Select Committee on the Natural Environment and Rural Communities Act 2006

Corrected oral evidence: The Natural Environment and Rural Communities Act 2006

Tuesday 21 November 2017
12.25 pm

Watch the meeting

Members present: Lord Cameron of Dillington (The Chairman); Lord Bradshaw; Baroness Byford; The Earl of Caithness; Lord Cavendish of Furness; Viscount Chandos; Lord Faulkner of Worcester; The Countess of Mar; Baroness Scott of Needham Market; Baroness Whitaker.

Evidence Session No. 18 Heard in Public Questions 149 - 157

Witnesses

I: Alison Hallas, Policy and Advocacy Officer (Open Access and Countryside Protection), Ramblers; Stephen Russell, Policy and Advocacy Officer (Rights of Way), Ramblers.
Examination of witnesses

Alison Hallas and Stephen Russell.

Q149 The Chairman: Thank you both very much for coming to see us. It is very kind of you. You have in front of you a list of interests declared by members of the Committee. The meeting is being broadcast live via the parliamentary website, a transcript will be taken and published on the Committee website, and you have the opportunity to make corrections to that transcript where necessary. It would probably be helpful if you could introduce yourselves.

Alison Hallas: I am a member of the Ramblers policy and advocacy team and the police officer for open access and countryside protection. In terms of open access, a lot of my time at the moment is spent assisting Natural England and our volunteers on the England Coast Path project.

Stephen Russell: I am policy and advocacy officer for paths and rights of ways. The focus for my work at the moment is the future of agricultural payments and the shared use of routes with cyclists. I will say a little about the Ramblers. We are Britain’s largest walking organisation and have over 100,000 members. Ultimately, our aim is to assist everyone to enjoy the outdoors on foot. We are looking to protect and expand the places that people enjoy to walk and we have a very active network of about 25,000 volunteers who help make that possible through led walks, path maintenance and local campaigning and promotion of routes.

Q150 The Chairman: Great. Thank you both very much for those introductory remarks. Perhaps I could ask the first question. Do you believe that the current legal framework strikes the right balance between countryside access and nature conservation? Which aspects of that balance work well and which do not? How could it be done better?

Alison Hallas: To start off with, we would say the countryside is a multifunctional landscape, primarily agricultural but with very important benefits for nature conservation, access recreation and health and well-being. Drawing the balance between these is essential. We also see the two functions of access and conservation as complementary, because access gives the mechanism for people to go out, experience and understand the countryside and the conservation happening within in. We would say that the legislation gets this balance about right at the moment.

On the NERC Act more specifically, Natural England has five core functions under the Act. Two are to do with landscape and conservation, one is to do with education and two are about managing people in the natural environment. That in particular is well balanced.

Recently, Natural England has brought out its latest strategy, Conservation 21. One of three pillars of that strategy is putting people at the heart of the environment. This strikes the right balance between the two responsibilities, the environment and access, and draws them
together, so that access and habitat are properly managed throughout our landscape. We will support Natural England with that aim wherever we can. We find it particularly helpful to have the two functions in one body, Natural England, and from our experience that has been working particularly well in the England Coast Path project.

You asked about the aspects that are not working as well—the imbalances. That is less a problem of the legislative framework and more a problem of resource, and you may touch more on that later.

On the things that are working well, we would like to see the methodology that is being used in relation to the England Coast Path, which is coupling together the resources in Natural England for conservation and access as there are particular conservation issues on the coast, being used for all sorts of projects within Natural England, where possible.

The Chairman: Thank you very much.

Baroness Scott of Needham Market: I want to press you a little on this question of the resources available to Natural England. We have had a lot of evidence not just on the question of access but across the piece about the impact of reduced resources available to them. What have you observed about the way it approaches this?

I would also be quite interested in hearing about the relationship between the access efforts on the part of Natural England and the legal, definitive map questions, which I guess are led by Defra and which are strongly linked but not quite the same thing. Would you like to say a little about how those work together?

Alison Hallas: I will start with talking about what Natural England can prioritise and resource well and the areas where perhaps we are seeing more problems. We see their work on projects such as the England Coast Path and the dedication of open access in national nature reserves working really well at the moment—very strong progress is being made—in a climate in which resources are tight. We are supportive of that.

Another core function is research. Natural England has a background of producing good, statistically robust, independent research. In particular, I would like to highlight the monitor of engagement with the natural environment, which is a survey called MENE. That survey has been going for some years now and has brought together several years’ worth of comparable data on how people interact with the natural environment, how often they visit it and what they do when they visit it. It is important for us and for government agencies, such as Natural England and the Forestry Commission, to have the evidence to show what impact the interventions are having. We were concerned recently to find the cost of that coming under scrutiny and it potentially being reduced.

The prime area where perhaps less resource has been available in recent years is for promotional activity in relation to responsible access in the countryside. We understand that this has arisen because government
withdrew promotional functions from all arm’s-length bodies some years ago. Although Natural England can do a certain amount of promotion, such as putting out press releases on the opening of stretches of the England Coast Path, it is quite limited. We suspect that another related issue might have been the move on to the Government website; website space is at a premium and they have not perhaps been able to put out the message on responsible access as strongly as we would have liked in recent years. We are working with Natural England to try to amplify its message on responsible access, but we would like it to have the resources to help there.

Baroness Scott of Needham Market: On that specific point, we have just been talking about the clash between walkers and riders on one hand and vehicular users on the other. Does that mean that the onus for promoting responsible access by vehicle users is entirely on the user groups? There is nothing in Natural England. Is that correct?

Stephen Russell: That is our impression. I think it falls to individual interest groups to fill that space. There is an absence of a central voice that can bring those people together through consensus. Ultimately, people will end up with the ultimate objectives of their organisations, and perhaps that is where that conflict may lie.

Lord Cavendish of Furness: I have a supplementary question for Ms Hallas. You said in answer to the first question that people should be at the heart of the environment, which sounds very virtuous, although you could say the environment should be at the heart of the environment, and that you liked Natural England’s double role. I put it to you that for those of us who live in the countryside, people and wildlife are in conflict. A lot of us accept that a balance has to be struck. Rather than the same organisation being at the centre of this, which you approve of, should there not be a method whereby someone is sticking up for wildlife, somebody is sticking up for people having access to it, and someone in the middle has to make a decision? I find something rather muddled intellectually about both roles being in one organisation.

Alison Hallas: We have found with the coast path project that they work very well as independent voices but within the same organisation. The conservation side of Natural England can undertake all the responsibilities in the habitat directive—those types of things—for European protected species on the coast. They can look at their access colleagues’ proposals and critically assess them. They do a very transparent assessment and publish that along with the access proposals. The communication between those teams is very good. They can do these things in a smooth project flow, if you like, rather than having to transfer information between organisations.

Lord Cavendish of Furness: Is it part of your expertise to understand the impact of people on wildlife?

Alison Hallas: It is not within my expertise, but it is certainly within theirs, and I appreciate the work that they are doing on it.
Viscount Chandos: What has been the impact of government funding reductions and the continuing funding uncertainty on England’s national trails network? How does this uncertainty affect Natural England’s ability to fulfil its objective of “promoting access to the countryside and open spaces and encouraging open-air recreation”?

Alison Hallas: We have been pleased that Natural England has been able to keep the level of funding for national trails in particular at a steady level when there have been widespread cuts. Indeed, we did a survey last year on rights of way condition called Pathwatch, and we found that the national trails were among the best-kept rights of way in England and Wales. However, our understanding from talking to the trail partnerships is that the current level of funding enables them to do day-to-day maintenance but not major works that come up.

On the question of the uncertainty, and in particular the impact on the national trails and the trail partnerships, we see that impact as being on their ability to plan, resource and invest in what are particularly important rights of way. They are sometimes called the jewels in the crown of the rights of way network. The decisions for funding have sometimes come so late in their financial years that this causes them problems with things like staff security. We consider that the spending needed on the national trails is very small compared to the wider economic benefits that they give.

We are also pleased that the England Coast Path is being turned into a national trail as it is being completed. This is keeping national trails at the top of the agenda. We would like to see some certainty on the management and maintenance of the England Coast Path in the longer term. We think there is probably a need for a more sustainable, long-term funding model for this. We have been supportive of the outsourcing of some of the promotional functions from Natural England on national trails. We think that the promotion of the trail network could be a lot stronger than it is at the moment. There could be an issue there. We think that any future model is likely to need support from across the sector. We would certainly be open to being a part of that long-term solution. As Stephen said in our introduction, we have a very large volunteer base with very dedicated volunteers who do many different functions, including practical maintenance, and I am sure they would be up to the challenge, if needed.

Stephen Russell: We have heard in conversations with some of the trail partnerships of the knock-on effect on securing match funding when decisions about future funding are made quite late in the day. Inevitably, that hampers a partnership’s ability to plan and be prepared to deliver what it needs to do.

Baroness Whitaker: The Committee has received written evidence that praises Natural England’s work to promote the England Coast Path project, and I think that everything Ms Hallas says would confirm that. I think she has already answered my question on whether the experience supports this assessment. To what extent might the focus on the coast
path have come at the expense of other work done by Natural England to promote access? Also, once the coast path is done, where should Natural England focus its energies, bearing in mind the resources question that you also referred to?

**Alison Hallas:** As you said, we would absolutely echo the positive assessment of Natural England’s management of the coast path project. We have a very good relationship with them, both nationally between staff members and regionally with our volunteers. I would like to highlight one particular part, which is their very professional and rigorous approach to the negotiations on the coast path, which are very tricky. There are lots of legal interests and lots of complications on the coast, and they are doing an excellent job there.

On the reductions, we have talked about some areas of Natural England’s work which they might not be able to resource as well as they have been. Our perception is that the reductions have not come as a result of the coast path project. We have talked about the withdrawal of the function for promotion, which we do not think has helped that process. Our understanding is that the workload in some of the teams working on the Countryside and Rights of Way Act processes—the long-term restrictions, dedications and determinations; those sorts of things—had dipped because the long-term restrictions are fairly well balanced now. Not too many more are being applied for. Some are being extinguished, but not a huge number, so it is relatively stable. We understand that the coast path project was able to take up the capacity and the expertise from those teams. In some areas, it has enabled those teams to recruit one or two new members. We are pleased that Natural England has been able to retain that experience.

**Baroness Whitaker:** You would say that nothing has suffered because of the big focus on the coastal path, which is of course very exciting?

**Alison Hallas:** It is a very exciting project. It is fair to say that we have not seen anything suffer as a result of it. There are some things that do not have a huge amount of resource at the moment, but we do not think that is linked to the coast path.

Moving on to your last point, which was about what they could focus on afterwards, we would like to see more promotion of rights and responsibilities, and we are helping Natural England with that at the moment. We are putting more information on our website about rights and responsibilities.

**Baroness Whitaker:** More educational work?

**Alison Hallas:** Yes, educating people who are not confident in the countryside, people who are not well versed on their CROW rights and responsibilities. There was an excellent and large campaign on the Countryside Code, but that was some years ago now. We think from the research we are starting to put together now that perhaps the younger
generation do not realise what the Countryside Code is and how they should be applying it when they are out in rural areas.

**Baroness Whitaker:** Dogs, perhaps?

**Alison Hallas:** Dogs are an issue that has come up quite a lot recently. I have been working with the All-Party Parliamentary Group for Animal Welfare, which has been looking particularly into the issue of livestock worrying. We were very pleased with the report they have now published, which is focusing on the responsibilities of dog owners, education and helping them to understand the problem and the danger their dog could pose to livestock before it goes wrong.

**The Countess of Mar:** Have the provisions in the NERC Act resolved the tensions regarding the use of paths and green lanes by motor vehicles? Are any further measures required to protect paths from potential damage and danger caused by motor vehicles?

**Stephen Russell:** It is fair to say that we believe that NERC alleviated the problem to an extent, but obviously the problem is not entirely solved. We have heard quite a lot already today about that. It is also fair to say that this is not a core area of work for us at the moment. We are well aware that there are a number of issues across the country and it is a particular problem in particular hotspots in national parks, AONBs and on some national trails. Ultimately, it is right that our position is that the use of motor vehicles on unsealed routes is incompatible with a quiet enjoyment of the countryside. The damage done on routes and the repairs needed to bring them back into a maintainable state may fundamentally alter the character of the network too. It is not something that we support.

It is clear to us that the ordinary road network is sealed for a reason. Motor vehicles damage highways and the cost of repairs for authorities can be significant. There has been a lot of research into that by other organisations. It is an issue that has been going on for some time now. Ultimately, we feel that tinkering with legislation here and there perhaps is not the way the go and perhaps it would be wise to have some kind of review undertaken by the Law Commission, so that when the time comes when more legislation is needed that work has already been undertaken at a time when obviously there is not the capacity in the parliamentary calendar to be dealing with that.

**The Countess of Mar:** We heard from our previous witnesses that there are other measures, such as ASBOs, for example, where antisocial behaviour is causing trouble, or orders preventing people from going on for a short period of time. Do you think those would be effective if they were used more?

**Stephen Russell:** Yes. The traffic regulation orders are an example. We have heard from some of our volunteers that there is a sense that some authorities are reluctant to use them because of the cost involved—the resource-intensiveness of the process—and concerns about court
challenges and the like, which we heard about earlier. There is a sense that although on paper they serve a purpose and are quite a powerful tool, the reality is that a more streamlined system would be wiser. Ultimately, perhaps, a better-resourced local authority rights of way team to be able to deal with that would be helpful. Guidance to help authorities navigate the process and perhaps learn from one another would be very helpful. We are aware of examples where they have been employed effectively, based upon hard evidence and data. I am happy to share those with the Committee afterwards.

Q155 Baroness Byford: I would like to make an observation and then ask my question. I am glad you mentioned the Countryside Code, because so many more people are walking now. As you have quite rightly said, I suspect most of my colleagues would nod and say that there is a great need, also for those of us who happen to be farmers. There is a lack of understanding. The number of horses killed recently, for example, is dreadful, and the number of individuals killed through walking through fields that are not suitable cattle because they have cattle in them, not just bulls but the young with their mums, is a huge problem. I am glad you mentioned that.

Can I return to your comment about the amount of work that your volunteers do to help with maintenance? Do you keep any register or does it just happen in certain areas? Obviously, if you are looking to maintain something long term it would be enormously helpful to know what goes on, where it goes on, who is funding it and how it is happening before you plan for the future. I would be grateful for greater information on this.

Alison Hallas: Our groups and areas work in different ways in different situations. They have different local priorities, so they do not all work in the same way. We hear more from some of them than others, which you might expect in an organisation of our size. They certainly are active on the path network in undertaking maintenance. In certain parts of the country we are reaching the point where the local authority rights of way team does not have the resource to oversee what they are doing. We now have at least one or two teams that we know of that cannot go into the countryside and help. They are there, ready with their secateurs, but they cannot go out on the path network and do those maintenance hours, because they need the oversight and approval of the local highways authority.

Baroness Byford: Can that not be gained without having formal negotiations? What happens now?

Alison Hallas: It is not my specialist area, but I believe they need that oversight legally.

Stephen Russell: Yes, they do, and we have a delivery team that focuses on engagement with the work of our volunteers. We record the work they do on a success ground. As Alison has said, we are increasingly hearing concerns that they cannot do the work that they could be doing
to help to support local authorities. We need to work better with local authorities and understand how we can better support them to enable those groups to take the actions they want to take.

Baroness Byford: Rather like on the rivers. You both sat in on the earlier evidence, I think.

Stephen Russell: Yes.

Q156 Baroness Byford: You obviously heard the view from the responsible motorbike users. This question relates to the maverick ones. Do you think that the process for implementing these TROs is satisfactory? If not, do you have any suggestions to give guidance on how we might approach this in a different way?

Stephen Russell: As I think I mentioned earlier, it certainly feels to us that on paper they are useful and could help to resolve the issue. There are a number of grounds for making a TRO, which is extremely helpful. Ultimately, perhaps, it comes back to the issue of resources so that authorities can put them in place in the first place. We have heard from our volunteers that they are resource-intensive and require considerable research and extensive consultation. While that is right, because you want to give everybody a chance to hear about the proposals and to comment, even when they are made, policing TROs can be extremely difficult.

On the question of solutions, as I mentioned previously we are aware of a few examples of TROs being put in place through thorough evidence gathering and research so that they are made for the right reasons and in the right place. I would be happy to share those with you afterwards.

Baroness Byford: That would be helpful. Clearly, you have members who are walking all over the country, so you are very likely to be the people who see where this informal abuse is taking place and damaging the very things that we all care about so much, which are the environment and the open ways. Thank you very much.

The Countess of Mar: I have a supplementary question that goes back to the question about the remediation of the route. Can you not negotiate directly with the landowner, or is that too confrontational?

Alison Hallas: It can be done in some circumstances, but normally it is much easier for the local authority to identify the areas. Our members also report on problems with the rights of way network. In previous years, that two-way flow of information has worked quite well, but in some areas it now seems to be breaking down a little due to a lack of resources.

Stephen Russell: Yes.

Q157 Lord Faulkner of Worcester: Before I ask my question, my Lord Chairman, I should declare an interest as vice-president of the Campaign for Better Transport and the fact I have been a member of that
organisation I think as long as the Ramblers.

My question is about the common agricultural policy and what may happen to the payments to farmers in the event that the United Kingdom leaves the European Union. In your evidence, you indicate that it could be used in a more environmentally friendly way in future and should not be regarded as a way of supplementing farmers’ income. Can you elaborate a little on that?

**Stephen Russell:** Of course. Fundamentally, the decision to leave the EU and have a new domestic agricultural policy has the potential to improve opportunities for access. At the same time, it is important to make clear that we recognise the role of farmers and landowners as stewards of the countryside. There is a need for them to meet their own business needs, but at the same time they are delivering a whole host of benefits for society, the environment and wider rural economies. Government has given undertakings that some form of public support will continue, at least in the near future, and we feel that this right.

At the same time, we feel that there is a need for some public return on that investment. It feels to us that improving access through improved maintenance and enhancement of the path network is a very clear public benefit and will enable people to reconnect with the countryside and perhaps better understand the role of farmers and landowners in acting as stewards of the countryside. At a very high level, that is what we are thinking at the moment.

More specifically, we feel that any future payment regime needs to have at its heart the concept of cross-compliance so that landowners need to abide by the existing legal duties relating to rights of way, which will remain in place once we leave the EU, and where they are in breach there should be penalties, as there are right now.

In terms of enhancement of the path network, we feel there should be some rewards where landowners/farmers make additions to the network but where they are most needed, not as part of a scattergun approach but through identification of where these additions will be of most benefit to the public. That may already have been identified through rights of way improvement plans prepared by local authorities, through local plans, through green belt policy—that kind of thing. We feel that those additions should be well promoted so that they are well used.

The other side of enhancements could be widening paths, removing access infrastructure if that is appropriate for land management purposes, and putting field edge paths in place for example so that walkers are not forced on to dangerous country roads. There are two sides to it: improved maintenance through this new regime and enhancements that could be made.

**Lord Faulkner of Worcester:** Have you had any discussions with the NFU about that?
Stephen Russell: I have had initial discussions with them, yes. I understand that the NFU has a whole host of concerns about the future of this country, if and when we leave the EU. We have touched on the subject and it is aware of our position. Certainly so far it seems that its priorities lie elsewhere at the moment.

Lord Faulkner of Worcester: Keeping up farmers’ incomes, you mean.

Stephen Russell: Potentially, yes, but this is a way of doing that.

The Earl of Caithness: You touched on this in that answer. Do you think the existing rights of way network is adequate for the country, or would you like to see it enhanced? If so, by how much?

Stephen Russell: Enhanced through additions to the network increased?

The Earl of Caithness: Yes.

Stephen Russell: I could not put a figure on how much. The Ramblers are always looking to protect and expand where people can walk. I would not like to put a figure on how much we would like to expand that by.

Alison Hallas: As we said, it would need to be focused on the areas where it is needed. There are a lot of mechanisms that have already looked at that, so we would like to see the limited resources—resources are under strain—focused where they are most needed.

Stephen Russell: Absolutely. There are issues such as housing shortages, those kinds of things, and there will need to be significant housebuilding. We need to think about where people live and how they access the countryside. That is why I mentioned local plans and green-belt policies. It is sensible to look at the resources that we have and the strategies that are already in place that identify those shortfalls. I would not like to put a number on how far we would like to extend it by.

The Earl of Caithness: Are you taking into account the damage to the environment and reduction in biodiversity as a result of greater access?

Alison Hallas: As I said at the start, we see a balance between access and conservation, and they can be balanced. Both need resources, but both need to be managed throughout our landscape. Natural England’s Conservation 21 strategy is looking to address that and to make sure that biodiversity is managed everywhere in the countryside, not just in the designated sites, and that people can access areas with good biodiversity in a responsible manner so that they learn more about it.

Lord Cavendish of Furness: It is a great credit to the cultural side of your organisation that I have never heard of ramblers behaving badly in the countryside.

Alison Hallas: I am glad to hear that.

Lord Cavendish of Furness: Would you accept that vastly fewer people work in agriculture and forestry? In my first job in the forestry, many
years ago, we went out every morning with a gang of 13. Your responsible access, of course, does open the way to vandals. Do you have a code for reporting and helping landowners with the sometimes hugely expensive damage that can be done by the rogue who is not your member?

**Alison Hallas:** We do not have a central process for that, but we know that our groups and areas work locally. A lot of them are very active on the local access forums, as are the landowners. They work together on particular issues to find local solutions. You are right that in any walk of life there will be people who do not abide by the rules.

Going back to what we said about promotion, we would like to see resources put back into promotion of responsible access in the countryside, because we feel that that younger generation has not had the opportunity to absorb that message.

**The Chairman:** Thank you both very much for coming and talking to us this morning. It has been a very helpful session. That ends our public evidence session.