



Environmental Land Management – improving our connections with the natural world

November 2021

1. Introduction - new opportunities to connect with nature

Farming in England, previously influenced so heavily through our membership of EU, is going through a period of dramatic change. With new legislation in place, and with farming accounting for roughly 70% of land use, policy decisions made in the coming months and years will shape the ways in which vast tracts of the nation are planned, managed, and ultimately enjoyed.

During this transition there is an opportunity to establish a new policy approach – one that helps the farming community to thrive while supporting environmental restoration and reconnecting people to the natural world. The scale of this opportunity has been captured by the Government in its Agriculture Act. One of its most significant provisions is the shift away from subsidies to farmers, to Environmental Land Management (ELM) – a new funding system based on the principle of ‘public payments for public goods’.

Farmers play a vital role as producers and as custodians of the landscapes we know and love. But given the scale of funding allocated to the sector from the public purse (£2.4bn for 2021/22ⁱ, or £46m per week), ELM must deliver tangible benefits for society as part of a new contract between taxpayers and the farming community. Improved access to the countryside has been already been identified by the Government in its Agriculture Act as a public good that can be supported through such payments – but ministers have failed to provide any further detail. So the Ramblers, Open Spaces Society, British Mountaineering Council and British Canoeing have stepped in to fill the void to set out how emerging policy can live up to the Government’s commitments and enable more people to connect with nature.

2. Key recommendations

- Public access enhancements – improvements, the creation of new opportunities and integration into landscape scale change – must be incorporated into ELM as an option for farmers and land managers.
- Farmers and land managers should be given the option to decide which enhancements best suit their circumstances, but actions must be informed by local needs, delivering clear benefits for the public. They must be supported with adequate guidance and advice.
- Local highway authorities must be engaged in the design of ELM and its roll out, and can be a source of valuable professional advice for delivery in their local areas.
- Payments must be sufficient to encourage farmers and land managers to enhance access.
- Funding for public access enhancements must be viewed as part of a suite of options available to farmers and land managers to enable them to deliver diverse, multifunctional rural landscapes.
- Though being developed separately to ELM, plans for enforcement and regulation must consider the existing public rights of way network and the need for its continued protection so that current opportunities for the public to access nature are not diminished.

3. Learning from lockdown

Countless studies confirm that when we are active outdoors and can connect with nature, we reap the rewards. Our lives are enriched by easy access to the outdoors, with demonstrable health and wellbeing benefits and a greater connection and understanding of our place in the natural world. The Covid-19 pandemic has brought this into even sharper focus. At a time of anxiety and uncertainty, millions have taken comfort in, and experienced the joy of, connecting with nature.

But lockdown, with its restrictions on where we can go and what we can do, has highlighted stark inequalities in access provision. In particular, those with disabilities, people on lower incomes and those who identify as being from a BAME background are less likely to be able to access nature, or have green space close to home. So, as we recover from the worst of the pandemic, now is the time to look for opportunities to address such inequalities. ELM is just one of these and can play an important role in bringing the benefits of access to nature to everyone.

4. Making the case

The public rights of way network, while often taken for granted, is the primary means by which people can access the countryside. Extending to almost 120,000 miles in England, this network enables us to be active, to engage with nature and to explore our heritage. However, the significant extent of the path network obscures the reality that there are many places where public access to the countryside is far from guaranteed. This is a result of several factors, including:

- The physical ability to use access already available – the quality and useability of the path network, and the availability of necessary facilities, varies significantly. This can hamper the ability of some groups, for example disabled people, to get outdoors.
- Proximity and connectivity – the current network has evolved over centuries and there are areas with significant gaps. Some settlements may not be within easy reach of public rights of way or may have had opportunities to get outdoors reduced through land use change and infrastructure development.
- Invisible barriers – people may perceive the countryside as a place they are not welcomeⁱⁱ. This can be exacerbated through poor access to the path network close to where they live or a lack of understanding / awareness of existing opportunities.

Similarly, access to water still faces unnecessary barriers. Of the 36,000 miles of inland water resource in England, just 7.2% have a statutory right of navigation where there a clear and consistent right of access for recreational users. The distinct lack of access to good quality, accessible waterway infrastructure greatly restricts where and when people can enjoy our waters in England. Those who are from minority groups, or are from lower socio-economic backgrounds, for whom cost, time and proximity to blue space are significant barriers, stand to be most adversely affected by the lack of access opportunities.

ELM can help overcome these obstacles. But to do so, it must be designed to provide farmers and land managers with the funding they need if they decide to take up access options as part of their participation in the scheme. For those who do, there is the added bonus of nurturing a greater understanding by the public of the work they undertake, as producers and custodians of the countryside.

5. The potential of Environmental Land Management

- **Improve, create and integrate**

The Agriculture Act identifies public access as a public good, and states that funds can be provided for “...supporting public access to and enjoyment of the countryside, farmland or woodland and better understanding of the environment”. Separately, the Government’s 25 Year Environment Plan sets out a policy aim to ensure that the natural environment can be “used and cared for by everyone”. ELM has fantastic potential to fulfil these commitments and deliver on this ambition. But to do so it needs to include a focus on enhancing access by tackling some of the barriers that prevent people from connecting with the outdoors, and reward farmers and land managers for their actions to overcome these through:

- **Improving** existing rights of way so that more people can make use of the access already available.
- **Creating** new access opportunities on land and water where there are gaps in the existing network.
- **Integrating** access opportunities into large-scale land use change.

Evidenceⁱⁱⁱ already suggests an appetite among farmers and land managers for ELM to support enhanced access. By enshrining this as an option within the scheme, Government can live up to its commitments^{iv,v} that recognise public access as a public good and means of enhancing engagement with nature.

- **Guiding principles**

Underpinning the improve-create-integrate approach are key principles that will help ensure actions are targeted, deliver public benefit, secure value for money and are attractive to farmers and land managers.

1: Financial assistance for public access should be optional – we do not advocate compulsory uptake of public access enhancements but it should be an option available to farmers and land managers.

2: Farmers and land managers must be supported through the provision of guidance and with access to expert advice to undertake actions that will enhance access.

3: Enhancements should be convenient for farmers and land managers and beneficial for the public. Where possible, enhancements should be informed by an assessment of local needs and priorities, drawn from existing strategies, plans, expertise and forums.

4: Wherever possible, enhancements in public access should sit alongside other public goods being delivered through ELM, maximising value for money and securing the delivery of diverse rural landscapes.

5: Financial assistance should not be provided to farmers and land managers for them to fulfil their existing legal obligations to keep public rights of way clear. Instead, these obligations should form part of a baseline of standards expected of farmers and land managers participating in ELM.

- **ELM design and its potential to deliver enhanced access**

These themes – improve, create and integrate – lend themselves well to emerging ELM design, first established by the Government in 2020^{vi}, which divides the new regime into three components; Sustainable Farming Incentive, Local Nature Recovery and Landscape Recovery. Actions to enhance access to the natural environment should be incorporated into each of these.

ELM component	Access enhancements
<p>Sustainable Farming Incentive: A universal scheme, available to all farmers, with simple actions suited to their land and a foundation for more advanced actions in the future.</p>	<p>Improve existing public rights of way and access to water with payments for:</p> <ul style="list-style-type: none"> - Improved path surfaces and widths. - Improved or removed access infrastructure (gates and stiles, launches and landings) to the least restrictive option. - Waymarking and signage. - Blue corridors, allowing both nature to thrive and recreational users to safely portage round dangerous obstacles or natural hazards. - Provision for more permissive access routes to water. <p>Actions should:</p> <ul style="list-style-type: none"> - Be easy to deliver with the use of straightforward general guidance. - Be available as an option to farmers with existing public rights of way or access to water on their land. - Result in simple, noticeable changes for the public, enabling more people to make use of existing paths and waterways, particularly disabled people or those who lack confidence getting outdoors.
<p>Local Nature Recovery: Rewards farmers and land managers who want to go further in delivering environmental priorities.</p>	<p>Create new access (either permissive – a temporary but long-term agreement – or permanent) where through payments for:</p> <ul style="list-style-type: none"> - Missing links between existing rights of way to create circular routes. - Routes at the urban/rural fringe to connect people to the countryside. - Safer paths within land holdings as alternatives to walking on busy country roads with fast motor traffic^{vii}. - Off-road routes to amenities, facilities and public transport hubs. - Routes to inaccessible points of cultural interest and natural heritage. - Links to otherwise open access land^{viii} and the England Coast Path^{ix}. - Access infrastructure on waterways, for launching and landing, as well as places to park off road and close to the waters edge. <p>Actions should:</p> <ul style="list-style-type: none"> - Be supported by expert advice. - Be available to farmers, foresters and other land managers with or without existing public access on their landholding. - Seek, where appropriate, to span multiple landholdings to deliver longer-distance routes. - Be targeted where there is a clear benefit in the provision of new access, or where demand can be demonstrated. - Be informed by local circumstances, knowledge held by local communities^x and expertise in local highway authorities^{xi}. - Be well-publicised so that the public are aware of new opportunities.
<p>Landscape Recovery: Supports the delivery of landscape and ecosystem recovery through discrete, long-term, land use</p>	<p>The Government’s approach for Landscape Recovery is different to Sustainable Farming Incentive and Local Nature Recovery – participation is likely to be limited to areas where existing conditions can provide scope for transformational land use change. There is however the potential to ensure that this helps support engagement with the natural environment by integrating access opportunities into these projects.</p>

change projects, peatland restoration.	<p>Actions within Landscape Recovery should:</p> <ul style="list-style-type: none"> - Explore the potential for new long-distance trails. - Consider from the outset how access could be integrated with land use change, such as woodland creation, grassland restoration and the restoration of coastal habitats. - Consider the potential to link with existing public rights of way that may be just outside the area undergoing change so that people can experience the positive changes that will be delivered. - Not result in the loss of existing access rights, as would be the case where large-scale tree planting takes place on open access land.
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6. Protecting our existing public access and future regulation of farming

The existing rights of way network is the primary means by which people can get outdoors and connect with the natural world. It is vital to have in place a regulatory framework that encourages farmers and land managers to keep these paths on their land clear – a duty under the Highways Act 1980^{xii}.

Through cross compliance^{xiii}, farmers and land managers are required to meet these legal obligations as a condition of receiving Direct Payments (rule GAEC7b). This conditionality plays an important role in the continued protection of the path network^{xiv}. Its removal, with enforcement of legal obligations potentially falling solely on the shoulders of hard-pressed local authorities, risks undermining the Government’s policy aim of improving access to the natural environment.

Current ELM proposals lack clarity on the relationship between the replacement to cross-compliance and future payments. This must be addressed so that farmers and land managers are encouraged to keep clear existing public rights of way, and to provide a level playing field between those who participate in the scheme. Financial assistance through ELM should not be used as a means of fulfilling these legal obligations, but ELM design should help encourage the protection of the network in the following ways:

- Payments should depend upon recipients fulfilling existing legal requirements relating to access.
- A review of existing access rights by farmers and land managers within their landholding, and evidenced declaration of compliance with legal duties, could become the foundation upon which possible enhancements in access are identified.
- This would encourage participants to view public access as a potential asset as part of their future business, with associated income-generating opportunities through commercial diversification.

ⁱhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/954283/agricultural-transition-plan.pdf

ⁱⁱ<https://www.cpre.org.uk/stories/the-invisible-barriers-that-hold-people-back-from-enjoying-the-countryside/>

ⁱⁱⁱ<https://www.kentdowns.org.uk/our-projects/environmental-land-management-scheme/enhancing-access-opportunities/>

^{iv}<https://www.gov.uk/government/speeches/farming-for-the-next-generation>

^v<https://hansard.parliament.uk/lords/2020-09-15/debates/6CA68B21-0327-495E-AF9B-718248E84E64/AgricultureBill>

^{vi}https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/954283/agricultural-transition-plan.pdf

^{vii}<https://www.rospa.com/rospaweb/docs/advice-services/road-safety/drivers/rural-road-safety-factsheet.pdf>

^{viii}<https://www.gov.uk/guidance/open-access-land-management-rights-and-responsibilities>

^{ix}<https://www.gov.uk/government/collections/england-coast-path-improving-public-access-to-the-coast>

^x<https://www.gov.uk/guidance/local-access-forums-role-of-the-local-authority>

^{xi}<https://www.gov.uk/guidance/local-authority-rights-of-way-improvement-plans>

^{xii}<https://www.gov.uk/guidance/public-rights-of-way-landowner-responsibilities>

^{xiii}https://assets.publishing.service.gov.uk/media/5fe09d538fa8f5149718d66e/Guide_to_cross_compliance_2021_v1.0x_acc.pdf

^{xiv}<https://www.gov.uk/government/publications/cross-compliance-2019-inspection-results/cross-compliance-2019-inspection-results>