

## A PROPOSAL FOR FUTURE PERMISSIVE ACCESS IN STEWARDSHIP SCHEMES

### REPORT BY JOHN LAW

#### **1. INTRODUCTION**

- 1.1. The South Lincolnshire and Rutland LAF previously placed the report “The Future of Higher Level Stewardship Permissive Access” on HUDDLE. Since the report has been on HUDDLE the South Lincolnshire and Rutland LAF have been made aware of other LAFs concerned with the loss of all permissive access funding by the end of 2020. The current permissive access sites receiving funding are displayed in Appendix A. This report has been drawn up in consultation with the Mid and West Berkshire LAF.
- 1.2. Provision of permissive access is one of the few ways of improving the connectivity of the definitive rights of way network. Behind the hedge or fence paths could be created which improve safety and sometimes make a difference between using, or not using, the definitive path network. The aim is to create a joint report covering all our interests. It is felt important to get this right, as it may be the last opportunity local access forums have to make a change in Government and CAP policy in relation to funding permissive access.
- 1.3. The report and consultation document can then be dispersed through the regions of those LAFs which have shown an interest in this subject (East Mid’s, West Mids and South East regions). The responses from the consultations coming back to the South Linc’s and Rutland LAF for summarising. Following analysis of the consultation document the South Lincolnshire and Rutland LAF will make the decision on how to take the project forward. One option which will be investigated is whether the report and consultation document should be sent to all LAFs, so all can have a say on the subject.

#### **2. THE PROPOSAL**

- 2.1. Create a body representing local access forums on this matter of National interest, as proposed in the report “Making our needs known and influencing decision makers”, which recommends creating England Access Forum (EAF) for issues of national importance.
- 2.2. The EAF or a similar body representing all LAFs interests to:
  - 2.2.1. Influence Government and CAP, to include funding permissive access on 10 year agreements for perpetuity to be bound into the 2021 CAP agreement and all the following CAP agreements, provided we are still part of the EEC. To ensure the LAFs have the best chance of success in this matter, it will be necessary to start working on this action in 2016.
  - 2.2.2. Influence Government to create a reasonable size pot of money, for funding permissive access. Urban LAFs may not have any HLS sites so they should have the option where they can then donate their funding to their neighbouring LAF. However the urban LAF should have a say in where the money is spent. This is to ensure people in their area benefit from the permissive route, as it would be one of the routes their users would be most likely to use e.g. close to the urban area as a link to the PRoW network.
  - 2.2.3. Influence Government to allocate the pot of money available in accordance with the highway authority’s area of land. With the highway authorities with the lowest land area being provided with a reasonable sum to ensure they can provide a reasonable amount of permissive routes.

- 2.2.4. Influence Government to announce the allocation percentage for each LAF by 2019, the minimum funds for small (by area) highway authorities and maximum funds for large (by area) highway authorities.
- 2.2.5. Influence Government to pass the responsibility for awarding permissive access funding to the LAFs. This is due to the LAFs having the knowledge of the access requirements of the locality. Hence the LAF will be responsible for the proportion of types of permissive routes in their LAF area. DEFRA would still be responsible for actual payment to landowners/farmers.
- 2.2.6. Influence Government to create a permissive access rate for restricted byways.
- 2.2.7. Influence Government to maintain a web site for all permissive routes in a format similar to the current permissive access web site <http://cwr.naturalengland.org.uk/walk-ride.aspx>
- 2.2.8. Influence Government to create the option of the opportunity to upgrade PRoW to a higher level status through permissive access payments, whilst protecting its PRoW status, see Appendix B.
- 2.2.9. Influence Government to provide immediate funding for “easy access” routes, as it is recognised that there are very few opportunities for countryside access for the disabled. Details for this proposal can be found in Appendix C.

### 3. **FUNDING**

We are fully aware of the current financial climate and the reduction in Government and local authority budgets but by the Government’s own admission, an improvement in public health would reduce the costs to the NHS by having a healthier population. There is now overwhelming evidence that accessing the countryside helps improve individual’s general health and wellbeing. Natural England in their presentation “The benefits of Nature for Health and Wellbeing” (<http://letnaturefeedyoursenses.org/wp-content/uploads/pdf-downloads/NE-HealthWellbeing-SarahPreston.pdf>) displays the need for more access to the countryside. So with these issues in mind this report is designed to provide recommendations which can be delivered in our current financial climate and plan for what should happen in the future whether we are still in EEC or not.

Whilst the current financial climate exists it is understood that DEFRA will find it difficult to fund further routes until the CAP agreement 2021. In order for LAFs to fund further permissive routes prior to the new CAP agreement, Natural England should provide training and assistance for LAFs to access suitable funding streams, such as LEADER funding through Local Action Groups, to enable them to offer payments for permissive access.

**FUNDED PERMISSIVE ACCESS ROUTES**

DATA FROM NATURAL ENGLAND WEB SITE AS AT 06/06/15

Location	Number of routes
Bath & NE Somerset	7
Bedfordshire	32
Berkshire	6
Buckinghamshire	20
Cambridgeshire	52
Cheshire	26
City of Bristol	0
Cleveland & Teesside	6
Cornwall	36
Cumbria	75
Derbyshire	24
Devon	52
Dorset	25
Durham	17
East Riding & Humber	20
East Sussex	32
Essex	29
Gloucestershire	13
Greater Manchester	0
Hampshire	62
Herefordshire	38
Hertfordshire	21
Isle of Wight	22
Isle of Scilly	0
Kent	36
Lancashire	23
Leicestershire & Rutland	69
Lincolnshire	124

Location	Number of routes
London	1
Merseyside	2
Norfolk	107
North Somerset	2
North Yorkshire	58
Northamptonshire	47
Northumberland	72
Nottinghamshire	33
Oxfordshire	30
Shropshire	65
Somerset	40
South Gloucestershire	5
South Yorkshire	5
Staffordshire	35
Suffolk	85
Surrey	13
Tyne & Wear	5
Warwickshire	11
West Midlands	1
West Sussex	38
West Yorkshire	12
Wiltshire	37
Worcestershire	25
TOTAL	1596

**UPGRADING PRoW BY USING PERMISSIVE ACCESS**

This appendix describes a possible process to upgrade PRoW to a higher level status through permissive access funding, whilst protecting its PRoW status

Examples displayed below (note HN references relate to the references in the Higher Level Stewardship: Environmental Stewardship handbook , third edition):

a) PRoW – Public Footpath upgrade to permissive bridlepath

Current payment for Footpath £0.45 per mtr

Current payment for Bridlepath (HN4 & HN6) £0.90 per mtr

Payment made for upgrade £0.45 per mtr

Responsibility for maintenance = 50% of route length highway authority

50% of route length recipient of permissive access payment.

b) PRoW – Public Footpath upgrade to Access for people with reduced mobility (HN5)

Current payment for Footpath £0.45 per mtr

Current payment for HN5 £1.00 per mtr

Payment made for upgrade £0.55 per mtr

Responsibility for maintenance = 45% of route length highway authority

55% of route length recipient of permissive access payment.

c) PRoW – Public Footpath upgrade to Countryside and Rights of Way (CRoW) Act access for people with reduced mobility (HN7)

Current payment for Footpath £0.45 per mtr

Current payment for HN7 £1.05 per mtr

Payment made for upgrade £0.60 per mtr

Responsibility for maintenance = 43% of route length highway authority

57% of route length recipient of permissive access payment.

d) PRoW – Public Bridlepath upgrade to Access for people with reduced mobility (HN5)

Horses and cyclists still allowed to use the route

Minimum width still 3mts

Current payment for Bridlepath (HN4 & HN6) £0.90 per mtr

Current payment for HN5 £1.00 per mtr

Payment made for upgrade using the previous formula would equate to £0.10 per mtr. As more access to the countryside is required for people with disabilities maybe this amount should be re examined to encourage farmers/landowners to offer this upgrade.

Responsibility for maintenance = 90% of route length highway authority. The cost of maintenance is significantly higher than a bridlepath, maybe a Government subsidy should be provided to the Highway Authority for these type of upgrades.

10% of route length recipient of permissive access payment.

- e) PRow – Public Bridlepath upgrade to Countryside and Rights of Way (CRow) Act access for people with reduced mobility (HN7)

Horses and cyclists still allowed to use the route

Minimum width still 3mts

Current payment for Bridlepath (HN4 & HN6) £0.90 per mtr

Current payment for HN7 £1.05 per metre

Payment made for upgrade using the previous formula would equate to £0.15 per mtr. As more access to the countryside is required for people with disabilities maybe this amount should be re examined to encourage farmers/landowners to offer this upgrade.

Responsibility for maintenance = 86% of route length highway authority

14% of route length recipient of permissive access payment.

- f) PRow – Restricted byway to allow for carriage driving. Upgrades from PRow Public Footpath or Public Bridlepath should follow the same logic as identified in a and b above. Restricted byways have a minimum width of 3 metres and a maximum width of 5 metres. Where there is a lack of carriage driving opportunities, the LAF may choose to accept a 3metre wide carriage way. To encourage farmers/landowners to agree to an upgrade to a 3metre bridleway a different payment may need to be made.

**EASY ACCESS ROUTES**

1. There are 56 Easy Access sites remaining (April 2015), as shown in the table displaying HLS sites suitable for wheelchairs. Both the LAFs and Natural England recognise the lack of opportunities for the disabled to access the countryside. It is therefore essential that funding is found, possibly from Public Health England to continue to provide good quality permissive “easy access” routes in the countryside. It is important that funding is provided to every Highway Authority for permissive “easy access” routes, again the pot should be split amongst the Highway Authorities in accordance to area (square miles).
2. Whilst the aim is to obtain funding for permissive access in stewardship schemes, there is a current example of funding being provided where the route is adjacent to a childrens hospice, this is land which is in a HLS scheme. It is considered that if there is farmland adjacent to a similar establishment and the owner/farmer is prepared to provide a suitable route, funding would be considered, even if the land was not in a stewardship scheme.
3. All highway authorities, even the smallest in terms or area should be provided with a reasonable sum of money to enable them to create an easy access permissive route of at least 1000 metres. The easy access site permissive agreement should run for 10 years . The route literature provided for these routes should be in accordance with Countryside for All standards. The LAFs should be responsible for awarding permissive route status. The Highway authority should assist in promoting the routes. DEFRA/Natural England should make the payments to the farmers/landowners for these routes.

**NATURAL ENGLAND LIST OF HLS SITES**  
**SUITABLE FOR WHEELCHAIRS**

Location	Number of Sites in 2012	Number of Sites in 2013	YEAR GRANT SUBSIDY ENDS							
			2013	2014	2015	2016	2017	2018	2019	2020
Bath & NE Somerset	0	0								
Bedfordshire	0	0								
Berkshire	0	0								
Buckinghamshire	0	0								
Cambridgeshire	0	0								
Cheshire	3	3	1							2
City of Bristol	0	0								
Cleveland	0	0								
Cornwall	1	1						1		
Cumbria	6	5	1	1		2			1	
Derbyshire	0	0								
Devon	4	3		1		1				1
Dorset	0	0								
Durham	4	3					2		1	
East Riding	0	0								
East Sussex	1	1								1
Essex *	1	1								1
Gloucestershire	0	0								
Greater Manchester	0	0								
Hampshire	0	0								
Herefordshire	2	0								
Hertfordshire	6	6						6		
Isle of Wight	0	0								
Isle of Scilly	0	0								
Kent	3	2				1	1			
Lancashire	5	5	1	1		1	1			1
Leicestershire & Rutland	0	0								
Lincolnshire	6	6	1			1	1	1	2	
London	0	0								
Merseyside	0	0								
Norfolk	4	4		1		1		2		
North Somerset	1	1		1						
North Yorkshire	8	6					1	1	1	3
Northamptonshire	1	1					1			
Northumberland	5	5		2			1		1	1
Nottinghamshire	2	2		1						1
Oxfordshire	1	0								
Shropshire	2	2							1	1
Somerset	2	2	1							1
South Gloucestershire	0	0								
South Yorkshire	2	2		2						
Staffordshire	2	2	1							1

continued

**HLS SITES SUITABLE FOR WHEELCHAIRS**

Location	Number of Sites in 2012	Number of Sites in 2013	YEAR GRANT SUBSIDY ENDS							
			2013	2014	2015	2016	2017	2018	2019	2020
Suffolk	1	1								1
Surrey	3	2				2				
Tyne & Wear	2	2		1				1		
Warwickshire	1	1		1						
West Midlands	1	1								1
West Sussex	0	0								
West Yorkshire	2	2							1	1
Wiltshire	1	1	1							
Worcestershire	2	2						1		1
<b>TOTAL</b>	<b>85</b>	<b>75</b>	<b>7</b>	<b>12</b>	<b>0</b>	<b>9</b>	<b>9</b>	<b>12</b>	<b>8</b>	<b>18</b>

\* Essex previously had a site categorised incorrectly in 2012