

PUBLIC RIGHTS OF WAY

Governments and their agencies have in the last week updated their guidance on the use of public rights of way during the current coronavirus restrictions, following widespread discussion of the issue.

In England, the latest version of Natural England's operational update, first published on 20 March 2020, recognises the importance of exercise – particularly in greenspace, with the added benefit of contact with nature – for people's physical and mental wellbeing; and states that the risk of coronavirus being passed on to others from people using public rights of way and other paths and trails is considered to be very low, as long as people follow the Government's instructions to maintain social distancing. All NE's National Trails remain open, including newly opened stretches of England Coast Path, as do footpaths and other rights of way in rural areas; but people are asked if possible to avoid using paths that may pass through a farmstead or other rural business where social distancing may be difficult.

The guidance sets out that landowners do not have the legal right to block or obstruct public rights of way; but suggests that where large numbers of people are using such routes, landowners may in limited circumstances consider measures such as tying gates open (if safe to do so), so that walkers do not need to touch the gate, or offering temporary alternative routes, again where it is safe for users and livestock to do so, so that routes do not pass through gardens or farmyards (provided always that the original right of way is maintained). The guidance also provides a link to the Countryside Code, a timely reminder of how to respect, protect and enjoy the countryside for new users of the paths and trails, encouraged to leave their homes for exercise once a day.

Natural England's operational update, last updated 23 April 2020, can be found here: <https://www.gov.uk/government/news/operational-update-covid-19>

In Wales, new laws require certain public rights of way and access land to be closed where the areas are liable to large numbers of people congregating or being too near each other, or their use poses a high risk of spreading coronavirus within the area: the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020, last amended with effect from 25 April 2020. These laws are directed at local authorities, national park authorities, Natural Resources Wales and the National Trust, and closure decisions depend on the expertise of these organisations. The laws do not prevent people from going outdoors to exercise, but again support the importance of exercising close to home and maintaining social distancing.

See <https://gov.wales/public-rights-way-and-access-landclosures>
& <https://gov.wales/public-rights-way-and-access-land-coronavirusguidance-landowners> - see also [The Health Protection \(Coronavirus Restrictions\) \(Wales\) \(Amendment\) \(No.2\) Regulations 2020](#)

RURAL PAYMENTS GUIDANCE

Government guidance for farmers, landowners and rural businesses during the coronavirus outbreak was updated on 27 April 2020.

The government has confirmed that the deadline for 2020 Basic Payment Scheme (BPS) applications, Countryside Stewardship (CS) revenue claims, Environmental Stewardship (ES) claims, and woodland legacy revenue claims, without penalty, is extended by one month to midnight on 15 June 2020, in recognition of the disruption caused by coronavirus.

The period for making amendments without penalty is extended to midnight on 30 June 2020. The final deadline, with penalty, is extended to midnight on 10 July 2020.

The deadlines for submitting CS applications are unchanged. Applications to CS Higher Tier and CS Hedgerows and Boundaries Grant close on 1 May 2020.

For full information, see <https://www.gov.uk/guidance/coronavirus-covid-19-information-for-farmerslandowners-and-rural-businesses>

Farm visits, including inspections, have been paused until further notice. Various alternative arrangements have been put in place, where a visit would usually be necessary. So for the purpose of existing Rural Development Programme England – Growth Programme projects, where a visit would normally take place before a final claim was paid, the Rural Payments Agency (RPA) is now able to pay claims on the basis of satisfactory electronic evidence of project completion and defrayal. Similarly, an off-farm advice programme is available to provide support for Countryside Stewardship Mid-Tier applicants.