Access Reform Programme

Problem Definition Paper: Expert Group 3
Communicating Access Rights

Preface

In 2017 Welsh Government issued the Sustainable Management of Natural Resources (SMNR) Consultation, which included proposed reforms relating to access to the countryside. The Government's approach to the SMNR Access proposals, stated that:

- Our Natural Resources Policy illustrates that nature-based solutions can support physical and mental health. That is why we are committed, as a Government, to increasing both access to and enjoyment of our countryside for people – to take advantage of the many health and wellbeing benefits that getting outside can bring.
- An accessible countryside supports our efforts to boost Wales as a tourism destination.

On 4 April 2019, the Deputy Minister for Housing & Local Government published a Written Statement setting out the Government's response to the access proposals within Chapter 4. In this statement, seven proposals were identified that required more detailed consideration of the way in which they should be taken forward. The Deputy Minister subsequently established an independent '**Access Reform Advisory Group' (ARAG)**, consisting of a Steering Group and three Expert Groups, to consider these proposals further and make recommendations on their implementation.

The BRO Partnership was commissioned in December 2019 to:

- Review a number of the key responses to the 2017 consultation.
- Plan and deliver facilitated workshops for each of the three Expert Groups.
- Produce three draft **Problem Definition Papers** for consideration by the ARAG Steering Group.

Expert Group 3 Communicating Access Right

Policy Intent: To improve the process of creating, storing and communication of statutory access maps and develop a more integrated approach to planning improvements to access provision.

Expert Group 3 were tasked with considering developments in the storage and communication of information utilising digital technology and allowing for greater integration of planning and management of access, together with mapping for the public.

The Expert Group met on the 6th February 2020 and discussed the details of the Reform under three headings. Breakout groups considered each of these in turn, and then through plenary discussions during feedback sessions, the collective views of all members were amalgamated.

Reform 3A – Access Mapping

To deliver a more integrated and updatable system for statutory public access and for publicly accessible areas, and providing comprehensive and easily-accessible mapping for public use.

The three themes for Reform 3A were:

- Scope
- Processes needed to produce and maintain the digital map
- Issues relating to the use of the map.

Each of these are set out below:

Scope

One of the first issues that will need to be clarified through Option Identification is the purpose[s] of a new digital map in terms of its:

- Use as a record of statutory access rights
- Value as a source of information for the public.

These two purposes have different end-users and this will need to be taken into account.

As a result there is considerable scope in terms of what could be included on the map, dependent upon purpose, and could be a mix of:
- Statutory access including:
  - Public Rights of Way (PRoW)
  - CRoW land

- o National Trails
- o Common land
- Non-Statutory, long term public access including:
  - o NRW managed land
  - o National Trust land
  - o National Cycle Network (NCN)
  - o Permissive Paths
  - o Public open space, including Green Flag Awards and Country Parks
  - o Facilities and services related to access use, e.g. suitable car parks
  - o Beaches, including Blue Flag, the UK Seaside Award and Green Coast Award.

When developing options, there will also be a need to consider if information relating to the suitability of different access areas for various activities should also be included. This could, to a degree, discourage inappropriate activities and behaviour, and reduce pressure on sensitive areas and paths. It may also allow the public to prepare journeys and consider: accessibility, gradients, the availability of parking, gates, stiles and other infrastructure, as well as exclusions and restrictions on CRoW access land or temporary closures, diversions or restrictions on PROW.

In considering whether to include Definitive Map Modification Orders (DMMOs) and Public Path Orders (PPOs) on the integrated map, account will need to be taken of the time to legally complete such processes and the variation between authorities. This could raise an issue with regard to information being truly 'definitive', e.g. for use of the map for legal searches.

Therefore, the digital map has the potential to contain a wide range of information and guidance on where to go and what to do. However, the more information contained within the map, the higher the potential for information and processes to become overly complicated and difficult to ensure consistency, accuracy and whether it is completely up-to-date. This could be compounded if the map were to have a print function.

Given the potential complexities, options developed may wish to consider whether reforms could be introduced progressively, setting out the priorities for adding new information layers, and extending functionality.

As with other reforms, cross border issues may arise and should be considered within options developed.

Processes needed to produce and maintain the digital map

There is a good starting point in that all local authorities now use Geographical Information Systems (GIS) to capture data, as well as similar ways of recording and

managing access, e.g. through software, such as the CAMS access management system. Also, many authorities have digitised layers for many other forms of access information, e.g. path structures or surfaces. However, each local authority is likely to hold different elements of data with possibly limited consistency and options will need to consider how to overcome this.

There are, therefore, a number of practical, technical and legal issues that need to be considered:

- Definitive maps are kept by each local authority as paper copies and a legal order is required for any changes. There is a question relating to the accuracy of published Definitive Maps, and it is believed that many are out of date. A 'national digital definitive map' would only be as good as the source data.
- Publishing a route on the digital national map may give the user the impression that it is open and accessible – but as now, this will not always be the case.
- Frequency of updates may vary across Wales. How would users know when information was last updated?
- If additional information from other sources outside of the Definitive Map were to be included, on a new digital map these may be kept at different scales, to different levels of accuracy and using different GIS systems. How would these be harmonised?
- There would need to be clear 'digital processes', including a way to keep an audit trail of any changes to the legally relevant information in a digital definitive map, since this would be needed, e.g. for legal cases.
- Consideration also needs to be given as to how cycle ways (cycle tracks) are included, as these are not currently recorded on Definitive Maps.
- Would the access data be open-source for use by third parties? How would this be controlled?
- Consideration would need to be given to the map base used online. Definitive maps currently tend to us OS baseline information, but there may be copyright issues if the aim is to make information available to the public or third parties.

Issues relating to the use of the map

As well as deciding the purpose of the new map, consideration will need to be given to how it is accessed and used. Who will be accessing the information and why? Will it be just local authority staff, with the ability to access and update, or will it include landowners and RoW users to assess routes and potentially report problems? People currently access digital information in a variety of ways and a new map will need to consider which will be the appropriate platforms and issues of mobile signal coverage out in remote areas of the countryside and coast.

For there to be public confidence in a new digital map, the information must be accurate and up to date. If different Local Authorities have different timescales for updating the information this will undermine confidence. The decision to produce a new all-Wales

digital map may require new procedures to speed up the processes of updating Definitive Maps.

At present, advice to walkers and to other recreational users is to carry a paper map. How will a new digital map impact on this health and safety advice?

Options developed will also need to consider how to future proof any digital arrangements for the map, as far as this is possible within the context of rapid technological developments in digital communication. There is a danger that a considerable amount of public money is spent on a new digital system, which is then overtaken, at least in some aspects, by wider technological changes. An example of this would be the investment made in apps to promote access and adverts for tourism facilities and services, only for these platforms to be overtaken by commercially delivered digital services and maps, which may contain much of the same information, but are better able to develop and enhance functionality.

There is a need to look at other global examples which have attempted to do similar things. For instance, in Sardinia there is an excellent working digital map for tourists. Considering some of these examples might highlight where there are possible commercial partnerships to facilitate the map, which will help share some of the costs.

Key Issues:

1. What should be the purpose of the new map? This needs to be defined.
2. To provide digital definitive map[s] of PRoW, how should legislation be amended, including associated processes such as for DMMOs and PPOs?
3. How should a new map be updated and how frequently? How will this be managed and enforced? How will version control be managed?
4. How can information best be delivered and made useable in different formats, including: hard copy [print], online and off-line digital options, and on different devices?
5. How can information be provided so third parties will be able to use the data?
6. How should the map be monitored to ensure accuracy?
7. How should information be standardised to ensure consistency?
8. Should other changes to processes be required to ensure information uploaded to the new map is done so in a timely fashion?
9. Should progressive changes be introduced? If so, what and how?

Other considerations

It will be necessary to consider Reform 3A in light of other reforms, specifically Reforms 1A, 1B and 2A.

Reform 3B – Integrated Plans

> To create the requirement for Local Authorities and National Park Authorities to develop integrated plans of public recreational access in local authority areas to facilitate and support delivery across multiple policy areas and integrating with other services.

The Expert Group considered Reform 3B under three themes:

- Why? The scope and purpose of the Integrated Plans
- Who? The processes involved in developing the Integrated Plans
- Future impacts

The key elements and issues from the discussions are set out below:

Purpose

With regard to the purpose of the plan, it was felt that this could be defined in two main ways. They could be primarily focused on improving access provision to meet the needs of users, extending in a limited way the current requirements of ROWIPs; or they could be extended to focus on delivering wider outcomes, such as increasing activity or to include other policy areas, such as health and well-being.

Scope

Once the purpose has been defined, there needs to be discussion and agreement on the scope of an authority-wide 'Integrated Plan': would they simply bring together existing plans in one document, or would they encourage, or require, different Local Authority departments and National Park Authorities to work together on future recreational access plans and programmes to develop more integrated approaches and policy across authority areas? This latter interpretation would provide greater coordination in the management of CRoW access land, PRoW, National Trails and the WCP, as well as managed sites, such as Country Parks, but would have to take into consideration any statutory requirements for other plans and policy documents. New Integrated Plans could also extend wider to include other providers of access and recreational opportunities and related policy areas, such as incorporating elements of Active Travel and the Integrated Access Map, the National Cycle Network, or work planned by the National Trust in managing access on their estate.

Options will need to consider the pros and cons of including different elements within the scope of this reform, such as additional policy areas, not currently covered within ROWIPs.

Discussions also considered the geographical scope of new plans, and whether they should be local authority based or implemented at a greater scale to link with, for instance, regional Area Statements. Local authority scale was considered to be the most appropriate, but options will need to consider this spatial element. Similarly, it may be appropriate to consider a separate Wales-wide plan for national scale recreational assets, such as the Wales Coast Path, National Trails and other promoted long distance routes.

The question was raised as to whether the Integrated Plan was primarily for managing improvement and delivery of access, or the public would be expected to make use of such Integrated Plans. If for public use, then the Integrated Plan would need to be up-to-date, easily accessible and reliable. This begs the question how the authority-based plans relate to the national digital map suggested under Reform 3A.

Who should be involved in developing the Integrated Plans

The Expert Group considered who should be involved in drawing up the plans and, in particular, who should take the lead and the key contributing bodies. A lead body will need to be identified within options to ensure the coordinated input of all involved. The organisations involved could include Local Authorities, National Parks, NRW, and possibly other land managers, such as the National Trust, Wildlife Trusts and the RSPB. However, who should be involved and their roles in pulling together the Integrated Plans will depend on the purpose of the Plans. Consideration should be given to the pros and cons of contributing organisations doing so on a voluntary basis, as a statutory duty, consultee or partner, and the degree of 'buy-in' each will attract from different organisations.

As the intent is for the Integrated Plan to become a statutory requirement, it was felt that there will need to be a clear lead and consistency of approach across Wales in the way the information is collected and used. The consultation requirements will need to be considered, as well as the process for developing the plan. The Expert Group's discussions considered if the existing ROWIPs could be used as the core of an integrated plan, with a defined, staged process, new plan format and review procedures, and timetable, to transition to a new Integrated Plan process.

The role that ROWIPs and LAFs could play in the development of Integrated Plans should be considered as part of option development.

Future Impacts

How to ensure the long term viability of new Integrated Plans should be considered as part of the options stage. Participants discussed other requirements for plan development within the access and recreation policy area, such as ROWIPs and Countryside Strategies. Both were successful partly due to associated funding for implementation; in addition all local authorities have ROWIPs largely because they are statutory.

Linking with other agendas, both within local authorities, Welsh Government and wider, could bring considerable benefits, particularly in relation to health and well-being, and social prescribing. These benefits should be considered along with the level of incentive required to ensure participation by relevant stakeholder groups.

Benefits could also be felt in relation to standardising the collection, storage and quality of data and development of more integrated policy.

Key issues:

10. What should be the purpose of new Integrated Plans and how should this be defined in legislation?
11. At what scale should Integrated Plans be developed?
12. Who should be involved in the development of Integrated Plans? Who should lead and what role should different participants play? How should the different roles be set out in legislation?
13. What processes will be required for the development of Integrated Plans? This may need to include transitionary arrangements [from ROWIPs], consultation and review requirements.
14. How should the requirements for the Plans take account of the other proposed Access Reforms?
15. How should the proposed Plan integrate with other policy areas and statutory plans, and which should be the priorities for closer integration?
16. How can implementation of the proposed Plans best be facilitated?

Other considerations

Consideration will be needed of the impacts of Reforms, notably 1A, 1B and 2A, which could increase the need for and benefit of Integrated Plans increases considerably.