EXPLANATORY MEMORANDUM TO THE

ACCESS TO THE COUNTRYSIDE (CORRECTION OF PROVISIONAL AND CONCLUSIVE MAPS) (ENGLAND) (AMENDMENT) REGULATIONS 2005

2005 No. 2027

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 These Regulations amend the Access to the Countryside (Correction of Provisional and Conclusive Maps) (England) Regulations 2003 ("the principal Regulations"). Where a correction to a provisional map has not been made before the map is issued in conclusive form these Regulations allow the correction to be made to the conclusive map instead (the final stage in the mapping process). In addition, there is no longer a time limit for correcting a provisional or a conclusive map where the correction consists of removing land from such a map.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 Under Part I of the Countryside and Rights of Way Act 2000 (the Act) the Countryside Agency, in England, is required to prepare, in turn, draft, provisional and conclusive maps of open country (mountain, moor, heath and down) and registered common land to which the public will have a new right of access on foot. At the draft map stage, representations from the public are considered and, where appropriate, modifications are reflected in the provisional map which then follows. Once a provisional map is issued, landowners can in certain circumstances appeal against the showing of their land on the map. If an appeal is successful, the land is removed from the conclusive map, which is the final stage of the mapping process.

4.2 The principal Regulations allow the Agency, inter alia, to correct a provisional map where a draft map has been confirmed with modifications (as a result of representations made by the public) but inadvertently the Agency has not incorporated them in the provisional map. They also allow the Agency to correct a conclusive map where a provisional map has been approved with modifications following an appeal but in error the Agency has not incorporated the modifications in the conclusive map. In both cases, corrections must be made within three months of the date of issue of the relevant map.

4.3 With more experience of the mapping regime it has become apparent that, in some cases, errors have come to light after the expiry of the three month time limit. And, in a few cases, errors on the provisional map have only been identified after the issue of a conclusive map. In order to ensure that such errors can be corrected these

Regulations remove the three month time limit for corrections which involve the deletion of land from a provisional or a conclusive map. They also allow errors which should have been corrected on a provisional map to be corrected on a conclusive map instead, but only where such corrections involve the deletion of land from that map.

4.4 These Regulations do not remove the three month time limit in the principal Regulations in respect of errors where the correction consists of adding land to a provisional map. That time limit is necessary in order to allow landowners the opportunity to exercise their right of appeal against the showing of their land on the provisional map under section 6 of the Act. These Regulations also do not remove the three month time limit in the principal Regulations in respect of errors relating to inaccuracies in Ordnance Survey data : no new errors relating to such data have been identified.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The mapping process is an extremely complex task and these Regulations will assist the Countryside Agency in ensuring that the maps of open country (mountain, moor, heath and down) and registered common land are as accurate and comprehensive as possible.

7.2 So far only a small number of mapping errors have come to light although as the mapping process has not yet been completed there could be others. Although this is not a particularly high profile issue it is important to the individual landowners involved. The Department believes that these Regulations are necessary to allow the correction of those errors which cannot be corrected under the principal Regulations.

7.3 There was no public consultation undertaken on these Regulations. The public consultation held on the principal Regulations indicated support for the powers to correct the errors described. As these Regulations simply provide the flexibility to allow those same errors to be corrected later in the statutory process it was decided that further public consultation was not necessary.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

David Trott at the Department for Environment, Food and Rural Affairs (Tel: 0117 372 8380 or e-mail: David.Trott@Defra.gsi.gov.uk) can answer any queries regarding the instrument.