

CYNULLIAD CENEDLAETHOL CYMRU		NATIONAL ASSEMBLY FOR WALES
OFFERYNNAU STATUDOL		DRAFT STATUTORY INSTRUMENTS
2001 Rhif (Cy.)		2001 No. (W.)
, CYMRU		COUNTRYSIDE, WALES
Rheoliadau *** 2001		The Access Land (Draft Maps) (Wales) Regulations 2001
NODYN ESBONIADOL <i>(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)</i>		EXPLANATORY NOTE <i>(This note does not form part of the Regulations)</i>
		Under section 115 of the Countryside and Rights of Way Act 2000 (the Act), the National Assembly for Wales may by regulations provide the procedures to be followed in the preparation of maps which will show all access land, being registered common land and open country, to which the public right of access under section 2 of the Act will relate.
		Regulation 3 sets out the procedures and requirements for the preparation of draft maps by the Countryside Council for Wales (the Council) under Part I of the Act, including provision as to the form and scale of draft maps (which are to be at a scale of not less than 1:10,000) but provides a power for copies to be prepared and published on different scales, if appropriate.
		Regulation 4 establishes the procedures for issue of a draft map after it has been prepared, including those for publicising it.

		<p>Regulations 5 sets the procedure relating to consultation on draft maps when they have been issued.</p> <p>Regulation 6 empowers the Council to amend minor clerical errors in a draft map before it is issued.</p>
		<p>Regulation 7 makes provision relating to the confirmation of draft maps, whether with or without modifications.</p>
		<p>These Regulations do not relate to the issue of draft maps which have been confirmed or to the right of appeal against the draft maps as confirmed and issued (i.e. against maps issued in provisional form under section 5(e) of the Act), or as to the issue of maps in conclusive form, which procedures will be the subject of further Regulations.</p>

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2001 Rhif (Cy.)		2001 No. (W.)
CEFN GWLAD, CYMRU		COUNTRYSIDE, WALES

Rheoliadau * 2001**

The Access Land (Draft Maps) (Wales) Regulations 2001

Wedi'u gwneud 2001

Made 2001

Yn dod i rym 2001

Coming into force 2001

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau

The National Assembly for Wales in exercise of the powers conferred upon it by sections 11 and 44 of the Countryside and Rights of Way Act 2000(a) hereby makes the following Regulations:

Citation, commencement and application

1.- (1) These Regulations may be cited as the Access Land (Draft Maps) (Wales) Regulations 2001 and shall come into force on xxxxxx 2001.

(2) These Regulations apply to Wales.

Interpretation

2.- (1) In these Regulations :

"the Act" means the Countryside and Rights of Way Act 2000;

references to the "confirmation" of a draft map are references to its confirmation in accordance with section 5(c) of the Act;

"consultation period" means the period referred to in Regulation 4(2)(g);

"the Council" means the Countryside Council for Wales;

"draft map" means a map issued by the Council in

accordance with section 5(a) of the Act;

"electronic form" means a form capable of being stored on, transmitted to and from, and read by means of a computer;

"interest" has the meaning given by section 45(1) of the Act;

"issued" means issued by the Council in accordance with section 5(a) of the Act;

"local access forum" means an advisory body established under section 94 of the Act;

"open country" has the meaning given by section 1 (2) of the Act;

"person" and "persons" include individuals, corporations and unincorporated bodies ;

"registered common land" has the meaning given by section 1(3) of the Act;

"relevant local access forum" means, in relation to a draft map, a local access forum in respect of which the area for which it is established includes an area contained in that draft map;

"relevant National Park Authority" means, in relation to a draft map, a National Park Authority for a National Park whose area includes an area contained in that draft map;

"relevant local authority" means, in relation to a draft map, a county or county borough council whose area includes an area contained in that draft map;

(2) In these Regulations, unless the context otherwise requires, any reference to a numbered regulation is a reference to the regulation bearing that number in these Regulations, and any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation.

(3) In reckoning any period which is expressed in these Regulations to be a period from a given date, that date is to be excluded and, where the day or the last day on which anything is required by, or in pursuance with, these Regulations to be done is a Sunday, Christmas Day, Good

Friday, bank holiday or a day appointed for public thanksgiving or mourning, the requirement shall be deemed to relate to the first day thereafter which is not one of the days before-mentioned.

Preparation of draft map

3.- (1) A draft map prepared by the Council may relate to such area as the Council may determine, having regard to local authority boundaries, the areas for which local access forums have been established, the boundaries of national parks and of areas of outstanding natural beauty and the location of natural and other geographical features including mountains, rivers and highways.

(2) The map base on which a draft map is drawn may include areas in respect of which access land is intended to be shown as such on another draft map but in such case the map base must clearly identify the boundaries of the area in respect of which it is the draft map.

(3) A draft map must be prepared to a scale of not less than 1:10,000 but where it is necessary or desirable for the purpose of accurately showing a part of the boundary of any access land that the draft map be prepared to a larger scale the Council must do so either by preparing a draft map to such larger scale or by including on the draft map of the general area an inset map to such larger scale.

(4) Where the boundary of an area of access land is shown both on the draft map of the general area and on an inset map of larger scale prepared in accordance with paragraph (3) of this Regulation the representation of that boundary on the inset map is to be taken to be its representation on the draft map.

(5) A draft map shall be prepared in electronic form and the Council must ensure that the draft map is at all times readily identifiable as such.

(6) The Council may for the purpose of discharging its duty to issue a draft map under section 5(a) of the Act or for any purpose incidental thereto, prepare and publish copies of the draft map in such form, including electronic form, as it may determine and any such copy published by or with the authority of the Council shall be deemed to be identical to the draft map unless the contrary is shown.

(7) The Council may, for the purpose of illustrating the existence and extent of the access land shown on one or more draft maps, and for the purpose of making available for inspection copies of the draft map in accordance with regulation 4(1)(a) and 4(1)(b), produce and publish maps showing such access land at a scale of less than 1:10,000 but not less than 1:25,000, but such maps are not to be regarded as evidence of the contents of those draft maps.

(8) A draft map must separately identify those areas of access land which consist of open country, and those which consist of registered common land, and may identify any other relevant features, by the use of such different colours, shading, lines and symbols as the Council may think fit but all draft maps must show each such class of access land and all such other features by use of the corresponding colours, shading, lines or other symbols as the case may be.

(9) The Council must, for the purpose of ensuring that all draft maps which it prepares are as accurate as possible, use such relevant data as is reasonably available to it.

Issue of draft maps

4.- (1) The Council is to be taken to have discharged its duty to issue a draft map in accordance with section 5(a) of the Act when it has:

(a) made such arrangements as are within its power for a copy of the draft map in printed form, and where possible in electronic form, to be available for inspection by members of the public at all reasonable times (subject, in the case of inspection at offices other than its own, to such requirement for the making of appointments to do so as the relevant authority may require) throughout the consultation period at the:

- i. head office of the Council and such local office of the Council as shall be nearest to the area to which the draft map relates; and
- ii. head office of each relevant local authority and relevant National Park Authority if any;

(b) despatched a copy of the draft map either in printed form or, if the Council and the recipient agree, in electronic form, together with a notice containing the same information as that required to be contained in the notice to be published under sub-paragraph (d) of this paragraph, to each of the organisations specified in the Schedule to these Regulations

and to such other persons as it considers appropriate; and

(c) published a notice complying with the requirements of paragraph (2) in at least one newspaper circulating throughout Wales and in such other newspaper or newspapers circulating in the area which includes the area to which the draft map relates as the Council thinks fit.

(2) A notice complying with the requirements of this paragraph must;

(a) identify the area to which the draft map relates;

(b) state that the effect of the draft map, if confirmed, will be to fix provisionally the extent of the land to which the public will, subject to such exceptions and restrictions as the Act provides, be entitled to exercise access under section 2 of the Act when that section comes into force;

(c) state that confirmation of the draft map will be without prejudice to the right of any person having an interest in land included in the land shown on the draft map as access land to appeal to the National Assembly for Wales following such confirmation against its inclusion;

(d) give particulars of the means by which members of the public may inspect a copy of the draft map;

(e) give particulars of the means by which members of the public may make representations to the Council as to the showing of, or the failure to show, any area of land on the draft map as open country as defined in the Act or as registered common land and explain that the Council will only be obliged to consider such representations if they are received by the Council within the consultation period and that any person making such representations should bear in mind that the terms of those representations may be made public;

(f) state that any person who has an interest in any land shown on the draft map as access land may, by request in writing made received before the end of the consultation period, identifying the nature of that interest and the land to which it relates, require the Council to provide that person free of charge with one copy of the draft map in printed form or, if the Council and the recipient agree, in electronic form, and state the address to which such request should be sent;

(g) specify the consultation period, being a period of not less than twelve weeks (or, if the period specified includes any date falling within the period beginning on the 25

December and ending on 1 January, not less than fourteen weeks) from the date when notice complying with this paragraph is first published;

(h) be first published no earlier than the date on which the Council has complied, with respect to the draft map to which the notice relates, with all the requirements of paragraphs (1)(a) and (1)(b) of this Regulation.

(3) A notice published in accordance with paragraph (1)(d) of this Regulation may, in addition to such information as is required to be included under paragraph (2) of this Regulation, include such further information as the Council shall think fit.

Consideration of representations relating to draft maps.

5.- (1) The Council must consider any representation received by it within the consultation period with respect to the showing of, or the failure to show, any area of land as open country or registered common land on a draft map if such representation:

(a) is made in written or electronic form;

(b) bears the name and address (including postcode) of the person making the representation;

(c) identifies the land to which it relates;

(d) contains such particulars as enable the Council to understand the modification, if any, which the person making the representation proposes should be made to the draft map;

(e) if made by a person claiming to have an interest in the land to which it relates, identifies the nature of that interest.

(2) Without prejudice to paragraph (3) of this Regulation, the Council may, if it receives any representation which, by reason of the fact that it omits certain information, does not comply with the requirements of paragraph (1) of this Regulation, request that the person making the representation provide the information omitted within such further period as the Council may allow and the Council must, if such information is provided within such period, consider such representation.

(3) The Council may, in its discretion, consider any representation which the Council is not, whether by reason of its form or content or the date when it is received,

required by paragraphs (1) or (2) of this Regulations to consider, and may in consult with such other persons as it may think fit.

Correction of clerical errors

6. Where it appears to the Council that a draft map which has been issued but which has not been confirmed contains any clerical error (or error of a like nature) and that the error can be corrected without materially affecting the draft map, the Council may make the necessary correction and, where it does so, shall note particulars of the correction on the draft map and on any copy of the draft map made after the correction has been made and must take such steps as are reasonable in the circumstances to bring such correction to the attention of such persons as may reasonably be expected to be affected by it.

Confirmation of draft map

7.- (1) The Council, having considered such representations as it is required to consider under the provisions of Regulation 5(1) or (2) together with such further representations as it decides, in its discretion, to consider under Regulation 5(3) may confirm the draft map with or without modifications.

(2) If the Council confirms the draft map without modifications it shall note that fact on the draft map and on any copy of the draft map made after that confirmation is so noted.

(3) If the Council confirms the draft map with modifications it must:

(a) prepare a map which shall be in identical form to the draft map except to the extent that it incorporates those modifications;

(b) prepare a written statement identifying the general nature of those modifications;

(c) note on the map prepared in accordance with sub-paragraph (a) of this paragraph and on any copy of that map the fact that it represents the draft map as confirmed with modifications;

(d) send a copy of such map (which may be in printed form or, at the option of the recipient in electronic form) and of the statement prepared in accordance with sub-paragraph (b)

		of this paragraph to any person as may reasonably be expected to be affected by such modifications.
Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998 (*).		Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998 (b) .
[] 2001 Llywydd Y Cynulliad Cenedlaethol		[] 2001 The Presiding Officer of the National Assembly

(a) 2000 c.37

(b) 1998 c.38

SCHEDULE 1 Regulation 4(1)

**ORGANISATIONS TO BE CONSULTED PURSUANT
TO REGULATION 4(1)**

British Mountaineering Council

British Association for Shooting and Conservation

Cadw : Welsh Historic Monuments

Country Land and Business Association

The Countryside Agency (where land included in a draft map has a border with England)

Farmers' Union of Wales

Forestry Commission

Local Access Forums whose area of responsibility covers land included in a draft map

The Ministry of Defence

National Farmers' Union [Wales]

National Park authorities in Wales

Open Spaces Society

Ramblers' Association

Town and Community Councils in Wales whose area of responsibility covers land included in a draft map

Unitary Authorities in Wales whose area of responsibility covers land included in a draft map