

REPORT OF ACCESS AND RIGHTS OF WAY MANAGER

SUBJECT: REVIEW OF ACCESS LAND MAPS

Purpose of Report

To update Members on the current review of Access Land maps.

Introduction

The new right of access on foot to common land and open country (moor and heath) known collectively as Access Land commenced in May 2005. This new right of access was commonly called the “right to roam” as it created a right to walk across designated areas of land without following a designated footpath. Prior to the commencement of the new right of access, there had been a lengthy mapping process undertaken by the Countryside Council for Wales (CCW) to identify and designate the Access Land. The Conclusive Map for Pembrokeshire was completed and issued by CCW in September 2004. The National Park Authority was closely involved in the various stages of mapping and the general consensus was that CCW had undertaken a thorough and comprehensive exercise.

There are 6,600 ha of Access Land designated in Pembrokeshire and most are to be found in the National Park where common land, moor and heath predominate. The current Conclusive Map of Access Land in Pembrokeshire records 5,712 ha of Access Land in the National Park (1,188 ha open country and 4,524 ha of common land). This represents 10% of the land area of the National Park and is mainly confined to the North of the County with the Preseli hills and the heathland of the St David’s peninsula forming the majority of Access Land.

Every 10 years Regulations require CCW to review the Access Land Maps. This decadal review started on 16 July 2012 when draft maps were issued. The closing date for representations will be 23rd November 2012.

Map Review

Again, CCW are consulting widely, however, as the initial mapping exercise entailed a comprehensive and far reaching survey, CCW do not anticipate great changes. Common Land forms the majority of Access Land in the National Park and remains unchanged, being based on information held in the Common Land Register at Pembrokeshire County Council.

CCW therefore expect most changes to mainly result from any alterations to boundaries of Open Country (moor and heath). Most moor and heath is protected habitat where the land would not have been improved for agriculture. No new areas of moor and heath have been developed through management as it can take many years to establish heathland through management such as burning and grazing. Changes would also be likely to result where there have been any express dedications of Access Land by landowners.

Under the current review, the Draft Map for the County of Pembrokeshire has added a total of 54.5 ha of Access Land, with 2.4 ha being deleted. There is one major addition outside the National Park at Plumstone Mountain. The major addition in the National Park is accounted for by the 22 ha of Access Land that was dedicated by the National Park Authority at Freshwater East in 2010. Elsewhere there are three minor changes to individual sites which entail the addition of three small areas of Access Land near Penrhyn Dinas; North Pole, Pencaer; and Penlan Isaf, Cwm Gwaun and the deletion of one small area of land at Penlan Isaf. These changes seek to better define the boundaries of existing areas of Access Land to physical features such as fences and roads. The Direction Team is satisfied that there are no additional candidate sites in the National Park that merit addition to or deletion from the Draft Map. The Pembrokeshire Local Access Forum considered the Draft Map at its meeting of 12th October and were also of the opinion that no further amendments were required.

Comparisons

The current consultation will follow the same procedure for the initial mapping exercise of Access Land. The Draft Map will be followed by a Provisional Map, an appeals stage and finally the publication of a Conclusive Map in September 2014 that will replace the current Conclusive Map.

Options

The mapping of Access Land relates only to the inclusion of registered Common Land and land defined as Open Country. The only subjective element therefore is the definition of Open Country. For the purposes of the legislation, Open Country is defined as land that is predominantly moor, mountain, down and heath. CCW confirmed that in their opinion only moor and heath land cover are to be found in Pembrokeshire. An appraisal of land cover is therefore restricted to designating land that is predominantly of moor or heath in character.

Financial considerations

The National Park Authority has a number of statutory duties in relation to Access Land. It has been designated as an "Access Authority" responsible for the management of Access Land in the National Park. It is also designated as the "Relevant Authority" with duties relating to the administration of temporary restrictions and exclusions of access. The minimal changes proposed in the Draft Map are therefore unlikely to affect the National Park Authority's role and duties in the management of Access Land. In 2005 the National Park Authority initially focused resources on promoting a greater awareness of the new right of access, commonly known as the 'right to roam' and through a three year programme of grant funded improvements ensured that all major parcels of land were accessible and formed walking routes.

Risk considerations

As the consultation exercise is being undertaken by CCW, the corporate risks are limited. Given the likelihood of there being little change to the existing distribution and extent of Access Land as a consequence of the mapping exercise, there will be few resource implications for the National Park Authority. The main concern during the initial mapping exercise (2002 -2004) was the impact that this may have on the Park Authority's working relationship with farmers and landowners. The National Park Authority overcame this by ensuring all affected persons and groups were informed

of the initial mapping exercise and adopting a proactive approach to managing access and preparing for commencement of the new right of access. Given the minimal changes proposed in the Draft Map, the relationship with farmers and landowners is not expected to be adversely affected, as the Access Land has become an established feature of the National Park.

Compliance

The management of Access Land contributes to the implementation of Outcomes 2 & 3 of the Corporate Strategy Objectives.

Human Rights/Equality issues

In order to be compatible with the European Convention of Human Rights (the Convention) regard must be had to Convention Rights in the decision making process. Although this Authority will not be the decision maker for this proposal, this report's content and associated recommendation is considered to set out and strike a fair balance between the competing interests.

Biodiversity implications/Sustainability appraisal

By its nature Access Land tends to be unimproved agricultural land that is rich in natural habitat. Public access to such land has proven to be compatible with nature conservation interests. The Park Authority has the power to restrict access in the interests of nature conservation where necessary. These powers have not been used to date as there have been few areas of conflict and any problems have been managed without resort to closure, principally by the means of encouraging walkers to use well defined paths that would avoid sensitive areas.

Welsh Language statement

None.

Conclusion

Together with public rights of way, Access Land provides a range of access opportunities for walkers and is depicted on Ordnance Survey maps. In Pembrokeshire it provides access to the more rugged and remote inland parts of the National Park, which are rich in archaeological remains and provide extensive walking opportunities.

Recommendation

That members note the Draft Map consultation.

Background Documents

Draft Map of Access Land 2012
Countryside & Rights of Way Act 2000

(For further information, please contact Anthony Richards 4849)

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