

PERMISSIVE ACCESS AGREEMENTS

INTRODUCTION

Higher Level Stewardship (HLS) and Countryside Stewardship Agreements have in the past made payments to farmers and landowners for providing permissive access. In England there were approximately 1800 walks and rides included in the HLS and Countryside Stewardship Schemes in 2010, prior to the closing of the scheme. The subsidy was granted for a 10 year period with the opportunity of renewal at the end of the 10 years. Hence some of the permissive routes were available until 2020. Both Natural England and the NFU provided advice to farmers and landowners who kindly opted to continue with permissive access agreements without receiving payment.

Whilst many of these permissive routes were useful and enjoyable, there was a large proportion that did not provide suitable access due to being: unsigned, incorrectly described, not maintained to a reasonable standard, no connections to PRow and duplicate routes within very close proximity.

A report was submitted to Natural England in 2013 by the South Lincolnshire and Rutland LAF pointing out the problems with the original funded permissive access agreements. The report also encouraged DEFRA to continue with funded permissive access agreements following the process outlined in the report, to ensure the funded permissive access was fit for purpose and value for money.

CURRENT SITUATION

Lord Benyon, the Parliamentary Under-Secretary of State for DEFRA stated on the 27th May 2021 *“Support for public access, including paying to create new permissive access or rights of way, could potentially be funded under new schemes that reward environmental benefits. The agricultural transition plan sets out examples of the types of land management actions that we envisage paying for under these schemes. We are working with stakeholders and users to determine the specific actions that will be funded, and further details of these will be set out later this year.”*

However, in the Rural Payments Agency booklet, Countryside Stewardship: Higher Tier manual for agreements starting on 1 January 2023 (published February 2022), only states payment is available for access to woodland. This is under WS4 Access for People and reads:

“Where to use this supplement

It’s available for Countryside Stewardship Higher Tier on whole or part parcels where currently there is a lack of access to a woodland, but people would benefit if they could access the woodland.

How this supplement will benefit the environment

Effective use of the supplement will:

- *create more opportunities for the public to have access to woods*

- *contribute to the public's health and mental well-being*
- *create alternative outdoor activities*
- *create educational opportunities so people can understand woodlands better*
- *encourage and foster engagement with nature*

Aims

Enable permissive access (by foot) across the whole woodland to increase the wellbeing of the public, where access to the woodland is currently limited.

Where this supplement cannot be used

- *Outside the spatial eligibility, unless agreed with your Woodland Officer. Read the [Countryside Stewardship: Higher Tier manual](#) for more information*
- *Where woodland owner/manager already has a legal obligation to provide access by foot due to their existing commitments or where legal rights already exist, for example, open access land. Agree compatibility with other woodland supplements with your Woodland Officer or Deer Officer.*

Requirements

- *Enable permissive access to the woodland through identifiable paths and routes. Carry out management and maintenance of the path network, to allow public access throughout the year on foot, and where reasonable for mobility aids, pushchairs and buggies.*
- *Erect appropriate signs to show the public they are welcome to visit the woods*
- *Each year, carry out the necessary number of site inspections to make sure the woodland complies with Health and Safety standards"*

Andrew Mackintosh of Natural England has been asked if other paid permissive access will be available in the near future. He has stated in an email 22nd February 2022 that Natural England "knew it ([WS4](#) option) was a possibility when new woodland options were being considered by Forestry England a few months ago but we were not involved with the decision to include it or option design and guidance."

Due to Natural England and the LAFs not being consulted, I believe the LAF should write to DEFRA copying Natural England, raising concern about how permissive access is being implemented, to ensure mistakes made in the past are not repeated. The letter should also provide relevant information from the 2013 SL&R report displaying the issues found and a more robust process. This is needed as payment for permissive access is currently being investigated for National Parks and AONBs. What we do not want is DEFRA introducing payment for permissive access in other areas such as Rutland, with a scheme which is not fit for purpose.