

# Access Reform Programme

Analysis Report: Reform 3B

Integrated planning of public access in Wales

# Executive summary Reform 3B – Integrated Access Plans

## Summary of Policy Intent for Reform 3B

”To create the requirement for local authorities and national park authorities to develop integrated plans of public recreational access in local authority areas in order to facilitate and support delivery across multiple policy areas and integrating with other services.”

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

- i. Provide a duty for local authorities to produce light-touch integrated plans for existing recreational access provision and proposed improvements. Improvements included in the plan would be developed in consultation with local communities and the local access forum.
- ii. Provide a duty for local authorities and national park authorities to produce plans for the improvement of recreational enjoyment of the outdoors. The plan would include improvement of specified local accessible green and blue space based on the public’s needs. Partners with responsibilities for the management of public access would be required to work jointly with the local authority or National Park Authority to produce the plan.
- iii. Welsh Government would have a duty to produce a strategic plan for specified national scale recreational assets such as the Wales Coast Path and national trails. The national plan should feed into the integrated access plans of local authorities.

## The key issues identified in the delivery of the 3B Options were:

- Given the success of rights of way improvement plans (ROWIPs) the 3B reform for local integrated access plans should build on the existing ROWIP legislation and associated guidance
- New integrated access plans should be underpinned by evidence and assessment of public needs.
- New integrated plans will need to balance widening their scope and integration with other policy areas, with retaining depth and focus on delivery
- A 3B reform should ensure new integrated plan requirements support the implementation of the other access reforms introduced by the Welsh Government
- Delivery plans were widely recognised as a useful part of the second round of ROWIPs and should be included in any 3B reform
- There should be flexibility provided in the 3B reform for how local authorities work together and whether national park authorities produce their own plans
- Support funding will be important to incentivise the production of the new access plans and for their delivery

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

- Wales would benefit from the 3B(iii) proposal for national strategic planning of recreational access linked to and supporting the delivery of Welsh Government’s strategic objectives and plans

- Development of a national strategic plan (3B(iii)) should involve representatives of key public bodies and other national partners
- A national strategic plan (3B(iii)) should relate to and inform local integrated access planning

# Introduction

## Background

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
- **Reform 2A:** Extending the right to ride a cycle or horse on public footpaths
- **Reform 2B:** 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 contacted]
- 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 3B – Integrated Plans

Total number of responses received: 16, total number of organisations responding: 12, NRW internal responses: six.

### Summary of Policy Intent for Reform 3B

To create the requirement for local authorities and national park authorities to develop integrated plans of public recreational access in local authority areas in order to facilitate and support delivery across multiple policy areas and integrating with other services.

**Table 1: REFORM 3B OPTIONS**

1A: Outline Proposal Title	Summary Description of Outline Proposal
i. Integrated Recreational Access Plans	<p>Integrated plans should be local authority led and should replace the current Rights of Way Improvement Plans (ROWIPs) when they come to an end. If the integrated plans are to become a statutory requirement, then the duty to produce ROWIPs under section 60 of the CRoW Act and should be repealed to avoid duplication.</p> <p>Integrated plans should be light touch and minimise the need for a new workflow to be undertaken. The plans should describe:</p> <ul style="list-style-type: none"> <li>• Existing provision</li> <li>• Proposed improvement projects identified within existing documents (active travel network maps, ROWIP delivery plans, funded bespoke projects)</li> <li>• Desirable improvements identified by Local Access Forums (LAFs) or submitted by communities</li> </ul> <p>Plans should be aimed at creating an index of funded projects and off the shelf projects that authorities, LAFs, communities and partners can use to formulate bids.</p>
ii. Revised and extended ROWIP Approach (ROWIP+)	<p>Provide duty for local authorities and national park authorities to produce plans for the improvement of recreational enjoyment of the outdoors. The plan would include improvement of local rights of way, cycle routes,</p>

1A: Outline Proposal Title	Summary Description of Outline Proposal
	<p>CRoW access land and managed publicly accessible green and blue space.</p> <ul style="list-style-type: none"> <li>• The integrated plan must support delivery of Wellbeing and Future Generations Act 2015 objectives and the relevant Area Statement</li> <li>• Specified partners with responsibilities for the management of public access, would be required to work jointly with the local authority or National Park authorities producing the plan and would include the Active Travel responsible body, NRW, National Trail and Sustrans</li> </ul> <p>The plans would include:</p> <ul style="list-style-type: none"> <li>• An assessment of the current and future needs of the public for outdoor recreational access</li> <li>• A strategic statement of how the access will be improved.</li> <li>• A 10-year action plan with specific actions for the improvement of access for the public</li> <li>• An interim review of the Plans would be required at the end of five years. A reviewed and revised plan would have to be produced at the end of 10 years</li> <li>• Responsibility for leading the actions specified within the Plan stages</li> </ul>
<p>iii. National Strategic Recreational Access Improvement Plan</p>	<p>Welsh Government<sup>1</sup> to produce a strategic plan for national scale recreational assets such as the Wales Coast Path and National Trails. The plan would feed into the individual integrated plans for each authority area.</p> <p>Detailed planning for assets would remain within relevant programmes.</p>

<sup>1</sup> This has been changed from 'NRW' to 'Welsh Government' to be consistent with the text in the Key Elements table in the Options Identification Paper.

## **Option 3B(i) Integrated Recreational Access Plans (IRAP)**

### **Summary of Proposed Reforms**

The 3B(i) reform for Integrated Recreational Access Plans (IRAP) would replace the duties for producing a Rights of Way Improvement Plan (ROWIP) as required by the Countryside and Rights of Way Act 2000 (CRoW). Transitional arrangements to the IRAP duties would be included in the Reform.

The new duty would require the local authority as a whole to produce the IRAP (rather than just the local highway authority as for ROWIPs). National park authorities would have powers to produce an IRAP for their areas.

The option would extend the types of recreational access that must be included in the IRAP. As well as the local rights of way included in ROWIPs, the plan would also include CRoW access land, cycle paths and promoted recreational routes. The core of an IRAP would be equivalent to the current ROWIP approach.

The option also sets an intention to make the new plan 'light touch', this is interpreted as seeking opportunities for efficiencies and streamlining to the current ROWIP process to reduce what is required within plans and any unnecessary bureaucracy.

Statutory guidance will be required to help local authorities delivering the IRAP to understand the requirements for their plans and to support consistency across Wales. The inclusion of a template or model IRAP as part of the guidance is proposed to assist with the consistency and efficiency of the process.

It is proposed that there should be resources to incentivise production of the plans and to deliver the plan actions.

## **3B(ii) Revised and extended ROWIP Approach (ROWIP+)**

### **Summary of Proposed Reforms**

The 3B(ii) reform would amend the current requirements for local authority strategic access plans currently called Rights of Way Improvement Plans (ROWIPs), as set out in the Countryside and Rights of Way Act 2000 (CRoW).

This reform would require production of a 'ROWIP+' by the local authority (rather than by the local highway authority as required by CRoW for ROWIPs) as well as providing a duty for national park authorities to produce a ROWIP+ for their area (001). An alternative option (001/alt) was proposed to provide flexibility for National Park authorities to have the power, rather than duty, to produce a plan, in consultation with their constituent local authorities.

The plan would cover an authority's area, with powers (as currently with ROWIPs) to produce a joint plan with other authorities. An alternative element (009/alt) proposed that plans must be produced at a regional level.

In addition to the body responsible for leading production of the ROWIP+, there would be a duty to consult other bodies and organisations and a duty for these organisations to contribute to the process.

There would be an increase in the types of access that authorities would be required or have power (003/alt) to include within the ROWIP+. This includes public access resources not directly managed by the authority, for example, by including third sector provision and resources that may be undefined such as accessible green and blue space.

In addition to supporting the duties for public bodies under the Wellbeing of Future Generations Act 2015, there is a specific requirement for local authorities and National Park authorities to ensure that the ROWIP+ supports delivery of local wellbeing objectives (as set out in the Local Wellbeing Plan) and the delivery of the relevant Area Statement.

Statutory guidance will be required to support local authorities delivering the ROWIP+ to understand the expectation from legislation and to support consistency in planning across Wales. Guidance would specify the matters to be included for the management of the access resources in the ROWIP+. It would also identify different departments and organisations to be consulted. For named organisations (external to the local authority) there would be a requirement for them to contribute to plan development and a responsibility for delivering actions.

Funding associated with the ROWIP+ and their implementation would provide resources and incentive to develop and deliver the associated action plans. It is recommended that part of future land management funding schemes should be able to fund the Plans.

### **Alternative key elements within 3B(ii)**

The option included a number of variations as part of (006/alt), these are:

- To include a duty to relate to Wellbeing Plans. This would be integral to supporting delivery of local wellbeing objectives (004) already included above so this is taken as a duplication
- A requirement for the ROWIP+ to include mapping as part of the assessment of provision and proposals for action
- Inclusion of a duty associated with implementation and changes arising from reforms 1A, 1B and 2A to assess and propose priorities for improvements for higher rights users

### **3B(iii) National Strategic Recreational Access Improvement Plan**

#### **Summary of Proposed Reforms**

Option 3B(iii) introduces legislation to require Welsh Government to produce a strategic action plan for improvement and development of national recreational assets, and to report on and monitor the plan's delivery. It would also provide a framework to support the delivery of the Wellbeing of Future Generations Act 2015 objectives. An alternative proposed for this reform option is to also include an additional duty to promote these assets (001/alt).

Legislation would give Welsh Government powers to specify nationally and regionally significant recreational assets (e.g. public routes or access areas) for inclusion in the plan. This would be alongside powers to specify standards for the quality and management of these assets, and for enhancing linkages between them. An alternative element proposes including the mapping of these assets as part of the plan (potentially linked to reform 3A – integrated access mapping and information).

The option proposes powers for Welsh Government to determine how the plan, or elements of it, are produced. This could include delegating delivery to another organisation such as NRW.

The option identifies the need for provision for resources to carry out the duty.

### **3B: Commentary on Issues across more than one option**

Both 3B(i) and 3B(ii) will affect the current requirements for local authority strategic access plans (i.e. ROWIPs) as set out in the CRow Act 2000, sections 60 (s60) and 61 (s61). Section 60 of CRow requires local highway authorities (part of a unitary authority's functions) to produce a ROWIP, states what the Plan should cover and that the Plans should be reviewed every 10 years. Section 61 sets out what is required to produce a plan including the guidance to be followed, consultations, publishing and making the Plan available to the public.

It would be feasible to amend section 60 and section 61<sup>2</sup> of CRow to bring effect to either option as Welsh ministers may already make regulations extending the list of those who must be consulted prior to any review and as part of the assessment. Additionally, ministers may issue directions prescribing extra content to be included in a plan, as well as further matters to be considered in an assessment; they can also revise statutory guidance associated with the duty.

Taking 3B(i), for example, the proposed reform could amend s60 and s61 of CRow to:

- Change the name of the plan required to be produced by local authorities from ROWIP to IRAP
- Change the authority tasked with the duty to local authority from local highway authority
- Amend section 2(c) to ensure IRAPs consider the Equality Act 2010
- Specify the interval at which the plan will be required to be reviewed (if different from every 10 years)
- Expand on the types of access required to be included in addition to 'local rights of way'
- Amend consultation and publication requirements to introduce efficiencies (e.g. shorter consultation period and online consultation rather than publishing in newspapers)

<sup>2</sup> [See here for CRow legislation text for ROWIPs - sections 60 to 62](#)

- Include requirements for IRAP to be integrated with other policy areas and plans, both within and external to local authorities e.g. Active Travel Plans, Wellbeing Plans, Area Statements

ROWIP legislation ([CRoW Act section 60 \(2\) \(c\)](#)) states that authorities specifically consider the accessibility of local rights of way to blind or partially sighted persons and others with mobility problems in preparing and implementing their ROWIP.

The current [Welsh Government's ROWIP Guidance](#) includes references to the Equality Act 2010 in a number of places such as part of paragraph 2.10, which reads: '...The principles of the Equality Act should be fully incorporated into ROWIPs and must be considered at every stage of the process.' As such, legislation should amend CRoW s60 (2) (c) to align with the Equality Act 2010.

Transitional provisions will need to account for those authorities that are out of sync with the ROWIP statutory timetable. As of September 2020, 10 authorities had yet to review their first ROWIP and consult on revised plans that should have been produced during 2018/19 at the latest. Some feedback from authorities suggested that there is a need to streamline the process, or allow more resources for access planning, in light of the inability of many authorities to meet the existing requirements for reviewing ROWIPs. Research would be needed to understand the factors affecting the lack of progress with reviewing ROWIPs in some authorities.

Bearing in mind that some authorities have not met the current ROWIP duty, it is also noted that there is currently no provision in option key elements for enforcement of the plan duties. Evaluation research<sup>3</sup> showed that Welsh Government funding can successfully incentivise adherence to a timetable, as well as support its delivery, which has been included in option key elements. Funding to support the delivery of the Plans could include agri-environment funding for public access work if included in the proposed Sustainable Farming Scheme. Links to Wellbeing Plans may also open-up funding streams that would otherwise be unavailable.

## Integration

Integrated recreational access planning is a fundamental component of the policy intent. The 2008/9 [ROWIP Evaluation](#)<sup>4</sup> of the first plans produced found that 'Integration with other authority plans and strategies was limited.' This issue was considered in the development of the Welsh Government's revised ROWIP guidance by strengthening this element and indicating where opportunities for integration with other legislation and policy delivery exists. After revisions, it reads:

*'It is important that ROWIPs integrate with other plans and priorities and that the integration also carries over into the action planning stage and eventual delivery'*

<sup>3</sup> Wales ROWIP Review March 2009 – in November 2007 nearly half authorities had not met the statutory timetable. With the introduction of ROWIP funding for authorities, but contingent on them having a ROWIP, all authorities had completed their first ROWIP by October 2008.

<sup>4</sup> NRW Research Report Evaluation of ROWIP Implementation & ROWIP Funding Programme 2013. Resources for Change Ltd, with Asken Ltd.

Further studies into ROWIPs have not been commissioned since the statutory guidance was updated in 2015, and since the Environment Act 2016 and Wellbeing of Future Generations Act 2015 changed the legislative landscape in Wales, introducing principles of integration as part of how public sector should work. Inclusion of a requirement in legislation as opposed to retaining integration in statutory guidance for the recreational access plans would reinforce wider duties and further strengthen the impetus for integration to happen in practice.

## Organisation roles

### Local authority

Integrated delivery may be affected by the proposed reform to widen the duty for producing the plan to the whole authority. This is in comparison to the ROWIP duty which only applies to the 'local highway authority'. Local authorities have responsibilities that apply to the whole authority and are relevant to the access plans e.g. planning authorities are tasked with green infrastructure assessments; the Active Travel Act refers to local authorities; the Wellbeing of Future Generations Act applies to the local authority, national park authorities and other public bodies. To further enhance the interpretation of this, guidance should also specify that the duty does not fall to just one department or component of an authority. Legislation would need to include requirement for national park authorities to consult the same component parts in constituent authorities where they do not already cover the role.

### National park authorities

There was broad support within the Expert Group discussions for the 3B(i) and (ii) options to provide a power, rather than a duty, for national park authorities to produce plans working with their constituent local authorities. This would give national park authorities and local authorities flexibility to work according to local circumstances e.g. Brecon Beacons National Park authority has its own ROWIP; Pembrokeshire Coast National Park authority has a joint plan with Pembrokeshire County Council; Snowdonia National Park authority has contributed to its constituent authorities' ROWIPs. Option 3B(i) (element 001) therefore needs to add provision for a power for national park authorities to produce a plan for their areas in the same way as in option 3B(ii).

Feedback noted the importance of co-ordinated working between national park authorities' and local authorities' plans, highlighting that national park authorities do not have any control of local authority owned land and public recreational areas, with the resulting risk of national park authorities' and local authorities' plans contradicting each other. A number of views noted that a change to the options could be to make it a duty for local authorities to respond to requests from national park authorities for information needed to produce their plan.

Reform legislation will need to help ensure that anything that should be considered as 'material provisions' for Public Path Orders is incorporated in the core plan (see Welsh Government ROWIP Guidance section 5.7). Planning Inspectorate Wales (see the Guidance section 5.8) have indicated that the contents of the delivery plans, not having followed a full statutory process, are unlikely to be considered as 'material provisions' for determining certain PRow orders e.g. for extinguishing paths under section 118 (see part

6A) or diverting paths under section 119 (see part 6A) of the Highways Act 1980<sup>5</sup>. Therefore, authorities should ensure content they wish to be considered, such as when determining public paths orders, is included in the core ROWIP.

Specific research into the production and implementation of the first ROWIPs in 2009, the 'ROWIP Implementation and the ROWIP Funding Programme Evaluation' (2013)<sup>6</sup> report in the 'Lessons Learnt' section will be helpful when considering detailed development of reform 3B.

### **3B(i) Commentary of issues on reform focusing on legislation**

As noted above, the key elements of option 3B(i) could be achieved by amending the CRow Act 2000.

Further detailed consideration will be required into which elements from ROWIP provisions should be retained to deliver the IRAP, given the reform proposes a 'light touch'. Alongside this, requirements will be proposed to include in the plans additional types of public access and increased integration with other plans and policies (element 003). Whilst 'streamlining preparation work' could reduce the assessments required, this would also reduce the evidence underpinning the preparation of a plan e.g. the consideration of the public's needs.

One mechanism which may bring efficiencies in plan development is the proposal for statutory guidance to include a template or model IRAP. This could help achieve greater consistency of plans across Wales and save authority time in developing their own format and structure. Including this as an optional rather than required element may help those authorities that need it, together with local flexibility to accommodate differences in local authority resources and aspirations.

Producing a delivery plan for the ROWIP is currently included in the statutory ROWIP guidance but is not specified in CRow s60 or s61. The Expert Group expressed the preference that a delivery plan should be included as a requirement as part of any 3B reform.

In relation to IRAP setting out 'off the shelf' projects for funding bids, the level of detail for inclusion in any projects raised a concern about local sensitivities from including projects before they have been fully developed and agreed.

### **3B(ii) Commentary of issues on reform focusing on legislation**

As noted above, the key elements of option 3B(ii) could be achieved by amending the CRow Act. The option makes provision to extend the types of public access included in the plan beyond those directly managed by local authorities/national park authorities, which has been the statutory focus of ROWIPs to date.

<sup>5</sup> [s119\(6A\) Highways Act legislation text](#); [s118\(6A\) Highways Act legislation text](#) <sup>6</sup> [Wales ROWIP Review](#) ; [ROWIP Evaluation](#)

Incorporating all public recreational access resources available could provide opportunities for planners and managers to work in more integrated and collaborative ways, within and across different organisations and sectors to better meet the needs of the public. The option will need to make clear the lines of responsibility and democratic accountability for the plans, their content and their delivery, to take account of this. Also, it should be considered how authorities can plan the management of publicly accessible paths and areas that they do not control or have responsibility for e.g. National Trust and blue space.

There were concerns raised about widening the scope of access to be planned for and adding to the organisations involved. Doing so will require additional resources as well as commitment from all those involved if the resulting plan is to retain the depth and focus on delivery that is within current ROWIPs. Further work will be needed to estimate likely costs for such an approach.

Introducing a duty for partners to contribute to plans (see key element 005) will generate a more proactive response than the alternative for them to be consulted. It will, however, be necessary to define what 'contribute' means in order for the expectation and the mechanism for doing so to be clear. Defining the contribution to be made will also determine what demand there would be on partners' resources.

It was felt more appropriate to be flexible about whether and how non-governmental organisations (NGOs) contribute to plans, allowing for their more limited capacity and for local circumstances, by making it advisory rather than a duty. There may be lessons to learn from the Public Service Board process about a duty for a range of partners and sectors to contribute to plans. Some feedback gathered in request for evidence raised valid concerns that will need to be considered. These include:

- With so many different potential organisations and groups, there is potential to extend the process significantly
- There is a risk that there could be conflicting views, and this could make the plan less focused and purely aspirational rather than deliverable
- There would be more duplication rather than integration e.g. where there are both Active Travel and recreational routes
- Widening the scope of access, other policies and plans to be considered and organisations required to contribute, will be too onerous without significant extra resources e.g. smaller local authority PRoW teams are likely to struggle to engage many organisations/departments at the right level to achieve what is envisaged

How the revised plans integrate and interface with other policies and plans will need to be considered further as it is likely to be complex. Active Travel, and Green Infrastructure Assessments which fall within different policy areas and authority departments will have their own legislation and timetables.

Integration across authority boundaries would be supported by Option 3B(ii) (009/alt). The opportunity to produce joint ROWIP exists at present and is included in key element 009. The only cross-authority ROWIPs that have been produced are those involving BBNPA and

PCNPA rather than being joint-plans between unitary local authorities. The ability to produce a joint plan should be retained as an option where local circumstances are favourable rather than as a requirement. Recommendation 'WG4' from the ROWIP evaluation (2013)<sup>7</sup> goes further stating that Welsh Government should: *'Encourage joint working between neighbouring authorities, especially the small predominantly urban authorities, such as by producing joint strategic plans, joint funding bids, sharing of skills/resources, combining for monitoring outcomes where these are likely to manifest themselves across authority boundaries (e.g. long-distance routes).'*

The types of 'managed publicly accessible space' to be included will need to be defined in reform legislation or guidance. Similarly, the extent that unclassified roads (UCRs) should be considered within the plans. Some authorities may not have the time and/or resources to produce a plan of wider scope. As such, the option is likely to require additional resourcing such as to include and capture data of expanded access provision where not already mapped. Although, as noted in the Table 2 criteria assessment, some of the partner organisations have mapping associated with the resources they manage which should be of assistance.

By extending the breadth of the access included in the plan, consideration should be given as to appropriate naming of the plan to reflect the wider scope compared to ROWIPs.

Legislation and guidance currently specify the involvement of LAFs, and statutory guidance provides further detail. This has generally helped define LAFs' role, although the extent of their involvement has varied between them. Continuing LAFs central advisory role, rather than as a partner in the plans, would be more in keeping with current ways of working. However, account will need to be taken of any changes to the role of LAFs that may emerge from reforms being considered by Welsh Government outside of the ARAG process.

### **3B(iii) Commentary of issues on reform focussing on legislation**

Proposals should clarify that option 3B(iii), the national recreation plan, is intended to be in addition to the local access plans of 3B(i) or 3B(ii) rather than instead of local options.

The option's summary description states that NRW would be tasked with producing a national recreation plan, however, the key element text states the duty is for the Welsh Government. Legislation will need to be clear about the organisation who must deliver this option, and whether it can be delegated. Other aspects of the process such as the organisations to be consulted, process timetable, plan duration and links to other plans should also be set out.

It is noted that the proposal echoes recommendations in the 2013 research evaluating ROWIPs<sup>8</sup>. This research states that Welsh Government:

- Make time for considered decision-making about future direction for ROW [rights of way] and access planning

<sup>7</sup> [Link to ROWIP Evaluation \(2013\) report](#) <sup>8</sup> [Link to ROWIP Evaluation \(2013\) report](#)

- Set aside a period for decision-making about the long-term future direction for Rights of Way and access planning, and associated funding (e.g. who should continue to carry out PROW/access planning and who should pay for it)
- Be realistic about what this time-period needs to be, depending on the actions that need to be included or you might want to include (see report's recommendation 'WG 1')

The Active Travel Plan for Wales and its oversight by the Active Travel Board provides a possible model for a 'national strategic recreational access improvement plan'. Suggested partners would include Welsh Government, Visit Wales, NRW and local authority representatives. Consideration of the Active Travel Act [post legislative scrutiny report](#) could provide further insight. Consideration should also be given to national partners outside the public sector who manage or own national or regionally significant access assets, including significant permissive access e.g. Sustrans for the National Cycling Network, National Trust, Canal and Rivers Trust, Wildlife Trusts, Coed Cymru, Elan Valley, and more.

Consideration could be given to whether the National Access Forum has a role to play in this national plan or its oversight.

With reference to option 3B(iii) 003, there are further lessons for this option from the Active Travel Act process. An Active Travel Action Plan, produced to support the Act, includes matters such as standards and tools; infrastructure; promotion and behaviour change; skills and training; and monitoring and evaluation.

There is emphasis in options 3B(i) and 3B(ii) on assessing the public's needs for access. The national plan should be evidence-based with equivalent information to local plans provided in the national plan.

In the context of the wider reform programme and the seeking of opportunities for higher rights users, it should be noted that national assets currently identified within 3B(iii) are primarily for walkers (National Trails, Wales Coast Path) and that assets should also provide for higher rights users.

Reform 3B(iii) will need to consider how the local plans inform the national plan and vice versa. Concern was raised through evidence gathering that this reform could lead to a two-tier approach with a potential for greater importance being attached to a national plan. This could result in the national plan attracting more funding, to the detriment of the 'lesser' regional or local assets. On the other hand, assets such as the National Trails, the Wales Coast Path and other longer distance recreational routes are already funded and managed. A national plan should not replace existing management plans for these assets.

The proposed duty to specify recreational assets for inclusion in the national plan should include *consultation* with national and regional asset managers (notably local authorities) – it should not be just for Welsh Government or NRW to determine what assets are included.

Legislation will need to consider whether to include accessible green and blue space. It may also be possible to link this plan and the National Development Framework (NDF). The first iteration of the NDF is for spring 2021, and this will contain a national policy on green infrastructure. Future iterations could include 'national recreational access assets'.

Legislation will need to recognise the role of delivery partners and different roles in management, national promotion and on the ground delivery and promotion of the assets. Legislation may need to amend the Development of Tourism Act 1969. The Active Travel Act has similarities (see ATA, 2013 s10) in requiring Welsh Ministers and local authorities to promote active travel.

Legislation will need to provide powers for specifying the recreational assets to be included in a plan. The powers could define specific assets or leave as a discretionary matter for the Welsh Government. As noted previously, there should be consultation with key stakeholders, as well as the assets needing to be of a nature where they can be defined as specific entities such as the Wales Coast Path (WCP), National Trails and National Cycle Network routes.

The 3B(iii) powers could be linked to the proposed 3A reforms, with the specified national assets also included in any integrated mapping duty proposed in 3A. Key national scale recreational assets could be included as separate layers on the integrated access map. This would also link to promotion of a specific asset such as the WCP, as well as spatial analysis and planning.

Criteria	Criteria Description & Measures	Option 3B(i): Integrated light touch workplans aimed at creating index of projects for funding bids	Option 3B(ii): ROWIP+ (Integrated, Revised and extended ROWIP Approach	Option 3B(iii): National Strategic Recreational Access Improvement Plan (NAIP)
Extent of access	<p>Amount of 'by right' access affected. Consider:</p> <ul style="list-style-type: none"> <li>Totals [e.g. kms/ha; %]</li> <li>Percentage changes</li> <li>Distribution: where and how distributed in Wales</li> <li>Measures include absolute and/or relative amounts e.g. as change from current position; relative to other options</li> </ul>	<p>Extent of access included:</p> <ul style="list-style-type: none"> <li>Local rights of way (includes cycle tracks), CRoW Access Land, promoted recreational routes, National Trails, WCP and others as advised in guidance). This is similar to existing ROWIP.</li> </ul> <p>As with existing ROWIPs, user types would include all legitimate PROW users, including vehicular use on byways.</p> <p>Land area covered: for IRAP each authority required to produce to if adhered to, as with current ROWIPs all land area of Wales would be covered.</p> <p>Scope of responsible authorities: requirement for local authorities. National Park authorities would not produce IRAP according to Options ID.</p> <p>Totals of access provided:</p> <ul style="list-style-type: none"> <li>All PROW estimated as 33,211 kms</li> <li>Open access including: <ul style="list-style-type: none"> <li>Open country 162,343 ha</li> <li>Common land 118,098 ha (rural common land not accessible under)</li> <li>Dedicated land 99,258 ha</li> <li>S15 land (other land) mainly urban common 75,386 ha</li> </ul> </li> </ul>	<p>As for 3B(i) <b>plus</b> additional 'publicly accessible green and blue space'.</p> <p>As with existing ROWIPs, user types would include all legitimate PROW users, including vehicular use on byways. <b>Plus</b>, other types of use associated with green and blue space both land and water based.</p> <p>Land area covered: each authority required to produce to if adhered to, as with ROWIP1 all land area of Wales would be covered.</p> <p>Local authorities <b>and</b> National Park authorities required to produce ROWIP+.</p> <p>Totals of access provided:</p> <ul style="list-style-type: none"> <li>All PROW estimated as 33,211 kms</li> <li>Open access including: <ul style="list-style-type: none"> <li>Open country 162,343 ha</li> <li>Common land 118,098 ha (rural common land not accessible under)</li> <li>Dedicated land 99,258 ha</li> <li>S15 land (other land) mainly urban common 75,386 ha</li> </ul> </li> </ul> <p><b>Other access (some are in alternatives):</b></p> <ul style="list-style-type: none"> <li>In addition to PROW 'local rights of way' includes cycle tracks (no estimate sourced)</li> <li><a href="#">National Cycle Network</a> (NCN) [over 1900 kilometres]</li> <li>UCRs important for recreation (no estimate available)</li> <li>Long term permissive access (no estimate available)</li> <li>Publicly accessible National Trust land [<a href="#">open data available</a> but no quantitative summary]</li> <li>Any Active Travel (AT) routes important for recreation (NB: AT specifically excludes recreational use)</li> </ul> <p>Totals of other accessible green and blue space would need further research including whether this use is 'by right' or de facto / customary use.</p> <p><a href="#">Green flag spaces</a></p>	<p>Limited extent based on national recreational assets – Welsh Government to determine which ones.</p> <ul style="list-style-type: none"> <li>Wales Coast Path: 870miles /1400km (inc 186 miles/300 km of the Pembrokeshire Coast Path National Trail)</li> <li>Glyndwr's Way National Trail: 135 mile/ 217 km</li> <li>Offa's Dyke Path National Trail: 285km (proportion in Wales approx. 171kms) – all ODP managed through Wales' standards.</li> </ul> <p>If the option is progressed, further information/data, including from other organisations with nationally significant resources, could be included. For example:</p> <ul style="list-style-type: none"> <li>NCN's over 1900kms in Wales</li> <li>NRW managed 'nationally significant routes or areas' e.g. up to 550km of mountain biking trails NRW manages could feature (e.g. Coed y Brenin/Nanty/ Afan/Bike Park Wales)</li> <li>Number and length of high profile regional recreational routes</li> <li>Publicly accessible blue space i.e. water-based types of access</li> </ul>

Criteria	Criteria Description & Measures	Option 3B(i): Integrated light touch workplans aimed at creating index of projects for funding bids	Option 3B(ii): ROWIP+ (Integrated, Revised and extended ROWIP Approach	Option 3B(iii): National Strategic Recreational Access Improvement Plan (NAIP)
Quality of access	<p>Accessibility to users in terms of:</p> <ul style="list-style-type: none"> <li>Physical condition</li> <li>Usability [practicality of access provided by rights reforms]</li> <li>Availability to different users</li> <li>Proximity to population; [also an equity issue]</li> <li>Presence of barriers to higher rights use and people with mobility problems</li> <li>Availability in terms of info including on site presence e.g. signage for the PRow or off-site</li> <li>Linkage to other public access of similar rights</li> </ul>	<p><b>Process:</b> Light touch could suggest a less robust process (as indicated by the summary description), however, the key elements in 002 suggest the same level of work as existing ROWIPs.</p> <p>There needs to be a reduction in the requirements for this to be a 'lighter touch' plan that ROWIP.</p> <p><b>Inclusivity:</b> Less if consultation requirements are reduced. Availability wide if published online; LAFs are still involved (possibly more than now in specifying specific projects). Use of evidence specified to inform assessment (reducing need for individual authorities to produce their own). Provision of ROWIP template to provide quick 'off the shelf' IRAP.</p>	<p><b>Process:</b> More comprehensive and integrated with other legislation and policy areas (compared with 3B(i) and existing ROWIP)</p> <p><b>GAP:</b> Key Elements do not currently but <b>need to</b> specify inclusivity of process e.g. public consultation requirements currently refers to other partners.</p>	<p><b>Process:</b> Process not set out in key elements, other than delivered by Welsh Government/NRW.</p> <p>No reference to a public/organisational consultation requirements (as for local plans) or evidence-based assessments.</p> <p>Clear that it could feed into local plans (unclear if/how local plans will inform national plan) other than noting regionally significant assets could be included.</p> <p>Detailed planning to be retained in current programmes (e.g. WCP/National Trails).</p>
Permanency	<p>'By right' access in perpetuity, or permissive? Situation for different rights users?</p> <ul style="list-style-type: none"> <li>Absolute position and relative to other options [see extent and quality]</li> <li>Qualified to significant degree</li> </ul>	<p><b>Duty</b> and elements that <b>must</b> be included are specified.</p> <p><b>Powers</b> for Welsh Government to issue guidance.</p> <p>Period of plan not stated. As this is intended as index of funded projects and off the shelf projects this could be more like current Delivery Plans</p> <p><b>Reference to period of review so assume this is in perpetuity.</b></p>	<p><b>Duty</b> to produce plan.</p> <p><b>Powers</b> for Welsh Government to issue guidance.</p> <p><b>Integration with other policy areas</b> specified – Wellbeing Plans and Area Statements <b>must</b> be supported.</p> <p>Period of plan – 10 years (as for ROWIP) with five-year interim review and review and revise every 10 years.</p> <p><b>Other specified partners – shared responsibility to implement.</b></p>	<p><b>Duty</b> to produce plan.</p> <p><b>Powers</b> for Welsh Government to determine how.</p>

Criteria	Criteria Description & Measures	Option 3B(i): Integrated light touch workplans aimed at creating index of projects for funding bids	Option 3B(ii): ROWIP+ (Integrated, Revised and extended ROWIP Approach	Option 3B(iii): National Strategic Recreational Access Improvement Plan (NAIP)
Clarity & Certainty	<p>Clarity of rights:</p> <ul style="list-style-type: none"> <li>• Simple or complex to understand</li> <li>• Understandable what can do and cannot do where and when &amp; to all interests</li> <li>• If and how will option be subject to change (temporary or permanent e.g. exclusions and restrictions)</li> <li>• Communicability of relevant access information</li> </ul>	<p><b>Clarity</b> compared with current ROWIP and 3B(ii) option may be reduced. However, that is subject to developing this option. In particular <b>which elements will be retained if it is to be a light touch plan</b> (see above).</p> <p>In principle simpler – subject to clarity about key elements.</p> <p><b>Understandable</b> (subject to above) and further supported by guidance to explain requirement.</p> <p>Option unclear about whether the length of the plan will be as for ROWIP (10-year review) or more or less frequent (e.g. if this option is more like the Delivery Plan element of current ROWIP then one-three-year review?).</p> <p><b>Certainty</b> high. Legislative provisions with associated guidance – subject to clarifying a number of option key elements</p>	<p>Clear what is to be expected overall.</p> <p>Clarity needed with respect to how to incorporate the additional access resource (see assessment of extent criteria above).</p> <p>The mechanism for involving other delivery partners.</p> <p>Understandable (subject to above clarification points) and further supported by guidance to explain requirement.</p> <p><b>Certainty</b> highest. Legislative provisions with associated guidance – subject to clarifying a number of option key elements</p>	<p>Legislative elements provide a high level of <b>clarity and certainty</b>.</p> <p>Less <b>clarity and certainty</b> where the option's proposals provide for a significant level of discretion for how the provisions would be implemented e.g. the scope of national recreational assets for inclusion; the relationship between local plans and a national plan.</p>
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"> <li>• Financial</li> <li>• Resources</li> <li>• Relative to current position</li> <li>• Relative to other proposals</li> </ul>	<p>No research is available that has quantified baseline costs of ROWIPs. Therefore, we have provided an assessment of relative costs.</p> <p><b>Relative costs: likely less than existing ROWIP process. Likely to be less than 3B(ii).</b></p>	<p>No research is available that has quantified baseline costs of ROWIPs. Therefore, we have provided an assessment of relative costs.</p> <p><b>Relative costs: likely to be more than 3B(iii) and similar to existing ROWIP process -review ROWIP evaluation</b></p>	<p>No research has been identified that has quantified baseline costs for producing an equivalent strategic plan. Therefore, we have provided an assessment of relative costs.</p> <p><b>Relative costs: additional to 3B(i)/3B(ii).</b></p>

Criteria	Criteria Description & Measures	Option 3B(i): Integrated light touch workplans aimed at creating index of projects for funding bids	Option 3B(ii): ROWIP+ (Integrated, Revised and extended ROWIP Approach	Option 3B(iii): National Strategic Recreational Access Improvement Plan (NAIP)
Monitoring & Enforcement	<p>Enforcing rights and responsibilities, in terms of:</p> <ul style="list-style-type: none"> <li>• Ability to enforce</li> <li>• demand/need for enforcement actions</li> <li>• likely impact on compliance with rights and responsibilities</li> <li>• Ability to monitor option and implementation</li> </ul>	<p><b>Current GAP in key elements – needs to be identified.</b></p> <p>Standard template – provision within this would provide basis for monitoring.</p> <p><b>GAP:</b> No monitoring/evaluation or revision currently provided for in key elements – other than it being modelled on current ROWIP Guidance.</p> <p><b>GAP:</b> Legislation will need to specify period for review and republish. E.g. 5 years? 10 years?</p> <p><b>Enforcement:</b> As now, no ability to enforce identified (other than expectation as statutory duty) and being held to account by stakeholders. Involvement of LAF identified.</p> <p>Incentive of funding identified.</p>	<p><b>Current GAP in key elements – needs to be identified.</b></p> <p>Potentially stronger – relative to 3B(i).</p> <p>Key elements identified interim review at five years and full review/republish 10 years.</p> <p>Unclear of impact of Key Element 010 – ‘no duty to implement but responsibilities identified within action plans’.</p> <p><b>Enforcement:</b> As now, no ability to enforce identified (other than expectation as statutory duty). Involvement of LAF and greater focus on contribution from other partners – <b>will require strong base for planning/ monitoring/ evaluation to support shared delivery.</b></p> <p>Incentive of funding identified.</p>	<p><b>Current GAP in key elements – needs to be identified.</b></p> <p>Detailed delivery will rest with existing delivery programmes – and monitoring and evaluation (M&amp;E) incorporated within those.</p> <p>Need to consider M&amp;E of national plan. Need to also consider consultation requirement e.g. involvement of key stakeholders (NRW, local authorities, National Access Forum Wales, Wales Local Access Forum Chairs &amp; their National Representative).</p> <p><b>Enforcement:</b> No ability to enforce identified (other than expectation as statutory duty) – and being held to account by stakeholders.</p>
Equity of Access	<p>Positive or negative effect on equity of access. Consider:</p> <ul style="list-style-type: none"> <li>• Overall population</li> <li>• People with protected characteristics</li> <li>• Specifically, for those with mobility problems or social inequalities</li> <li>• Differential impacts: on land holders</li> <li>• Different impacts: on classes of user</li> <li>• Scale/extent of impacts on the preceding</li> </ul>	<p>Assessment of <b>public</b> needs identified in key elements. This is important because it covers everyone not just ‘users’ (lesson from current ROWIPs).</p>		<p>Equality Act duty for public sector body would apply to the Plan and associated process.</p> <p>Need to consider that currently identified national resources identified are predominantly for walking (WCP/National Trails).</p> <p>Scope to include other recreational user types.</p> <p>Possible to include statement of intent in relation to Equality Act, provision and intention (aligned with Ministers statement for example, to support everyone accessing these resources).</p>

Criteria	Criteria Description & Measures	Option 3B(i): Integrated light touch workplans aimed at creating index of projects for funding bids	Option 3B(ii): ROWIP+ (Integrated, Revised and extended ROWIP Approach	Option 3B(iii): National Strategic Recreational Access Improvement Plan (NAIP)
Greater efficiency & transparency	<ul style="list-style-type: none"> <li>Better and/or reduced process requirements for stakeholders</li> <li>Reduced time taken, including for administration processes (see also costs)</li> <li>Improved access to processes by stakeholders</li> </ul>	<p>In order to be light touch, public engagement may be restricted – subject to details.</p> <p>May be quicker and easier to produce but have less engagement, in depth information/ evidence base to inform decisions and priorities.</p> <p>Reduced process requirements for stakeholders (but may be at expense of need to be balanced).</p> <p>Potentially less transparent if reduced stakeholder engagement in development of plan.</p>	More comprehensive but not necessarily more or less efficient than current process or other options.	Additional to existing process and other options.
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"> <li>Extent: changes to area/length rights would apply to and impacts will occur (including extent protected sites and species that would be impacted)</li> <li>Change to levels and type or character of impacts; Change to distribution of impacts (widely specific areas)</li> <li>Resilience to impacts (of habitats/species)</li> <li>Provision adequate to prevent or mitigate impacts</li> </ul>	Positive – potential to identify and plan improvements and mitigation as part of plan.		Positive – potential to enhance approaches and standards for national assets to identify and plan improvements and mitigation as part of their programmes.

Criteria	Criteria Description & Measures	Option 3B(i): Integrated light touch workplans aimed at creating index of projects for funding bids	Option 3B(ii): ROWIP+ (Integrated, Revised and extended ROWIP Approach	Option 3B(iii): National Strategic Recreational Access Improvement Plan (NAIP)
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"> <li>• Disturbance to livestock and livestock management</li> <li>• Agricultural and other land management impacted</li> <li>• Significant biosecurity implications</li> <li>• Increased use of land potentially [scale of demand]</li> </ul> <p>NB: Considerations for ecosystems to be included in preceding consideration above.</p>	<p>Positive – potential to identify and plan improvements and mitigation as part of plan.</p> <p>Potential to identify connections and opportunities linked to farm payments.</p>		<p>Positive – potential to enhance approaches and standards for national assets to identify and plan improvements and mitigation as part of their programmes.</p> <p>Potential to identify connections and opportunities linked to farm payments at a strategic level.</p>
Health & wellbeing	<p>Consider if positive, neutral or negative impact on physical and mental wellbeing. Consider:</p> <ul style="list-style-type: none"> <li>• Changes to use and benefits derived</li> <li>• Impact on different population groups e.g. relatively disadvantaged</li> </ul>	<p>Positive – opportunities to plan connection and delivery associated with the health agenda. Depth of engagement with health sector likely to be greater for 3B(ii) compared to 3B(i).</p>		
Community cohesion	<p>Consider if positive, neutral or negative impact on community cohesion. Consider:</p> <ul style="list-style-type: none"> <li>• Changes to local use and accessibility within area</li> <li>• Changes to local wellbeing and economic benefits</li> <li>• Likely impact on community interests</li> </ul>	<p>Positive – opportunities to take account of the needs of local communities as part of public needs assessment.</p>		<p>Positive – at strategic national level.</p> <p>Dependent on planning on basis of public need assessment.</p> <p>Opportunities to take account of the needs of local communities as part of public needs assessment.</p>
Successful and responsible business	<p>Consider if positive, neutral or negative impact on responsible business, Consider:</p> <ul style="list-style-type: none"> <li>• Impact on economic opportunities</li> <li>• Impact of changes on economic activity on different sectors</li> <li>• Distribution [see extent]</li> </ul> <p>NB: evidence of actual costs or overall impact [positive, negative etc] may be difficult to assess at this stage.</p>	<p>Positive – opportunities to plan and make connections for business.</p>		<p>Positive – opportunities to plan and make connections for business – connections to Visit Wales strategies for business and tourism.</p>

## 3B Considerations for Revision or further development of the Option Proposal and key elements

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.

### 3B(i): Considerations for Revision or further development of the Option Proposal and key elements

Key Element Ref No.	3B(i) Required element for outline option proposal	Considerations / potential changes
001	<p>Introduce a duty for local authorities to produce an integrated recreational access plan (IRAP) - The core modelled on current ROWIP requirements [see below].</p> <p>Include transitional provisions for move from ROWIPs to IRAP.</p>	<ul style="list-style-type: none"> <li>• Essential to option</li> <li>• To include in key element powers for National Park authorities to produce a plan in agreement with constituent local authorities</li> </ul>
002	<p>Legislation to specify the elements new integrated access plans must include:</p> <ul style="list-style-type: none"> <li>• Assessment of public needs</li> <li>• Assessment of specified public access</li> <li>• The actions to be taken to improve access</li> <li>• Consultation requirements</li> <li>• Period to produce plan and for subsequent reviews</li> </ul>	<ul style="list-style-type: none"> <li>• Essential to option – follows ROWIP-type processes.</li> <li>• Amend key element to include requirement to publish Plan – currently not included (see CRoW s61 for publishing of ROWIPs as draft and final plan and provision online)</li> <li>• 10-year cycle for ROWIPs been effective, but shorter time for any associated action/delivery plan, including monitoring and reporting of progress</li> </ul>
003	<p>Specify public access covered by plan: local PROW, CRoW access land, cycle paths, promoted recreational routes, National Trails, WCP and others subject to guidance (see below).</p>	<ul style="list-style-type: none"> <li>• Defines scope of plan</li> </ul>
004	<p>Repeal Rights of Way Improvement Plan (ROWIP) local authority duties – dovetail with bringing in of new IRAP duty.</p>	<ul style="list-style-type: none"> <li>• Necessary for transition between ROWIPs and new IRAP process</li> </ul>
005	<p>Powers for [National Assembly for Wales] NAW to issue statutory guidance for IRAP production - guidance modelled on current ROWIP guidance</p>	<ul style="list-style-type: none"> <li>• Required key element</li> </ul>

Key Element Ref No.	3B(i) Required element for outline option proposal	Considerations / potential changes
	(identify which parts of ROWIP to be retained for integrated plan guidance).	<ul style="list-style-type: none"> <li>• Amend key element wording so it is for the Senedd (not National Assembly for Wales (NAW)) to issue statutory guidance</li> <li>• To consider the balance between defining processes in guidance or legislation e.g. plan stages, published plan format, sections and content</li> </ul>
006	<p>Guidance [see ROWIP guidance] would need to include further details about:</p> <ul style="list-style-type: none"> <li>• Timetable</li> <li>• Stages/processes</li> <li>• Assessments required</li> <li>• Additional consultation requirements</li> <li>• LAFs role</li> <li>• Topics/content to be included in the plan</li> <li>• Model/template for required outputs – Plan itself plus assessments; map of access [see also Reform 3A] action plan/map.</li> </ul>	<ul style="list-style-type: none"> <li>• A model or template plan should be included as an optional element within the guidance</li> <li>• Allow flexibility for local authorities to enhance their plan and include additional relevant content e.g. relating to community identified needs, priorities and actions [relates also to Area Statements, Place Plans processes]</li> <li>• Detailed interpretations of provisions e.g. for assessing public needs, should be included in Guidance (as for ROWIPs now)</li> </ul>
007	Guidance to specify inclusion of associated content for improvement to be defined in guidance e.g. traffic management related to recreational access; public transport links; recreational tourism.	<ul style="list-style-type: none"> <li>• Use key element 007/alt to allow authorities to consult relevant bodies as appropriate (rather than as a requirement)</li> <li>• Cross-reference other plans as appropriate e.g. local authorities in relation to relevant traffic management issues as part of plan production and include as appropriate</li> </ul>
008	Funding support or scheme for improvements.	<ul style="list-style-type: none"> <li>• Retain key element</li> </ul>

### 3B(ii): Considerations for Revision or further development of the Option Proposal and key elements

Key Element Ref No.	3B(ii) Required element for outline option proposal	Considerations / potential changes
001	Introduce new duty for local authority and National Park authorities (NPAs) to produce revised Rights of Way Improvement Plan (ROWIP) style duty for NPA to consult local authorities that comprise the NPA area.	<ul style="list-style-type: none"> <li>Amend key element to incorporate 001/alt. NPAs should be given the power to produce a plan for their area in consultation with constituent local authorities. In such cases, the area in the NPA would be excluded from the local authority plan(s)</li> <li>Consider whether there is a better name for the plan to reflect wider scope</li> </ul>
002	Repeal of the duty for ROWIPs – with transitional arrangements included.	<ul style="list-style-type: none"> <li>Retain key element</li> </ul>
003	Legislation to specify access to be included in the plans, which would include: <ul style="list-style-type: none"> <li>Local rights of way</li> <li>Cycle routes, including NCN in area</li> <li>Access to and within designated CRoW access land [including Reforms if implemented]</li> <li>Unclassified roads (UCRs) important for recreation and enjoyment of outdoors</li> <li>Publicly accessible National Trust land</li> <li>Active Travel Routes of importance to recreation and enjoyment of the outdoors</li> <li>Managed publicly accessible green and blue space</li> </ul>	<ul style="list-style-type: none"> <li>Specified content could be more narrowly focussed by giving more discretion/flexibility about including important recreational assets</li> <li>To define relationship between access included as part of Integrated Access Map (see Report 3A) and that to be included in the plan</li> <li>To consider inclusion of blue space in light of outputs from NAFW Access to Water subgroup</li> </ul>
004	Duty for the plan to include support for delivering Wellbeing of Future Generations Act 2015 [WFGA] objectives and objectives within Area Statements.	<ul style="list-style-type: none"> <li>Reinforces wider public body duty</li> <li>To remove key element as it duplicates WFGA and Area Statement requirements</li> </ul>
005	Duty on the partners to contribute to the process. Specify contributing partners to include: LAFs, Active Travel responsible body, NRW, National Trust.  Duty to consult LAF in producing the plan, or all relevant LAFs for joint-plans.	<ul style="list-style-type: none"> <li>Amend this key element so that not all potential partners have the duty e.g. NGOs especially should have <u>discretion</u> to contribute</li> <li>Need to specify other required consultees (see also 007)</li> </ul>

Key Element Ref No.	3B(ii) Required element for outline option proposal	Considerations / potential changes
		<ul style="list-style-type: none"> <li>• To consider and expand the range of potential organisations that could be named in guidance. Including whether this should include health organisations</li> <li>• To consider whether there should be a duty to refer to other plans such as Wellbeing Plans</li> <li>• To distinguish between partners and consultees and differing roles</li> <li>• Need to consider and specify the definition of 'contribute' [to the Plan]</li> <li>• Guidance to specify role of LAFs in light of Welsh Government Group 1 Reform 27 'Role of LAFs'</li> </ul>
006	<p>Duty for the plan to include:</p> <ul style="list-style-type: none"> <li>• An assessment of the current and future needs of the public for outdoor recreational access</li> <li>• A strategic statement of how the access will be improved</li> <li>• A 10-year action plan with specific actions for the improvement of access for the public</li> <li>• An interim review of the Plans would be required at the end of five years. A reviewed and revised plan would have to be produced at the end of 10 years.</li> </ul> <p>Responsibility for leading the actions specified within the plan stages.</p>	<p>Retain key element.</p> <p>In addition, consider the duty to include requirement of mapping along the lines of Active Travel process to set out:</p> <ul style="list-style-type: none"> <li>• Maps assessing current provision trying to ID the need for future provision [possible link to Reform 3A, Integrated Access Map]</li> <li>• Map showing projects for improvement</li> <li>• Inclusion of Delivery Plans</li> <li>• Specify duty to assess and propose priorities for improvements for higher rights users' needs linked to Reform changes from 1A, 1B and 2A in particular</li> </ul>
007	Powers for Welsh Government to issue guidance about Plan processes, format and content.	<ul style="list-style-type: none"> <li>• Currently in CRoW s61 (1) duty to consult specified list of organisations. Legislation allows</li> </ul>

Key Element Ref No.	3B(ii) Required element for outline option proposal	Considerations / potential changes
	<ul style="list-style-type: none"> <li>• Timetable</li> <li>• Stages/processes</li> <li>• Assessments required</li> <li>• Additional consultation requirements</li> <li>• LAFs role</li> <li>• Topics/content to be included Plan</li> <li>• Model/template for required outputs – Plan itself plus assessments; map of access [see also Reform 3A] action plan/map</li> </ul>	<p>guidance to specify who else local authority consults. As well as partners specified in 3B(ii) 004, also to include consultation with PSBs, Community councils, LAFs, neighbouring authorities</p> <ul style="list-style-type: none"> <li>• Requirements for how addressed WFGA duty and support for Area Statements to be included in Plan topics/content; similarly the other plans to be considered</li> </ul>
008	<p>Guidance to identify parts of local authorities to be consulted, such as Highway Authority, Surveying Authority, Traffic Authority, other departments managing other publicly accessible green space/ access within the plan. (Specified according to how they are constituted in law).</p>	<p>Retain key element with addition below:</p> <ul style="list-style-type: none"> <li>• Incorporate the 008/alt into main key element so there is a duty of local authorities to respond to reasonable requests for information from NPAs for them to get relevant input to their plans</li> </ul>
009	<p>Plan duty would apply to all specified access within local authority/NPA area. Powers/flexibility to combine with other local authorities to produce a joint plan (including with NPAs).</p> <p>NB: Requirement also to consult neighbouring local authorities and NPAs, i.e. those producing IAPs.</p>	<ul style="list-style-type: none"> <li>• Retain key element and remove 009/alt suggestion that the integrated access plan (IAP/IRAP) should be regional</li> <li>• Retain power to produce joint/regional plan as in key element</li> </ul>
010	<p>Guidance to specify inclusion of work related to: maintenance of Definitive Map of PROW; CRoW related mapping (including Exclusions and Restrictions); strategic policies, aims.</p>	<ul style="list-style-type: none"> <li>• Key legal duties that will benefit from having transparent, planned approaches to work</li> </ul>
011	<p>No duty to implement but a responsibility identified within action plans.</p>	<ul style="list-style-type: none"> <li>• No change to key element</li> </ul>
012	<p>Funding provision for implementation of the plan's access improvements, including linking to future agri-environment/land management schemes.</p>	<ul style="list-style-type: none"> <li>• No change to key element</li> </ul>

### 3B(iii): Considerations for Revision or further development of the Option Proposal and key elements

Key Element Ref No.	3B(iii) Required element for outline option proposal	Considerations / potential changes
001	Duty for Welsh Government to produce a strategic plan for improvement and development of national recreational assets providing a framework for enhancing their support/delivery of Wellbeing of Future Generations objectives.	<ul style="list-style-type: none"> <li>• Incorporate key element 001/alt (duty to plan strategic promotion of specified assets) into main key element 001</li> <li>• Clarify whether legislation will refer to the Wellbeing Goals or <a href="#">Welsh Government Wellbeing objectives</a></li> </ul>
002	Powers to specify routes or recreational assets duty applies to and to set standards for the management, quality, improvement of nationally significant recreational routes or areas; enhance linkage between such assets.	<ul style="list-style-type: none"> <li>• The key element 002/alt incorporated i.e. include mapping representation of such routes and areas or leave discretionary (see also key element 003)</li> </ul>
003	Powers for Welsh Government to determine how they produce the national plan and/or elements of it.	<ul style="list-style-type: none"> <li>• See key element 002 consideration above</li> </ul> <p>Requirement for Welsh Government to say how will consult others, the plan's governance, reporting, duration, timetable to be followed and how will link to other plans</p>
004	Duty would specify assets for inclusion should be regionally significant or national recreational assets/routes. For Welsh Government to determine the assets for inclusion.	<ul style="list-style-type: none"> <li>• The key element could specify assets include minimum of: National Trails; WCP; with discretion as to other recreational routes or areas (see also following bullet)</li> <li>• Welsh Government discretion, in consultation, if Welsh Government owned recreational assets – e.g. the Woodland Estate – is included in the</li> </ul>
005	Plan would be required to include an 'action plan' for improvements and maintaining of standards of specified assets.	<ul style="list-style-type: none"> <li>• Retain key element</li> </ul>

Key Element Ref No.	3B(iii) Required element for outline option proposal	Considerations / potential changes
006	Monitoring and reporting requirement as to the plan's implementation and progress.	<ul style="list-style-type: none"> <li>• Retain element</li> <li>• Legislation to specify reporting requirement e.g. Welsh Ministers required to issue reports and frequency of reporting e.g. annually (see example of Active Travel Act section 8)</li> </ul>
007	Resource provided to carry out the duty.	<ul style="list-style-type: none"> <li>• Retain key element</li> </ul>
008	Synchronise and integrate the national plan with local integrated access plans and specific programmes' plans (such as for National Trails and WCP).	<ul style="list-style-type: none"> <li>• Retain key element</li> </ul>
009	Link between this requirement and reform 3A: specified access for national plan to be included in Integrated Access Map.	<ul style="list-style-type: none"> <li>• Any link should be dependent on the approach taken with 3A</li> </ul>
010	Integrating existing national trail plans with a strategic overview.	<ul style="list-style-type: none"> <li>• Retain key element</li> </ul>

## 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 elements 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