

## **ENVIRONMENT, PLANNING AND TRANSPORT COMMITTEE**

**Date:** Wednesday 26 February 2003  
**Time:** 9.15 am to 12.15 pm  
**Venue:** Committee Room 3, National Assembly Building

### **PROGRESS ON THE IMPLEMENTATION OF THE COUNTRYSIDE AND RIGHTS OF WAY ACT 2000 IN WALES.**

#### **Purpose :**

1. To update the Committee on progress to date in implementing the key provisions of the Act in Wales.

#### **Summary**

2. The attached paper describes the latest progress in implementing the Act and notes the main elements of work currently under way. It would be helpful to have the Committee's views on :
  - a. progress to date;
  - b. particular issues to be taken into account by the Assembly Government in taking this work forward.

February 2003 Countryside Division

**Progress on the implementation in Wales of the Countryside and Rights of Way Act 2000.**

## Introduction

1. The Act represents a very significant piece of wildlife and countryside legislation. It provides for new access to the countryside; improvements to the law on rights of way; strengthening of arrangements for the protection of SSSIs and Wildlife; and improved management of Areas of Outstanding Natural Beauty. The Act gives new powers and responsibilities to key environmental agencies in Wales - including the National Assembly itself (in terms of preparing and approving supporting regulations and guidance; the Countryside Council for Wales (in mapping the new access land and managing the associated restrictions regime); and to the National Parks and local authorities (in establishing local access forums, etc).
2. Progress to date and planned future action in implementing the main provisions of the Act are summarised below.

### **Part I : Access to the Countryside**

3. Good progress has been made in the implementation of the new public right of access to open country and registered common land in Wales. It is expected that some 300,000 hectares of land in Wales could become 'access land' as a result. While much of this will be within the National Parks, a substantial proportion is likely to be spread across Wales, giving new opportunities for access to the countryside. It is anticipated that this new right of access will come into being across the whole of Wales in the spring of 2005.
4. CCW are currently mapping open country and registered common land in Wales on an area by area basis, and by the end of 2003 draft maps of the new access areas will have been produced for the whole of Wales. CCW are considering all the views received on the draft maps, and revising the maps before publishing again as a provisional maps. At this stage an individual with an interest in the land will have three months to appeal to the Assembly if they believe that the map wrongly depicts their land as access land. The Planning Inspectorate will consider the appeals on the Assembly's behalf. CCW will then publish final or conclusive maps of access land in Wales. The expectation is that all the conclusive maps will have been published by the end of 2004, ready for the introduction of open access in spring 2005.
5. In support of this work the Assembly has approved six sets of regulations over the past 18 months to ensure that the main regulatory framework is in place. EPT Committee has been consulted on all these regulations. They include regulations covering the mapping and related appeals process, procedures for land managers and landowners to exercise their rights to restrict access for land management reasons, and the regulations to enable landowners to voluntarily dedicate their land for public access.
6. Other related work to help prepare for the introduction of open access under Part I includes :

- The setting up a new Countryside Opportunities Steering Group. Chaired by the Minister for the Environment, this Group will assist in the strategic planning and co-ordination work needed to ensure that open access is introduced successfully in Wales – and the wide-ranging potential benefits maximised.
- CCW and the Countryside Agency are working on a new countryside code taking account of the introduction of the new public right of access to open country.
- Guidance is being developed by CCW for land managers on their rights and responsibilities in relation to ‘access land’.
- New service standards and training to support warden and ranger services.
- The joint CCW and WTB grant scheme, Adfywio, introduced under the Assembly’s Government Rural Recovery Plan, is also helping to support useful projects linking tourism with recreation in the natural environment.

## **Part II – Public Rights of Way**

1. Part II of the Act contains provisions to improve the management of the very extensive network of public rights of way in Wales. Statutory guidance to local authorities on the preparation of rights of way improvement plans was issued in January 2003, following consultation with EPT Committee. These plans will be the main means by which local authorities will identify key improvements to the rights of way network for the benefit of walkers, cyclists, equestrians and people with mobility problems.
2. Work is currently under way on draft regulations on the removal of obstructions from rights of way, which Countryside Division expects to initiate consultation on in the spring. Work is also progressing on the preparation of draft regulations to provide a framework for vehicular access across common land in Wales, with a view of bringing them forward later this year. Part II of the Act contains a wide range of provisions and consideration is being given now to future priorities for implementation.

## **Part III – Nature Conservation and Wildlife Protection**

3. The Act introduced improved measures to prevent activities taking place that would damage the special interest on SSSIs, and for the management of these important sites. As well as new powers for the Countryside Council for Wales, the Act also provides new rights of appeal to the National Assembly. Following consultation in the winter of 2001, regulations for the procedures by which interested bodies and owners and occupiers of land affected by certain decisions made by CCW can appeal came into force in July 2002.
4. The Assembly Government has also prepared a draft code of guidance to assist the Countryside Council for Wales in the exercise of its improved powers and regulatory functions with regard to SSSIs. Public consultation on the draft code was undertaken in October 2002. We are currently considering the responses and are proposing to publish the code in the summer of 2003.

## **Biodiversity**

5. Further consultation with CCW and other interested parties took place during 2002 on the list of species and habitats of principle importance in Wales. The final List was announced on 28 November 2002. The List, in support of the United Kingdom Biodiversity Action Plan, identifies 174 species and 40 habitat types that are of principal importance for the conservation of biological diversity in Wales. 12 of these species are not listed in the UKBAP but are none the less of conservation concern in Wales. The List will be kept under review and the next review will take place in 2005 to coincide with the review of the UKBAP.
6. In support of our obligations under Section 74 the Assembly Government is working with, and will be providing additional funding to, the National Museums and Galleries of Wales. The aim is to deliver identification skills of species on the List to relevant local government ecologists and local biodiversity action plan officers, as well as to other key people working in the field. There will be practical training as well as the publication of guidance notes. This work is to take place during the coming financial year.

#### **Part IV – Areas of Outstanding Natural Beauty.**

7. Part IV of the Act introduces provisions to help secure the better management and protection of Areas of Outstanding Natural Beauty (AONB), of which there are five in Wales – The Gower, The Wye Valley, The Lleyn Peninsula, The Clwydian Range and The Anglesey Coast. In particular the Act requires the preparation and publication of a management plan for every AONB. The Act also places a duty on "relevant authorities" when undertaking functions affecting an AONB, to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. Management plans for all AONBs must be in place by 30 April 2004. To aid the process the Countryside Council for Wales published guidance on the production of AONB Management Plans and is also funding consultancy support to the relevant local authorities on this matter.

#### **Part V – Miscellaneous provisions**

8. One of the key provisions in Part V of the Act concerns the establishment of Local Access Forums. The role of the forums is to advise on the improvement of public access to land in their local areas for the purposes of open-air recreation and the enjoyment of the area. They therefore have an important supporting role to play in relation to the open access provisions of the Act. Regulations on the establishment of the Forums were approved by the Assembly at the end of 2001. To date 26 of the expected 29 Local Access Forums have been established in Wales, and work is in hand to set up the other three.

#### **Conclusion**

9. As indicated above a wide range of work has already been undertaken to implement the Act's provisions in Wales – and more is in hand. Initial priority has been accorded to the

access provisions under Part I and to the SSSI arrangements under Part III. The Committee has been fully involved in the main developments to date and the aim would be to maintain that successful engagement in taking forward the other key provisions of the Act.

February 2003 Countryside Division