

VALE OF GLAMORGAN LOCAL ACCESS FORUM

Minutes of a meeting held on 29th November, 2022.

(i) 5.00 p.m.

Present: S. Bain, I. Buckley, S. Campbell, J. Cole, F. Coleman, L. Davies, S. Davies, I. Fraser, S. Gaffney, W. Hennessy, K. Lucas, H. S. McMillan, I. Perry, G. Thomas and P. Walsh.

Also present: G. Davies (Secretary), A. Briscombe, D. Hunt, S. Pickering and S. Thomas (Vale of Glamorgan Council)

(a) Apologies for Absence -

These were received from Councillor E. Williams and R. Exley; and P. Chappell (Vale of Glamorgan Council) and M. Miyata-Lee (Natural Resources Wales).

An apology was also received from F. Coleman who would have to leave prior to the second meeting commencing at 5:45pm.

(b) Welcome/Introduction from the Secretary -

As Secretary to the Forum, G. Davies welcomed both new and returning Members to the first meeting of the newly appointed Local Access Forum. He explained that the Forum was required to be appointed every three years, the first Forum having been established in 2002.

(c) Introduction by Members -

Following a brief introduction from the officers present, Members of the Forum outlined their particular fields of interest and expertise, with some having submitted a short synopsis for inclusion in the papers sent out prior to the meeting.

(d) Rights of Way Team Outline of Service Areas -

D. Hunt provided a brief outline of the work of the Rights of Way Team, that was structured under the following headings:

Background - The Vale of Glamorgan was a diverse county, including a lengthy shoreline, good agricultural land and urban centres. David Hunt advised that there were approximately 573 kms of Public Rights of Way (PRoW) in the Vale of Glamorgan. The network included 511 kms of footpaths, 40 kms of bridleways and 22 kms of restricted byways.

Maintenance – D. Hunt advised that the Council undertook work to ensure the surfaces of Rights of Way were kept in repair and to a suitable standard. This often included cutting overgrowth where paths became overgrown or repairing the surface of paths where required. Each year, a number of paths that were known to be

problematic were targeted for cutting at the beginning and the end of the summer.

The Team carried out an annual clearance programme for priority routes and reviewed the programme annually. There was a small budget for bi-annual cuts of the Wales Coast Path to ensure it was kept open and accessible.

Work was also undertaken to replace dilapidated structures on behalf of landowners. This helped ensure stiles, gates etc remained in a fit state for use. Additional practical works such as waymarking, installation of signage or management of condition surveys were also carried out by the team. A priority system was used for maintenance works, which was developed with the previous LAF, which included anything classed as a danger to the public / operational hazard / legal status etc.

Enforcement – D. Hunt advised that the Council was required to assert and protect the rights of the public to use paths. As such, there were a number of enforcement duties that existed such as removal of obstruction, hazards or to take action where certain types of unlawful activity occurred. Responding to an enforcement issue involved investigation of the problem, determining those parties involved, establishing contact and developing an appropriate response that was typically through negotiation, informal warning, service of notice or prosecution.

Definitive Map and Statement - The existence and location of Public Rights of Way were legally recorded on the Definitive Map and Statement. These documents provided conclusive evidence of the existence of the public rights of way recorded upon them and description of the route.

The Council maintained these documents continuously by processing orders where legal events giving rise to changes occur, or by investigating cases where it was claimed routes should be shown or not shown. The Council last republished its definitive map in 2016.

Definitive map work could involve amongst other things, administration, quality assurance of data, historic research, collection and analysis of evidence, presentation of cases, referral and representation at public inquiry.

Legal Orders - Legal Orders may be made to alter the Public Rights of Way network due to necessity or a particular interest e.g. due to development, public or private interest.

The Council was able to process such applications to give effect to the application or otherwise test it against the necessary legal criteria.

Legal Orders could involve administration, negotiation, analysis of applications, referral and representation at public inquiries.

Improvement - A significant amount of funding of Public Rights of Way work was provided through grant assistance. The Public Rights of Way Team was therefore involved in generating and delivering access improvement projects as well as administering associated grant funding.

No.

Improvements to access could include promoting the least restrictive access principles and agreeing new furniture to BS5709 standard e.g. pedestrian gate instead of a stile or kissing gate, where appropriate to do so. The Team was always looking to other grant opportunities that might exist, which was where members could be proactive looking at exploring other avenues of funding for the Council.

AIG - Access Improvement Grant
CAIP – Coastal Access Improvements Program

LAF was advised that currently path resurfacing works was being undertaken in Dinas Powys and coastal path alteration in Lavernock.

Levelling up fund would shortly be confirmed, and it was hoped that there would be a pot of money made available to carry out improvements all over the network.

Information – The Public Rights of Way Team worked with and support numerous stakeholder groups including user groups, (such as the ramblers and other walking groups), partner organisations (Valeways who helped with clearance and surveys) and Town and Community Council footpath forums.

Promotion of the network through attendance at events or publication of leaflets was also undertaken by the team. The 10 Vale Trails promoted routes had tourist leaflets available for people to use to follow the routes.

Performance indicator and network management information was also collected and analysed by the team with the help of surveyors, a number of who were existing and previous LAF members

(d) Procedure for Appointment of Chair and Deputy Chair -

The procedure to be followed for the appointment of Chair and Deputy Chair of the Forum was set out in Regulation 12 of the Countryside Access (Local Access Forums) (Wales) Regulations 2001. Accordingly, the appointment process would be conducted by secret ballot as the first item of business at the second meeting of the Forum later in the evening.

AGREED - T H A T nominations for, and appointment of the Chair and Deputy Chair of the Forum be dealt with as the first item of business at the next meeting.

(ii) 5:45 p.m.

Present: S. Bain, I. Buckley, S. Campbell, J. Cole, L. Davies, S. Davies, I. Fraser, S. Gaffney, W. Hennessy, K. Lucas, H. S. McMillan, I. Perry, G. Thomas and P. Walsh.

Also present: G. Davies (Secretary), A. Briscoombe, D. Hunt, S. Pickering and S. Thomas (Vale of Glamorgan Council)

(a) Appointment of Chair -

One nomination was received for the position of Chair was moved and seconded, I. Perry. There being no other nominations, it was

AGREED - T H A T I. Perry be appointed Chair of the Vale of Glamorgan Local Access Forum until 29th, November, 2025 or such lesser period as the Forum might subsequently determine.

At this point, I. Perry took the Chair.

(b) Appointment of Deputy Chair -

One nomination for the position of Deputy Chair was moved and seconded, W. Hennessy. There being no other nominations, it was

AGREED - T H A T W. Hennessy be appointed Deputy Chair of the Vale of Glamorgan Local Access Forum until 29th, November, 2025 or such lesser period as the Forum might subsequently determine.

(c) Minutes -

AGREED - T H A T the minutes of the meeting held on 2nd December, 2021 be approved as a correct record.

(d) Terms of Reference -

Members were asked to consider the current Terms of Reference as adopted by the previous Forum. Those Terms of Reference had been based on the model contained within the advice and best practice published by the former Countryside Council for Wales and the Welsh Government and had been revised over the years to reflect change in circumstances.

It was noted that Countryside Council for Wales was now known as Natural Resources Wales, so it was agreed for that to be amended.

Having considered the Terms of Reference, it was

AGREED - T H A T the Terms of Reference as set out in the report be adopted, subject to the Countryside Council for Wales to be amended to read Natural Resources Wales.

(e) Rights of Way Improvement Plan (ROWIP) Draft

It was statutory duty for a local authority to prepare a rights of way improvement plan and review and republish at least every 10 years. A copy of the draft had been circulated prior to the meeting.

Main duties were to assess how the network meets the present and future needs of the public and provide a statement of actions the Council intended to take for future management of the network. It would form the basis for management of the Vale of Glamorgan's rights of way network over the next 10 years.

The assessment looked at the:

- current strengths and weaknesses of the access for legitimate users, such as: walking, horse riding, cycling etc;
- how easy it was for people of all needs and abilities to use, including people with impaired vision and mobility issues; and
- what opportunities there were to develop and improve the access resource to meet people's needs today and in the future.

The review and republication of a new ROWIP was subject to updated Welsh Government Guidance. In summary, this included 9 stages:

1. Evaluating the delivery of the previous ROWIP
2. Evaluation of the current condition of the PROW network and its legal record
3. Addressing the statutory and supplementary matters
4. Assessing public needs and identifying opportunities
5. Preparing a new Statement of Action and Delivery Plans
6. Developing and renewing delivery plans
7. Publishing the draft of the new ROWIP
8. Publishing the finalised new ROWIP
9. Implementing the new ROWIP.

The Vale's draft ROWIP, to be published in the new year, had previously been consulted with the last LAF back in February 2019 with a workshop session. Report presented to LAF in December 2019 where forum was advised to consider revised improvement plan having been updated following the workshop. A full set of public consultations were also carried out previously. Following these, the plan was amended to reflect LAF and public views/comments which had been made in readiness to publish. It had already been translated ready to go, so there was no need for any further comments now at this stage. The Council was currently at point 8 of the review stage – to publish the finalised ROWIP prior to implementation which was the final point 9.

The Secretary referred to written representations received that day prior to the meeting of the Local Access Forum. Given the lateness of the information, hard copies were distributed for members attention. Members of LAF were of the view that consideration of the points raised should be deferred to the next meeting. S. Campbell commented that given the representations related a Public Rights of Way (PROW) Sub-Committee scheduled to determine an application relating to Foot Path 73, would it be necessary for the LAF to meet before PROW. The Secretary advised that he was unsure whether that was the correct process, so it was suggested for the matter to be discussed between the Chair and Deputy Chair, the Secretary and Rights of Way Officers.

J. Cole referred to the Enabling Rights of Way (EnRaw) programme. It was advised that the ROWIP was Vale wide and EnRAW assisted with links to Cardiff and Bridgend, for example by improving Bridal ways.

S. Campbell referred to aims and actions and asked whether there were timescales

No.

for completion. In reply, the Forum was advised that the lifespan of the ROWIP was 10 years and there was an intent to review every 12 months, with updates to be reported to the LAF.

The Chair, I. Perry commented on the access to paths, referring to gates in gates, closed stiles and paths unpassable due to mud etc. He stated that he would like to see areas and routes opened up, so it was important to look at the type of gate/stile installed. The Chair also highlighted the need for better signage, asking for more involvement with Town and Community Councils. In response, S. Thomas stated that a number of community groups had been created, with the Llantwit Major Group being a good example. It was hoped to create more groups of that type but there was also an issue around resources. With regard to disability access, S. Thomas stated that there was an action within the ROWIP, but this was largely the responsibility for landowners.

In reply to a query regarding access to routes not identified on the Definitive Map, S. Thomas stated that the Council required evidence in order to create a legal route. This was a long process, and each applications required a lengthy investigation.

W. Hennessy referred to paragraph 8.2.4 and asked for clarification as to why there was not much information for disabled access. S. Thomas stated that it was a difficult area, so she suggested that a survey of the route be undertaken to identify any obstructions. Surveying all of the 1500 or so footpaths was a mammoth task but was something that could be undertaken as a project. W. Hennessy commented that one route in the Rhoose area where the gate was unsuitable. A. Briscombe added that the issues to improve access to the path had been looked at but ultimately the type of gate was down to the landowner.

I. Perry referred to page 10 and Principle 4 and queried whether there were plans to introduce finger points. In reply, S. Pickering stated that this was down to resources as they were more expensive than wooden signs.

L. Davies commented from the perspective of a horse rider and queried the minimum width of routes and bridal paths. L. Davies also highlighted the issues of barriers and obstacles including closed gates reducing access for horse riders. S Thomas stated that there was no legal minimum width for bridleways, the Rights of Way team follow best practice guidance of 2 meters across open land and 3 metres along field edge paths where possible although some paths were recorded on the Definitive Statement at a lesser width. With regard to obstructions, the best course of action would be to report any issues to the Rights of Way Team so that officers could investigate further. Issues could be reported directly to Officers or via the Councils C1V contact service. S. Pickering added that with regard to obstructions on paths, the best way for the Team to react was for issues to be reported.

In reply to a query regarding rights of way paths being obstructed because of ploughing, S. Thomas advised, that the Council was now able to have a more proactive response as a new data system allowed the Team to trawl through the history of reported issues. The Team would issue letters to indicate that survey work would be undertaken and, if necessary, a secondary letter issued to landowners advising what sort of action was required.

No.

With regard to the closure of the path at Darren Farm in Cowbridge, the Forum was advised that the duration of the closure related to the type of legal order. Types 1 and 2 were for emergency situations, with 1 being for a period of 5 days, and 2 being for a period of 21 days. Darren Farm represented a different type of legal order that could last as long as 6 months, with an option for an extension. Confirmation of the status for the path would be sent to members via email.

P. Walsh said well done to offices for the implementation of new kissing gates and for the amount of maintenance work carried out. One area she felt needed further consideration, was what did success look like. In response, S. Pickering advised that the LAF would be regularly updated via maintenance reports and of the improvement works carried out. Section 9 was the Statement of Action and LAF would be apprised of progress in achieving those actions on a regular basis.

S. Campbell, stated that the ROWIP made reference to further engagement with Town and Community Councils, but it was important to recognise that there wasn't a local Council for the Rhoose area. Members noted that the creation of a forum could be considered, and the Rights of Way Team would take a look at how it carried out engagement and consultation with Community Councils and individual Councillors.

Subsequently it was

AGREED –

- (1) T H A T the Chair, Deputy Chair, Secretary and Rights of Way Officers meet to discuss the possibility of the LAF meeting prior to the Public Rights of Way Committee in January 2023 relating to an application for Footpath 73.
- (2) T H AT consideration of the late representations submitted from a member of the public relating to the ROWIP be deferred possibly to the next meeting.