their land. It will be for them to decide the relative proportions of both...'. We question whether this is the correct approach. If land managers wish further to improve productivity on their land, whatever the cost in terms of public goods (such as wildlife, public access and water quality), the Welsh Government should not be agnostic as to the balance — or indeed, provide funding to support economic objectives.

## **9. This scheme is meant to offer land managers the opportunity to access a significant new income stream as the BPS comes to an end. How could we improve what is being proposed to attract land managers whilst still achieving our vision and objectives?**

2.10 Para.6.9 refers to the intention to: ‘develop an outcome-based scheme that focuses on rewarding delivery.’ This is described (para.6.8) as preferable to one where: ‘land managers fully meet the requirements of the scheme but without delivering the desired outcomes.’ We suggest caution is needed in pursuing such a transformation in funding. If support is conditional on delivering outcomes, land managers must take responsibility for those outcomes, and assume the risk — for example, that outcomes will be depreciated by external factors, such as severe weather and climate change, neighbouring farming practices, and pollution. Land managers risk resourcing the inputs — but not attaining the required outcomes, perhaps through no fault of their own. In such cases, land managers either risk not being compensated (because they have not delivered to specification), or payments are made regardless because of external factors — in which case, those payments are presumably predicated on inputs after all.

2.11 An outcome-based scheme is also necessarily long-term: for example, a scheme which incentivises an increase in the population of farm land birds will take several years to deliver reliable results. Will the Welsh Government withhold payments until the scheme has been proven to deliver outcomes — perhaps several years after inception — or will it recover disbursements already made if the outcomes are not achieved?

2.12 We believe that many land managers will not wish to commit to a funding stream which attracts such risks, whatever the superficial attractions. The Welsh Government is therefore invited to explain more fully how ‘an outcome-based scheme that focuses on rewarding delivery’ can be reconciled with the risks associated with such an approach?

2.13 Para.6.11 suggests the use of ‘proxy outputs’ to measure outcomes. But the proxies given as examples — area of woodland, habitat under active management — are simply inputs — *i.e.* trees planted or maintained, land managed under stewardship schemes. If these examples are truly indicative of an ‘outcome-based scheme’, they conceal the truth that there is no change in approach whatsoever.

## **10. Are there any other public goods which you think should be supported? If so, why?**

2.14 We note that the scope outlined in the consultation paper includes ‘Heritage and recreation’, but is vague as to what this might include.

2.15 We note the comment that, ‘Land managers have a key role to play in...the provision and improvement of outdoor recreation opportunities. ...Walking and other physical activities generate employment and reduce long-term health costs.’

2.16 At present, the maintenance of public rights of way in Wales is the responsibility of under-funded highway authorities (*i.e.* local authorities), and farmers and land managers are generally responsible for maintaining only stiles and gates across such rights of way. We are disappointed that this section does not expressly recognise the creation of new or better access as a public good which merits the payment of public money. This is entirely consistent with the Welsh Government's position, quoted above, on the public benefits through increased access to the countryside, including healthier lives, as well as benefits to businesses in tourism, recreation and hospitality, and forging closer, more profitable, links between town and country.

2.17 We commend the development of options in future agreements with farmers and land managers which would offer a choice of providing additional access (but only where it is wanted by the public) and enhancing existing access.

2.18 The first option, to provide additional access, should be selective, so that new access, as a public good, is delivered only where there is a demand for it. This could be achieved in part through scoring applications, but there must be an opportunity for independent assessment involving stakeholders, having regard to local authority rights of way improvement plans, so that applications are not approved where the public benefit would be low. This option would be higher cost, but, because it is targeted and selective, lower take up.

2.19 A second option, to provide enhanced access, should be available to all farmers and land managers with existing access along public rights of way. They could elect to enhance that access for better public enjoyment, in return for relatively small payments. There would be no need for selectivity, because such enhancements could be offered only in relation to existing rights of way. This option would be low cost, and require no prior engagement or approval, but the take up would be more widespread.

2.20 We have set out our proposals in the attached annexe and would be happy to discuss them in more detail.

**11. A number of public goods could potentially take several years, sometimes decades, to be fully realised. e.g. carbon sequestration through broad leaf trees. To deliver on these, land managers may need to enter into a long term contract. How do you see such agreements working? What to you see as the benefits or disadvantages to such agreements?**

2.21 We welcome admission that many outcomes will demand: ‘a long-term commitment from land managers and the Welsh Government.’ Where the Welsh Government agrees with land managers for the delivery or conservation of public goods, the agreement should ensure that the public benefits are locked in for the long term or permanently, and not capable of being abrogated at the conclusion of a short-term agreement. For example, it should not be possible to deliver new public access or new wildlife habitat for a five year term, and then abandon the public benefits at the end of that term.

**12. A collaborative approach to delivering public goods may in some instances provide better value for money than isolated activity. How could the scheme facilitate this approach? How could public and private bodies contribute to such partnerships?**

2.22 We agree that a collaborative approach should be promoted.

2.23 For example, in delivering new or better access, a large-scale project is likely to deliver more useful results than one confined to individual holdings — such as enabling longer circular walks to a place of interest (currently not legally accessible to the public), and enabling more than one land management enterprise to contribute, participate and benefit (for example, one holding may offer accommodation, another may offer a place to park for a modest fee).

2.24 Proposals for new and better access should be tested with local highway authorities (responsible for managing rights of way and publishing rights of way improvement plans), community councils, local business partnerships and voluntary user organisations. This will ensure that supported proposals offer value for money.

2.25 We agree, at para.6.27, that a collaborative approach is particular important in relation to delivery of public goods on common land. We believe that the Welsh Government needs to take action to ensure that commoners can access new schemes.

2.26 In Wales, common land occupies around 8% of the total land area. We wish to see specific and tailored provision to ensure that appropriate mechanisms enable the delivery of public goods for public money on common land.

2.27 For example, it may be appropriate to make funds available to two or more (often many more) commoners acting jointly to deliver public goods, or to a voluntary unincorporated commoners' association for the same purpose. We think that the Welsh Government should adopt measures which expressly address the special needs of common land, and those who manage it, rather than retro-fitting standard schemes to be applied to commons.

**13. Some actions can deliver multiple public goods in the same location. For example, peat bog restoration can have benefits for carbon sequestration and flood risk reduction. However, some locations could be suitable for multiple public goods from different activities. For example, one location may be suitable to either plant trees for carbon sequestration, or to revert to wetland for biodiversity. How could locations for single, multiple or competing benefits be prioritised?**

2.28 We have no comment on this question.

**14. Given that support for the delivery of public goods will be a new approach in Wales, there will be a requirement for a significant amount of training and advice for the sector. How best could this training and advice be delivered? Which areas of the sector need the most attention?**

2.29 We have no comment on this question.

**15. Private investment in the purchase of public goods is already happening, but at a relatively small scale. How could the new scheme promote greater involvement from the private sector? What are the barriers to this type of investment?**

2.30 We have no comment on this question.

**16. What are your comments on the phased transition period and our ambition to complete the changes by 2025?**

2.31 We have no comment on this question.

**17. What is the most appropriate way to phase out the Basic Payment Scheme to fund implementation of the new schemes?**

2.32 We have no comment on this question.

## **18. How can we simplify the current administration and delivery of the Basic Payment Scheme during the phased transition period?**

2.33 We have no comment on this question.

## **19. Welsh Language**

**Will the proposed land management programme have any effects (either positive or adverse) on:**

- **opportunities for persons to use the Welsh language;**
- **treating the Welsh language no less favourably than the English language?**

2.34 We have no comment on this question.

## **20. Do you wish to make any further comments?**

2.35 We are disappointed that no comment is invited on the new regulatory framework addressed in Chapter 7.

2.36 We agree with the principle of 'Basic Measures' (para.7.12), and advocate that existing statutory requirements on land managers to protect and maintain public rights of way should form part of the Basic Measures. Land managers who receive public support should be expected to keep their rights of way in good order, and those who do not should face financial penalties as part of their obligations in return for receipt of the support.

2.37 There should also be greater transparency to the enforcement process. Greater transparency would enable the public to identify whether land managers were in receipt of public support, whether such support included support for public access (and if so, details of the commitments entered into), to report where those commitments were in breach or there was a breach of Basic Measures (whether in relation to rights of way or generally), and to be kept informed of the enforcement process (for example, so that a walker might know when enforcement action has been taken to reopen an obstructed path which the walker wishes to use).

2.38 The public is entitled to robust assurance that, where the Welsh Government offers support for the provision of public goods, not only that such goods are delivered in accordance with the terms of the agreement, but that there are strong disincentives to wilful non-compliance, and where the land manager is in breach of any condition, there are sufficient penalties.

Hugh Craddock  
Case Officer  
Open Spaces Society  
29 October 2018

# Open Spaces Society: proposals for support for public access as part of post-Brexit agricultural funding

1. The United Kingdom's departure from the EU provides an opportunity to model funding schemes for agriculture to ensure that public money achieves maximum public benefit and promotes public wellbeing.
2. Public benefit should include public access, whether by paths or open access to land (freedom to roam), because such assets support local economies, and improve people's health, wellbeing and safety. Public access also helps to connect those who use paths for whatever reason (non-motorised transport, for health reasons and for recreation) and those who own and manage the land. Naturally we advocate that the public exercise its rights and freedoms responsibly and with respect for landowners, land managers and other users.

### **Proposal 1. Funding for public access within any scheme**

3. Any new scheme should include financial support for landowners who provide additional access or improvements to existing access.

### **Proposal 2. Additional access**

4. Payments should be available for the provision of new access, either along defined paths or as freedom to roam, or both. It should be well publicised. It should be targeted and selective, with bids from farmers and land managers assessed against criteria, such as public demand, achievement of the objectives of the local rights of way improvement plan, linking up existing routes, or improvement of safety (for example, enabling walkers, riders and cyclists to avoid using roads, especially those which are busy, used at speed, or have limited visibility).
5. Encouragement should be given for creating bridleways or restricted byways so that maximum public benefit is provided. The provision of circular off-road routes is of particular benefit for equestrians as they reduce the need to ride on roads. The difference in payments for creating bridleways or restricted byways compared to footpaths should be substantial to encourage provision of equestrian rights.
6. In the case of access land, there could be an increased number of access points, or additional access points provided across boundaries within the access area, and the provision of higher rights access on access land.
7. It should be possible to upgrade existing footpaths or bridleways to create bridleways or restricted byways where it is appropriate for all users.
8. Ideally the new access will be permanent, consisting of definitive rights of way, or land dedicated for access under section 16 of the Countryside and Rights of Way Act 2000 or as a village green under section 15(8) of the Commons Act 2006.

Additional access adjacent to the coastal path in Wales could be rewarded. However, long-term permissive access is often better than no access at all.

### **Proposal 3. Enhancing existing access**

9. There should be rewards for enhancing existing access along existing rights of way. For example, this could include:

- improvement in path width,
- leaving a path across arable fields undisturbed and uncultivated, and regularly mowing and preventing encroachment by vegetation,
- regularly mowing a headland path and preventing encroachment by vegetation,
- mowing and marking a path across grass leys,
- mowing, regrading, rolling or scraping green lanes,
- improving ease of use of stiles and gate furniture to comply with the Equality Act 2010,
- additional or improved waymarking and signposting,

10. Enhancements of existing access would be optional extras which farmers and land managers could elect to adopt. They would be applied only to existing public rights of way and access land, and the farmer would receive standard annual payments per length of path adopted, depending on the commitments entered into. Because the enhancements would be applied to existing public rights of way and access land, farmers could opt into the scheme without prior negotiation, and the scheme would have low administration costs.

### **Proposal 4. Cross compliance**

11. It is important that those who receive public funds and have existing rights of way on their land should ensure that all legislation is complied with, keeping paths clear of obstruction, reinstating them after ploughing *etc.*

12. It will be necessary to work out a cross compliance regime that is fair to both land managers and the public, once the future is clearer.