

# Meeting note

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**Title of meeting:** National Access Forum for Wales meeting 70

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**Date of meeting:** 9<sup>th</sup> November 2021

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**Time of meeting:** 10:30 – 13:00

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**Present:** Geraint Davies (Chair), Rosie Plummer (NRW Board member), Andy Phillips (Angling Cymru), Elfyn Jones (BMC/WEL), Rachel Lewis-Davies (NFU), Beverley Penney (OSS), Jonathan Hughes (National Trust), Phil Stone (CW), Charles de Winton (CLA), Rachel Evans (CA), Gwenda Owen (Cycling UK), Ian Mabberley (LAFs), Dave Waterman (LARA), Gerwyn Owen (RYA Cymru), David Evans (Elan Valley Trust), Bernard Griffiths (FUW), Ruth Rourke (IPROW, Deputy Chair), James Nevitt (Defence Estates), Rebecca Brough (Ramblers Cymru), Anthony Richards & Peter Rutherford (Welsh National Parks), Steve Rayner (WATO), Mathew Williams (WSA) Simon Pickering (WG), Sarah Smith (WG), Steven Morgan (Sport Wales), Carys Drew & Jayne Carter (NRW Secretariat), Keith Watts (WG) Juliet Michael (NRW), David Liddy (NRW), Delyth Davies (Translator),

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**Apologies:** Adrian Walls (CSS Wales – WROWMMWG), Eni Hansen-Magnusson (Sustrans), Mark Weston (BHS)

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**Observers** Eben Muse (BMC), Eifion Jones (Ceredigion Council), Michael Smith (NRW), Bill Purvis (NRW), Dave Maccallum (NRW), Sarah Hetherington (NRW), Owen Gruffudd (NRW), Michael Smith (NRW), Liza Tomos (NRW), Jont Bulbeck (NRW), Cllr David Evans

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Item No:	Item
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## Welcome and Apologies

1.

The Chair welcomed attendees to the 70<sup>th</sup> meeting and his first as Chair. The Chair and all members briefly introduced themselves. Observers were

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welcomed and reminded that they were to observe rather than contribute to the meeting.

Carys reminded attendees of the online meeting arrangements for participating with the meeting, simultaneous translation was set up and working. The meeting would be recorded for the purpose of the meeting summary then deleted. Members were reminded that the record of the meeting is a summary note rather than a verbatim minute.

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## **Actions and Matters Arising**

The notes of the previous meeting were signed off by email. The following actions were updated:

**68.2** Carys to compile a one-page summary of the meeting of 'Lessons Learnt' from Helen Pye's presentation: **Complete and circulated by email**

**Action 69.1:** to thank John Morgan formally for this contribution to his National Representative role for all Forums: **Thank you sent on behalf of the Forum**

**Action 69.2:** Sue Williams to discuss presenting results of Swansea University-led programme of work to the Forum with Carys: **Intend to present to March 2022 meeting**

**Action 69.3** Carys to feedback questions from NAFW to Philip Roberts and will bring response back to next meeting. **Complete and responses circulated.**

**Action 69.4:** Access to Water Sub-group progress report to be circulated to the Forum. **Complete**

2.

**Action 69.5:** When received, Minister's response to be circulated to the full Forum. Full Forum would make a decision as to whether there is work required to take place, and whether sub-group is the best way of doing that. **Complete**

**Action 69.6** An invite to the Minister to join the forum at an appropriate time in future. **To consider for future meeting. Deputy Minister has offered virtual meeting in recent letter.**

**Action 69.7** Add item on future agenda to look at landowning liabilities. **To consider under SFS discussion.**

Question from Steve Rayner: Noted the Minister's response to the Access to Water Sub-group report in which references work by the WG water branch to designate inland waters for recreation. Request for information from WG on what that means, what they're doing, and ask for update for next meeting.

**Action 70.1:** To request further detail about the work of WG water branch on designation of inland waters for recreation.

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## Sustainable Farming Scheme

Update on scheme development and how it can support enhanced access

Keith Watts, Head of Policy for Sustainable Farming Scheme presented the timeline for the scheme including background, context and the consultations and changes to date. SFS co-design and pilots would take place in 2022 and the scheme would be live in 2025. He outlined the SFS objectives noting that the future scheme must:

- Support sustainable, safe and nutritious food production
- Respond to the climate emergency
- Reverse the decline of biodiversity

This would reward farmers for providing additionality and delivering sustainable land management outcomes. Actions taken by farmers should be in addition to regulation, the baseline for this is provided by the National Minimum Standards (NMS). He shared the UN definition of sustainable land management noting that this may be adapted to the Welsh context. This definition has been broken down into 10 SFS outcomes which are currently being worked on by WG policy leads and a key principle is that these are considered equal, seeking general improvement across all the outcomes and one should not be prioritised to the detriment of another. Work is being undertaken to model the value of outcomes and the intention is to provide a holistic package of support and Keith shared the thinking on the scheme structure. Current questions are around how to structure additionality in relation to access and what this looks like and whether to prioritise different types of access.

3.

### Discussion points (incorporating Teams chat):

- Valuation exercise of SFS outcomes is around environmental outcomes, there is a set of environmental models that can be used to model the value of outcomes, there are also economic and social outcomes derived from the scheme.
  - Preparation and piloting work is being developed at the moment, there will be a period of co-design next summer followed by piloting e.g. computer systems testing in advance of use etc. more information about this will be available as developed.
  - Consideration is being given in the scheme design to avoid postcode lottery so that farmers have equivalent access to deliver outcomes and receive funding.
  - The longstanding position is that the scheme will provide additionality above regulatory minimum and there is opportunity to consider what that is in relation to access. Should priority be given to themes of access improvement e.g. disabled access or types of place e.g. alongside rivers.
  - One of the areas WG will be seeking views on is around potential use of funding for for things other than new access. e.g. improving accessibility of
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existing access, improving surface quality of existing paths through better drainage etc. This is one of areas WG will be seeking views on.

- Question around how existing public rights of way being opened and maintained will this be worked out through the scheme.

Presentation from: Juliet Michael, Outdoor Access and Recreation Team Leader, NRW who shared the work that had been developed internally, working with land management colleagues to support WG in development of SFS and considering what SFS interventions could provide real opportunities to gain benefits from access infrastructure and recreation opportunities. Looking in more detail at the 'enhanced access and engagement' SFS outcome, Juliet listed points that it is suggested underpin this intervention to maximise the benefits:

- Compliance with public access legislation/regulations
- Local plans e.g. RoWIPs
- Evidence of existing and/or latent demand
- Impact assessments
- Annual Promotion of SFS funded access
- Least Restrictive Access principles
- Access in perpetuity

Suggestion of three groups of interventions:

- Improve existing access
- Develop new access routes & spaces (incorporating access improvements)
- New partnerships – delivering for local communities

Juliet went on to share ideas and suggestions about what might be included within these groups to prompt collective discussion to help WG shape the SFS.

#### **Discussion points (incorporating Teams chat):**

- The need to consider planning elements e.g. of signage, car parking as part of enhancements. In relation to signage, quality, cost, accuracy, language, planning/landscape implications and maintenance need to be considered
  - Concern at treating access only in relation to additionality. Need to understand the ongoing incentive for continuing to provide access, in that new access will become existing access and the need to consider ongoing liability and maintenance of such access.
  - Important to raise and improve connection between PRow teams and Active Travel teams however there would need flexibility around application of Active Travel design guidance.
  - Need to upgrade some existing paths to allow for more cycling and horse riding routes
  - Priority should be to maximising the existing public rights of way network. The network condition is not as good as it should be and incentivise improvement of existing network.
  - Need to understand what capacity and appetite of farming community and other players e.g. local authorities to deliver to make this happen
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- Also a need to focus more on the challenges that farmers may face to provide additional access e.g. public liability from livestock and machinery, farm security and theft, livestock worrying and fly tipping.
  - Priority needs to be finding a way of getting existing rights of way network up to scratch as demand for use is increasing.
  - Suggestion that engaging communities, people and volunteers and ownership/protection should be part of the solution e.g. through the piloting process and Forum members working together.
  - Clarification is needed in relation to compliance with public access legislation, whether that relates to entrance to the SFS scheme.
  - NRW policy view would be that it wouldn't feel right to pay for improvement of access on one part of a farm and existing public rights of way being neglected.
  - National Minimum Standards brings together lots of different regulations that apply to landowners and farmers that give basis for the scheme. Keith understood that not much new is being added and that for SFS the focus is on the steps of additionality, the journey of improvement and how to lay out the stepping stones for people within the scheme to provide additionality to get paid for actions that provide wellbeing benefits.
  - Juliet understood that access legislation has not been included in cross compliance in Wales but has been in England, so wouldn't initially be carried into the National Minimum Standards.
  - The question of whether access legislation is part of National Minimum Standards is crucial in defining the starting-point for 'additionality'.
  - Capacity to deliver around farming community will depend on WG. Need to recognise the scale of the shift with Basic Payment Scheme (BPS) underpinning farming and rural communities, this is a massive transition to something else in the context of big factors e.g. new trade deals. In this context farmers will be focussing on survival, and WG will need to provide reassurance around how actions and benefits will be valued otherwise capacity to deliver will be curtailed.
  - Questions around evidence of increase in demand for access. Use of existing access resource and question of whether there are the resources for maintenance.
  - In considering access in perpetuity there is a need to consider the relationship between landlord and tenant.
  - Concern about lack of local authority resources and priority
  - Need to improve signage across land and public understanding, there are ways to help landowners and farmers by improving access that is already there and would help to manage existing issues.
  - Signage is something to improve and there is opportunity to explore improving technology e.g. QR codes that can help explain what's happening in the landscape and support people's enjoyment.

**Action 70.2:** Keith Watts to confirm status of access legislation with regard to National Minimum Standards in Wales.

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## Managing Visitor Safety

Presentation from: David Liddy, Specialist Advisor Recreational Safety, NRW

Dave noted the importance of managing visitor safety and relevance in relation to the SFS. He started by setting out the reasons for and importance of managing visitor safety e.g. moral, legal reasons, financial, reputational, business and marketing having a safe and secure recreational product.

[Visitor Safety Group](#), created in 1997 has a consistent approach to visitor safety management and noted that members are committed to protecting and enhancing the natural environment whilst encouraging access. Dave represents NRW on the group, around 60 organisations are part of the group representing landowning organisations to deliver best practice. Output of the group is Principles and Practice publication which formed the basis of the presentation.

Dave explored the principles and practices around visitor safety, responsible recreation and the need to strike the right balance between benefits and risks in order to provide overall benefit to society and individuals. Dave noted that as an organisation it is not about creating a totally risk free society or stopping important recreational or learning activities where risks are considered and accepted. Visitors should be aware of risks they face, take reasonable care for their own safety and that of others and he noted that safety is a shared responsibility between the visitor and the land owner/manager.

4.

Visitor Safety Group principles were then explained looking at fundamentals, awareness and partnerships. In striking a balance between visitor self reliance and management intervention, Dave set out a number of points that are reasonable expectations for how visitors behave e.g. to be responsible for themselves, for parents/leaders to supervise people in their care, and for visitors not to put others at risk.

The application of the the Risk Control Spectrum is fundamental to VSG thinking, looking at general level of visitor use, taking into account the location and the terrain. This was explained in detail, noting the relationship between level of use/location/terrain and the level of visitor skill and self reliance which inform the level of the management intervention.

NRW have taken a map based approach and Dave shared examples of the types of zoning for heavily/moderately/lightly developed and undeveloped areas of managed estate. Dave's role as a once for Wales role is to ensure that risk assessments across Wales are the same and monitoring visitor safety plans are managed, he shared examples of risk assessment and the types of control measures that are applied, monitored and recorded and used, should it be necessary, in court. He noted that the principles of record keeping of actions taken (when and how often) are useful for any landowner.

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Health and Safety Executive have given approval of VSG Managing Visitor Safety in the Countryside Principles and Practice booklet and relevant HSE quotes were shared.

Dave closed by saying that it is important that we do not destroy the appeal of wild and remote places by putting up signs and fences, or making paths to urban standards.

### **Discussion points**

- Interesting and refreshing to see the approach taken
  - Helpful working with partners using VSG booklet as shared understanding
  - In response to a question about current VSG membership, it was noted that currently Pembrokeshire Coast National Park Authority are the only Welsh NPA that are VSG members
  - In response to question about managing NRW sites out of office hours, Dave said that to engage face to face with visitors is very resource hungry and in general that is not what NRW does on most of the estate, rather NRW concentrates staff resource on own honey-pot locations e.g. Coed y Brenin, Nant yr Arian and Newborough where there are fixed facilities and heavily developed sites. He noted that there is a challenge for local teams for moderately and lightly developed sites about when to take extra control measures such as bringing staff onto site and a need to prioritise. He acknowledged that the increase in visits in last 18 months have been particularly challenging, with sites seeing dramatic increase in use where previously there had been lower visitor numbers, previous expectation of visitor skills and abilities of some groups of users at those sites are being challenged, this situation will continue to be monitored.
  - Concern about issue of temporary sites where PROW are blocked after felling for long periods and users avoiding obstructions put themselves as greater risk.
  - Dave noted that he aware of the problem and internal guidance has been worked on and updated with plan for training delivered to staff alongside this.
  - In terms of how applicable and transferrable the principles are to a private working farm, bearing in mind most farmers won't have expertise and resources to carry out risk assessments, and risks change daily on a working farm. Dave noted that it is important to do something than nothing, and e.g. for access developed under SFS to make sure people know where to go, and what to expect with e.g. waymarking on site and a partnership could have a website and to have a plan so that it can be demonstrated reasonable steps have been taken.
  - There is a need to educate users on how to behave in the countryside and to respect the environment and farmer's workplace. There is a lot to be done and this was highlighted through the ARAG process. Can we ask wider WG to look at education through their education department.
  - <https://www.adventuresmart.uk/> was developed on the back of the WG Year of Adventure in 2016 to help inform responsible recreation.
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- The British Mountaineering Council has done a lot of work on occupiers liability and have produced an useful guide for landowners and occupiers of land [Why rock climbers aren't a liability \(thebmc.co.uk\)](http://thebmc.co.uk)
  - BBNPA 'meet and greet' staff/contractors have been a great example since the Covid pandemic of an imaginative way to help manage visitors/safety in mildly developed/wild country
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## Written Contributions

5. Written contributions had been circulated. Any further updates were to be submitted to Carys by 12<sup>th</sup> November.
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## Forward look & dates of next meeting

6. Date for next meeting 15<sup>th</sup> March 2021 to be confirmed. It is hoped that this could be a face to face meeting, taking account of ongoing uncertainty due to covid, the need for suitable venue. A hybrid meeting (in person with ability to join online) to enable some members and the public to observe online.

**Action 70.3:** Carys to circulate meeting dates for 2022 and to explore options for face to face meeting in March.

The Chair thanked everyone for participating in the meeting and looked forward to hopefully seeing people in person for the next meeting.

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