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# Access Reform Programme

Option Selection Paper: Expert Group 3  
Communicating Access Rights

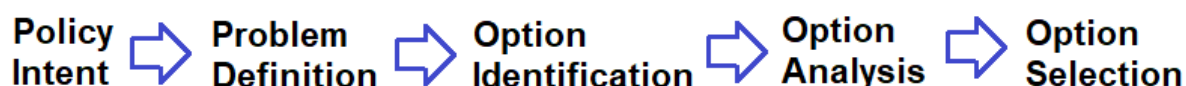
# Options Selection Paper: Reforms 3A and 3B

This paper presents revised reform option proposals for implementing ARAG **Reform 3A** and **Reform 3B**. The paper will be considered by **Expert Group 3** at Option Selection workshops in January 2021.

## Introduction

The Access Reform Advisory Group (ARAG) was set up and tasked to develop advice to Welsh Government for the delivery of reforms to recreational access legislation.

The process established for the development of ARAG advice is summarised below<sup>1</sup>:



The policy intent for Reforms 3A and 3B are:

### 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.

### 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.

Working with 3 ARAG Expert Groups, a Problem/Issues Identification Paper was produced for each reform area, from which Option Identification Papers were developed summarising possible approaches to implementing the reform Policy Intent set by Welsh Government. Each proposed reform option (e.g. 3A(i), 3A(ii), 3A(iii)) includes the following information:

- Option title
- Summary description of the option
- A table listing the *key elements*<sup>2</sup> for each proposed option

A detailed Option Analysis Report of all the reform options was then produced using direct input from each Expert Group together with evidence invited from members of the National

Access Forum Wales, local access forums and policy and other specialists from across Natural Resources Wales' (NRW) remit.

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<sup>1</sup> For further details about the Access Reform Advisory Group (ARAG), the ARAG reform areas and process and published outputs for each stage completed to date go to: [Welsh Government's website](#)

<sup>2</sup> For each option, key elements are the different detailed changes proposed as being needed to implement the reform policy intent. Key elements include reform to legislation, together with other key actions for delivering the reforms.

In online workshops in September 2020, the Expert Groups considered the draft Option Analysis Reports. The information was used to further develop and finalise the Analysis Reports and to develop the Reform Option Selection papers.

## Option Selection Process

This Reform **Options Selection paper** together with the respective Analysis Reports will be considered by the Expert Group in January 2021 at **Option Selection workshops**.

The workshops are to identify for each reform the Expert Group's:

- Preferred options
- Accompanying advice and considerations

The information from the January 2021 workshops will be considered with the Analysis Reports and other outputs from the ARAG process to produce a final report of advice to Welsh Government for delivering their policy intent for all the ARAG reforms.

It should be noted that the content of this paper contributes to developing advice to Welsh Government for the reform of access legislation as part of the Access Reform Advisory Group. Any such information and outputs produced during the ARAG process do not represent the policy position of Natural Resources Wales, Welsh Government, organisations that form the Access Reform Advisory Group (Steering Group/Expert Groups) or other organisations that have contributed, nor should it be considered an indication of support or otherwise for the proposals.

## Revised Reform 3A Options for Option Selection

As described above, the original reform option proposals have been amended following option analysis. The revised option titles and descriptions for each 3A option put forward for option selection are summarised in the following table:

| 3A: Revised Option Proposal Title           | Revised Outline Description of Option Proposal   |
|---|--|
| i. Digital map of public access             | <p>Development and collation of data to produce and publish one digital map for public access in Wales.</p> <p>The map will contain digital spatial data of statutory access and other recreational access; it will not be the legal record (definitive map).</p> <p>It will be managed by a single statutory body working with and reliant on, data providers<sup>3</sup> responsible for the records of access in their areas.</p> |
| ii. Digital definitive map of public access | <p>Development and collation of data to produce and publish one digital <b>definitive</b> map for statutory public access in Wales.</p>  |

<sup>3</sup> Data providers for statutory access would be local authorities (definitive map and statement), national park authorities and NRW (CRoW access land). Other data providers could include organisations outside the public sector e.g. Sustrans for the National Cycle Network.

| 3A: Revised Option Proposal Title   | Revised Outline Description of Option Proposal   |
|---|--|
|   | <p>The map will contain digital spatial data of statutory access and other recreational access. The digital definitive map <b>will be the legally definitive record</b> for the statutory access rights included in it.</p> <p>This will be managed by a single statutory body, working with and reliant on, the data providers<sup>4</sup> responsible for the records of access in their areas. Existing duties for production and management of the record will be retained locally.</p>  |
| <p>iii. Digital map of public access - managed by third sector mapping and promotion organisation</p> | <p>Development and collation of data to produce and publish one digital map for public access in Wales.</p> <p>The map will contain digital spatial data of statutory access and other recreational access; it will not be the legal record (definitive map).</p> <p>This will be managed by a 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’</p> <p>The statutory not-for-profit body/trust will work with and be reliant on, data providers responsible for the records of access in their areas.</p> |

## Reform Option Selection Proposals – identification of required key elements

For each of the revised outline options identified above the summary description and key elements needed with each option approach have similarly been revised. These are summarised below.

### 3A(i) Digital map of public Access

#### Option Selection Proposal Description:

Management of digital data and mapping through a single statutory body where the responsibility of data is held with the individual data providers, but the information is collated into one digital map for public viewing. This will not be the legal record (definitive map) but will contain digital spatial data of statutory access and other recreational access for public consumption.

#### Option Selection Key Elements within ‘digital map of public access’ Proposal:

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The 'Digital Map of Public Access' option was considered to require the following elements within it:

| Ref No. | Revised 3A(i) required key element for outline option selection proposal   | Considerations with key element   |
|---------|--|---|
| 001.    | <p>Legislation introduced:</p> <ul style="list-style-type: none"> <li>• Defines responsibility for a single body to produce and publish online data and map[s] of specified public access in Wales.</li> <li>• Each public body [as now] to have responsibility for their own public access records i.e. local authorities, national park authorities, NRW [others could be specified]</li> <li>• Public bodies required to produce their records in suitable digital spatial format and provide to single body</li> <li>• Use mechanism to aggregate data in one data portal online (e.g. Welsh Government's Data Map Wales) and allow people and organisations to freely use, subject to license for appropriate use.</li> <li>• Resources identified to meet cost of producing digital spatial data to specified schema and consistent standard</li> <li>• Data layers to include on single map and data portal: PROW, CRoW access land, National Trails, WCP and accessible Common Land.</li> <li>• Powers to include other recreational access data within map and enter into agreements for data provision [e.g. NCN; promoted recreational routes [PRRs]; access furniture data]</li> </ul> |   |
| 002.    | <ul style="list-style-type: none"> <li>• 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&amp;Cs].</li> <li>• Putting data together as a single source.</li> </ul>  | <p>Retain the following alternative (subject to further expert input and understanding of copyright and licensing issues and input from Ordnance Survey):</p> <ul style="list-style-type: none"> <li>• No free use if constrained by mapping copyright issues</li> <li>• Major commercial data re-use to be chargeable – with the potential of some income subsidising the costs</li> <li>• Data subject to licensed terms and condition</li> </ul> |
| 003.    | <ul style="list-style-type: none"> <li>• Regulatory powers for setting Wales' access data standards and other necessary processes</li> </ul>   |   |

| Ref No. | Revised 3A(i) required key element for outline option selection proposal   | Considerations with key element   |
|---------|--|---|
|         | <ul style="list-style-type: none"> <li>This must include what, how, when [etc] each data layer provider supplies their data (e.g. via Web Feature Services) to the single body for sharing through a data portal and for online integrated map</li> </ul>  |   |
| 004.    | <ul style="list-style-type: none"> <li>Legislation will not specify that the integrated map is a legally conclusive map (i.e. definitive in law)</li> </ul>  |   |
| 005.    | <ul style="list-style-type: none"> <li>Liability for the data to stay with the data provider</li> </ul>  |   |
| 006.    | <ul style="list-style-type: none"> <li>Requirement for single body to publish online and promote data/map.</li> <li>Legislation will define 'promote' to include promotion of use to other organisations as well as to the public</li> <li>Power for data providers to promote the Wales online mapping/ data</li> </ul>             |   |
| 007.    | <ul style="list-style-type: none"> <li>Accompanying information with data and mapping to ensure clarity as to rights and responsibilities that apply</li> </ul>  | Subject to other ARAG reforms regulations amended for how PROW and access land are represented on maps. |
| 008.    | <ul style="list-style-type: none"> <li>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</li> <li>Powers to include technical solutions for reporting of issues and crowd sourcing information</li> </ul> |   |
| 009.    | <ul style="list-style-type: none"> <li>Powers to include other data layers meeting specified data and quality standards</li> </ul>   |   |
| 010.    | <ul style="list-style-type: none"> <li>Duty for highways authority to digitally record and map all newly authorised s147 structures</li> <li>Incremental duty for existing access infrastructure on public access [on definitive map and statement and via s147 authorisations] to be digitally recorded and mapped</li> </ul>       |   |

\* Key element from Option Identification proposal stage is no longer included. This will be because following the analysis stage the element was not considered necessary or was incorporated wholly or in part into another key element. The key element reference numbers have been retained to make it easier to compare these revised options with the original versions. See the Analysis Report for more information about changes to key elements.

## 3A (ii) Digital definitive map of public access

### Option Selection Proposal Description:

Management of digital data and mapping through a single statutory body where the responsibility of data is held with the individual data providers, but the information is collated into one digital definitive map for public viewing. This will contain digital spatial data of statutory access and other recreational access for public consumption and will be a legal record for data providers to keep updated also.

### Option Selection Key Elements within ‘digital definitive map of public access’ Proposal:

The ‘Digital Definitive Map of Public Access’ option was considered to require the following elements within it:

| Ref No. | Revised 3A(ii) required key element for outline option selection proposal  | Considerations with key element |
|---------|--|---------------------------------|
| 001.    | <ul style="list-style-type: none"> <li>Duty for specified public bodies (local authorities, national park authorities and NRW) to produce their definitive records of PROW/ CRoW mapping in suitable digital format and provide this data to single body</li> <li>Duty for single body to collate and integrate definitive digital spatial data from specified public bodies into one conclusive map</li> <li>Use mechanism to aggregate data in one data portal online (e.g. Welsh Government’s Data Map Wales) and allow people and organisations to freely use, subject to license for appropriate use.</li> <li>Resources identified to meet cost of producing digital data to specified format and consistent standard</li> </ul> |                                 |
| 002.    | <ul style="list-style-type: none"> <li>Single body with duty to publish integrated mapping online</li> </ul>   |                                 |
| 003.    | <ul style="list-style-type: none"> <li>Legislation provides that resulting map would be legally conclusive as to the information it contains</li> </ul>  |                                 |
| 004.    | <ul style="list-style-type: none"> <li>Regulations to specify technical data requirements for data layers</li> </ul>   |                                 |
| 005     | N/A*   |                                 |
| 006     | N/A*   |                                 |
| 007     | N/A*   |                                 |
| 008.    | Incremental duties and outputs in relation to 001. To allow for progress depending on local authority readiness.   |                                 |

| Ref No. | Revised 3A(ii) required key element for outline option selection proposal   | Considerations with key element |
|---------|---|---------------------------------|
|         | <ul style="list-style-type: none"> <li>Responsibility to survey, record, publish and maintain definitive map and statement is retained by local authority</li> <li>Local authorities to publish own definitive maps online (to common standards)</li> <li>A mapping hub directing people to local authorities or NRW online pages provides Wales's single point of access</li> <li>Publication of an integrated map (using the same definitive data)</li> </ul> |                                 |
| 009.    | <ul style="list-style-type: none"> <li>Use technical solutions available to provide 'real time' update of the integrated map from local authorities/NRW data</li> </ul>   |                                 |

\* Key element from Option Identification proposal stage is no longer included. This will be because following the analysis stage the element was not considered necessary or was incorporated wholly or in part into another key element. The key element reference numbers have been retained to make it easier to compare these revised options with the original versions. . See the Analysis Report for more information about changes to key elements.

### 3A(iii) Digital map of public access - managed by third sector mapping and promotion organisation

#### Option Selection Proposal Description:

Managed by a 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'. This will be a digital map with spatial data of statutory access and other recreational access, not a legal record (definitive map) but will be the responsibility of data providers to manage this information.

#### Key Elements within 'digital map of public access - managed by third sector mapping and promotion organisation' Proposal:

The 'Digital Map of Public Access managed by third sector organisation' option was considered to require the following elements within it:

| Ref No. | Revised 3A(iii) required key element for outline option selection proposal  | Considerations with key element  |
|---------|---|--|
| 001.    | <ul style="list-style-type: none"> <li>Legislate for a not-for profit 'access promotion organisation/trust' with purpose of providing information for and to promote enjoyment of the outdoors.</li> <li>Statutory duty for access promotion organisation to promote specified</li> </ul> | <b>New alternative option</b> from Analysis report commentary: Legislation relating to the existing public sector data providers amended to give them a specific responsibility for promotion of enjoyment of the outdoors, together with statutory guidance, to clarify how they should |



| Ref No. | Revised 3A(iii) required key element for outline option selection proposal   | Considerations with key element  |
|---------|--|--|
|         | <p>access information to people of and visitors to Wales.</p> <ul style="list-style-type: none"> <li>• Powers to promote access information to people outside Wales in accordance with organisation's aims</li> <li>• Legislation to specify relationship of organisation/trust to existing organisations with role in provision of information and promotion</li> <li>• Legislation to set out accountability of organisation</li> </ul>  | <p>integrate. Similar to the national park authorities' purpose to: <i>Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public.</i><sup>5</sup></p> |
| 002.    | <ul style="list-style-type: none"> <li>• Duty on NRW/LAs to provide specified public access data to access promotion organisation Data to include: <ul style="list-style-type: none"> <li>○ Defined PROW</li> <li>○ Defined CRoW access land (including E&amp;Rs)</li> <li>○ Designated National Trails &amp; WCP</li> <li>○ Others to be specified in regulations</li> <li>○ Discretion to include others as meet organisation's overall purpose</li> </ul> </li> <li>• 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 (e.g. National Trust, Canal and Rivers Trust, etc)<sup>6</sup></li> </ul> |  |
| 003.    | <ul style="list-style-type: none"> <li>• 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]</li> </ul>   |  |
| 004.    | <ul style="list-style-type: none"> <li>• Specified duty to provide the mapping information and data for the public</li> </ul>  |  |

<sup>5</sup> This was set out in the commentary for 3A(iii) as a possible alternative coming out of considerations from the evidence gathering stage rather than beforehand and was not included within the Key Elements table of the Analysis Report.

<sup>6</sup> Included as 002B in the Analysis Report. Included as part of 002 as it is related to the information included on the map

| Ref No. | Revised 3A(iii) required key element for outline option selection proposal  | Considerations with key element |
|---------|---|---------------------------------|
|         | <p>online for free; free data use and re-use subject to licence</p> <ul style="list-style-type: none"> <li>Require fee for commercial re-use of data and mapping above a certain value.<sup>7</sup></li> </ul>  |                                 |
| 005.    | <ul style="list-style-type: none"> <li>Legislation to provide ability for organisation to generate income, secure grants etc in support of statutory purposes</li> <li>Ability to charge/derive income for additional services outside statutory requirement</li> </ul> |                                 |
| 006.    | <ul style="list-style-type: none"> <li>Legislation would allow for inclusion of other public access layers to be included on the mapping or as data</li> </ul>  |                                 |
| 007.    | <ul style="list-style-type: none"> <li>Respective liabilities for data maintainer and data publisher need to be defined.</li> </ul>   |                                 |
| 008.    | <ul style="list-style-type: none"> <li>A uniformed way to publish and promotion of the information service; campaign of providing the information (publicising)</li> </ul>  |                                 |
| 009.    | <ul style="list-style-type: none"> <li>Others also promoting (duty to) as voluntary organisation.</li> </ul>  |                                 |

\* Key element from Option Identification stage is no longer included. This will be because following the analysis stage it was not considered necessary or was incorporated wholly or in part into another key element. The key element reference numbers have been retained to make it easier to compare these revised options with the original versions. See the Analysis Report for more information about changes to key elements.

## Revised Reform 3B Options for Option Selection

As for Reform 3A above, the original 3B reform option proposals have been amended following option analysis. The revised option titles and descriptions for each 3B option put forward for option selection are summarised in the following table:

| 3B: Revised Option Proposal Title       | Revised Outline Description of Option Proposal   |
|---|--|
| i. Integrated Recreational Access Plans | Integrated Recreational Access Plans (IRAP) will replace Rights of Way Improvement Plans as the statutory strategic plan for public access. The scope of the plan will include all statutory public access (PROW and CRoW access land) and other |

<sup>7</sup> Include subject to further expert input and understanding of copyright and licensing issues and input from Ordnance Survey.

| 3B: Revised Option Proposal Title                                   | Revised Outline Description of Option Proposal   |
|---|--|
|   | <p>important access with additional flexibility to widen scope to enhance integration.</p> <p>Local authorities (rather than local highway authority) will have a duty to produce the IRAP with powers for national park authorities to produce the IRAP for their areas.</p> <p>Statutory guidance will be issued to detail the requirements and will include an optional template or model IRAP</p>  |
| <p>ii. Revised and extended ROWIP Approach (ROWIP+)</p>             | <p>ROWIP+ will replace and expand on Rights of Way Improvement Plans as the statutory strategic plan for public access planning.</p> <p>Local authorities (rather than local highway authority) will have a duty to produce the ROWIP+ with powers for national park authorities to produce the ROWIP+ for their areas.</p> <p>The scope of access required to be included in the plan would be wider than the IRAP in 3B(i). The ROWIP+ would include all statutory public access (PROW and CRoW access land), other provision important for recreational use as well as extending the types of public access beyond those directly managed by local authorities/national park authorities.</p> <p>This option would introduce a duty on specified public sector partners to contribute to the process and to give other organisations discretionary powers to do so.</p> |
| <p>iii. National Strategic Recreational Access Improvement Plan</p> | <p>This would be an additional option rather than an alternative to 3B(i) or 3B(ii).</p> <p>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/national park authorities.</p>   |

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

### Outline Option Proposal Description:

Integrated Recreational Access Plans (IRAP) will replace Rights of Way Improvement Plans as the statutory strategic plan for public access. The plan will include all statutory public access and other important access. Local authorities will

have a duty to produce the IRAP with powers for national park authorities to produce the IRAP for their areas.

### Option Selection Key Elements within ‘integrated recreational access plans’ Proposal:

The ‘Integrated recreational access plans (IRAP)’ option was considered to require the following elements within it:

| Ref No. | Revised 3B(i) required key element for outline option selection proposal  | Considerations with key element   |
|---------|---|---|
| 001.    | Duty for local authorities to produce an integrated recreational access plan (IRAP) – the core to be modelled on current ROWIP requirements [see below]<br><br>Powers for national park authorities to produce a plan in agreement with constituent local authorities.  |   |
| 002.    | Legislation to specify the elements new integrated access plans must include: <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>- period to produce plan and for subsequent reviews (current 10-year cycle)</li> <li>- plan consultation and publication requirements</li> <li>- delivery plan requirements<sup>8</sup> (currently in guidance 1-3 years)</li> <li>- monitoring and evaluation requirements</li> </ul> |   |
| 003.    | Specify public access covered by Plan: local PROW, CRoW access land, cycle paths, promoted recreational routes, National Trails, Wales Coast Path; plus, others subject to guidance [see below]   |   |
| 004.    | Amend/repeal Rights of Way Improvement Plan (ROWIP) LA duties – provide transitional provisions for move from ROWIPs to IRAP  |   |
| 005.    | Powers for the Senedd to issue statutory guidance for IRAP production - guidance modelled on current ROWIP guidance. [Identify which parts of ROWIP to be retained for integrated plan guidance.]   | To consider the balance between defining processes in guidance or legislation e.g. plan stages, published plan format, sections and content |
| 006.    | Guidance [see ROWIP guidance] would need to include further details about: <ul style="list-style-type: none"> <li>- timetable</li> <li>- stages/processes</li> <li>- assessments required</li> <li>- additional consultation requirements</li> </ul>  | Specify role of LAFs in light of Welsh Government Group 1 Reform 27 ‘Role of LAFs’  |

<sup>8</sup> Currently included in Guidance. Reference for including in Key elements see page 11 Analysis Report

| Ref No. | Revised 3B(i) required key element for outline option selection proposal  | Considerations with key element |
|---------|---|---------------------------------|
|         | <ul style="list-style-type: none"> <li>- LAFs role</li> <li>- topics/content to be included Plan</li> <li>- optional model/template for required outputs – Plan itself plus assessments; map of access [see also Reform 3A] action plan/map;</li> <li>- Ability for local authorities to 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</li> </ul> |                                 |
| 007.    | Guidance to specify authorities to consult relevant bodies and 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.   |                                 |
| 008.    | Funding support or scheme for improvements.   |                                 |

\* Key element from Option Identification stage is no longer included. This will be because following the analysis stage it was not considered necessary or was incorporated wholly or in part into another key element. The key element reference numbers have been retained to Report for more information about changes to key elements.

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

### Outline Option Proposal Description:

ROWIP+ will replace and expand on Rights of Way Improvement Plans as the statutory strategic plan for public access planning. Local authorities will have a duty to develop a ROWIP+ for their area.

### Option Selection Key Elements within ‘Revised and Extended ROWIP Approach’ Option Proposal :

The ‘Revised and extended ROWIP approach’ option was considered to require the following elements within it:

| Ref No. | Revised 3B(ii) required key element for outline option selection proposal  | Considerations with key element   |
|---------|--|---|
| 001.    | Duty for local authorities (LA) to produce revised and extended Rights of Way Improvement Plan (ROWIP)<br>Powers for national park authorities (NPAs) to produce Plan for their areas in agreement with constituent LA. In such cases, the area in the NPA would be excluded from the local authority plan(s). | Consider whether there is a better name for the plan to reflect wider scope |

| Ref No. | Revised 3B(ii) required key element for outline option selection proposal   | Considerations with key element  |
|---------|---|--|
| 002.    | Amend/repeal of the duty for ROWIPs – with transitional arrangements included   |  |
| 003.    | <p>Legislation to specify access to be included in Plans, which would include:</p> <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> | <p>More focused:<br/>Specified content could be more narrowly focussed by giving more discretion/flexibility about including important recreational assets</p> <p>To define relationship between access included as part of Integrated Access Map (see Report 3A) and that included in the plan</p> <p>Outputs from National Access Forum Wales ‘Access to Water Sub-group’ to be considered regarding inclusion of any blue space</p> |
| 004     | N/A*  |  |
| 005.    | <p>Legislation to specify organisations required to be consulted in the planning process (based on current requirement in section 61(1) of CROW).</p> <p>Duty on specified public sector partners to contribute to the process. Legislation to define meaning of ‘contribute’.</p> <p>Discretionary power for (Non-governmental organisations) NGOs to contribute as appropriate to the process</p> <p>Guidance to set out specific role and requirements for duty to consult local access forums (LAFs) in producing Plan, or all relevant LAFs for joint-Plans</p>                                      | <p>Consider expanding on current list to include other relevant organisations including non-governmental organisations (NGOs) and health organisations, public service boards (PSBs), community councils.</p> <p>Specify role of LAFs in light of Welsh Government’s Proposal 27 ‘Role of LAFs’ reform.</p>  |
| 006.    | <p>Duty for 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>• delivery plan requirements<sup>9</sup> (currently in guidance 1-3 years)</li> </ul>  | <p>Consideration of use of mapping and Integrated Access Map (3A) in relation to assessments and planned improvement projects.</p> <p>Consideration of duties in relation to other reform areas. Duty to assess and propose priorities for improvements for higher rights users’ needs linked to changes due to ARAG reforms 1A, 1B and 2A in particular</p>   |

<sup>9</sup> Currently included in Guidance. Reference for including in Key elements see page 11 Analysis Report

| Ref No. | Revised 3B(ii) required key element for outline option selection proposal   | Considerations with key element  |
|---------|---|--|
|         | <ul style="list-style-type: none"> <li>• an interim review of the Plans would be required at the end of 5 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>   |  |
| 007.    | <p>Powers for the Senedd to issue guidance about Plan processes, format and content</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 Plan</li> <li>• Model/template for required outputs – Plan itself plus assessments; map of access [see also Reform 3A] action plan/map</li> <li>• Requirements for how to address Wellbeing of Future Generations Act and support for Area Statements to be included in Plan topics/content; similarly the other plans to be considered</li> </ul> | <p>To consider whether there should be a duty to refer to other plans such as Wellbeing Plans to support integration with other policy areas beyond recreational access.</p> |
| 008.    | <p>Guidance to identify parts of LAs to be involved: 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>Duty for LAs to respond to reasonable requests for information from NPAs for them to get relevant input to their Plans</p>   |  |
| 009.    | <p>Plan duty would apply to all specified access within LA/NPA area.</p> <p>Powers/flexibility to combine with other LAs to produce a joint plan (including with NPAs).</p> <p>NB: Requirement also to consult neighbouring local authorities and NPAs, i.e. those producing Plans.</p>   |  |
| 010.    | <p>Guidance to specify inclusion of work related to: maintenance of Definitive Map of PROW; CRoW related mapping [including CRoW Exclusions &amp; Restrictions (E&amp;Rs)]; strategic policies, aims</p>  |  |

| Ref No. | Revised 3B(ii) required key element for outline option selection proposal  | Considerations with key element |
|---------|--|---------------------------------|
| 011.    | No duty to implement but a responsibility to produce an action plan, monitor and report on progress.                                     |                                 |
| 012.    | Funding provision for implementation of Plan's access improvements, including linking to future Agri-environment/land management schemes |                                 |

\* Key element from Option Identification stage is no longer included. This will be because following the analysis stage it was not considered necessary or was incorporated wholly or in part into another key element. The key element reference numbers have been retained to make it easier to compare these revised options with the original versions. See the Analysis Reports for more information about changes to key elements.

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

### Outline Option Proposal Description:

This would be an additional option rather than an alternative to 3(i) or 3(ii). 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.

### Option Selection Key Elements within 'national strategic recreational access improvement plan' Option Proposal:

The 'National strategic recreational access improvement plan' option was considered to require the following elements within it:

| Ref No. | Revised 3B(iii) required key element for outline option selection proposal  | Considerations with key element  |
|---------|---|--|
| 001.    | Duty for Welsh Government (WG) to produce a strategic plan for improvement, development and strategic promotion 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>Clarify whether legislation will refer to the Wellbeing Goals or <a href="#">Welsh Government Wellbeing objectives</a></li> </ul> |
| 002.    | <p>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</p> <p>Consideration of inclusion of mapping representation of such routes and areas</p> |  |
| 003.    | Powers for WG to determine how they produce the national plan and/or elements of it including:  |  |



| Ref No. | Revised 3B(iii) required key element for outline option selection proposal   | Considerations with key element |
|---------|--|---------------------------------|
|         | <ul style="list-style-type: none"> <li>- consulting others,</li> <li>- the plan's governance,</li> <li>- reporting,</li> <li>- plan duration,</li> <li>- timetable to be followed</li> <li>- links to other plans</li> </ul>   |                                 |
| 004.    | Duty would specify assets for inclusion should be regionally significant or national recreational assets/routes. For WG to determine the assets for inclusion. Such as National Trails; Wales Coast Path (WCP); with discretion as to other recreational routes or areas (see also following bullet), include Welsh Government owned recreational assets |                                 |
| 005.    | Plan would be required to include an 'action plan' for improvements and maintaining of standards of specified assets   |                                 |
| 006.    | <p>Monitoring and reporting requirement as to Plan's implementation and progress</p> <p>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)</p>  |                                 |
| 007.    | Resource provided to carry out the duty.   |                                 |
| 008.    | Synchronise and integrate the national plan with local integrated access plans and specific programmes plans [such as for NTs and WCP].  |                                 |
| 009.    | Link between this requirement and reform 3A: specified access for national plan to be included in Integrated Access Map.   |                                 |
| 010.    | Integrating existing national trail plans with a strategic overview.   |                                 |

## Appendix A

ARAG Expert Group 3 members:

| <b>Name</b>  | <b>Organisation</b>                      |
|--|--|
| Beverley Penney  | Open Spaces Society                      |
| Charles de Winton  | Country Land and Business Association    |
| Tom Hutton   | Cycling UK                               |
| Bernard Griffiths  | Farmers Union of Wales                   |
| Rachel Lewis-Davies                                      | National Farmers' Union Wales            |
| Rhian Nowell Phillips<br>[Rachel Evans from August 2020] | Countryside Alliance                     |
| Rebecca Brough   | Ramblers Cymru                           |
| Lisa Lloyd   | Brecon Beacons National Park Authority   |
| Mark Weston  | British Horse Society                    |
| Gwyn Teague  | Vale of Glamorgan County Borough Council |
| Caroline Ferguson  | Carmarthenshire County Council           |
| Sarah Smith  | Welsh Government                         |
| Carys Drew   | Natural Resources Wales                  |
| Jont Bulbeck   | Natural Resources Wales                  |
| Jayne Carter   | Natural Resources Wales                  |
| Joseph Roberts   | Natural Resources Wales                  |