

## VALE OF GLAMORGAN LOCAL ACCESS FORUM

Minutes of a meeting held on 31<sup>st</sup> July, 2017.

Present: Councillor E. Williams (Chairman); Mr. F. Coleman, Mr. J.J. Herbert, Ms. C. Lucas, Mr. H.S. McMillan, Ms. E. Nash, Mr. R. Simpson and Mr. G. Thomas.

Mr. J. Wyatt, Mr. S. Pickering, Mr. G. Teague and Mrs. S. Thomas (Vale of Glamorgan Council)

Ms. M. Miyata-Lee (Natural Resources Wales).

(a) Apologies for Absence -

These were received from Mr. R. Pittard and Mr. R. Traherne.

(b) Minutes -

AGREED - T H A T the minutes of the meeting held on 23<sup>rd</sup> November, 2016 be approved as a correct record.

(c) Rights of Way Improvement Plan (ROWIP) Grant Update -

Gwyn Teague indicated that the expectation was that ROWIP funding would cease in its current form after the current financial year. He hoped that funding might become available in a slightly different form (e.g. part of Partnership Grant funding).

The project comprised a number of programme actions aiming to assist in the delivery of ROWIP objectives.

Ref	Location	Brief Details of Programme Action	Update
VG1	Cowbridge	Drainage scheme alongside Waitrose	Proposal to install new gully and connect to existing pipe. Complicated by properties connecting to pipe and discharging pollution. Lack of outfall into stream meant pipe had needed to be cleared. Awaiting Natural Resource Wales (NRW) to take enforcement against properties before constructing headwall and completing remaining works.

VG2	Countywide	Adopt a path coordination of works	Continuing to identify structure works and issue maintenance instructions on promoted routes via survey.
VG3	Countywide	Definitive Map anomalies - resolve long standing issues by order	Not yet confirmed.
VG4	30km of priority routes	Vegetation clearance	First round of annual clearance cuts complete.

VG1 provided for the design and implementation of a drainage scheme to relieve flooding of Footpath 6, Cowbridge, which led from Waitrose to the park and children's play area.

VG2 would support the coordination and resolution of maintenance issues on promoted routes that were part of the Adopt a Path scheme.

VG3 would begin to address long standing issues identified during the quality assurance of the Definitive Map process. This was likely to be through a mix of orders, negotiations and/or enforcement where appropriate.

VG4 would support the annual clearance of inland routes.

(d) Coastal Access Improvement Programme: Background and Update -

The Coastal Access Improvement Programme (CAIP) was a scheme funded by the Welsh Government via Natural Resources Wales and delivered through Local Authorities.

Since the Wales Coast Path officially opened on May 5th 2012 the scheme, which initially ran from 2007-2013 had continued to fund the development and improvement of the route. Follow completion of the initial project further funding was made available; this ran from 2013-2015.

The current programme was initiated by a ministerial announcement that committed £900,000 worth of funding per annum for the next 5 years to the path. The current scheme differed from previous in so much as funding was divided between improvements and maintenance, to reflect the maturing nature of the Coast Path.

### **CAIP Funding 2017-18**

Offers of grant had been received and accepted for the improvement projects shown below. It was also anticipated that a further project at Sully Playing Fields would continue, though funding had yet to be confirmed for 2017-18 in respect of this

Code	Location	Details	Update
VG1601	Dimhole	Path close to edge requires cutting back into cliff and provision of level surface as it ascends from cwm.	Works complete.
VG1501	Ogmore Down	Conclude outstanding creation agreement on path, formalising new alignment that avoids needs for road walking	Order drafted.
VG1502	Traeth Mawr	Missing link currently available on permissive basis only. Previously submitted as creation order, landowner has indicated willingness to revert to agreement	Agreement complete
VG1503	East of Nash Point	Rollback of path to mitigate cliff undercutting	Not yet commenced
VG1504	West of Tresilian Bay	Formalisation of rollback following coastal erosion	Geological study into rate of erosion and undercutting commissioned, returned in draft. Awaiting final issue before progressing.
VG1506	Summerhouse	legal orders to formalise clifftop rollback	Not yet commenced.
VG1507	Gileston	Creation of missing link. Agreement complete and works agreed. Creation order underway in respect of final part of land.	Scheme including surface, signage and improvement of furniture agreed. Discussion with landowner on materials ongoing. Creation order on outstanding section

			with legal.
VG1701	Monknash	Improvement of drainage, surface and crossing	Initial surveys undertaken and project plans agreed. Engineer to assist with scheme design appointed and due to meet on site shortly.

In addition an allocation for coast path maintenance via grant and at 75% grant rate had been advised. In the Vale for 2017-18 this amounted to £19,230 of grant, to be matched by £6,410. It was anticipated that this would be issued each year over the life of the programme:

Code	Description	Details	Update
Maint	Maintenance Projects on VoG WCP	Vegetation cut back, maintenance of furniture and surfaces	Seasonal cuts complete. Report into cliff erosion commissioned near Rhoose.

(e) Maintenance Reports -

The Forum was provided with an update in relation to maintenance work carried out up to 21<sup>st</sup> July, 2017.

(f) Legal Orders and Evidential Modification Orders Updates -

The Forum was presented with an update on the Legal Orders and Evidential Modification Orders across the Vale of Glamorgan.

Gwyn Teague confirmed that the Legal Order No. 65, Bonvilston had now been confirmed, with the draft Modification order awaiting sealing. He also stated that, as far as Atlantic College was concerned, there was potential for the situation to be resolved without the need for a Modification Order.

(g) Performance Indicators Survey Returns 2016/17: Public Rights of Way -

10.08% (59.3 kms) of the Public Rights of Way (PROW) network was surveyed, split between Spring and Autumn surveys. The paths surveyed were chosen by random selection.

The survey was undertaken by volunteers who were members of the Local Access Forum and had many years of experience of undertaking the PI surveys (thereby providing valuable continuity).

The pass rate for 2016/17 - 59%

Compared to previous years:

- 2011/12 - 45%
- 2012/13 - 62%
- 2013/14 - 69%
- 2014/15 - 63%
- 2015/16 - 71%

The pass rate was lower than last year, with the average for the previous 5 years being 62%. The Autumn return was 62% and matched the previous 5 year 62% average. The Spring survey was undertaken in May rather than the usual April and this might have contributed to the slightly higher reporting of intimidating beasts/persons; livestock that would have been out of the barns.

The late Spring survey might also have contributed to the slightly higher reporting of ploughing/cropping issues. Although only 5 out of 52 paths failed due to ploughing, two of these were exceptionally long paths and directly dropped the Spring result from a 63% to 56% pass rate. An average Autumn return could not counteract the Spring result and pull-up the final yearly figure.

78 new issues were added to the maintenance database; the issues falling within Priority Levels 4 to 6.

A member of the Forum asked whether all Local Authorities used the same methodology and Gwyn Teague indicated that they did not (adding that the PI was no longer a mandatory one). He also confirmed (in response to a question) that there was no reliable overview available of the picture across Local Authorities.

(h) Rights of Way Improvement Plan (ROWIP): Initial Consultation -

The Vale of Glamorgan Council had given notice of its intention to review its Rights of Way Improvement Plan (ROWIP) and was seeking comments on the process and timetable published, for the purposes of Section 61(1) of the Countryside and Rights of Way Act 2000.

In November 2007, the Vale of Glamorgan Council published its 'Rights of Way Improvement Plan' (ROWIP). The purpose of the ROWIP was to provide a 10-year plan outlining how the Council would manage and improve its rights of way and access opportunities over the coming years. Now, almost ten years on from the initial production of the Vale's ROWIP, Local Authorities were required to make a new assessment, including reviewing their previous ROWIPs and deciding whether or not to amend them. Given the legislative changes in the last 10 years and economic challenges, it was expected that all Welsh Authorities would produce new ROWIPs and that these would be published between 2017 and 2019.

Members of the Forum received the Initial Consultation document, which contained the background, outline of process, terms of reference and user facing timetable relevant to the review.

The Countryside and Rights of Way (CROW) Act 2000 was the legal mechanism for the draft and review of ROWIPs. The review would be carried out by reference to the statutory and supplementary matters contained therein, i.e.::

**Statutory Matters**

- The extent to which local rights of way met the present and future needs of the public.
- The opportunities provided by local rights of way for exercise and other forms of open air recreation and the enjoyment of the authority's area
- The accessibility of rights of way to blind or partially sighted people and others with mobility problems.

**Supplementary Matters**

- The degree to which the previous ROWIP had been delivered.
- The present condition of the network and its record.
- The opportunities to contribute to Active Travel objectives, Well-being objectives and the delivery of other plans and priorities.

The review would comprise 7 stages:

- Stage 1 - Review Planning (March 2017)
- Stage 2 – Initial Consultation (July - August 2017)
- Stage 3 – Review of Current ROWIP (June - August 2017)
- Stage 4 – New Assessment (July - October 2017)
- Stage 5 – Prepare Draft ROWIP (November 2017- May 2018)
- Stage 6 – Publish Final ROWIP (September-October 2018)
- Stage 7 - Set Up Ongoing Monitoring Procedure (ongoing)

As part of its overall involvement, Gwyn Teague considered the Forum would have an important role in Stage 4 of the process, which would include further consideration by the Forum at its next meeting (which would be arranged

AGREED – THAT the consultation process and timetable be noted.

- (i) Consultation Paper: “Taking Forward Wales’ Sustainable Management of Natural Resources”

As part of the above document, a consultation exercise was underway in terms of Chapter 4 of the document – “Access to Outdoors”. In summary, Chapter 4 set out proposals relating to access to the countryside in terms of:

- Achieving consistency in the opportunities available for participation in different activities and how activities were restricted and regulated;
- Simplifying and harmonising procedures for designating and recording public access;
- Improving existing advisory forums and how access rights and responsibilities were communicated to all interests.

The Forum was asked to consider and provide any comments on a total of 18 Proposals (numbered in the document from 10 – 27) as follows (for ease of

reference, the comments of the Forum are shown in emboldened text):

**During the discussion, members of the Forum made a number of reference to the uncertainties and, consequently, their concerns regarding the resourcing and “policing” of certain of the proposals if introduced.**

**Proposal 10**

To enable cycling and horse riding on footpaths to occur under the same conditions as those provided for cycling on bridleways under section 30 of the Countryside Act 1968. These provisions allowed for cycling without placing additional burdens of maintenance and liability on the local authority; and they prioritised the ordinary users of those paths. Whilst it would not place additional liabilities or maintenance burdens on local authorities, it would enable them to plan and implement surface and furniture improvements to routes that would add most value to the rights of way network. It would place the onus of checking the suitability of individual paths on users.

**The Forum had strong reservations regarding the concept of a “blanket” provision and considers the risk factor (e.g. in terms of compatibility of users on paths) to be too high.**

**Proposal 11**

To amend or revoke the following list of restrictions on access, provided in Schedule 2 (1) of the CRoW Act 2000:

- (b) uses a vessel or sailboard on any non-tidal water;
- (c) has with him any animal other than a dog;
- (i) bathes in any non-tidal water; and
- (s) engages in any organised games, or in camping , hang-gliding or para-gliding.

**During the discussion, one Member felt the current position to be too restrictive. However, the view was also expressed that it was better to have restrictions which could be relaxed , rather than wide freedom being sought to be restricted.**

**Proposal 12**

To allow, with appropriate authority, organised cycle racing on bridleways in order to bring rules relating to bridleways into line with footpaths. We would welcome any further suggestions for change in relation to anomalous or unreasonable restriction on public rights of way.

**The Forum considered the proposal to be acceptable, subject to such use for events being subject to authorisation by Welsh Government on each occasion.**

**Proposal 13**

To extend CRoW Act access land to the coast and cliffs.

**The Forum expressed reservations regarding the breadth of what could become possible and alluded to the potential increase in use by “opposing forces” and the increased risk attached to such.**

**Proposal 14**

To extend Part 1 of CRoW Act access land provisions to rivers and other inland waters

**Agreed.**

**Proposal 15**

To establish NRW as the authority responsible for:

- identifying appropriate access and egress points;
- implementing measures to promote responsible use, including the use of river level indicators; and
- mediating between the different user interests to facilitate user access agreements.

**The Forum agreed, subject to clarification as to whether funding would follow from NRW.**

**Proposal 16**

To establish a statutory caveat on all users to behave responsibly whilst exercising their right to participate in recreation on access land, inland water and on public rights of way.

**Agreed.**

**Proposal 17**

To enable temporary diversions and exclusions to be applied across all accessible land and water where circumstances require them and after the safety and convenience of the public had been considered.

**Agreed.**

**Proposal 18**

Dogs to be on a short fixed length lead in the vicinity of livestock at all times of the year. In all other circumstances they would be subject to “effective control”, a legally defined term already used in England under Schedule 2 paragraph 6A of the CRoW Act. Exceptional circumstances relating to safety and the protection of nature conservation would be identified and guidance provided by the access code

**Agreed.**

**Proposal 19**

To enable the development of one statutory map of accessible areas and green infrastructure. Layers of mapping would initially include CRoW access land (including water), public rights of way and designations, including, National Trails. Legislation would need to allow further layers to be identified and added.

**Agreed.**

**Proposal 20**

To amend technical provisions relating to procedures for creating, diverting and

extinguishing public rights of way; and the recording of amendments to the definitive map and statement.

**Agreed.**

**Proposal 21**

To introduce provisions to allow flexibility in relation to stock control measures on public rights of way.

**Agreed.**

**Proposal 22**

To amend the requirement for a decadal review of access maps to a process of continual review.

**Agreed.**

**Proposal 23**

To create a requirement on local authorities and National Park Authorities to develop integrated access plans to take effect anytime up to the date of the next review in 2027.

**Agreed.**

**Proposal 24**

To repeal the Cycle Tracks Act 1984. In doing this create a new type of public right of way, ‘cycle paths’, prioritising cycling and walking (and subject to proposal 10 above) to be recorded on the definitive map and statement. All existing cycle tracks designated under the 1984 Act would be recorded as cycle paths.

**As with Proposal 10, the Forum had strong reservations regarding the concept of a “blanket” provision and considers the risk factor (e.g. in terms of compatibility of users on paths) to be too high.**

**Proposal 25**

To repeal unwanted provisions in the CRoW Act. In particular those relating to the 2026 cut-off date for historical routes under sections 53 – 56 of the CRoW Act.

**Agreed.**

**Proposal 26**

To develop a statutory code for access to the outdoors for recreation similar to that already in place in Scotland under the Land Reform (Scotland) Act 2003.

**The Forum considered the proposal to make sense, in principle. In practical terms, it was felt that its effectiveness would, in essence, depend on the conduct of people themselves.**

**Proposal 27**

To review the regulations and guidance relating to local access forums with a view to

updating and clarifying their role and membership.

(j) Member Briefing: Protecting the Network -

It was agreed that the planned briefing for Members would be deferred until the next meeting.

(k) Next Meeting –

It was agreed that the next meeting would take place at 17.30 on Wednesday 1<sup>st</sup> November 2017.