

National Farmers Union (NFU) – Written evidence (NPS0173)

NFU Response to the National Plan for Sport and Recreation Committee Call for Evidence

1. About the NFU

- 1.1. The NFU is the trade association for farmers and growers in England and Wales. Our purpose is to champion British agriculture and horticulture, to campaign for a stable and sustainable future for British farmers and to secure the best possible deal for our 55,000 members.
- 1.2. The NFU also represents our 21,000 'Countryside Members', people who are not actively farming, but who appreciate the British countryside and British food and therefore are interested in the farmers who work to produce both.
- 1.3. Many of the questions within the call for evidence sit outside the NFU's mandate. However, our members clearly maintain a strong interest in promoting responsible access to the countryside. Farmland is the destination of 48% of visits to the natural environment in England – around 4.1 billion visits every year boosting rural and local economies.¹ 42% population say that they are spending more time outside than before Covid-19, and a total of 348,061,800 visits were made by adults to green and natural spaces in May 2021.
- 1.4. Connecting people with rural areas on their doorstep that they may never have visited before can have a long-term legacy of greater appreciation, valuing and use of the countryside, as well as boosting health and wellbeing. Many popular rural tourist spots are working farmland, an iconic patchwork of food and farming landscapes with many farmers working hard to maintain footpaths and public rights of way so visitors can enjoy our beautiful countryside.
- 1.5. For years farmers have been delivering for nature and wildlife and the NFU has been clear that caring for the environment and food production go hand-in-hand. Farmers enjoy educating the public about farming and enjoy promoting responsible access to countryside, but the number one job of Britain's farmers will always be to produce safe, sustainable and traceable food for the nation to eat.

2. Access

- 2.1. The public has access to more than 225,000 kilometres of public rights of way in England and Wales, including tens of thousands of kilometres of footpaths and bridleways, the large majority of which run through farmland, on green lanes, around the edges of fields, or across fields.

¹ The future farming and environment evidence compendium, Defra, September 2019

- 2.2. At a time when many people have no first-hand experience of how their food is produced, instructive visits to farms and engaging with farmers is a vital way of improving their understanding of where the food they eat comes from and helping them to make informed choices as consumers.
- 2.3. The practical implications of a public right of way on land use and management depend on the type of land. The owner or occupier of the land is responsible for ensuring the route is visible and not obstructed. For example, arable farmers must adapt their cropping to accommodate public rights of way: field-edge routes must not be cultivated (a minimum width of 1.5m for footpaths and 3m for bridleways) and cross-field routes must be reinstated within specified times if they are cultivated (1m width for a footpath and 2m for a bridleway). Cattle farmers cannot keep bulls of certain breeds over 10 months old in fields containing public rights of way. And recreational access creates real problems in some places: livestock worrying by dogs, transmission of parasites from dog faeces and leaving gates open are issues frequently faced by livestock farmers. The NFU is calling for an amendment to the Highways Act 1980 to allow farmers to divert public rights of way where livestock are present to help keep people safe while enjoying the countryside.
- 2.4. The Countryside and Rights of Way Act 2000 gives the public a right of access to land mapped as 'open country' (mountain, moor, heath and down) or registered common land in England and Wales. The granting of these new rights of access has been accommodated successfully in most areas, and provide for very limited closure of access for specific reasons (e.g. closing areas to dog walking during lambing) which may provide a model for other parts of the country and/or access rights). Despite these provisions farmers in the most popular areas have experienced problems such as livestock worrying by uncontrolled dogs and inconsiderate parking in gateways and on road verges.

3. Permissive Access

- 3.1. The public rights of way network in England and Wales has ancient origins, providing free access on foot, cycle and horseback across the large majority of the countryside. The network was not designed with today's needs in mind and there is an opportunity to create a modern and adaptive rights of way network that is fit for the 21st century meeting the demands for more access, or safer access, alongside rationalisation of the current network to ensure its fit for purpose. Such modernisation is provided for by section 60 CROW Act 2000 – requiring the production of local access improvement plans. More could be done to resource and implement these plans.
- 3.2. Landowners are free to grant rights of permissive access to the public on linear routes or across larger areas. This can be on an individual basis, under a permissive agreement with the local authority or as part of an agri-environment scheme. Access can be provided subject to conditions such as periods of closure to suit farming activities. Farmers often provide permissive routes through agreements with the Parish Council out of goodwill to local residents. The landowner can benefit practically where a permissive route

provides a route that is more convenient (both for them and users) than an existing public right of way (for instance avoiding a farmyard).

- 3.3. Permissive public rights of way are enjoyed by users, farmers and landowners across the country. Permissive access allows landowners who want to create access the flexibility to do so without the requirements to enter complex agreements. This flexibility is paramount to landowners and farmers who are already struggling to manage unprecedented challenges in today's farming landscape. Permissive public rights of way enables farmers and landowners to invite members of the public to the countryside with the comfort of knowing that they can adapt the route to allow them to have a more resilient farming business. This public good provision is greatly valued by users and is ideal to farmers on urban fringes or close to settlements and could be provided through the future land management scheme, ELMs.

4. Countryside Code

- 4.1. One of the key lessons learned from the COVID-19 outbreak was the importance of people adhering to the Countryside Code when they visit the countryside for exercise or recreation. Farmers want people to engage with where their food comes from. But it is important that this access and engagement is achieved in a responsible way and the fact that much of this land is a working environment is recognised, and respected, by the public. The NFU and other farming and landowning organisations continue to encourage wider promotion of the Countryside Code, setting out the public's responsibilities while accessing the countryside.
- 4.2. The NFU welcomed the revised Countryside Code launched earlier this year, bringing it up to date and helping to address the recent increase in access-related issues such as keeping to public rights of way, ensuring dogs are under control and dog waste is binned.
- 4.3. The NFU believes much more must be done to promote the countryside code. To support our members, we have created a range of shareable resources and free field signs to help them promote the Countryside Code, and especially responsible dog ownership when using public rights of way through farmland. ²
- 4.4. Farmers are particularly anxious about the rise in livestock worrying, covered in a later section, and getting walkers to stick to the footpath. Footpaths around the edges of fields can get muddy, and walkers often stray onto cropped parts of fields to avoid the mud – damaging a farmer's crop.

5. Wellbeing

- 5.1. The NFU recognises that regular access to the British countryside brings multiple benefits to people's mental and physical health and wellness. This has especially been the case during the Covid-19 pandemic, where the

² <https://www.nfuonline.com/news/latest-news/use-our-free-countryside-code-resources-to-spread-the-word-with-walkers/>

countryside has provided much needed respite for people.

- 5.2. The NFU recently asked Censuswide, to conduct a poll of more than 2,000 people outside of rural areas across England and Wales for their views.
- 5.3. The results from this survey clearly show the public's huge appreciation of the benefits the British countryside offers to the nation, and that they recognise the valuable role farmers play in creating our iconic landscapes. British farmers not only produce our food, but they play a vital role maintaining, protecting and enhancing the landscape that has made a significant contribution to improving physical and mental wellbeing.
- 5.4. The headline survey results are as follows:
 - 87% of respondents said visits to Britain's farmed landscape had improved their wellbeing.
 - Over half (51%) of respondents believe their visits to the countryside & farmland have improved both their physical and mental wellbeing.
 - Nearly half (47%) of all respondents stated that they value British countryside and farmland more since the pandemic started.
 - Of those, 84% said their visits had made them appreciate the role farmers play creating our iconic rural landscapes.
 - 90% of respondents said visiting the countryside provided benefits to themselves or rural communities.
 - Just over a third (34%) of respondents said since the first lockdown (in March 2020) the number of hours they have spent in the British countryside & farmland has increased.
 - 39% of respondents aged 16-24 said since the first lockdown, in March 2020, the number of hours they have spent in the British countryside & farmland has increased.

6. Livestock Worrying

- 6.1. Livestock worrying is a recurring issue for many farmers, particularly where grazing land is situated in close proximity to densely populated areas. Worrying involves dogs, which are not being kept under proper control, attacking, or chasing livestock. In many cases these dogs will be otherwise lovable and good-natured family pets which abscond from their premises in the absence of their owner.
- 6.2. Based on claims reported to NFU Mutual and the proportion of customers choosing livestock worrying cover, NFU Mutual estimate and publicise the value of livestock attacked by dogs each year in the UK. We appreciate that the true value could be greater – we know anecdotally from police partners that livestock attacks are underreported and not every farmer will make an insurance claim if their animal/s suffer an attack. However, these claims figures do give a valuable insight into trends and reflect what we are hearing on the ground with our members and police partners.
- 6.3. The NFU Mutual estimates that:
 - The cost of dog attacks on farm animals across the UK rose by over £10.2 in 2020 to £1.3 million. In 2019 it was £1,208,000.

- The average claim to NFU Mutual rose to £1,329 in 2020. In 2019 it was £1,074. The higher claims that we dealt with were between £10,000- £20,000.

6.4. Behind the figures, these attacks cause unbearable suffering to farm animals as well as huge anxiety for farmers and their families as they deal with the aftermath. For smaller farmers and those with precious breeding lines, an attack can take many years to overcome.

6.5. The NFU is recommending the following changes to the Dogs (Protection of Livestock) Act 1953

- **Powers to seize dogs:** Give police the power to seize a dog (or other items) where there are reasonable grounds for suspicion that the dog owner has committed an offence under the Act, and to detain the dog until the court case.
- **Powers to take DNA:** A power to take DNA samples from a dog where there are reasonable grounds for suspicion that the dog owner has committed an offence under the Act.
- **Definition of 'close control':** The term is difficult to interpret for farmers & police and to provide all with clarity it will reword existing legislation to "being at large (that is to say not on a lead) in a field or enclosure in which there are sheep".

7. Future Agriculture Policy

7.1. Leaving the EU provides a historic opportunity to redesign agri-environment schemes in a form that suits British farms, for the first time since their introduction in the UK in 1987. Defra's proposals for an Environmental Land Management Scheme, or ELMS, are central to the transition away from the EU's Basic Payment Scheme (BPS) to future support through the "public money for public goods"

7.2. Defra has reaffirmed its plans to move away from direct payments and confirmed how much BPS payments will be reduced from 2021 to 2024. From 2021, some farmers will start to see reductions in support by as much as 25%, and even the smallest farmers will see their current levels of BPS funding cut by 50% by 2024.

7.3. The BPS phase out should be in step with Defra's capability to spend the released funds on fully accessible schemes for farmers to help a smooth business transition. Britain's farmers can only afford to undertake action to improve the environment, as well as promote responsible access to the countryside, if they are running profitable food producing businesses and with additional government support to deliver these public goods.

7.4. Because of the contribution green access makes to the physical and mental wellbeing of the nation, farmers' efforts to maintain, create or enhance public rights of way as part of a modern network should be

rewarded as part of new government farm funding schemes, provided they recognise the value, and preserve the integrity, of land used for food production.

- 7.5. As the Government proceeds with implementing its 'levelling-up' agenda, as well as new agricultural, trade, food and environment policies, it is important to recognise the contribution that rural Britain – and the farm businesses that lie at its heart – makes to the overall health and wellbeing of our nation. With more people than ever enjoying the benefits of the British countryside, it is vital that the new Environmental Land Management scheme (ELMs) is simple, fair and accessible to all farmers to meet the needs of the public, and farmers and their businesses.

8. Funding Distribution

- 8.1. A vital part of the levelling up agenda is ensuring that all funds and support are fairly distributed between rural and urban areas. Historically, urban areas have received more funding than their rural counterparts. There is consistently lower capital investment per employee in rural areas than urban areas with predominately urban authorities receiving 49% more funding for local government services than rural authorities. Rural areas also pay an average of 17% more per head in council tax than urban areas yet they typically receive fewer social services. Coupled with on average earning less than in urban areas, the cost of living in rural areas is therefore disproportionately high.
- 8.2. There also needs to be greater guarantees that rural areas will receive appropriate funding support. With the distribution of future funds including the UK Shared Prosperity Fund and the Levelling Up Fund being delivered by local authorities, there needs to be a legal safeguard in place to ensure that the money will be shared fairly and not just go to the larger projects in more populated areas.
- 8.3. Future funding and projects must also ensure that the aim of the projects is not limited to monetary success only, but also incorporates the health and wellbeing of the local community and environment.

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