

Response ID ANON-6JAU-FM4U-J

Submitted to **Environmental Land Management: policy discussion**

Submitted on **2020-07-31 20:23:59**

Introduction

1 Do you want your responses to be confidential?

No

if you answered yes to this question please give your reason :

2 What is your name?

Name:

Kieran Foster

3 What is your email address?

Email:

kieran.foster@cyclenguk.org

4 Where are you located?

Please select:

South East

5 Who are you?

Please select:

Lobby Group

Please specify:

Cycling UK was founded in 1878 and has 68,000 members and supporters. Cycling UK's central mission is to make cycling a safe, accessible, enjoyable and 'normal' activity for people of all ages and abilities. It was previously known as CTC or the Cyclists' Touring Club. Our interests cover cycling both as a form of day-to-day transport and as a leisure activity, which can deliver health, economic, environmental, safety and quality of life benefits both for individuals and society. We represent the interests of current and would-be cyclists on public policy matters.

consultation questions

6 Do you have any comments on the design principles on page 14? Are they the right ones? Are there any missing?

Please leave your comments below:

The "environmental outcomes" referred to in design principle (a) need to be better defined, making it clear that these outcomes include "access to and enjoyment of the natural environment". The first of the two proposed objectives for the ELM scheme (as quoted on p8) doesn't make this clear, and that

access and enjoyment are omitted from the list of “environmental public goods” listed at the bottom of p32.

These “environmental outcomes” need to be delivered in an integrated way, maximising the opportunities for synergies between them (e.g. access corridors can also be corridors for hedgerow planting, flood defences can also double as walking and cycling facilities).

DEFRA needs to recognise that the net zero target (as referred to in principle (a)) should include decarbonisation of transport, which can in turn be supported by rights of way improvements that enable local day-to-day journeys (e.g. to school, to work or to local shops) to be made safely by walking and cycling.

An additional design principle is needed to make it clear that landscape bodies (ie. national parks, AONB boards), local authorities and public stakeholders should play a role in defining local priorities – and that, in relation to access, this should be through the RoWIP process.

Principle (d) should be amended, so that it “ensures” (rather than merely “encourages”) collaboration in delivering access improvements (and potentially other outcomes), and prevents their delivery from being stymied by individual landowners. We still see proposals involving no level of compulsion - landowners will, it seems, be free to opt in or out of individual targets, even if their neighbours are all signed up for them. Whilst we, of course, wish to respect the rights of the landowner, and the importance of them being able to correctly balance their land management priorities to their business, we feel that there must - at some point - become a clear expectation that a farmer or other landowner will collaborate with local targeted outcomes, alongside his neighbours, in order to access the package of financial support on offer, rather than being allowed to pick and choose. If a farmer is in a target area for, say, Nitrate sensitivity, should we really allow him to opt in to only the bits of the scheme that he likes, or should he only get to participate in the scheme at all if he agrees to support the local environmental outcome targets?

It is also worth us highlighting the issue that previous reviews of public access opportunities within the classic countryside stewardship schemes concluded that value for money was low because too few agreements linked in to the existing access network or provided routes that met public demand. Similarly, few of these projects have continued after the cessation of the grant scheme, meaning that capital investment in access infrastructure like gates and path surfacing has been

wasted due to the short life of the schemes, rather than the sort of long term return gained from the creation of permanent rights of way.

7 Do you think the ELM scheme as currently proposed will deliver each of the objectives on page 8?

Please leave your comments below:

It is not 100% clear from the draft proposals that the broad heading go ‘environmental benefits’ includes the delivery of ‘public access to and enjoyment of the natural environment’ as envisaged in the Agriculture Bill. We suggest it is also important to clarify that this should not to be limited to organised events such as school groups and open farm Sundays, but includes informal public access for air and exercise in the countryside, such as on rights of way or open access land.

We fear that the current draft scheme also lacks any form of clear expectation or compulsion, meaning that farmers in the most important areas for public access (eg. the urban fringe or national landscapes) are unlikely to sign up to important opportunities such as access improvement options because they see public access as a threat.

Natural England’s 2009 review of Agri-Environment schemes reported that fewer than 20% of all schemes included any public access, and only 4% of Higher Level schemes included public access. The report stated that:

Reviews of access within the classic schemes concluded that value for money was low because too few agreements linked in to the existing network and/or provided routes that met public demand

Clearly, issues such as this cannot, and must not, be repeated in the new scheme. If the Government wishes to deliver the types of public health and wellbeing goals that it has talked about in the 25 year environment plan. The scheme must ensure that public access is integrated into as many schemes as possible, and that funding to do this is focused on those areas where it would deliver the greatest public benefit.

8 What is the best way to encourage participation in ELM? What are the key barriers to participation, and how do we tackle them?

Please leave your comments below:

The simpler the system the better.

The current system pushes 86% of funding into basic payments without any tie to the delivery of public goods. This needs to change, so that people only get paid if they are actively engaged in delivering identified environmental benefits & other public goods.

In the push for simplicity, there may be a strong argument for a standard payment made to landowners for the delivery of a series of set environmental goals, rather than an 'a la carte' menu of options from which a landowner is free to choose. Essentially a well designed scheme would ensure that the landowner must deliver a list of essential environmental targets in order to participate in the scheme, with additional payments (uplifts/rewards) for anything over and above that. This might, for example, include a basic package of (depending on the area) woodland planting, flood alleviation and nitrate sensitive farming, and only by engaging in all three would the landowner be eligible for any payment at all. However, the scheme would also allow additional premiums for other relevant targets like hedgerow restoration or dry stone wall repair.

An additional factor of note in seeking simplicity is the requirement within current funding models for three quotes for each task, this significantly increases time and administration, and results in wasted work for contractors - the Forestry Commission woodland grants schemes instead used a standardised cost list, significantly simplifying the process of drafting and processing grant applications.

9 For each tier we have given a broad indication of what types of activities could be paid for. Are we focussing on the right types of activity in each tier?

Please leave your comments below:

We do not believe that public access fits well into the current tier proposals

While compliance with basic standards - well maintained, usable and unblocked rights of way is currently seen as an essential aspect of the existing scheme through cross compliance, this is in practice complicated by the complexity of current responsibilities. Many rights of way are currently maintainable by the highway authority, but with stretched resources and reduced staffing, there is a possibility that a shift towards directly paying farmers for managing the rights of way on their land could be more responsive and practical, even if this involved a significant shift in local authority working practices.

Regardless, we believe that simply maintaining existing public access, and/or retaining the access status quo, would show a lack of vision and aspiration within the scheme, and would not be in keeping with wider government goals embedded in the 25 year environment plan - therefore the scheme must look to *improve* access, not just maintain it.

We believe that it is important for the opportunity to deliver improved or new access infrastructure to apply across all tiers. Primarily because public access has to work across multiple landowners, at a landscape scale. Both small and large landowners have a role to play in supporting and enhancing the rights of way network.

An example here would be a linear route such as a disused railway line between two towns. Many of these routes remain off-limits for public access, despite having huge potential for improved access.

Development of such a route simply does not work without all landowners along the route participating. You might have fifteen landowners over ten miles of route all agreed - but if just one fails to opt in, even if they only own fifty metres of the ten mile route - the entire project could fall apart, and the public lose out on the potential for a traffic free walking and cycling route connecting their two towns.

We believe that the scheme must be designed to prevent such an outcome.

It is also of note that in the aftermath of the agri-environment and countryside stewardship schemes, Natural England ran a two year trial called 'paths for

communities' between 2012 and 2014. The scheme did not permit payment for permissive access, instead limiting payments to the creation or improvement of permanent public rights of way.

The scheme also carried a heavy presumption towards the creation of bridleways (rather than footpaths) as they were seen to offer the best value for money. We believe that the new scheme should learn these lessons and seek to expand on the P4C scheme by focusing on the creation of permanent rights of way rather than short term permissive access.

We understand and accept that, to many landowners, permanent public access routes may be associated with a diminution in capital value and revenue income, as well as a loss of managerial control, and that as such they would in most circumstances therefore prefer short-term flexible agreements. However the corollary to this is that public funds must deliver the greatest long term benefit to the public purse and local communities. Capital investment involved in creating in public access infrastructure such as path resurfacing and gates is significant, and is likely to significantly outlast five or ten year management agreements. Even twenty-five year agreements are pale into insignificance alongside the historic long-term return on investment from our public rights of way, many of which are hundreds (even thousands) of years old.

The new scheme should focus payments on the delivery of permanent public rights of way and/or expansions of CROW access rights rather than paying farmers for short term permissive access agreements that can subsequently be withdrawn. All the evidence shows that these offer the best return for public investment, particularly where capital works and access infrastructure is being funded (we would add that an important factor here, we believe, is that unlike permissive routes, permanent rights of way are automatically shown on updated Ordnance Survey maps, communication of access opportunities being a key element in making the investment worthwhile)

An additional key consideration is that the scheme needs to reward properly the expansion of higher rights (cycling and horse riding) access - this is particularly relevant from a public safety point of view, where roads have become increasingly unsafe for non-motorised users, and the creation of new multi-user routes would allow vulnerable users an alternative traffic-free route.

In short, we believe that the scheme should look to:

- I. Offer farmers and landowners an annual payment to help better maintain existing rights of way and access across their land.
- II. Financially incentivise farmers and landowners to increase public access, particularly through improvements in the rights of way network.
- III. Reimburse farmers and landowners for capital works that are required to create new routes across their land.

We therefore suggest that access should sit in an additional 'side option' whereby farmers at any level/tier should be able to access it, as long as the proposed access fits in with local/regional access plans (such as the rights of way improvement plan and/or local cycling and walking investment plan)

Such an approach has been successful in increasing public access under the Countryside Stewardship/English Woodland Grant Scheme running up to 2015. We believe that this scheme offers a valuable working model on which to base a standalone access tier on within ELMS.

10 Delivering environmental outcomes across multiple land holdings will in some cases be critical. For example, for establishing wildlife corridors or improving water quality in a catchment. What support do land managers need to work together within ELM, especially in tiers 2 and 3?

Please leave your comments below:

Public access is a good example of a landscape scale environmental benefit for which this type of coordination is important.

We fear that relying on farmers/land managers, who are often already intensely busy dealing with a whole myriad of problems and priorities, is unrealistic. In our opinion projects at tier three level are likely to need dedicated project managers, with schemes designed and delivered strategically. therefore we suggest that in many cases, organisations like National Parks and AONB are the natural home for this strategic delivery, with the funding for staff and advice coming as part of the project management costs. We believe there is an opportunity for ELMS funding to employ wardens/rangers to work across multiple landholdings in order to offer consistent management and effective pooling of resources.

Importantly, we would also point to the recent proposals from the Glover review for our network of National Trails to come under the management of a new National Landscape organisation - who could similarly take on a strategic role in the delivery of access schemes. Again, it is evident that schemes such as the delivery of a new National Trail cannot be managed on a single farm basis, they are landscape scale projects that need to be accessible at all levels of the scheme, rather than only those landowners willing to participate in higher tier programmes

11 While contributing to national environmental targets (such as climate change mitigation) is important, ELM should also help to deliver local environmental priorities, such as in relation to flooding or public access. How should local priorities be determined?

Please leave your comments below:

The rights of way system is, by definition, part of our highways network. It is therefore, like our roads, both a local and national asset. As such, we believe that it is important to balance both local priorities and national priorities (including decarbonisation of our transport network and health and wellbeing targets)

Significant routes, like National Trails, should therefore be viewed as equivalent to our strategic roads network and this managed as a national asset, as proposed by the Glover review.

However on a more local basis, it is important that prioritisation of environmental targets/public goods is done by statutory authorities. Taking into account the following factors (among others):

- Section 40 of the Natural Environment and Rural Communities Act 2006, which sets out the duty for public bodies, in the exercise of their functions, to have regard to the purpose of conserving biodiversity.
- Section 62 of the Environment Act 1995, which sets out the duty of public bodies to have regard to dual National Parks purposes.
- A parallel duty exists within Areas of Outstanding Natural Beauty (AONBs) under Section 85 of the Countryside and Rights of Way act 2000.

Therefore it is vital that in protected landscapes, National Park Authorities & AONB Boards have a role to play in setting local priorities. This would also, we suggest, work well with the above (Q10.) proposals for dedicated project management and advice staff within landscape bodies.

Regards access - it is important to note that all Highway Authorities already publish Rights of Way Improvement Plans (ROWIP) - these statutory documents, although sometimes of variable quality, set out proposals for access improvements within the area. We believe that these plans should become a

cornerstone in the prioritisation of access funding, If done properly they offer the perfect vehicle for identifying missing links in the rights of way network or potential other opportunities like disused railway lines that could be opened to the public.

Failing to tie payments for improved access to the ROWIP risks a repeat of the criticisms laid against countryside stewardship schemes (Q6.) that value for money was low because too few agreements linked in to the existing network and/or provided routes that met public demand.

12 What is the best method for calculating payments rates for each tier, taking into account the need to balance delivering value for money, providing a fair payment to land managers, and maximising environmental benefit?

Please leave your comments below:

We highlighted above (Q9) the example of woodland improvement grants under the CS and EWGS schemes

An important factor within this scheme was the existence of:

1) Different rates of capital allowance - between 50 and 80% of costs for the provision and improvement of public access facilities where there was an identified need. (with 100% of cost available in regional priority areas, e.g. urban fringe/Social Regeneration Priority Areas.)

2) A standardised costs allowance offering clear levels of payment for each item of infrastructure rather than requiring three quotes for every task.

3) Ongoing maintenance payments for a period after initial capital creation

The success of this scheme confirms our belief that public access is something that should not be contained within the three tier process, but should be a separate bolt-on payment for the delivery of improved public access at any level of ownership/any tier, based on identified local priorities (eg. The ROWIP). We therefore think that an appropriate model would be:

I. An annual payment per metre of footpath/bridleway/restricted byway for the active maintenance of vegetation and infrastructure on existing routes (even though this might, technically, be a highway maintainable at public expense, the use of this scheme would be a simple and effective method of ensuring this duty was fulfilled in a responsive and efficient manner).

II. A standard rate of payment/compensation per metre for the creation of new permanent access rights - perhaps payable over 25 years (per metre for rights of way, per hectare basis for extensions of CROW access)

III. A standardised cost refund basis, as existed under woodland grant schemes, for the creation of paths, gates, signposts and other infrastructure. - with varying levels of payment (up to and over 100%) based upon the strategic importance of the proposed route - for example, routes which connected to National Trails, or which saw the creation of new traffic free cycle infrastructure, would be likely to attract a significant premium due to their value as 'public goods'.

13 To what extent might there be opportunities to blend public with private finance for each of the 3 tiers?

Please leave your comments below:

We have concerns that there is a risk of this turning into a 'for profit' delivery of public goods.

There are likely to be scenarios where private finance could be used to help deliver public goods - a good example of this would be in the delivery of net gain or section 106/CIL based schemes for public access and other public goods.

Such a model could see increased use of supplementary planning documents as seen in areas like the Thames Basin Heaths SPA in order to fund the delivery of enhanced public access and conservation work to protect internationally designated conservation areas. This has been shown to be of significant value in urban fringe areas, however so far most effort has focused on area based schemes for dog-walking rather than delivery of linear (eg rights of way) based access opportunities.

However there is also a risk that, for example, public access might be tied to (paid) private parking facilities. Such an outcome could lead to public funding subsidising private enterprise that remained off-limits for sections of the community, meaning that the potential gains for public health and wellbeing were limited to those with the ability to pay, embedding social inequalities by limiting access for those who may achieve the greatest benefit from access to the countryside. We believe that such an effect is already becoming embedded in a number of Forestry Commission woodland facilities, where parking rates of up to £3 per hour have been imposed.

14 As we talk to land managers, and look back on what has worked from previous schemes, it is clear that access to an adviser is highly important to successful environmental schemes. Is advice always needed? When is advice most likely to be needed by a scheme

participant?

Please leave your comments below:

We recall the historic ability to access advice on farm improvement and conservation offered under the Ministry of Agriculture Fisheries and Food (MAFF) through the involvement of Agricultural

Development Advisory Scheme (ADAS) and the Farm Wildlife Advisory Group (FWAG). Similar benefits were seen through access to specialist forestry advice under the Forestry Authority.

It is our belief that similar levels of external advice should be available under ELMS. We note again the importance of this being delivered at a landscape scale and with a genuine understanding of the local area and wider priorities, such as rural tourism and economic development. We therefore reiterate our call for multi-disciplinary advice teams hosted within National Landscape organisations (National Parks, AONB, National Trails) who can offer advice tailored to the wider priorities of these protected landscapes

15 We do not want the monitoring of ELM agreements to feel burdensome to land managers, but we will need some information that shows what's being done in fulfilling the ELM agreement. This would build on any remote sensing, satellite imagery and site visits we deploy. How might self-assessment work? What methods or tools, for example photographs, might be used to enable an agreement holder to be able to demonstrate that they're doing what they signed up to do?

Please leave your comments below:

This is an important reason for the provision of project managers and advice teams, their close relationship with ongoing projects and knowledge of the sites involved and local context would help in ensuring that best value is achieved.

Once again, we draw attention to the woodland grant schemes offered under the Forestry Commission, that used geotagged photographs of completed work to demonstrate completion (many modern cameras and most mobile phones include this type of geographic information within the EXIF data)

16 Do you agree with the proposed approach to the National Pilot? What are the key elements of ELM that you think we should test during the Pilot?

Please leave your comments below:

We remain concerned that the current trials are inadequate. For example, public access is only integrated into three of the trial schemes, and we only have confirmation of higher rights (horses and cycles) access in one of them.

Ideally pilot schemes would ensure the inclusion of public access options in all schemes, so that a wider variety of circumstances and opportunities could be understood.

17 Do you have any other comments on the proposals set out in this document?

Please leave your comments below:

The 1942 Report of the Committee on Land Utilisation in Rural Areas (Scott report) laid out a key post-war policy statement that:

“The principle that the countryside is the heritage of all involves the corollary that there must be facility of access for all”

We fear that this basic tenet of countryside planning risks being forgotten. Without understanding the importance of this key principle, and making it a core of the new scheme, we can never hope to deliver the wider government goals on health & wellbeing, or understanding and caring for our natural environment.

It is concerning that the consultation sets out two proposed objectives (see p8), but does not ask consultees whether they agree with these objectives (although Q7 asks whether consultees whether the ELM scheme as proposed will meet each of these objectives).

DEFRA's 25 year environment plan promised to deliver:

“landscape- scale restoration of wildflower- rich grassland, meadows and heathlands could be part of the Nature Recovery Network to provide better access for people alongside improved habitat for pollinating insects”

If the Government want to deliver the type of improved social outcomes for health and wellbeing that they themselves identify that public access to the countryside offers, then they need to make sure that public access is integrated into as many schemes as possible, and that funding to do this is focused on those areas where it would deliver the greatest benefit.

We are concerned that the ELMS scheme as proposed fails to detail how such aims will be delivered. It still appears to focus on entirely voluntary schemes for landowners to ‘buy into’ despite full knowledge that previous schemes have failed to deliver the type of support that could deliver landscape scale change.

DEFRA needs to define much more clearly the “environmental benefits” (or “environmental outcomes”, a term used elsewhere in the document) that it wants the ELM scheme to achieve. Specifically it should clarify that “access to and enjoyment of the natural environment” is one of those benefits. It could do this simply by adding the words “including access to and enjoyment of the natural environment,”

We strongly believe that ELMS funding should be available for access improvements regardless of the level a particular landowner wished to participate at. The delivery of that funding needs to prioritise the provision of coherent networks of permanent rights of way rather than disjointed. The only way we see to achieve this is for public access funding to sit outside of the proposed tier system.

Previous schemes have demonstrated that without this step, we are likely to end up with access improvements in places which are not terribly useful, and no access in the places where it would offer the greatest social benefit.

More importantly, the scheme reveals significant weaknesses in both scope and vision. At a time when the Prime Minister has announced an urgent drive towards "Better Health", aiming to help

people lose weight and live healthier lives, and the Department for Transport is (rightly) focusing on reallocation of road space in a post Covid-19 era in order to capitalise on:

“a once in a generation opportunity to deliver a lasting transformative change in how we make short journeys in our towns and cities.”

DEFRA appear to be entirely absent from any discussion on using the ELMS scheme to help deliver wider strategic government priorities like active travel or public health.

There are huge opportunities to create new traffic-free cycling and walking routes away from busy roads, for both transport and leisure (routes that, as the environment plan identifies, can double as flower and wildlife corridors in order to better connect people with nature), however ELMS as currently proposed lays out no strategic goals or clear vision for delivery, it places such schemes under Tier three, with a reliance on people opting in to the scheme, yet previous schemes have seen less than 20% of landowners take up access improvement options on a voluntary basis.

If the government is serious about decarbonisation and the delivery of improved countryside access then a stronger vision needs to be created within ELMS that delivers access **strategically** and in a way that is not only accessible to all landowners outside the tiered programme, but, ultimately, where a route is identified as of value to the community

in statutory rights of way improvement plans, the landowner is **expected** to take part, not just given the option.

Consultee Feedback on the Online Survey

18 Overall, how satisfied are you with our online consultation tool?

Dissatisfied,

Please give us any comments you have on the tool, including suggestions on how we could improve it. :