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Llywodraeth Cymru
Welsh Government

Access Reform Programme

Analysis Report: Reform 3A

Access Mapping

Executive summary Reform 3A – integrated maps of public access

Summary of Policy Intent for Reform 3A

“To deliver a more integrated and updatable system for statutory public access and for publicly accessible areas, and to provide comprehensive and easily accessible mapping for public use.”

Three options were considered to deliver the Reform 3A Policy Intent. They were:

1. Development of a single digital map of Wales' Public Right of Way (PROW) and Countryside and Right of Way (CRoW) access. This map, managed by a single statutory body, would contain access information to advise the public and land managers.
2. Creation of a single online definitive map of CRoW and PROW also managed by a single statutory body. This would go further than option (i), acting as the legally definitive record of public access in Wales.
3. Formulation of a third sector mapping and promotion organisation with the aim to inform others about public access in Wales.

The key common issues identified in the delivery of the 3A Options were:

- The data underpinning the creation of any new public access maps should be classed as 'open data'.
- The data currently held by data providers¹ is in various states of readiness and work to update them is generally under-resourced. However, the majority do already have a digital working copy of their access maps.
- For any 3A option to be successful, all data providers must be required to gather public access data digitally, and the way data is collated and labelled must be standardised.
- Any legislative requirement for digital mapping needs to be future proofed against changes to technology.

Key issues raised that are specific to the various 3A options proposed:

- The status of the 'Single Body' in options 3A(i) and 3A(ii) will need to be clearly defined, particularly if it is to be the statutory custodian of Wales legally 'definitive' access maps (3A(ii))
- There would need to be careful consideration as to how to present any legally definitive data online for 3A(ii) so that it is clear at what scale the data should be viewed and when it was last updated.
- The creation of a third sector mapping and promotion organisation for 3A(iii) would carry risks, particularly in relation to its status, its funding model and its reliance on local authorities, national park authorities and NRW to provide the data required for it to operate.

Introduction

The Access Reform Advisory Group (ARAG) was tasked with developing advice and recommendations to Welsh Government about the delivery of their policy intent for the reform of recreational access legislation in Wales.

The process established for the development of the advice is summarised below:



The legislative reform areas ARAG is considering are:

- **Reform 1A:** Extending the rights to use existing CRoW access land
- **Reform 1B:** Changes to Countryside and Rights of Way Act (CRoW) legislation extending CRoW access land to the coast and
- **Reform 2A:** Extending the right to ride a cycle or horse on public footpaths
- **Reform 2B:** and Temporary restrictions of public paths
- **Reform 3A:** *Providing an integrated map of public access in Wales*
- **Reform 3B:** Integrated planning of public access in Wales

For further information about the ARAG process and for the outputs from each of the stages to date, please go to: <https://gov.wales/access-reform-advisory-group>.

This analysis report of reform options has been produced following evidence and other contributions invited from:

- Local Access Forums [22]
- National Access Forum members [37 organisations]
- ARAG Expert Group members [28 representatives]
- Cadw

Natural Resources Wales' (NRW) recreational access policy advisors provided specialist input together with specialists from across the organisation's remit, including nature conservation, marine policy and land management. A report of the responses can be found via the web link mentioned above.

Each reform area has an analysis report using the evidence and key responses from stakeholders to present an assessment of each reform option. This analysis consists of three main parts:

- **Criteria assessment table:** Comparing key facts and issues for each option against the established programme criteria
- **Commentary** about the options
- **Option revision tables:** Summarising matters for consideration with each option

Across the reform areas, 1A, 1B, 2A etc, there are themes to consider that arise within the options. These themes are:

- Responsible Recreation
- Equity, inclusivity and accessibility
- Local access forums' responsibilities within reform options
- Commercial Activity and Events

While these will be considered within each reform area, a separate cross-cutting analysis report addresses the common issues arising and how the themes apply across the ARAG reforms. The final cross-cutting analysis report will also be available through the [Welsh Government website](#) .

Reform 3A – Access Mapping

Total number of responses received: 16, total number of organisations responding: 10, NRW internal responses: 6.

Summary of Policy Intent for Reform 3A

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

Table 1: Reform 3A Option Titles & Outline Descriptions

3A: Outline Proposal Title	Summary Description of Outline Proposal
i. Digital map of Wales' Public Right of Way (PROW) and Countryside and Right of Way (CRoW) access	<ul style="list-style-type: none"> • Development of one digital map covering statutory public access in Wales (PROW, CRoW access land, National Trails and Common Land). • Main purpose is to hold statutory information and make accessible to all users, including the public, landowners and local authority staff etc. • Map would also have layers for access furniture and mobility access; seasonal or long-term restrictions, with the layer showing definitive map. • Map features that have legal effect and are subject to discrete statutory regimes should continue to be maintained separately for the purposes of administrating those regimes, such as: <ul style="list-style-type: none"> • Different processes apply • Different agencies are custodians of those maps
ii. Definitive map of CRoW and PROW	<ul style="list-style-type: none"> • Only map features that describe clear and exercisable public rights should be shown on definitive maps and the processes for recording those rights harmonised: <ul style="list-style-type: none"> • Definitive PROW • Defined CRoW access land • Access land should be subject to continuous review prompted by legal event or evidence. • A single agency should be responsible for stewardship of the map in this event.

3A: Outline Proposal Title	Summary Description of Outline Proposal
	<ul style="list-style-type: none"> • Requirement for each local authority to produce a digital layer of PROW and associated information (definitive map statement, widths, recorded structures). Through legislation this digital layer would become the definitive map. • Regulations provide for defining additional PROW statutory spatial data and for its inclusion on map (including for 'simplified Public Path Orders and Definitive Map Modification Orders' and registers).
iii. Third sector mapping and promotion organisation	<ul style="list-style-type: none"> • Statutory not-for-profit body/trust set up with aim to 'encourage more people to responsibly enjoy the outdoors and to secure wellbeing, environmental and economic benefits for people and communities in Wales and its visitors'. • Relevant public bodies to have a duty to provide, as specified in regulations, mapped and associated access information. • Body to have duty to provide info to public; alongside powers to enter into agreements with other bodies that provide long term public access to the outdoors. • Body to have duty to promote information to people and visitors to Wales – powers to promote outside Wales; ability to raise money and charge for services with any money generated to be used for its statutory purposes. • Data to be provided to include: PROW, CRoW, National Trails, Wales Coast Paths (WCP); Active Travel Routes; associated temporary closures and exclusions and restrictions of a statutory nature; access related codes.

3A(i) All-Wales Digital Map [of PROW and CRoW access]

Summary of Proposed Reforms

This reform makes provision for the publication of an online map that brings together public recreational data in Wales so that it can be viewed in one place. To deliver this online access map, the reform will require:

- Certain public bodies to provide specified public access data to a single body with a duty to produce, publish and promote online data and map(s) of the specified public access in Wales.
- The single body will be required to provide feedback to the public bodies providing data.
- The map and associated data would provide information suitable to inform recreational use, showing the rights and responsibilities that apply, but will not be the definitive legal record for the access resources it shows.
- Structures affecting the use of routes authorised by local authorities under s147 Highways Act 1980 would not be required to be included under this reform, but powers could be introduced to require authorities to digitally map specified access infrastructure including, but not limited to, s147 authorisations (alt 009).

An incremental duty could be introduced to this end, rather than require all to be done at the same time (alt 010).

This reform option provides legislation to specify that the data shown on the map will adhere to open data principles; be free to use by the public, as well as for commercial and non-commercial purposes (within basic terms and conditions). See alternative option, 006, below.

The public access data to be specified would include PROW, CRoW access land, National Trails, the Wales Coast Path and accessible common land. In addition to this core information, powers would be introduced to include other data layers that meet specified standards.

The single body could have additional powers (alt 001) to enter into agreements to include other recreational access data.

As such, there will be regulatory powers to set standards for the data and necessary processes associated with the supply of the data, for example, through Web Feature Service or future machine-readable technologies) for the all-Wales digital map.

Each public body will retain their existing responsibility and liability for the data they manage and provide to the single body.

Alternative key elements

There are some key alternatives set out under this reform option that are not covered above. These are:

- Local authority led rather than single body
 - 001 alternative: Rather than tasking a single body with the coordination of the online digital map, under 001 alt, it is suggested that local authorities would be required to publish the map for their own areas. This would result in 22 online maps.
 - 006 alternative (associated with alt 001 above): This option requires local authorities to lead on informing and promoting the data and map for their area.
- Licensing and copyright issues
 - 002 alternative: This option acknowledges that free use of the information may be constrained by existing mapping copyright and licensing issues. It also proposes that major commercial data re-use would be chargeable in order to generate income to subsidise costs of map production.

3A(ii) Definitive Map of CRow and PROW

Summary of Proposed Reforms

This reform makes provision for the definitive legal record of public access rights to be published online. As such, the map and associated data would be the definitive, legally conclusive record for the access resources it shows, showing the rights and responsibilities that are applicable in order to inform recreational access and all other uses.

Option 3A (ii) provides for the establishment, or identification of, an existing single agency tasked with performing centrally, the roles currently carried out by local authorities/national park authorities and NRW; to survey, record, publish and maintain the definitive map of Wales' public rights of way and CRow access land respectively.

Local authorities, national park authorities and NRW (the data providers) would be given the duty to provide the single body with specified definitive access data to publish in one place. Legislation would be revised to harmonise the processes for mapping PROW and CRow Access land, and CRow mapping duty changing to a continuous rather than decadal review.

Regulations would specify the technical requirements for the data layers included in the map.

The reform would include development of a technical 'real time' transfer of data from the data providers to the single body.

Alternative key elements

- Alternative 008: Local authorities/national park authorities and NRW would continue to perform exiting functions to survey, record, manage and publish the definitive record of PROW or CRow access land. Legislation would require them to publish their definitive record online. All legally conclusive access maps would be published in one online location available to the public (mapping hub) or provided to a single body.
- Alternative 001: A single body would be identified or established, tasked with collating definitive information and publishing the definitive legal record of public access rights for Wales in one online location to provide a national legally conclusive map as to the information it contains.
- Alternative 007: This would result in a definitive map and CRow access mapping continuing with existing processes rather than seeking any harmonisation.

3A(iii) Third sector Mapping and Promotion Organisation

Summary of Proposed Reforms

This reform makes provision for the establishment of a not-for-profit ‘access promotion and organisation/trust’ with the purpose of providing information for, and to promote, the enjoyment of the outdoors. The organisation/trust would be required to develop a uniform way to publish and promote the information service. In addition, they must run campaigns to publicise the information and work with other organisations that do this as part of their existing remits.

This organisation/trust would be given the statutory duty to promote specified access information to people of and visitors to Wales, together with powers to promote outside of Wales. Legislation would provide the ability for the organisation to generate income and secure grants in support of its statutory purposes and to charge or derive income for additional services outside the statutory duty. Local authorities and NRW would be given a duty to provide specified access data to the organisation; sanctions would be in place if this duty was not met.

Specified access data would therefore include PROW, CRoW Access land (including exclusions and restrictions), National Trails and the Wales Coast Path. Regulations would define how the specified access should be recorded, spatially represented and provided to the organisation and, in turn, to the public. Legislation would also allow for other public access layers to be included as mapping or on data.

Legislation would need to define the respective liability of the organisations responsible for provision of the data and those of the organisation/trust.

Legislation would specify that the data or online mapped information would be free for use by the public, and free data use and re-use subject to license. Alternatively (alt 004), a fee would be chargeable for commercial reuse of data and mapping above a certain value.

Commentary of issues on reform focussing on legislation

Common issues to all 3A options

There is a need to consider the component parts of the provision of an online digital map in terms of public use, standards and delivery. These are:

- Provision of a map: [which is] “the visualisation of geographic information” but it is not the data itself. Though it can present the data – Open Geospatial Consortium ([OGC](#))
- Provision of the data displayed on and associated with the map

The development of an online national level digital map for recreational access is seen as a positive step which received general support from external feedback to the call for evidence. Successful delivery of the map will be affected by interdependencies between data providers (local authorities/national park authorities/NRW) and the single body (option 3(i) and (ii)) or the not for profit organisation/trust in 3(iii)) to deliver

the policy intent. This interdependency should be considered when developing the reform. Under 3A(i), feedback suggested that there will be a need for legally binding agreements to support the provision of data and information, as well as for the creation of databases. Sanctions in this regard were considered unreasonable in feedback to 3A(iii).

There is a need to clarify the purpose of the map, whether or not the intention is for the map to be public facing to encourage use of the access resource or whether it is a management tool. These differences will affect which data is included, how it is presented and functionality requirements of the final product. For promotion purposes, the greater extent of access shown the better, for example, the inclusion of the National Cycle Network (NCN), promoted routes in addition to PROW and CRoW access land. For a management tool, such as legal records and management, the product will be different.

Whichever Reform 3A option is decided upon, it will be important to:

- Note the importance of and the need to protect the legal record of public access rights and the consideration of technical mechanisms for doing so in transferring the legal status to a digital record.
- Ensure there is clarity about the status of the national map and the status of the information shown on it. For example, making clear to the end user that for option 3A(i) and 3A(iii) the national map would **not** be the legally definitive record and would need to include a legal disclaimer to this effect and reference the definitive map and Statement. An example of this is used by the [Surrey County Council](#).
- Note how the different status of PROW/CRoW will be represented in light of Reform 1A/2A and the challenge of conveying clear messages to the public.
- There will be opportunity for use and interrogation of integrated mapping as part of the integrated access planning Reform under 3B, including Option 3B(iii) [National Strategic Recreational Access Improvement Plan].
- There will be a need to comply with the Equality Act 2010 by following [online accessibility guidance](#).

The usefulness of the online map to users (whether definitive or not) will be dependent on how accurate and up to date the component maps and associated information is. The foundation for any of the online maps will be the definitive map and statement, therefore, backlogs of updates to definitive maps will impact on this and will be part of the consideration for making improvements to streamline rights of way processes (WG ARP Group 1: Reform 20 Amend technical provisions around creating, diverting and extinguishing rights of way).

Local authorities have different baselines in terms of accuracy of existing definitive maps. As a result, consistency between authorities will take resources and time to achieve since all the authorities are not starting from the same point. Some even have backlogs that authorities estimate will take more than 10 years to process, lack of time and officer capacity was cited as the reason for this by some authorities in responding to the research carried out to support the ARAG process. Detailed evidence in relation

to this is drawn from the Welsh Public Rights of Way Analysis¹ report, which concluded that:

“The survey revealed enormous variation in the management of PROW data across Wales. Data is in different states of 'readiness' to be used and held in a range of formats. The survey revealed that capacity issues may hinder efforts to complete outstanding tasks. It also uncovered some frustration with the complexity of the process, and a desire to streamline the process and move some of the elements online.”

There are a range of relevant existing mechanisms which may provide insights, basis for development and opportunity for linkages for the digital map, including the National Street Gazetteer, the Electronic register of Common land for Wales (in development), the Natural England/Defra MAGIC map and Ordnance Survey products.

Standards for mapping will apply across all three options e.g. ‘BS 7666: 2006 spatial datasets for geographical referencing’, as well as the EU INSPIRE directive which provides the basis for spatial data standards and should inform the development of standards to be applied to this digital map. Further detailed guidance (rather than regulation) should be developed and consulted upon (as has been done for electronic register for common land) to set out technical standards to allow for flexibility as technology changes. There is a need to take account of wider context and developments, such as the Geospatial Commission Strategy.

The map resulting from any of the options will be impacted by the necessary parts. Research² shows that there are differences in local authority definitive maps (documentary paper based) and the digital working copies that this map would comprise. To deliver the 3A policy intent, when delivering integration and updatable systems, there is a need to build with consistency in the way geographic information is recorded and managed for the whole of Wales.

The research³ sets out a possible approach and benefits of developing a central dataset. Consideration should be given to where this could be applied in any of the 3A options. For example, whether ‘a single data schema setting out the required and optional attribution, along with controlled terminology, would facilitate the future development of a single national [PROW] map’ will be necessary for any of the options.

Whilst 85% of the 20 authorities that responded to the research survey confirmed that they have a digital working copy of their definitive map and statement, there will be a need to fill gaps in mapping and information (for example for any authorities without a digitised copy), as well as bringing information together to a consistent standard with a consistent schema. This will be possible with time and sufficient resources.

¹ Manson, D., J Beetham, M. and Liddle, H. 2020. Welsh Public Rights of Way Analysis. NRW Evidence Report Series No: 480, 108pp, NRW, Bangor.

² Ibid

³ Ibid (page 79).

Legal advice sought in preparation of this advice suggests that it will be necessary for Welsh Government to carry out legislative analysis in relation to competencies under the Government of Wales Act 2006 in progressing this area of reform. This advice also identified that there are considerations regarding data protection if the creation of the map involves processing personal data.

Database rights and copyright protection would apply to the data and maps that would form the basis of the national map. This information is used and re-used under license from Ordnance Survey Limited which has a license to use, license and manage mapping data subject to Crown copyright and database rights. It will be essential to work with the Ordnance Survey to understand the implications in relation to each option. There is a need to explore commercial use and conditions and principles around free public use of the information. It is also necessary to gather further information to clarify issues around whether or not PROW data is classed as 'Open Data' in the same way as Open Access land is – there are implications for this which need to be considered. Some, but not all authorities provide PROW data under Open Government Licence <https://data.gov.uk/>.

There was support for free public use of information for the purpose of recreation and exercise, but also the suggestion that public use may have a reasonable chargeable element, for example, for planning applications and legal searches. In this case, there was support for charging for commercial use. Further research and expert input is necessary to clarify whether or not information can be charged for and the impact of the [INSPIRE regulations](#).

There will be a need to consider the long-term requirements for the map and to build in flexibility to duties, processes and mapping so that organisations are not tied down to old technology. Therefore, in the building process it must be acknowledged that technology in this area changes rapidly.

Consideration should be given to the opportunities to coordinate efforts for promotion of the map, to clarify roles and avoid competition or duplication between the different organisations with remit for promotion of recreation and access.

3A(i) All-Wales Digital Map [of PROW and CRoW access]

It is considered feasible to establish a legal requirement for a single body to be given a statutory duty to produce and publish online a national map of specified public access data in Wales.

This legal requirement would be an addition to the existing duties that other bodies (local authorities, national park authorities and NRW) have as custodians of the specified access data and their roles would not be altered as part of this proposed reform. It is considered important that accountability for the PROW definitive map data remains with the local authority. Responsibility for data will be limited to existing requirements i.e. local authorities' responsibility will be limited to information that they are already required to manage in the definitive map and statement.

Fundamental to achieving this option for an all-Wales digital map and the 3A policy intent is that there is currently no requirement for the component of this map to be produced in a digital format. Whilst some authorities have digital information, including the ability to make online copies available, this is not consistent. The requirement is to produce the definitive map and statement in documentary (paper) form. To enable option 3A(i) to be delivered, it will first be necessary to introduce a requirement for the production of information derived from local authorities and other organisation's records (see options table below).

It is noted that some elements of this option are already delivered by other mechanisms, indeed, information and learning from these examples may be useful to inform the development of this reform option. For example, the Ordnance Survey already provides non-definitive mapped products of PROW and CRoW access land information on hard copy and digital maps.

In considering the need for the single body to provide feedback, there is the opportunity to expand on this and formalise all communication mechanisms regarding the map. Not only can this be done to and from the single body to the public bodies supplying the data, but also a consideration to whether it would be beneficial to include interactivity with the end users; enabling their feedback on the access resources shown on the map (e.g. reporting issues) or contributing to the mapped data through crowdsourcing supplementary information to enhance user experience like facilities, access furniture and promoted routes. Examples of crowdsource projects include the [Open Oxfordshire: Cycling Infrastructure Evaluation \(CIE\)](#) and the [Slow Ways project](#).

Inclusion of information about structures such as stiles and gates on mapped routes is considered to be beneficial. Feedback to the request for evidence noted that most structures are not as a result of s147 authorisations. The research⁴ (found on table 2, page 29) shows that whilst most authorities do hold digital spatial records for physical structures on PROW, most of these are not currently available online. In comparison, these results and records are not well correlated with legal records of limitations in definitive statements or s147 records. Provision of information about structures, as well as details on the gradients along routes, supports the use for people with mobility problems which is discussed further in Reform 2A: the suitability of the route for higher rights.

3A(ii) Definitive Map of CRoW and PROW

The creation through this reform of a single body tasked with surveying, recording, publishing and maintaining a central definitive map was met with concern (not evidenced). These concerns were:

- Anticipated significant additional resource required to establish the body
- That its establishment would add additional bureaucracy
- That it is an unrealistic level of responsibility for a single body to take on

⁴ Welsh Public Rights of Way Analysis Report

There was also concern that the role further defined in 3A(ii) 008 risks losing local knowledge and connection. There are significant implications with the change of accountability for the definitive map and associated orders and legal processes which need to be considered. Furthermore, it is essential to understand the existing interdependencies within different parts of local government beyond the roles proposed to be transferred and delivered nationally by single body. Should this option be taken forward, it would be assumed that the requirements for authorities to provide data to the single body in 005 and 009 would be a one-off exercise rather than a need for 'real time' ongoing data transfer. The single body would be responsible for surveying, recording and maintenance following the implementation.

There is the option where a single body provides a national level point of access to a combined Wales digital definitive map whilst retaining existing duties for production and management of this record locally. This alternative option was preferred.

Feedback suggested that there will be a need for legally binding agreements to support the provision of data and information as well as for the creation of databases. By producing this combined national copy of the individual legal records, there may be opportunities for resource and cost efficiencies through technology that enables a centralised database rather than a collation system. It will also be important to ensure that reform does not add a further layer of bureaucracy or duplication, for example, the legally conclusive record and roles associated with scrutiny or amendment of the legal record should be retained with the organisation from which the data originates, the local authority in relation to PROW.

As such, and to justify the implementation of 001/008 there would be a need for sufficient evidence that this option achieves the following policy aim: *[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].*

On the basis of the feedback, and the provision of the alternative elements to achieve the national level map, it is not considered feasible for the reform options to progress key elements 001 and 008.

Fundamental to achieving a collated national definitive map is the requirement for each highway authority to produce the definitive map and statement in documentary (paper) form and the legal processes associated with making changes and additions to the map which form part of Welsh Government Group 1 considerations. To enable option 3A(ii) to be delivered, there is a need to first introduce a requirement for the local authorities of the definitive map and statement to be published in a digital form capable of being mapped. (See options table below).

As noted above, research shows differences in how the definitive map and digital working copy is produced. Standards for consistency of information and how information is displayed, for example, the scale of the map for publishing, will need to be confirmed. Definitive maps are currently digitised at different scales which has

implications for consistency and accuracy when viewed at alternative scales⁵. There would be a requirement for quality assurance in collating all definitive map and statements onto a single base map.

The relevant dates of the component definitive maps differ. There would need to be a consideration of how frequently the information is updated, if not 'live', and it must be specified how often these updates are and whether it encompasses a partial or complete dataset. It is also necessary to consider the policy of retention of previous versions. Mechanisms for real time automated updates already exist, such as the Traffic Wales (Elgin one.network), street works register and through automated Web Feature Services.

Preferences were expressed for both 3A(ii) 006 and 007 (harmonising mapping of CRoW and PROW) in order to streamline processes – rather than their alternatives of not doing so. Further work will be required to analyse opportunities for doing this and to define what 'harmonising' in relation to CRoW and PROW will mean in practice. Legislation will need to make clear that all recorded public access rights will form part of the national digital map without prejudice to any unrecorded rights being added or amended in future.

3 B (iii) Third sector Mapping and Promotion Organisation

Whilst a new organisation could be created by legislation, it is unclear whether this would achieve the policy intent, or instead, add a further layer of bureaucracy to its achievement.

There is a need to better understand the potential benefits of the establishment of third sector organisation tasked with this purpose against the issues and risks that have been suggested in feedback. These are suggestions to mitigate some of these risks:

- Possibility that transferring this role to a trust would potentially remove political oversight and accountability
- Risk attached to failure of organisation and potential loss of large amount of data. Noting that if this model is followed there will be a need for robust contractual arrangements for an exit strategy and data recovery
- Promoting access from an organisation that is not responsible for managing or setting priorities for its management presents challenges
- Requirement for having a long-term sustainable funding model in place. Uncertainty of sustainable funding and examples provided highlights this inherent risk. In one instance, this resulted in the role being handed back to the public sector
- Confirmation would be needed that statutory duties can be assigned to third sector/not-for-profit organisations and whether or not there would be a requirement for some degree of public funding

It is noted that existing statutory bodies have elements of the promotion function within their remits, for example, local authorities, national park authorities, NRW, Visit Wales,

⁵ Welsh Public Rights of Way Analysis Report

public health agencies, thus, a third sector body may create competition between these existing organisations.

An alternative key element not yet considered is that legislation relating to the existing public sector organisations identified could be amended to give them a specific role for promotion of enjoyment of the outdoors, together with statutory guidance, to clarify how they should integrate. This could be similar to the national park authorities' purpose to: *Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public.*

A suggestion was also made that the option elements could be achieved without legislative reform but through the provision of non-statutory guidance detailing the interaction between Freedom of Information Act (existing duty to publish data proactively), the extent of licenses and suggested charging schedule, or should accompany new duties. This aligns with the statement in the Research⁶ that: *“There is often some confusion as to what data can be given out under the Open Government Licence (OGL) due to the data being recorded on Ordnance Survey Mapping (that is not OGL). This might result in some local authorities taking a cautious approach when making their data publicly available.”*

Guidance on this topic is available via the Ordnance Survey website; specifically, through the presumption to publish criteria and notification form. This guidance encourages the public sector to publish data derived from OS data (both open data and data licenced under the Public Sector Geospatial Agreement (PGSA)).

Sanctions against local authorities in this element were considered as being unfair or unnecessary. They should not be applied unless the data is already held by authorities/NRW or when resources are identified with reasonable timescales to produce and provide the data to enable providers to comply.

Alternative option element 3A(iii) 001 is not dependent on being aligned with the third sector organisation and it is suggested in the option refinement below that this be considered as part of the elements for 3A(i) or 3A(ii). 6 Welsh Public Rights of Way Analysis Report

Criteria:	Criteria Description & Measures	Option 3A(i): All-Wales Digital Map (of PROW and CRoW access)	Option 3A(ii): Definitive Map of CRoW and PROW (alternative option)	Option 3A(iii): Third sector Mapping and Promotion Organisation
Extent of access	<p>Amount of 'by right' access affected. Must consider:</p> <ul style="list-style-type: none"> Totals (e.g. kms/ha; %) Percentage changes Distribution: where and how distributed in Wales Measures include absolute and/or relative amounts e.g. as change from current position; relative to other options 	<p>Totals of access provided:</p> <ul style="list-style-type: none"> All PROW estimated as 33,211 kms [**] Open country 162,343ha Common land 118,098 ha (rural common land not accessible under) Dedicated land 99,258 ha S15 land (other land) mainly urban common 75,386 ha <p>NB: Alternative options 001/alt would provide same potential extent as 3A(iii) - negligible difference.</p> <p>Distribution – All-Wales, depending on baseline set and ability of authorities to provide data at baseline standard. (85% of responding authorities to Welsh Public Rights of Way Analysis Report state that they have a digital working copy of definitive map and statement).</p> <p>Relative to 3A(ii), there would be a greater total of access provided if the alternative option 001/alt is followed which would provide access in addition to statutory access (providing other recreational access data e.g. NCN, promoted routes, access furniture data).</p> <p>*assumption that inclusion of promoted routes (WCP/NTs) in 001 does not significantly impact extent since most of these follow existing PROW. WCP/NT is about quality of that access rather than extent.</p> <p>(**Lengths based on Wales Right of Way Condition survey, 2002. Although dated the amount of change to the network is anticipated as very low. Although LHAs' data</p>	<p>Totals of access provided: limited to 'by right' access</p> <ul style="list-style-type: none"> All PROW estimated as 33,211 kms [*]. Open country 162,343 ha. Common land 118,098 ha (rural common land not accessible under). Dedicated land 99,258 ha. S15 land (other land with public access) mainly urban common 75,386 ha. <p>(**Lengths based on Wales Right of Way Condition survey, 2002. Although dated the amount of change to the network is anticipated as very low. Although Local Highway Authorities' data accuracy is likely to have improved, no equivalent QA, collation of all-Wales data is available)</p> <p>Distribution – 85% of the 20 authorities responding to Welsh Public Rights of Way Analysis Report responded have digital working copy of their definitive map.</p> <p>Compliance with this requirement should lead to full coverage over time.</p> <p>Also depends on standards baseline set and ability of authorities to provide data at baseline standard.</p>	<p>Totals of access provided:</p> <ul style="list-style-type: none"> All PROW estimated as 33,211 kms [**]. Open country 162,343 ha. Common land 118,098 ha (rural common land not accessible under). Dedicated land 99,258 ha. S15 land (other land) mainly urban common 75,386 ha. <p>Plus, extent of potential additional access shown (see 3A(i) 001/alt) depending on extent of any agreements to seek additional access with 'other bodies that provide long term public access to the outdoors'.</p> <p>Additional extent of National Cycling Network (NCN) routes not on PROW. Based on GIS analysis this is approximate 1522km.</p> <p>What proportion of Active Travel routes are important for recreational use According to the Welsh Government's Active Travel Act, 'The Active Travel Act focuses on walking and cycling as a mode of transport, i.e. for purposeful journeys. Purely recreational walking and cycling were not covered by the Act.' Therefore, more investigation is needed, and this may need to be done by local authorities so off-road routes can be calculated. Link to Active Travel Act Here.</p> <p>Extent of access that other bodies could promote through this such as long-term permissive access. An example is:</p> <p>The Canal and River Trust: 30.5 km <i>The following walks found on the website:</i></p> <ol style="list-style-type: none"> Monmouthshire and Brecon Canal - 5 miles Montgomery Canal - 4.5 miles Llanymynech Visitor Centre to Vyrnwy Aqueduct - 2.5 miles Llangollen Canal Walk - 6 miles Activity Trail at Pontcysyllte Aqueduct - 1 mile <p>National Trust 157 miles of coastal land is under the care of National Trust and 46,000 ha of countryside. Ref: https://www.nationaltrust.org.uk/places-to-visit-wales</p> <p>NRW manages 126,000 ha of Welsh Government woodland estate within Wales. Ref: https://naturalresources.wales/about-us/what-we-do/welsh-government-woodland-estate/how-the-woodland-estate-benefits-wales/?lang=en</p>

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		<p>accuracy is likely to have improved, no equivalent QA, collation of all-Wales data is available)</p> <p>001/alt extent of access available to those unable to use stiles impacted by inclusion of furniture data.</p>		
Quality of access	<p>Accessibility to users in terms of:</p> <ul style="list-style-type: none"> Physical condition Usability (practicality of access provided by rights reforms) Availability to different users Proximity to population; also an equity issue Presence of barriers to higher rights use and people with mobility problems <p>Availability in terms of info including on site presence e.g. signage for the PROW or off-site</p> <ul style="list-style-type: none"> Linkage to other public access of similar rights 	<p>Quality of information will be impacted by GIS standards, and consistency between authorities. Any current inconsistency across Wales - impacts all options.</p> <p>Availability: assume that local authorities with digital working copies will provide the highest quality in terms of accuracy of mapping and up to date information.</p> <p>Question whether there is an alternative for those authorities without digital maps e.g. use of OS base map with PROW information for this option.</p> <p><i>Accessibility to data: Impacted by copyright and licencing. What are the impacts/considerations for legislative reform and options to resolve?</i></p> <p>If PROW data has been derived from Ordnance Survey data, local authorities are able to apply for a "Derived Data Exemption". There is a need to clarify and confirm whether OS are willing to provide Derived Data Exemptions (DDE) en masse and whether DDE is now Open Government Licence 3.0. OS Open Data license applies onward attribution restrictions which are incompatible with popular open data services such as OpenStreetMap (which uses Open Database Licence).</p>	<p>Quality of information will be impacted by GIS standards, and consistency between authorities. Any current inconsistency across Wales – impacts this option most given legal status.</p> <p>Availability: assume that local authorities with digital working copy will provide highest quality in terms of accuracy of mapping and up to date information.</p> <p>Quality of mapping would be impacted by completeness of record and ability of authorities to provide digital copy of their definitive map and statement.</p> <p>Gaps would be present until all authorities are able to meet minimum GIS standards (to be agreed)</p> <p><i>Accessibility to data: Impacted by copyright and licencing. What are the impacts/considerations for legislative reform and options to resolve? [See 3A(i)]</i></p> <p>End use: recreational use, quality met for the routes shown but would not indicate those routes managed (e.g. WCP/National Trails) to a higher standard and likely to give improved user experience.</p> <p>Management use: users can rely on the information to show the correct legal status, suitable for landowner, public sector management, legal</p>	<p>Quality of information will be impacted by GIS standards, and consistency between authorities. Any current inconsistency across Wales – impacts all options.</p> <p>Availability: assume that local authorities with digital working copy will provide highest quality in terms of accuracy of mapping and up to date information.</p> <p>Question whether there is an alternative for those authorities without digital map e.g. use of OS base map with PROW information for this option.</p> <p>Availability of additional data e.g. 3rd party may be available in different GIS standards.</p> <p><i>Accessibility to data: Impacted by copyright and licencing. What are the impacts/considerations for legislative reform and options to resolve?</i></p> <p>Accessibility to data in terms of how it is viewed will be a matter for further detailing and development in terms of technical solutions.</p> <p>End use: recreational use, quality met. Indication of legal status would be given – but not definitive. Quality suitable for use but not management or to query e.g. checking legal line from user perspective. Management benefit may be ability to view complete access provision and for individual bodies to consider access management as part of more integrated picture given through third party data.</p> <p>Availability to data in terms of how it is viewed will be a matter for further detailing and development in terms of technical solutions.</p> <p>Availability of info to different access users [walkers, cyclists etc.] is dependent on the access provision rather than the mapping option in 3A. Greater provision for Cyclists given inclusion of NCN.</p>

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		<p>End use: recreational use, quality met. Indication of legal status would be given but not definitive. Quality suitable for use but not management or to query e.g. checking legal line from user perspective.</p> <p>Management use: questionable whether this option would provide sufficient quality – needs to be 3A(ii) for this purpose.</p> <p>Scale: Welsh Public Rights of Way Analysis Report shows different scale of digitisation. This will impact accuracy of information at certain scales. Will result in inconsistency between different authorities unless standardised as part of map development.</p> <p>Up to date: Welsh Public Rights of Way Analysis Report states authorities have various relevant dates and backlogs of information to add to maps which will impact on local quality in terms of accuracy.</p> <p>Availability of info to different access users [walkers, cyclists, etc.] is dependent on the access provision rather than the mapping option in 3A.</p>	<p>searches, and planning considerations.</p> <p>Scale: Welsh Public Rights of Way Analysis Report shows different scale of digitisation – will impact accuracy of information at certain scales. Will result in inconsistency between different authorities unless standardised as part of map development.</p> <p>Up to date: Welsh Public Rights of Way Analysis Report report states authorities have various relevant dates and backlogs of information to add to maps which will impact on local quality in terms of accuracy.</p> <p>Indication of legal status would be definitive. Quality suitable for management or to query e.g. checking legal line from user perspective.</p> <p>Availability to data in terms of how it is viewed will be a matter for further detailing and development in terms of technical solutions.</p> <p>Availability of info to different access users [walkers, cyclists etc.] is dependent on the access provision rather than the mapping option in 3A.</p>	
Permanency	<p>'By right' access in perpetuity, or permissive? Situation for different rights users?</p> <ul style="list-style-type: none"> • Absolute position and relative to other options (see extent and quality) • Qualified to significant degree 	<p>Available to all with online access 24 hours a day (see equity below)</p> <p>Ability of map and associated information to be used away from computer through mobile technology. Likely solution for this will be same for any of the reform options.</p>	<p>Available to all with online access 24 hours a day.</p> <p>Ability of map and associated information to be used away from computer through mobile technology. Likely solution for this will be same for any of the reform options.</p>	<p>Available to all with online access 24 hours a day.</p> <p>Inclusion of 3rd party long term permissive access may affect permanency of certain routes as access in these instances is not by right.</p> <p>Ability of map and associated information to be used away from computer through mobile technology. Likely solution for this will be same for any of the reform options.</p>

Criteria:	Criteria Description & Measures	Option 3A(i): All-Wales Digital Map (of PROW and CRoW access)	Option 3A(ii): Definitive Map of CRoW and PROW (alternative option)	Option 3A(iii): Third sector Mapping and Promotion Organisation
Clarity & Certainty	<p>Clarity of rights:</p> <ul style="list-style-type: none"> • Simple or complex to understand • Understandable what can do and cannot do where and when and to all interests. • If and how will options be subject to change (temporary or permanent e.g. exclusions and rights) • Communicability of relevant access information 	<p>Likely to give less certainty as not legal record however level as for OS maps currently likely to be adequate for recreational user.</p> <p>Dependent on:</p> <ul style="list-style-type: none"> • Cartography and symbology of mapping option • Agreed standards for frequency of update and review of mapped data will impact certainty. Particularly for E&Rs, temporary diversions • Should give improved clarity and certainty with consistent standards applied across Wales • Will be impacted by 2A and 2B and how complex or simple the options are to understand e.g. in terms of blanket approach or partial, and the way in which partial approach higher rights are expressed on routes with public footpath status 	<p>More certainty as the legal record, suitable for recreational use and management enquiry.</p> <p>Dependent on:</p> <ul style="list-style-type: none"> • Cartography and symbology of mapping option • Agreed standards for frequency of update and review of mapped data will impact certainty. Particularly for exclusions and restrictions, temporary diversions • Should give improved clarity and certainty with consistent standards applied across Wales • Will be impacted by 2A and 2B and how complex or simple the options are to understand e.g. in terms of blanket approach or partial, and the way in which partial approach higher rights are expressed on routes with public footpath status 	<p>Likely to give less certainty as not legal record however level as for OS maps currently likely to be adequate for recreational user.</p> <p>May give perception of less certainty/clarity if 3rd Sector. Uncertainty over long term funding, etc.</p> <p>Dependent on:</p> <ul style="list-style-type: none"> • Cartography and symbology of mapping option • Agreed standards for frequency of update and review of mapped data will impact certainty. Particularly for exclusions and restrictions, temporary diversions • Should give improved clarity and certainty with consistent standards applied across Wales • Will be impacted by 2A and 2B and how complex or simple the options are to understand e.g. in terms of blanket approach or partial, and the way in which partial approach higher rights are expressed on routes with public footpath status
Cost	<p>Estimated costs of a proposal for different sectors: actual, indicative or comparative estimates. Consider administration, implementation ongoing costs in terms of:</p> <ul style="list-style-type: none"> • Financial • Resources • Relative to current position • Relative to other proposals 	<p>Costs associated with development of option would include:</p> <ul style="list-style-type: none"> • Staff time and expertise • Cost of hosting and data storage • Costs of tasks associated with meeting minimum standards e.g. digitisation of PROW where no digital working copy exists, re-digitisation if required to meet consistent standard • Upkeep and server costs • Potential cost to user if 'major' commercial <p>Restricting re-use to non-commercial is cited as an exception to use of OGL.</p> <p>Reference: Guidance for Local Authorities on PROW: 2.4.</p>	<p>Significantly higher cost if 001 is followed to establish a new organisation with function of drawing all definitive map associated tasks into one national organisation replicating tasks in new organisation currently carried out in each of the 22 local authorities.</p> <p>Further consideration of costs could be informed by this report on staff needs (2005).</p> <p><i>What are all the processes and orders associated with the definitive map, enforcement that would be taken on or complicated by single body taking on the role? Level of staff working on definitive map and statement in local authorities. For example, assuming that current</i></p>	<p>Additional cost if establish a new organisation rather than identifying an existing organisation to carry out the role.</p> <p>The setup of a not-for-profit organisation to take ownership and responsibility of mapping and promoting all routes and encouraging the public to use them.</p> <p>Can be considered as duplication/overlap of existing role as local authorities/NRW/Visit Wales/other organisations likely to continue to carry out promotion of own assets and retaining duty to provide e.g. definitive map, open access maps, etc.</p>

Criteria:	Criteria Description & Measures	Option 3A(i): All-Wales Digital Map (of PROW and CRoW access)	Option 3A(ii): Definitive Map of CRoW and PROW (alternative option)	Option 3A(iii): Third sector Mapping and Promotion Organisation
		<p>Authorities must make copies of their definitive map and statement and modification orders available for public inspection at one or more places to which the map and statement relate, usually at the offices of the authority or other places where the public can inspect them.</p> <p>Authorities should also, as far as practicable, deposit copies with community and town councils; these need only cover the area relevant to that community. Authorities are required to keep available for public inspection at least one copy of older editions of maps and statements, together with the orders modifying them, and also to inform the public that copies of definitive maps and statements and orders are available for inspection.</p> <p>Opportunity to generate income from commercial use (alt option). Potential cost to authorities not currently meeting minimum GIS standards (to be determined) e.g. cost to digitise or make corrections to digital data. Additional cost to the definitive map and statement carried out by local authorities. Cost of collation of all Wales map is additional. Use of resource impacted by successful promotion.</p>	<p><i>resource would be minimum required to be employed by single body?</i></p> <p>Further likely additional cost if establishing a new organisation (in 001) rather than identifying an existing organisation to carry out the role.</p> <p>Relatively higher costs given the likely quality assurance processes and stringent standards, plus cost of retaining and storing previous copies that would need to be adhered to as the legal record definitive map and statement.</p> <p>001/alt indicated as the preferred option from feedback with similarities to other examples and collated through Lle (to be replaced by Data Map Wales).</p> <p>Local authorities would retain duty and accountability, single body would have duty to publish and quality assurance. Greater cost to now but would deliver all Wales definitive map without centralising associated tasks and orders therefore likely to be significantly less than 001.</p>	
Monitoring & Enforcement	<p>Enforcing rights and responsibilities, in terms of:</p> <ul style="list-style-type: none"> • Ability to enforce • Demand/need for enforcement actions • Likely impact on compliance with rights and responsibilities 	<p>Enforcement: no mechanism identified in option to enforce reform requirements. No ability to enforce standards or frequency of updates and reviewing delivery.</p> <p><i>Uncertain what enforcement action can be taken by Ordnance Survey if licences are breached.</i></p>	<p>Enforcement: no mechanism identified in option to enforce reform requirements. No ability to enforce standards or frequency of updates and reviewing delivery.</p> <p><i>Uncertain what enforcement action can be taken by Ordnance Survey if licences are breached (see 3A(i)).</i></p>	<p>Enforcement: no mechanism identified in option to enforce reform requirements. No ability to enforce standards or frequency of updates and reviewing delivery.</p> <p><i>Uncertain what enforcement action can be taken by Ordnance Survey if licences are breached (see 3A(i))</i></p> <p>Monitoring: easy to monitor, to see whether local authorities have provided necessary information having information collated in one place.</p>

Criteria:	Criteria Description & Measures	Option 3A(i): All-Wales Digital Map (of PROW and CRoW access)	Option 3A(ii): Definitive Map of CRoW and PROW (alternative option)	Option 3A(iii): Third sector Mapping and Promotion Organisation
	<ul style="list-style-type: none"> Ability to monitor option and implementation 	<p>In a case from 2008, the Ordnance Survey and Her Majesty's Stationary Office noted copyright infringement by a green energy developer. Their response was to offer a license to the data for £16,000. This was contested by the infringer and the case went to the court of Appeal where they lost.</p> <p>https://www.lexology.com/library/detail.aspx?g=1750ad43-a044-4351-951f-1e3508e32ebd</p> <p>See also: https://copyrightservice.co.uk/copyright/p05_copyright_infringement</p> <p>Monitoring: easy to monitor, to see whether local authorities have provided necessary information having information collated in one place.</p> <p>Easier to monitor use of the information and generate statistics about use - connection to 3B(iii) to inform all Wales planning.</p>	<p>Monitoring: easy to monitor, to see whether local authorities have provided necessary information having information collated in one place.</p> <p>Easier to monitor use of the information and generate statistics about use - connection to 3B(iii) to inform all Wales planning.</p>	<p>Easier to monitor use of the information and generate statistics about use - connection to 3B(iii) to inform all Wales planning.</p>
Equity of Access	<p>Positive or negative effect on equity of access. Consider:</p> <ul style="list-style-type: none"> Overall population People with protected characteristics Specifically, for those with mobility problems; social inequalities Differential impacts: on land holders Different impacts: on classes of user Scale/extent of impacts on the preceding 	<p>87% of households in Wales have access to the internet, 98% of those aged 16-49 used the internet compared with 49% of those aged 75 or older.</p> <p>https://gov.wales/sites/default/files/statistics-and-research/2019-09/internet-use-and-digital-skills-national-survey-wales-april-2018-march-2019-207.pdf National Survey for Wales, 2018-19.</p> <p>According to OFCOM Report 2017, in Wales, 94% of adults in Wales have access to a mobile phone, with 74% of these being Smartphones. From these 66% have access to 4G service for improved data speed.</p>	Same as for option 3A(i).	Same as for option 3A(i).

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		<p>The same OFCOM Report advises that 84% has access to the internet with 74% having broadband. From this report, the average broadband download speed in Wales is 32.81mbps, but this is much less in rural parts of Wales with only 13.58mbps.</p> <p>Question the social disadvantage as those without IT equipment and internet will be unable to access. Spectrum of non-technical to very technical users. Ability to generate and provide low tech option e.g. paper copy.</p> <p>Greatest information related to equity of access where further information about structures is included which may make rights un-exercisable for those with protected characteristics particularly mobility problems.</p> <p>Accessibility standards for online data and mapping would need to be met.</p> <p>Publishing the data under OGL would allow map and book publishers and charities to provide paper maps + more accessible services.</p> <p>Open data will also provide opportunity for third party organisations to innovate. Possible that standalone data or combined with other datasets could provide route information to groups with protected characteristics.</p>		
Greater efficiency & transparency	<ul style="list-style-type: none"> Better and/or reduced process requirements for stakeholders Reduced time taken, including for 	Public able to view data in one place. Data provided to consistent standards. Efficiency improved in alt option in charging back costs.	Public able to view data in one place. Data provided to consistent standards. (may result in additional	Public able to view data in one place. Data provided to consistent standards. (May result in additional work to e.g. re-digitising where standard not met)

Criteria:	Criteria Description & Measures	Option 3A(i): All-Wales Digital Map (of PROW and CRoW access)	Option 3A(ii): Definitive Map of CRoW and PROW (alternative option)	Option 3A(iii): Third sector Mapping and Promotion Organisation
	<p>administration processes (see also costs)</p> <ul style="list-style-type: none"> Improved access to processes by stakeholders 	<p>Additional requirement to status quo not replacing existing processes which will continue to run alongside this.</p>	<p>work to e.g. re-digitising where standard not met)</p> <p>001 loss of local knowledge and expertise, disconnect with other local processes, travel to local sites for inspection, etc. Potential additional layer of bureaucracy.</p> <p>001/alt likely to be more efficient - providing data to central point for dissemination retaining local processes and definitive maps functions locally.</p>	
Ecosystems and ecosystems resilience	<p>Positive, negative or neutral impacts. Factors to consider if evidence allows re impacts on species and habitats:</p> <ul style="list-style-type: none"> Extent: changes to area/length rights would apply to and impacts will occur (including extent protected sites and species that would be impacted) Change to levels and type or character of impacts Change to distribution of impacts [widely, specific areas]. Resilience to impacts (of habitats/species) Provision adequate to prevent or mitigate impacts 	<ul style="list-style-type: none"> Possible impact from increased use through improved awareness Possible mitigation for this, spreading visitors to more areas rather than only honey pot sites Consider carbon footprint of storage for platform Could include data on SSSI to help inform and support responsible recreation Possible impact of commercial use 		
Sustainable land and water management	<p>Consider if positive, neutral or negative impact on land or water management:</p> <ul style="list-style-type: none"> Disturbance to livestock and livestock management 	<ul style="list-style-type: none"> Improved ability to take access into account as part of land management programmes Not having an all-Wales map has been a barrier to including access in cross-compliance in Wales previously 		

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	<ul style="list-style-type: none"> Agricultural and other land management impacted Significant biosecurity implications Increased use of land potentially [scale of demand] <p>NB: Considerations for ecosystems to be included in preceding consideration above.</p>			
Health & wellbeing	<p>Consider if positive, neutral or negative impact on physical and mental wellbeing. To consider:</p> <ul style="list-style-type: none"> Changes to use and benefits derived. Impact on different population groups e.g. relatively disadvantaged 	<ul style="list-style-type: none"> Provision of information about access opportunities to make people aware of more opportunities where they live and places, they visit 		
Community cohesion	<p>Consider if positive, neutral or negative impact on community cohesion. To consider:</p> <ul style="list-style-type: none"> Changes to local use and accessibility within area Changes to local wellbeing and economic benefits Likely impact on community interests 	<ul style="list-style-type: none"> Opportunities to identify community routes Possibly aid improved communication with volunteer groups 	<ul style="list-style-type: none"> As for 3A(i), there is the potential benefit for management to be taken by central agencies and removal of local authority contacts for definitive map work 	<ul style="list-style-type: none"> As for 3A(i), plus additional potential positive benefit of integration of wider extent of access
Successful and responsible business	<p>Consider if positive, neutral or negative impact on responsible business, Consider:</p> <ul style="list-style-type: none"> Impact on economic opportunities Impact of changes on economic activity on different sectors 	<ul style="list-style-type: none"> Businesses able to share resources to identify access information near them to promote to visitors A significant benefit of Open Government Data is the potential to stimulate private sector innovation, e.g. Third-party phone app developers (future developments in augmented reality / virtual reality possibilities with this sort of data in the next 10 to 20 years) 		

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	<ul style="list-style-type: none"> • Distribution [see extent] <p>NB: evidence of actual costs or overall impact [+ve, -ve etc] may be difficult to assess at this stage.</p>			

Key Elements Tables

The set of three tables below outline the key elements proposed by the 'expert group' during the options identification stage. It also highlights the revisions that have been proposed to these key elements following the analysis above and consultation with the expert groups.

Key Element Ref No.	3A(i) Required element for outline option proposal	Revisions for consideration to improve option key elements
001	<p>Legislation introduced:</p> <ul style="list-style-type: none"> • Defines responsibility for a single body to produce and publish online data and map[s] of specified public access in Wales • Each public body [as now] to have responsibility for their own public access data layers (i.e. local authorities, national park authorities, NRW and others could be specified) • Public bodies to have duty to provide public access data layers to single body • Data layers to include on single map and data portal: PROW, CRoW access land, National Trails, WCP and accessible Common Land 	<p>Remove 001A included in previous version and instead amend 001 to incorporate the following bullet points:</p> <p>Amend Bullet 2. Not all public bodies' current records are in a digital spatial format capable of being provided in a data layer. Bullet 2 needs to be revised to read:</p> <ul style="list-style-type: none"> • Each public body [as now] to have responsibility for their own public access records [i.e. local authorities, national park authorities, NRW and others could be specified] <p>Amend bullet 3. Address need for each public body to be able to provide digital access layers as precursor to ability of single body to produce all-Wales map:</p> <ul style="list-style-type: none"> • Public bodies required to produce their records in suitable digital spatial format <p>New bullet point 4 identified in Expert Group feedback:</p> <ul style="list-style-type: none"> • Resources identified to meet cost of producing digital spatial data to specified schema and consistent standard <p>INCLUDE: The Power as per 001 Alternative Key Element:</p>

Key Element Ref No.	3A(i) Required element for outline option proposal	Revisions for consideration to improve option key elements
		<ul style="list-style-type: none"> • ‘Powers to include other recreational access data within map and enter into agreements for data provision [e.g. NCN; promoted recreational routes; access furniture data]’ <p>OMIT: Alternative Key Element as worded:</p> <p>‘Local authorities required to provide online integrated public access maps for their own areas’</p> <p>This is refined as the requirement for provision of digital data (included in suggested new bullet 3 above) alongside power to promote this in 006 below.</p>
002	<ul style="list-style-type: none"> • Legislation to specify relevant spatial data to be open-source and free to use by the public, also for commercial and non-commercial purposes [within basic T&Cs] • Putting data together as a single source 	<p>002/alt:</p> <ul style="list-style-type: none"> • No free use if constrained by mapping copyright issues • Major commercial data re-use to be chargeable – with the potential of some income subsidising the costs • Data subject to licensed terms and conditions <p>Revision comment: Retain alternative element subject to expert input and understanding of copyright and licensing issues and input from Ordnance Survey.</p>
003	<ul style="list-style-type: none"> • Regulatory powers for setting Wales access data standards and other necessary processes • This must include what, how, when [etc] each data layer provider supplies their data (e.g. via Web Feature Services) to the 	<p>OMIT alt element:</p> <p>003/alt:</p> <ul style="list-style-type: none"> • Include promoted routes and provide associated data and other standards

Key Element Ref No.	3A(i) Required element for outline option proposal	Revisions for consideration to improve option key elements
	single body for sharing through a data portal and for online integrated map	The power to include other data revision has already been included in ALT 001.
004	<ul style="list-style-type: none"> Legislation will not specify that the integrated map is a legally conclusive map (i.e. definitive in law). 	Essential to option
005	<ul style="list-style-type: none"> Liability for the data to stay with the data provider. 	Essential to option.
006	<ul style="list-style-type: none"> Requirement for single body to publish online and promote data/map. Duty for providers of the access information to promote the Wales online mapping/data. 	<p>In light of Expert Group consideration:</p> <p>OMIT 006/alt:</p> <ul style="list-style-type: none"> 'Requirement for local authorities to lead on informing and promoting data/map for their areas' 'Requirement only for access data provides to provide data for free' <p>Revise Bullet point 2 to Power rather than a Duty on providers of information to read:</p> <ul style="list-style-type: none"> Power for providers of the access information to promote the Wales online mapping/ data <p>Include new bullet in respond to feedback need for definition and opportunity for working with other organisations:</p> <ul style="list-style-type: none"> Legislation will define 'promote' to include promotion of use to other organisations as well as to the public
007	<ul style="list-style-type: none"> Accompanying information with data and mapping to ensure clarity as to rights and responsibilities that apply 	(007/alt - Subject to 2A/B reforms regulations amended for how footpaths represented on maps)
008	<ul style="list-style-type: none"> Requirement for single body to feedback to data providers such as local authorities. 	Amend bullet to formalise all communication mechanisms in relation to the map. Including

Key Element Ref No.	3A(i) Required element for outline option proposal	Revisions for consideration to improve option key elements
		<p>reporting issues and crowdsourcing information.</p> <p>To read:</p> <ul style="list-style-type: none"> • Legislation to specify that all organisations and public bodies involved in the provision of data and publication of the map to have formalised mechanism for communications • Powers to include technical solutions for reporting of issues and crowd sourcing information
009	<ul style="list-style-type: none"> • Powers to include other data layers meeting specified data and quality standards. 	<p>Omit alternative element for 009 but include as incremental duty for authority to map specified access in 010.</p> <p>(009/alt - Powers to require authorities to digitally map specified access infrastructure such as gates, stiles, steps, with view to providing as information in future)</p>
010	<ul style="list-style-type: none"> • No requirement to spatially record and provide for integrated map all Highways Act 1980 s.147 (HA s147) [authorisation for stiles, gates etc]. 	<p>OMIT 010 and replace with combination of 009/alt and 010/alt to read:</p> <ul style="list-style-type: none"> • Introduce a new duty for highways authority to digitally record and map all new s147 structures • Introduce a new incremental duty for existing access infrastructure on public access [on definitive map and statement and via s147 authorisations] to be digitally recorded and mapped

Key Element Ref No.	3A(ii) Required element for outline option proposal	Revisions for consideration to improve option key elements
001	<ul style="list-style-type: none"> Establish/ID single agency with duty to survey, record, publish and maintain definitive map of Wales' PROW and CRoW access land 	<p>Omit 001 and replace with alternative element:</p> <p>001/alt</p> <ul style="list-style-type: none"> Collate map from existing agencies data. Single body to pull information in from all others. 22 LA maps integrated into one element or one conclusive map (single responsibility) - see also 008/alt 008 <p>New bullet point to address need for each public body to be able to provide digital access layers as precursor to ability of single body to produce all Wales map:</p> <ul style="list-style-type: none"> Public bodies required to produce their records in suitable digital format and provide this data to single body <p>New bullet point:</p> <ul style="list-style-type: none"> Resources identified to meet cost of producing digital data to specified format and consistent standard
002	<ul style="list-style-type: none"> Single agency with duty to publish integrated mapping online 	Essential to option.
003	<ul style="list-style-type: none"> Legislation provides that resulting map would be legally conclusive as to the information it contains 	Essential to option.
004	<ul style="list-style-type: none"> Regulations to specify technical data requirements for data layers 	Essential to option.
005	<ul style="list-style-type: none"> Duty for local authorities/NRW to provide specified definitive access data layers to single body to publish (through whatever technical solution) 	Essential to option.

Key Element Ref No.	3A(ii) Required element for outline option proposal	Revisions for consideration to improve option key elements
006	<ul style="list-style-type: none"> Legislation revised – harmonise processes for PROW and CRoW Act mapping processes 	(006/alt - Integrated map not founded on changes to PROW/CRoW mapping processes except for change of responsible body)
007	<ul style="list-style-type: none"> CRoW mapping duty changed to continuous review feeding into to integrated map. 	(007/alt - Definitive CRoW mapping process as now) Omit – not essential to option and will be considered as part of Welsh Government Group 1 reforms.
008	<p>Omit and replace with alternative element.</p> <ul style="list-style-type: none"> Establish a single body with legal duty to survey, record, maintain and publish integrated, online definitive map(s) of PROW and CRoW map for Wales 	<p>Revision comment: State this as the main element:</p> <ul style="list-style-type: none"> 008/alt - Integrated Wales map but leave responsibility with local authorities and NRW to provide definitive version of PROW/CRoW mapping [akin to other option provided in this paper 2A(i)] Specify local authorities to publish own definitive maps online. A mapping hub directing people to local authorities or NRW online pages provides Wales's single point of access
009	<ul style="list-style-type: none"> Development of technical solution to draw up the 'real time' data from local authorities/NRW to integrated map 	<p>Amend Key element to read:</p> <ul style="list-style-type: none"> Use technical solutions available to provide 'real time' update of the integrated map from local authorities/NRW data

Key Element Ref No.	3A(iii) Required element for outline option proposal	Revisions for consideration to improve option key elements
001	<ul style="list-style-type: none"> Legislate for a not-for profit 'access promotion organisation/trust' with purpose of providing information for and to promote enjoyment of the outdoors Statutory duty for access promotion organisation to promote specified access information to people of and visitors to Wales Powers to promote access information to people outside Wales in accordance with organisation's aims 	<p>Revision comment – omit and consider as part of 3A(i) or 3A(ii).</p> <ul style="list-style-type: none"> 001/alt - Aggregate data in one data portal online, such as Welsh Government's Lle data portal - Data Map Wales and allow people and organisations to freely use. Subject only to license for appropriate use (see other 3A options proposed) Licence how data is used to ensure appropriate use (e.g. use of up-to-date datasets at all times) and to prevent misuse <p>Amend 001 include additional bullet:</p> <ul style="list-style-type: none"> Legislation to specify relationship of organisation/trust to existing organisations with role in provision of information and promotion Legislation to set out accountability of organisation
002	<p>Duty on NRW/local authorities to provide specified public access data to access promotion organisation with associated sanctions if not provided.</p> <p>Data to include:</p> <ul style="list-style-type: none"> Defined PROW Defined CRoW access land (including exclusions and restrictions) Designated National Trails & WCP Others to be specified in regulations Discretion to include others as meet organisation's overall purpose 	<p>Amend to remove reference to sanctions to read:</p> <ul style="list-style-type: none"> Duty on NRW/local authorities to provide specified public access data to access promotion organisation
002 B	<ul style="list-style-type: none"> New Key element: Powers to include other recreational access data within map and enter into agreements for data provision with other bodies that provide long term public access to the outdoors 	<ul style="list-style-type: none"> Revision Comment: Omission in key elements but included in the summary description therefore

Key Element Ref No.	3A(iii) Required element for outline option proposal	Revisions for consideration to improve option key elements
	(e.g. National Trust, Canal and Rivers Trust, etc)	include as an essential element of this option
003	<ul style="list-style-type: none"> Regulatory powers to define how the specified public access data (see above) should be recorded, spatially represented and provided to the access promotion organisation and in turn to the public -and others where required 	
004	<ul style="list-style-type: none"> Specified duty to provide the mapping information and data for the public online for free; free data use and re-use subject to licence 	<p>Revision comment: Also include the alternative element subject to expert input and understanding of copyright and licensing issues and input from Ordnance Survey.</p> <p>004/alt - Require fee for commercial re-use of data and mapping above a certain value.</p>
005	<ul style="list-style-type: none"> Legislation to provide ability for organisation to generate income, secure grants, etc. in support of statutory purposes Ability to charge/derive income for additional services outside statutory requirement 	
006	<ul style="list-style-type: none"> Legislation would allow for inclusion of other public access layers to be included on the mapping or as data 	
007	<ul style="list-style-type: none"> Respective liabilities for data maintainer and data publisher need to be defined 	
008	<ul style="list-style-type: none"> A uniformed way to publish and promotion of the information service; campaign of providing the information (publicising) 	
009	<ul style="list-style-type: none"> Others also promoting (duty to) as voluntary organisation 	

Next Steps Summary

This report will be presented to the Ministers for formal review in November 2020. Once agreed, the changes suggested to the key element tables (above) will be actioned and a final set of proposed reform options will be produced.

In January 2021, the last Expert Group sessions will take place, these will be the Option Selection meetings. The task in this meeting is for the members of the Expert Groups to discuss, and where possible, reach consensus on the preferred options for each reform area. After which, the final report will be written to be presented to the Minister at the end of March 2021.

Annex 1: ‘Call for Evidence’ Responding Organisations

Representatives from the following organisations responded to the ARAG ‘call of evidence’ request sent out in the Summer of 2020:

Arfon and Dwyfor Local Access Forum, Gwynedd
Brecon Beacon National Park Local Access Forum
Brecon Beacon National Park (*Expert Group representative*)
British Horse Society (BHS) (*Expert Group representative*)
The British Mountaineering Council (BMC) (*Expert Group representative*)
Cadw
Canoe Wales
Carmarthenshire County Council (*Expert Group representative*)
Ceredigion Local Authority (*Expert Group representative*)
Country Land and Business Association (CLA) (*Expert Group representative(s)*)
Cycling UK (*Expert Group representative(s)*)
Flintshire and Wrexham Joint Local Access Forum
Institute of Public Rights of Way & Access Management
Ministry of Defence (MOD) (*Expert Group representative*)
National Representative, Welsh Local Access Forums
Open Spaces Society (OSS) (*Expert Group representatives*)
Pembrokeshire Coastal National Park Authority (*Expert Group representative*)
Powys Local Access Forum
Rhondda Cynon Taf Local Access Forum
South Wales Outdoor Activity Providers Group (SWOAPG)
Swansea City and County (*Expert Group representative*)
Wales Adventure Tourism Organisation (National Access Forum Member)
Vale of Glamorgan County Borough Council (*Expert Group representative*)

Natural Resources Wales Internal Responses

- Evidence, Policy and Permitting (EPP) Team
- Knowledge and Evidence, EPP
- Land Management Team
- Marine and Coastal Ecosystems Team
- Marine and Coastal Policy and Planning Team
- North West Wales Operations
- North East Wales Operations
- North West Wales Sites Team
- Outdoor Access and Recreation Team
- South Wales Central Operations Team
- Sustainable Management of Natural Resources (SMNR) Team
- Sustainable Places – Land and Sea Management Team
- Well-being and Integration Team