

Explanatory Memorandum the Countryside and Rights of Way Act 2000 (Review of Maps) (Amendment) (Wales) Regulations 2026

This Explanatory Memorandum has been prepared by the Climate Change and Rural Affairs Department and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

Cabinet Secretary's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Countryside and Rights of Way Act 2000 (Review of Maps) (Amendment) (Wales) Regulations 2026

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Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

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PART 1

1. Description

The Countryside and Rights of Way Act 2000 (CRoW) place a duty on Natural Resources Wales (NRW) to, in respect of Wales, prepare maps which together show all open country and all registered common land and issue in conclusive form.

Under The Countryside and Rights of Way Act 2000 (Review of Maps) (Amendment) (Wales) Regulations 2023, NRW has a duty to review the conclusive map at intervals of not more than 15 years.

The Countryside and Rights of Way Act 2000 (Review of Maps) (Amendment) (Wales) Regulations 2026 amend the requirement to review the conclusive map at intervals of not more than 20 years.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

None.

3. Legislative background

These Regulations are made using the powers under section 10(3) and 45(1) of the Countryside and Rights of Way Act 2000. The powers under that Act, which were conferred on the then National Assembly for Wales, were transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006.

These Regulations are being made under the Senedd Annulment procedure.

4. Purpose and intended effect of the legislation

NRW has a duty to undertake a first mapping review of open access (open country and registered common land) not more than ten years after the issue of the map in conclusive form. Subsequent reviews must take place not more than fifteen years after the previous review. NRW completed the first mapping review in 2014 which means the next review is due in 2029.

The review is a significant undertaking as it requires the preparation of the open access maps at each of three sequential stages (draft, provisional and conclusive), with each stage including a consultation period that includes allowing stakeholders to make representations and appeals concerning the mapped area. There is also a significant amount of time required at the start of the process in establishing the review and with initial engagement with stakeholders. While the review process is largely undertaken by NRW, it also

involves the Planning Inspectorate (to handle mapping appeals) and Welsh Government officials, as well as requiring input from land managers, other sectoral interests and the public.

As part of its commitment to make the management of countryside access more efficient, the Welsh Government has committed to move from a set review to a continuous review process. This SI changes the period for subsequent mapping reviews from 15 years to 20 years, which means the next review will be due in 2034. This avoids NRW expending unnecessary time and resources on a review process that is currently awaiting legislative reform, to introduce a continual review process.

An extension of the intervals between mapping reviews does not favour one set of interests. A review enables considerations for applications seeking a reduction in the amount of land classified as open access, as well as those seeking an increase. Neither interest is believed to be disadvantaged overall.

5. Consultation

The Welsh Government is committed to the introduction of a continual review process which means the CRoW Act needs to be substantively amended.

NRW has advised that it does not have the resources to undertake these two tasks simultaneously (reviewing the current open access map under current statutory deadlines and moving to a continuous review process).

Consequently, NRW requested that Welsh Government use the powers provided by CRoW section 10(3) to set a new date of 2034 for completion of the next review of the open access mapping.

As the Regulations provide a limited amendment, affecting a small number of individuals and does not reflect a change in the Welsh Government's policy, a formal public consultation did not take place. There was, however, engagement with NRW who are directly affected by the amendment. The decision to extend the deadline for the next review of open access maps was also communicated to stakeholders via the National Access Forum for Wales. There have been no questions or concerns raised regarding the extension.

6. Regulatory Impact Assessment (RIA)

An RIA has not been prepared for these Regulations, as it is a technical amendment changing the review period from 15 to 20 years. There are no changes to the purpose or significant effect of the law. This is in line with the policy set out in the Welsh Ministers' Code of Practice for carrying out Regulatory Impact Assessments for subordinate legislation.