

**Open Data User Group (ODUG)**  
**Public of Rights of Way (PROW) – Local Authority Data**  
**July 2013**

**Dataset:** Definitive maps and definitive statements on Public Rights of Way (PROW) held by local authorities.

**Summary**

- Official data on public rights of way (PROW) are held by the local authorities who hold it in two formats ‘definitive maps’ and ‘definitive statements’. The latter is a description of the path including e.g. width, surface, and ‘furniture’.
- Ordnance Survey (OS) collect data from Local Authorities (LAs) and have a national data set on Public Rights of Way.
- ODUG has received nine requests for the release of data on public rights of way. Most are addressed at accessing LA data. One request is for open access to the OS data sets.
- ODUG has developed a benefits case for PROW data which looks at both OS data and LA data (see Annex A). This benefits case is now being addressed as part of the broader case for wider access to OS data under open government licence. This benefits case looks at the Local Authority data

**Background**

- Nine requests have been received for access to PROW data. Seven refer exclusively to community and personal use. Two refer to business use.
- Access to the data is hindered by:
  - Licencing terms
  - Inaccessible formats (e.g. maps viewable at the LA office)
- Local Authorities are obliged to make PROW data public but not in re-usable formats or under open licence.
- The licencing situation is made complex by lack of understanding among LA’s of the position with regard to OS derived data.
- There are clear and significant social benefits to release as well as some commercial benefits with little or no risks.
- The costs of release vary by Local Authority. In some cases it is clear that the data already exists in usable formats and the cost of release is the administrative costs associated with checking the legal position and putting arrangements in place for data access. In other areas there may be costs of putting the data into appropriate formats.

## Benefits

The benefits are well described in the original benefits case but can be summarised as:

- Social with increase awareness of paths, greater accessibility to information to plan walks, increased use of paths and easier ability for community members to ensure paths are clear and usable.
- Some business benefits.
  - One request from a local authority cites the cost of having to move between different mapping applications when trying to pull together reports that combine PROW information with other mapping data.
  - Another request cites the value to those providing refreshments, taxis, bicycle hire and other leisure services who would use information about paths to both promote and to plan their services.
- A number of people cite the potential for specific applications to support hiking, rambling etc.

## Risks and concerns around open release

The principle barrier to release is the cost to the local authority of releasing this data. This cost is in two forms:

1. The cost of providing the data in appropriate formats and in an accessible place
2. The cost of establishing to their own satisfaction that this is risk free and framing appropriate licence terms

Where data is not currently available in electronic format there is a cost associated with putting the data into appropriate formats.

There are two relevant licence holders with regard to this data set. The local authority owns the 'definitive map' and 'definitive description' data set for their area. However, the definitive maps are often created from OS maps and consequently they incorporate data that is owned by the OS.

The 2011 Autumn Statement said that Ordnance Survey had committed to waiving any derived data rights so that PROW way data could be released under OS open data licence. A number of local authorities (e.g. Hampshire<sup>1</sup>) have successfully released data in electronic format under OS OpenData licence indicating that public release of this data is possible.

Those who have tried requesting data from local authorities have run into the following issues:

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<sup>1</sup> Hampshire Public Rights of Way map data <http://www3.hants.gov.uk/row/row-maps.htm>

1. Lack of clarity about licencing restrictions from OS. One requester explained to a local authority that OS had agreed to allow data to be released under OS OpenData Licence but was then asked if he could obtain confirmation from OS on their behalf.
2. Local Authorities applying their own licencing terms e.g. one council cited licencing terms which included restrictions on use, restrictions on passing data to anyone else and requirements to be notified of 'security breaches'.
3. Unwillingness to provide it in electronic formats. FOI requests have been met with the response that the availability of maps that can be seen in the local authority offices satisfies any FOI responsibilities.

The costs and risks to Local Authorities of making their existing data available under OGL and OS OpenData licence are minimal and the principle barrier appears to be simply the administrative burden of establishing the correct legal position.

### **Observations**

The task of making the data available with the desired format and licence terms can be broken into three stages:

1. Making the existing publicly available data available under a combined OGL (for the LA part) and OS OpenData licence.
  - The principle obstacle to this is the administrative hassle to Local Authorities of determining the right licence arrangements.
2. Making data available electronically.
  - For those Local Authorities who do not have the data in this format there is a cost of conversion.
3. Making the data available in a consistent electronic format.
  - This requires a) agreement on the common standard and b) conversion of data to that standard.

The following recommendations are based on attempting to achieve 1 immediately and 2 and 3 in due course.

With regard to 1, it makes little sense for every local authority to go through the process of confirming legal positions and drafting licences. There would be merit in a single national agency drafting appropriate licencing terms and providing them to all Local Authorities. The most obvious national agencies would be the LGA, as the membership body of local authorities, the Cabinet Office, with responsibility for open data, or DCLG, as the government department for local government.

## **Recommendations**

ODUG recommends that government should:

- Produce, in association with local government and Ordnance Survey a model PROW licence arrangements applying OGL and OS OpenData licence terms to the relevant data elements such that Local Authorities can adopt this model license to determine the licence terms under which all PROW data is made available.
- Promote the new licensing to Local Authorities to facilitate the publishing of PROW under standard licensing terms under the code of practice for transparency.

## **ANNEX A: ORIGINAL BENEFITS CASE**

### **PUBLIC RIGHTS OF WAY: Description & Request Overview**

Several data requests were made that regard the provision of Rights of Way (RoW) routes by local authorities as inconsistent and not accessible. It is proposed to make RoW data available under OGL so that they can be incorporated into open source mapping projects such as Open Street Map and provided in open formats that data can be more easily reused. Data are often published as pdf, software proprietary formats (such as ESRI shape files) or as part of an interactive web map. Data provided in these formats cannot be easily incorporated into web services or mobile phone applications to create a national walking map application for leisure use. Furthermore, availability of data by local authorities is patchy and not released as open data due to licensing restrictions.

Local highway authorities (county and unitary authorities) have the legal duty to create and maintain RoW as part of their highways duty. The responsibilities include to

- Maintain a definitive map of RoW and associated statements at local authority level
- Maintain RoW network in relation to street works and publish RoW as part of the Authority's List of Streets within the streets works register within GeoPlace
- Pass RoW mapping data to Ordnance Survey to allow for publication on medium scale mapping and for inclusion in the trails and path dataset

Under the Countryside Rights of Way Act (2000) local authorities are required to update their records of Rights of Way by 2026. Under the Act local authorities have to keep a copy available for inspection free of charge and supply a copy to any person who requests one, either free of charge or on payment of a reasonable charge determined by the authority.

Ordnance Survey is collating RoW data from local authorities and include them in their 1:25000 and 1:50,000 map series. None of the datasets are currently available by OS under open government licence.

### **Data Release Rationale**

RoW data requests stated a variety of benefits from the release of RoW under OGL in open formats. The release would enable the data to be utilised in a range of projects including:

- as a secondary source when contributing to the OpenStreetMap project
- use in apps for ramblers finding their way
- on-the-ground surveys by volunteers to update the maps (however, the definitive map is always held by the local authority).

Uses of the data can include: the production of specialist hiking maps, pedestrian and cyclist routing mobile apps, etc. This creates commercial opportunities for small businesses, and opportunities for not-for-profit groups to use in support of their aims. Many of the maps and applications created (national online cycling map, CycleStreets cycle routing) would not be viable as commercial projects and thus rely on open data.

The availability of RoW data in open format could make it possible to combine the data into an England wide map of RoW. Centralising the data in one place would remove the need to search through several councils websites when planning longer walks. In addition, RoW have

to be recorded by 2026 according to the Countryside Rights of Way Act (2000). by making the data available it becomes easier to find un-recorded RoW and to feed back to local authorities to update their records as a way of crowd sourced volunteering efforts.

Many OS maps do not contain the latest course of some footpaths because the Ordnance Survey does not actively re-survey footpaths as regularly as roads but rather awaits updated submission from local authorities. Allowing projects such as OpenStreetMap to make use of the data in combination with on-the-ground surveying, will enable the creation of a fully up-to-date national RoW map - something that is not financially viable without volunteer effort. However, such maps will never be able to replace the definitive legal map and statements held by local authorities.

### **Target User Description – Community Fit**

The availability of RoW data are of interest to

- the outdoor community for finding walking routes in the countryside
- property owners and developers to determine limitations on land use
- utility companies when planning any road works

Several requests were received from a range of users who wish to utilize the data for personal, business, community use. Websites that already use RoW include [www.rowmaps.com](http://www.rowmaps.com), Open Street map and individual mobile phone app use. However, all requests state limitations on accessing RoW for various reasons related to license restrictions, fragmentation due to patchy releases from local authorities, the lack of availability in open data formats and inability to find the data on councils' websites.

In addition, there is a lack of understanding by some local authorities on their right to release the data under OS Open data license. This leads to lengthy enquiries by organisations seeking the information.

### **Benefits**

Benefits include:

- The release of consistent RoW data published in open data format under OGL means the data can be incorporated into national datasets such as Open Street Map or RoWmap so that it can be reused in mobile phone apps used when hiking, planning utility updates, and property searches.
- Making the data available as a consistent national datasets avoids lengthy and burdensome data requests to 172 individual highway authorities in England and Wales and reduces multiple data requests from different organisations to local authorities.
- The release of data could potentially lead to serendipitous uses of the data such as walking apps linking hiking routes to car parks, transport nodes, points of interest and other services.
- Combining RoW data with other datasources could help walkers understand where they could get refreshment, park their car, get a taxi, stay overnight or even cycle from one appointment to another using RoW. This is not possible with the current restrictions on use. As always, access to data will generate many new ideas and some will be completely innovative that cannot be predicted.

- Overall availability of ROW could encourage greater use of rights of ways leading to health, social and environmental benefits.

The value of the open RoW to the marketplace has already been established through announcement in the autumn statement 2011 as one of the open data sources [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/61959/Further\\_detail\\_on\\_Open\\_Data\\_measures\\_in\\_the\\_Autumn\\_Statement\\_2011.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61959/Further_detail_on_Open_Data_measures_in_the_Autumn_Statement_2011.pdf)

However, the majority of requests ask for the data to be made available in machine readable open data format so that they can be more easily reused and combined.

*Please identify where further case studies or quantifiable evidence to support the release of this dataset*

*Can you identify further areas where this dataset release will create opportunities for innovation and new business?*

*Can you help identify sectors, businesses and organisations that will benefit from the release of these data?*

### **Barriers and Requirements for Release**

The lack of a national open data set is the primary barrier to using the data in web services and phone apps. The release and supply of local data is the responsibility of local authorities. However, the supply is fragmented, patchy and inconsistent pending on local availability of the data. To create a nationally viable dataset requires the collation of data from local authorities, release under OGL, provision according to three star open data model as a minimum with the aim to create linkable data using standards. Attempts were made in the past to create a national dataset but there are costs involved to

- Create electronic copies of the data and to given standards,
- Keeping them up-to-date
- Release data for free (loss in revenue to local authorities/OS in creating electronic copies of ROW to given standards)
- Publish the data using INSPIRE web services (a requirement related to providing geospatial data related to the environment)

*Can you identify other barriers to this data release, or solution to those listed?*

### **Recommendations**

ODUG recommends:

- promoting the release of open ROW under OGL from local authorities
- the release of ROW dataset by Ordnance Survey under OS open data licence as a national dataset (following the example of Natural England releasing local nature reserves collated from local authority datasets)
- release of the full Ordnance Survey business case by PDG/BIS