
WELSH STATUTORY INSTRUMENTS

2001 No. 4001 (W.329)
COUNTRYSIDE, WALES

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

Made - - - - 13th December 2001

Coming into force - - 1 January 2002

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⁽¹⁾ hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Countryside Access (Draft Maps) (Wales) Regulations 2001 and shall come into force on 1 January 2002.

(2) These Regulations apply to Wales.

Interpretation

2.—(1) In these Regulations:

“the Act” (“*y Ddeddf*”) means the Countryside and Rights of Way Act 2000;

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

“consultation period” (“*cyfnod ymgynghori*”) means the period referred to in Regulation 4(2)(h);

“the Council” (“*y Cyngor*”) means the Countryside Council for Wales;

“draft map” (“*map drafft*”) means a map issued by the Council in accordance with section 5(a) of the Act;

“electronic form” (“*ffurf electronig*”) means a form capable of being stored on, transmitted to and from, and read by means of a computer;

“inset map” (“*map mewnosod*”) means a map showing part only of the area to which a draft map relates and to a larger scale than that draft map and whether appearing on or annexed to the draft map;

“interest” (“*buddiant*”) has the meaning given by section 45(1) of the Act;

(1) 2000 c. 37. The reference in section 11 to regulations means, regulations made by the National Assembly for Wales (see the definition of “regulations” in section 45(2)).

“issued” (“*wedi'i ddyroddi*” or “*wedi'u dyroddi*”) means issued by the Council in accordance with section 5(a) of the Act;

“local access forum” (“*fforwm mynediad lleol*”) means an advisory body established under section 94 of the Act;

“open country” (“*tir agored*”) has the meaning given by section 1(2) of the Act;

“person” (“*person*”) and “persons” (“*personau*”) include individuals, corporations and unincorporated bodies;

“registered common land” (“*tir comin cofrestredig*”) has the meaning given by section 1(3) of the Act;

“relevant local access forum” (“*fforwm mynediad lleol perthnasol*”) 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 local authority” (“*awdurdod lleol perthnasol*”) means, in relation to a draft map, a county or county borough council whose area includes an area contained in that draft map;

“relevant National Park authority” (“*awdurdod Parc Cenedlaethol perthnasol*”) 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;

“section 4(2) land” (“*tir adran 4(2)*”) means the registered common land and open country in respect of which the Council is required to prepare maps in accordance with section 4(2) of the Act.

(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 section 4(2) 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 or, if it is not possible to achieve that scale using the base map technology reasonably available to the Council, the largest scale practicable using that base map technology, but where it is necessary or desirable for the purpose of accurately showing a part of the boundary of any section 4(2) land that the draft map, or an inset 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 or annexed to a draft map of the general area an inset map to such larger scale and, where an inset map is not included on the draft map itself, by noting on the relevant area of the draft map the fact that an inset map of that area has been prepared and how access to that inset map is to be obtained.

(4) Where the boundary of an area of section 4(2) land is shown both on the draft map of the general area and on a inset map of larger scale prepared in accordance with paragraph (3) 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, and any inset map, must, unless it is not reasonably practicable to do so, be prepared in electronic form but must be capable of being reproduced in printed form and the Council must ensure that the draft map and any inset map relating to it is at all times readily identifiable as such.

(6) A draft map must separately identify those areas of section 4(2) 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 and any copies of draft maps produced under paragraph (7) must show each such class of section 4(2) land and all such other features by use of the corresponding colours, shading, lines or other symbols as the case may be.

(7) 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, produce 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.

(8) The Council shall, for the purpose of illustrating the existence and extent of the section 4(2) 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), or for complying with a request of a kind referred to in regulation 4(2)(f), produce and publish copies of draft maps showing such section 4(2) land, which may be at a scale of less than 1:10,000 but not less than 1:25,000.

(9) Copies of draft maps produced under paragraph (8):

(a) must clearly identify the classes of section 4(2) land and other features referred to in paragraph (6) which appear on the draft map of which they are copies, but the colours (if any), shading, lines or other symbols used to do so need not be identical to those used for that purpose on that draft map;

(b) are not to be regarded as evidence of the contents of those draft maps.

(10) 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 produced under regulation 3(8) 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 the local office of the Council, which is nearest to the area to which the draft map relates, not including any office which is not open during normal office hours; and

(ii) head office of each relevant local authority and relevant National Park authority, if any;

(b) despatched a copy of the draft map produced under regulation 3(8) to a scale of not less than 1:25,000 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 (c) of this paragraph, to each of the organisations specified in Schedule 1 to these Regulations and to such other persons as it considers appropriate;

- (c) published a notice complying with the requirements of paragraph (2) in at least one daily newspaper circulating throughout that part of Wales which includes the area to which the draft map relates and such other newspapers or publications circulating in that part of Wales as the Council thinks fit;
 - (d) sent a notice in writing or in electronic form, complying with the requirements of paragraph (2), to each of the public libraries listed in Schedule 2 and accompanied by a request that a copy of the notice be displayed to the public at that library.
- (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 section 4(2) 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 be obliged to consider such representations only 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 section 4(2) land may, by a request in writing received before the end of the consultation period, and 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 produced under regulation 3(8) of the draft map or of an extract from the draft map relating to that land, which copy must be in printed form or, if the Council and that person agree, in electronic form;
 - (g) state the address to which any request under sub-paragraph (f) should be sent;
 - (h) specify the consultation period, being a period of not less than three months from the date when notice complying with this paragraph is first published; and
 - (i) 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).
- (3) Any notice published in accordance with paragraph (1)(c) or sent in accordance with paragraph (1)(d) may, in addition to such information as is required to be included under paragraph (2), include such further information as the Council shall think fit.

General duty to inform the public of the provisions of draft maps

5.—(1) The Council must consider and give effect to such steps as are reasonable in order to inform the public of the provisions of draft maps and must in particular consider the desirability of:

- (a) making available, so far as is practicable, information equivalent to that shown on draft maps by means of smaller scale maps published on any website it maintains on the internet; and
- (b) bringing to the attention of those appearing to have an interest in land shown as section 4(2) land on a draft map, by whatever means are appropriate, the fact that such map has been issued and where it can be inspected.

(2) The duty imposed by paragraph (1) is to be without prejudice to the duties of the Council under regulation 4 but any failure on the part of the Council to discharge the duty imposed by paragraph (1) in relation to a draft map is not to invalidate the issue of that draft map by the Council or any other action required to be taken by the Council under these Regulations.

Consideration of representations relating to draft maps

6.—(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 complies with the requirements of paragraph (2).

- (2) A representation complies with the requirements of this paragraph if it:—
- (a) is made in writing or in electronic form;
 - (b) bears the name, address and postcode of the person making the representation;
 - (c) contains sufficient particulars of the land to which it relates as to enable that land to be identified;
 - (d) contains such particulars as enable the Council to understand any modification which the person making the representation proposes should be made to the draft map; and
 - (e) if made by a person claiming to have an interest in the land to which it relates, identifies the nature of that interest.

(3) Without prejudice to paragraph (4), 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 (2), request that the person making the representation provide any 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.

(4) If a representation fails to include sufficient particulars of the land to which it relates to enable that land to be identified the information which the Council may request under paragraph (3) includes a map or plan on which the boundaries of the land in question are marked.

(5) The Council may, in its discretion, consider any representation which does not comply with the requirements of paragraph (2) or any request for information made under paragraph (3), and may consult with such other persons as it may think fit.

Confirmation of draft map

7.—(1) The Council, having considered such representations as it is required to consider under the provisions of regulation 6(1) or (2) together with such further representations as it decides, in its discretion, to consider under regulation 6(4), 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.

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

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- (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 those modifications and incorporating a concise statement of its reasons for making them; and
 - (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.
- (4) References in this regulation to the confirmation of a draft map are references to its conformation pursuant to section 5(c) of the Act.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2).

13th December 2001

D.Elis-Thomas
The Presiding Officer of the National Assembly

SCHEDULE 1

Regulation 4(1)(b)

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

British Association for Shooting and Conservation
British Mountaineering Council
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
Relevant local access forums
The Ministry of Defence
National Farmers' Union, Wales
National Park authorities in Wales
National Trust Wales
Open Spaces Society
Ramblers' Association
Town and Community Councils in Wales whose area of responsibility covers land included in a draft map
Relevant local authorities
Clwyd-Powys Archaeological Trust, or
Dyfed Archaeological Trust, or
Glamorgan-Gwent Archaeological Trust, or
Gwynedd Archaeological Trust, or
(if the area of responsibility of that Archaeological Trust covers land included in a draft map)

SCHEDULE 2

Regulation 4(1)(d)

PUBLIC LIBRARIES TO WHICH NOTICE IS TO BE SENT PURSUANT TO REGULATION 4(1)(d)

Aberdare
Aberystwyth
Bangor
Barry
Blackwood
Brecon
Bridgend
Brynmawr
Caernarfon
Cardiff Central
Cardigan

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Carmarthen
Chepstow
Colwyn Bay
Cwmbran
Dolgellau
Flintshire
Grangetown
Haverfordwest
Llandrindod Wells
Llandudno
Llanelli
Llangefni
Llanrwst
Maesteg
Merthyr Tydfil
Neath
Newport Central
Newtown
Pembroke Dock
Penarth
Pontypridd
Port Talbot
Pwllheli
Rhuthin
Rhymney
Rhyl
Swansea East
Treorchy
Wrexham

EXPLANATORY NOTE

(This note does not form part of the Regulations)

Under section 11 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, in accordance with section 4(2) of the Act, which will show all open country (as defined by the Act) and

all registered common land in Wales. The public right of access under section 2 of the Act is defined by reference to these kinds of land, subject to certain exceptions and additions set out in the Act.

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 (or, if it is not possible to achieve that scale using the base map technology reasonably available to the Council, the largest scale practicable using that base map technology) but provides a power for copies to be prepared and published on different scales, if appropriate.

Regulation 3(3) requires larger scale maps or insets to be prepared where it is necessary or desirable to do so in order to show the boundary of section 4(2) land accurately.

Regulation 3(5) requires draft maps (including inset maps) to be prepared in electronic form unless it is not reasonably practicable to do so.

Regulation 4 establishes the procedures for the issue and publication of a draft map after it has been prepared.

Regulation 5 requires the Council to publicise the provisions of draft maps generally.

Regulation 6 establishes the procedures relating to consultation on draft maps which have been issued.

Regulation 7 makes provision relating to the confirmation of draft maps, whether with or without modifications.

These Regulations do not relate to the issue of draft maps which have been confirmed and issued in provisional form under section 5(d) or (e) of the Act or to the right of appeal against the draft maps as so confirmed and issued, or as to the issue of maps in conclusive form, the procedures for all of which will be the subject of further Regulations.