

**Gwynedd Council**

**RIGHTS OF WAY IMPROVEMENT PLAN**

**REVIEW**

**Public consultation document**

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## **Forward**

Public Rights of Way provide the means by which people can access, explore and enjoy Gwynedd's countryside and coast. The network also provides opportunities for travel to local facilities and places of work.

The network we have today has evolved over many centuries to meet the needs of local communities and industries. However, with changes in society and the economy of Gwynedd the use of rights of way has also changed significantly. Today Rights of Way are used mainly for recreation and are a key economic asset. The health benefits of regular walking, cycling or horse riding has long been recognised and never more than during the Covid 19 pandemic. This period demonstrated the importance of access networks in maintaining people's mental and physical well-being and brought about an increased interest in local paths and the wider environment.

The purpose of the new ROWIP is to reflect the changes in resources and legislation that have occurred since the original Plan was adopted in 2007. At the same time, it will set out how the Public Rights of Way network can be maintained and improved to meet the aspirations and expectations of local communities and all user groups whilst recognising continued pressure on resource and the challenges of climate change.

The Council's Communities Scrutiny Committee has approved this draft document for public consultation.

Individuals and representatives of organisations are invited to comment on the draft document using the questionnaire / comment form provided. The feedback will be used to prepare the final ROWIP which will run until 2028/29.

## **PART 1. Background**

### **1.1 Purpose of the Rights of Way Improvement Plan**

The Countryside and Rights of Way (CROW) Act 2000 placed a duty on Local Authorities to prepare a Rights of Way Improvement Plan (RoWIP), a strategic plan to manage, develop and promote the rights of way in their area.

The first RoWIP was prepared in the period between 2003 and 2007, and adopted in November 2007.

### **1.2 Preparing the new RoWIP and introducing the Themes**

In 2016, the Welsh Government presented guidelines for Local Authorities to prepare a new RoWIP. In preparing the RoWIP it is a requirement of the Act that the following receive attention:

- The extent to which rights of way satisfy the public's requirements now and in the future.
- The opportunities offered by public rights of way for physical exercise and other recreational activities and to enjoy the outdoors.
- How accessible are local rights of way for blind or partially sighted persons and for others with mobility difficulties?

In addition, the amended RoWIP should ensure that it gets to grips with the following:

- Evaluation to what extent the previous RoWIP was achieved.
- An evaluation of the network's current condition and its history.
- Opportunities to contribute to the objectives of Active Travel
- Opportunities to contribute to Well-being objectives
- Opportunities to contribute towards achieving other plans and priorities.

Subject to any changes in Government guidance the new ROWIP will cover the period up to 2028/29.

The ROWIP is divided into the following three Themes

**Theme A: Maintain and manage the Rights of Way Network and access to the countryside**

**Theme B: The definitive map and statement**

**Theme C: Assessing and meeting consumer needs**

The Plan contains a number of Action Statements for each theme which will be used to prioritise resources and to prepare detailed work programmes over the life time of the Plan.

### **1.3 Description of the Gwynedd Area**

**Landscape:** Gwynedd has a spectacular landscape, and its quality is reflected in the landscape designations of the Snowdonia National Park and the Llŷn Area of Outstanding Natural Beauty. These include numerous Sites of Special Scientific Interest and Special Conservation Areas to protect habitats, species and geological features.

**The people of Gwynedd:** According to the 2011 Census, 121,874 people lived in Gwynedd, an increase of 5,031 since the 2001 census, with 65.4% able to speak Welsh. 49.2% of the population were men and 50.8% were women with 96.5% describing their ethnic group as white and mainly from Wales or other UK countries. The Welsh Government estimate that the population of Gwynedd will continue to gradually increase to 126,200 in 2024 and 130,600 by 2034. It is also estimated that there will be an increase in the population aged over 75 years that will mainly be responsible for the increase in population. The population density in Gwynedd is low, 0.5 person per hectare compared with the Wales average of 1.5 person per hectare.

**The economy:** In the context of the RoWIP, there are two economic sectors that strongly influence access to the countryside, namely tourism and agriculture. It is estimated that over 7 million people visit Gwynedd annually, and on average, this contributes approximately £1 billion a year for the County's economy. Various tourism businesses employ around 16,000 jobs. During the 2010 - 2020 decade, an increasing emphasis was made to market Gwynedd as an attraction for various outdoor activities with walking identified as the most popular activity amongst visitors. Activities in the countryside such as cycling and mountain biking, climbing, observing wildlife and sailing are also popular activities.

Traditionally, agriculture has been the cornerstone of Gwynedd's economy and despite major changes since the Second World War; it continues to be a key industry that employs at least 5,000 people in 1,200 businesses. It is evident by now that a great number of agricultural businesses have diversified to be part of the tourism sector.

### **1.4 Gwynedd Council**

Gwynedd Council is the local authority that encompasses the areas of the former District Councils of Arfon, Dwyfor and Meirionnydd. Although these geographical divisions no longer have a formal status the fact that Council's main offices are in Caernarfon, Pwllheli and Dolgellau means that some services continue to be undertaken based on the three areas.

The Council is responsible for all local government services including education, care, highways, planning and development control.

75 councillors are elected to represent the County's electorate; the Cabinet leads the Council, which is responsible for setting a strategic direction and operational policies.

## **1.5 The Strategic Context**

The RoWIP cuts across and overlaps with local and national strategies and plans. The following is an over view of the most relevant, however they are subject to review:

### **Gwynedd Council Plan 2018-23**

This document identifies seven ambitions for the Council and people of Gwynedd, namely

- Enjoy happy, healthy and safe lives;
- Receive an education of the highest quality which will enable us to do what we want to do;
- Earn a sufficient salary to be able to support ourselves and our families;
- Live in quality homes within our communities;
- Live in a natural Welsh speaking society;
- Live with dignity and independently for as long as possible;
- Take advantage of the beauty of the County's natural environment.

### **Well-being Plans**

The Well-being of Future Generations (Wales) Act 2015 placed a duty on public bodies to assess and prepare a well-being plan that meets with seven aims stated in the Act, namely

- A prosperous Wales;
- A more resilient Wales;
- A healthier Wales;
- A more equal Wales;
- A Wales of cohesive communities;
- A Wales where the Welsh language and culture is thriving;
- A globally responsible Wales.

The main messages of the Gwynedd Well-being Assessment that have been reflected in the Well-being Plan were:

- The need to maintain the healthy community spirit which is key to well-being;
- The importance of protecting the natural environment;
- Understanding the effect of the changing demography of our area;
- Protecting and promoting the Welsh language;

- Promoting the use of natural resources to improve health and well-being in the long term;
- Improving transport connections to enable access to services and facilities;
- The need for high quality jobs and housing that is affordable for local people;
- The effect of living in poverty on well-being;
- Ensuring every child has the opportunity to succeed.

## **Health**

The Covid crisis has emphasised the importance of access to the countryside in maintaining and improving the health and well-being of Gwynedd's residents. We know that physical activity benefits both mental and physical health, it contributes to increasing stamina and reducing stress.

Welsh Government's Healthy Weight, Healthy Wales strategy states that 60% of the population of Wales is overweight or obese, with the percentage increasing year on year. Measures to reduce the problem include:

- Increase Active Travel opportunities
- Increase physical activity and exercise opportunities.

Paths and green spaces have an important role to play in improving the health of the people of Gwynedd as they are free to the user and accessible to the majority of the population.

## **Anglesey and Gwynedd Joint Local Development Plan**

A plan that sets the strategic direction for land use in Gwynedd and Anglesey.

Policy PS4 is relevant to the aims of RoWIP.

Sustainable Transport, Development and Accessibility relevant to the RoWIP

Where possible safeguard, improve, enhance and promote public rights of way (including footpaths, bridleways and byways) and cycleway networks to improve safety, accessibility (including disabled people) by these modes of travel and to increase health, leisure, well-being and tourism benefits for both local residents and visitors.

## **Environment (Wales) Act 2016**

Part 1 of the Act presents the principles of a sustainable management method of working with natural resources namely how animals, plants, air, water, minerals and the land interact together and their link to people's well-being. The method to achieve this is by producing Area Statements. The Statements will note the priorities, risks and opportunities to manage our natural resources. Natural Resources Wales lead on the work of preparing



seven Area Statements. The council areas of Gwynedd, Anglesey and Conwy have been included in the North West area statement.

The Statements consider public access provision and it is expected that they will be important documents when it comes to implement and fund the aims of RoWIP.

### **Active Travel (Wales) Act 2013**

Active travel is travelling on foot or by bicycle for the purposes of work, education, to use public facilities, shopping. Travel for recreation is not considered active travel in the context of the Act.

The Act placed a statutory duty on Local Authorities to produce Active Travel maps for communities designated as Active Travel centres. These are the Gwynedd active travel centres:

Bangor, Caernarfon, Porthmadog, Barmouth, Bethesda and Rachub, Pwllheli, Dolgellau, Tywyn, Y Felinheli and Caeathro

Following a public consultation in 2016, maps have been prepared and these can be viewed on the Council's website (the current maps are subject to review).

<https://www.gwynedd.llyw.cymru/cy/Cyngor/Dweud-eich-dweud/Canlyniadau-yngyngoriadau/Cynllun-Trafnidiaeth-Lleol-ar-y-Cyd.aspx>

Although the focus is on the urban areas, Active Travel schemes are an opportunity to create better connections within 45 minutes of travel to the centres. The rights of way network, as well as Lonydd Glas, are key to the development and growth of active travel in Gwynedd.

The Welsh Government launched the Llwybr Newydd Transport Plan in 2021 which reinforced the message for the need for better infrastructure to encourage walking and cycling in order to lessen the dependence on vehicles and to reduce Wales's carbon footprint.

### **Tourism**

The tourism sector is a key part of Gwynedd's economy with enjoyment of the countryside and beaches being the main reason given by 63% of visitors for visiting the County (*Gwynedd Tourism Review 2019*)

Over the past decade, the Gwynedd Destination Management Plan (2013 - 20) has led the Council's approach to tourism. The main objectives of the Plan were to:

- extend the tourist season,
- Increase visitor spending,

- improve the quality of the visitor experience,
- improve the integration of tourism with other aspects of life,
- enhance the natural, built and cultural environment

The Covid pandemic has had a significant impact on the sector in Gwynedd with hotels and attractions having been closed for long periods. Following the relaxation of travel restrictions in the summer of 2020, some negative impacts of tourism on communities and the environment were seen. This has stimulated a debate about what type of tourism industry is appropriate and sustainable for Gwynedd. In response, the Council will consider the industry in the context of the following principles:

- Celebrate and respect our communities, language and culture
- Maintain and respect our environment
- Ensure that the benefits to Gwynedd's communities are no greater than any disadvantages

### **Llŷn AONB Management Plan**

It is a requirement to prepare and review a Management Plan for the Llŷn Area of Outstanding Natural Beauty (AONB) in accordance with the requirements of the Countryside and Rights of Way Act.

The Plan discusses eight themes that are relevant to the AONB, including Rights of Way and Access.

Policies relevant to rights of way and access

**MP1. Maintain, protect and promote key public rights of way in the area and ensure that they are available for use without obstruction.**

**MP2. Maintain the National Coast Path and create new links in accord with national standards and guidelines.**

**MP3.** Promote the use of local circular routes and open access land in Llŷn.

**MP4** Improve the provision for public rights of way (PRoW) users, including horse riders, cyclists and disabled people.

The AONB Team officers work closely with rights of way officers and the coastal path to implement plans and improvements on the ground.

## **Snowdonia National Park Plan**

The Snowdonia National Park is required to prepare the National Park's Plan in accordance with the requirements of Section 61 of the Environment Act 1995 that sets two statutory purposes for the National Parks.

- Conserve and enhance the natural beauty, wildlife and cultural heritage of the Park.
- Promote opportunities for the understanding and enjoyment of the special qualities of the National Park, by the public.

Strategic Policy L in The National Park Local Development Plan (2016 – 2031) states:

- Within the National Park walking and cycling, improved access to public transport and provision of facilities will be encouraged.
- The recreational routes identified on the proposals map will be safeguarded from development which would prevent their use as recreational routes.

### **1.6 The Countryside Service and Ffordd Gwynedd**

The Countryside Service is one of the Services that sits within the Environment Department. Other Services include - Planning, Public Protection, Public Transport, Parking and Street Works, Traffic and Projects and Building Control.

At the Departmental level, the Countryside Service works closely with other Services as well as with the Highways and Municipal Department, Legal Service and Estates Service.

In 2016, the current Service structure was created to deliver the following areas of work and duties:

- Maintain and manage the rights of way network and other routes such as the Lonydd Glas.
- Dealing with legal and enforcement issues related to the rights of way network including updating the Definitve Map and Statement.
- Develop and maintain the Coastal Path and work with organizations and communities to improve access opportunities.
- Address planning issues relating to rights of way, biodiversity, tree protection and landscape quality of the Llyn Area of Outstanding Natural Beauty (AONB)
- Implement projects, to improve access, protect habitats, and manage lands in the care of the Service.

In November 2021 there were 15 staff in the Service including the Countryside Manager operating within the following teams.

- Rights of Way and Access - 7 officers
- Biodiversity - 4 officers
- Llyn AONB - 3 officers

Of the 15 officers, 4 are temporary posts dependent on grants.

Gwynedd Council adopted the culture of Ffordd Gwynedd - Putting the People of Gwynedd at the heart of everything we do. Each service will undertake a Ffordd Gwynedd review that involves analysing working arrangements and processes identifying barriers, risks and opportunities. The following summarises the main risks identified in relation to Countryside Service access work:

- Reduced resources due to cuts resulting in a decline in service and how much the team can achieve
- Extra work pressure due to reduced staff causing increased workload and stress.
- Vexatious cases taking unequal officer time
- Lack of maintenance increases risk of accidents to consumers and insurance claims against the Council.
- Failure to deal with orders leading to challenges from applicants through the Planning Inspectorate.

### **1.7 Evaluation to what extent the previous RoWIP was achieved**

When preparing the review it is necessary to re-visit the previous Gwynedd Council RoWIP, prepared between 2005 and 2007, and adopted in November 2007.

The original RoWIP includes a Statement of Action split into six Themes namely:

Theme 1: Condition of the Rights of Way Network

Theme 2: The Definitive Map and Statement

Theme 3: Managing the network

Theme 4: Understanding User Needs

Theme 5: Current Access Provision

Theme 6: Promotion and Publicity

The six Action Themes comprise a total of 43 individual actions many of which were dependent on additional resources.

The previous RoWIP managed to set a sound basis and direction for the work of managing and maintaining the access network in Gwynedd .

However, due to the significant reduction in funding over the past ten years it is difficult to fully measure its achievements. However, the table provided in Appendix 1 gives an overview of what has been achieved by the previous RoWIP with the resources available at the time.

## **1.8 Access reform**

In 2015, and in 2017, Welsh Government consulted on the possibility of reforming countryside access legislation. The 2017 consultation looked at the following areas:

- Increase opportunities for outdoor recreation.
- Simplifying the processes to record and register rights of way
- Assess ways to improve communication regarding rights of way and responsible behaviour in the countryside.

Following the 2017 consultation, the Government put in place a process to consider in detail how some aspects of legislation could be changed to reducing bureaucracy on local authorities and how access opportunities could be extended.

In 2019, the task of looking in detail at a number of recommendations commenced, task groups were established under the lead of Natural Resources Wales looking at:

1. Amending technical provisions around creating, diverting and extinguishing rights of way
2. Removing the anomaly that prevents organised cycling events on bridleways
3. Repeal some areas of the Countryside and Rights of Way (CROW) Act that are proving costly and inefficient, such as the 2026 deadline for registering lost ways.
4. Creating multi use paths, allowing cycling and horse riding on public footpaths,
5. Extending access land to the coast and cliffs.
6. Prepare one statutory digital map of all rights of ways, access land and national trails.
7. Measures to control dogs in the countryside.
8. The role and functions of Local Access Forums.

Recommendations made by The Access Reform Task Groups will be considered by Welsh Government, who may decide to amend or bring in new legislation.

## 1.9 Climate Change

Gwynedd Council has declared a Climate Emergency, which conveys that the Authority recognises the need to take action and to influence others to mitigate the effects of climate change.

The effects include

- Increased frequency of extreme weather events is already being felt in the County.
- Increased flood risk, 23,244 Gwynedd residents live in areas of high flood risk.
- Sea levels are predicted to rise by up to 1.9m by the year 2100; sea level rise is already a threat to coastal communities such as Fairbourne.

Extreme weather is already having a direct impact on access infrastructure, from the loss of bridges, erosion of path surfaces, coastal erosion and falling trees. Not only do these events potentially impact public safety but are an additional financial burden on the Authority as a whole.

The Council's response to the climate emergency is set out in the Climate and Nature Emergency Plan (2022/23 – 2029/30).

## Part 2: Theme A

### Maintenance and management of the Rights of Way Network and access to the Countryside

#### 2.1 The Rights of Way Network in Gwynedd

Gwynedd Council is responsible for the Rights of Way network, which is approximately 3800km long. A public right of way is defined as a highway available for public use to be used, free of charge, in accordance with its status and at any time.

Status		Length (km)
Footpath	walkers	3345
Bridleway	Walkers, horse riders, cyclists	305
Restricted Byway	Walkers, horse riders, cyclists, horse and carriage	79
Byway open to all traffic	Walkers, horse riders, cyclists, horse and carriage, motorised vehicles	39

In addition to the registered rights of way network, other access provision available to the public includes:

- Lonydd Glas and Permissive Paths : over 60km
- Open Land (CROW Act 2000): 105,029ha (mainly mountain land within the National Park Area)

Since 2007, approximately 50km of new rights of ways have been created in order to establish the Wales Coast Path in Gwynedd and to develop new multi-use paths such as Lôn Gwyrfai and Lôn Las Ogwen.

#### 2.2 Responsibilities

Gwynedd Council is the highways authority with a statutory duty to protect and maintain the network. The public, community councils and others turn to the Council to safeguard and resolve practical and legal matters that arise.

The Council's main maintenance responsibilities are:

- Rights of way signage when paths leave the highway
- The surface of the most rights of way is the responsibility of the Council.
- Bridges and Structures
- Management of vegetation and removal of obstructions

It is the landowner's responsibility to maintain and repair path furniture such as stiles and gates including those installed by the Council and the National Park on category 1 and 2 path or as part of access improvement schemes.

## **2.2 Condition of the Network**

Gwynedd Council has never undertaken a full assessment of the condition of its rights of way network. The most comprehensive survey was undertaken as part of the work to prepare the original RoWIP in 2004/05 when approximately 35% of the network was assessed.

Up to 2012/13 an annual assessment of 5% of the network was undertaken, this survey was carried out in line with national guidelines for measuring the performance of Welsh Local Authorities.

These surveys were stopped due to the lack of staff resources to administer and process the data. It was also felt that such a small sample, considering the size of the Gwynedd network and the associated effort, was an ineffective use of scarce resources.

Data from a number of sources was used to try to convey a picture of the network's condition and the financial implications of its maintenance. The primary sources were the Ramblers Association members as part of their Pathwatch campaign and information gathered by Council and National Park officers was used. A summary of the information can be seen in table 2.

However, it must be acknowledged that the lack of core information about the condition of the network is a barrier to measuring the effectiveness of current working arrangements and policies.

## **2.3 Categorisation**

Before expanding on the network's condition, the categorisation system has to be considered. The Council adopted categorisation some 15 years ago in order to prioritise its efforts and resources to maintain paths. The system was established jointly with Town and Community Councils, the outcome was to place the majority of rights of way within one of five categories based on an assessment of their use and importance in terms of connectivity and potential to upgrade them.

For convenience, the number of categories was reduced to four in 2010. Table 1 gives the category definition and the percentage of the network in each category.



**Table 1**

Category	Definition	% of the network;
1.	Paths that facilitate people's movements. These usually have significant usage or for connections within towns, villages or between public transport facilities, car parks and leisure attractions.	15
2.	Popular paths mainly used for recreational purposes including paths around communities, circular walks or access to beaches or promoted paths.	27
3.	Paths, whilst being less used, form significant connections between the paths in categories 1 and 2 or between communities.	46
4.(5)	Paths with only occasional use but still form part of a full and effective network. These can include possible connections between communities where there is not much to encourage walking.	12

As the main purpose of the categorisation system was to prioritise resources it was integrated within the Authority's Rights of Way Policies (*these are discussed in part 2.7*)

- Policy 1.3 deals with the Maintenance of stiles and gates
- Policy 1.4 deals with the maintenance of surfaces and controlling vegetation
- Policy 1.8 deals with surveys and the frequency of inspections of the condition of rights of way.

During the 2000's the maintenance of categories 1, 2 and 3 was prioritised, due to reduced resources since 2014 priority has been given to categories 1 and 2 only, which is approximately 42% of the network.

It would be reasonable to assume that a commitment to the categorisation system would in time impact on the physical condition of the paths. This impact can be seen by looking at the items of work undertaken on paths within the individual categories, for example for the year 2017 /18 the following were recorded

**Table 2**

Work items on Category 1 paths	650
Work items on Category 2 paths	658
Work items on Category 3 paths	582
Total number of work items	1,890

This trend can also be seen in Table 2, showing the range and distribution of problems identified on 1.021 km of rights of way in categories 1, 2 and 3 , approximately 27% of the Gwynedd network. (source Pathwatch, recorded by Gwynedd and SNPA staff, 2018 )

Table 3

Main problems / deficiencies	Category 1	Category 2	Category 3
<i>Type of problem</i>	<i>Number of problems</i>	<i>Number of problems</i>	<i>Number of problems</i>
Roadside signs missing / broken	24	22	86
Missing / broken Way markers	23	23	35
Ladder stile /	1	4	19
Stile with one or two steps	1	8	26
Stone stile	0	1	1
Kissing gate	1	3	17
Gate < 1.2m	0	3	24
Gate 1.2m - 2m	2	7	21`
Gate /	0		10
Steps	2	1	1
Bridges < 2m	2	10	31
Bridges 2m - 5m	0	3	1
Bridges > 5m	3	4	1
Surface in poor condition	36	69	46
Side overgrowth / invasive plants	25	17	28
Surface vegetation	6	22	34
Felled trees	2	29	22
Land Use / quarry / forestry			17
Other	10	10	29

Whilst this information is, only a snapshot of the condition of the network it clearly points towards the conclusion that the condition of paths in categories 1 and 2 is overall better than those in categories 3 and 4.

During the public consultation conducted in 2017, there was some criticism of the categorisation system as it inevitably results in the deterioration of paths in the lower categories.

## 2.4 Problems encountered on rights of way

Problems on rights of way can be divided into three main types

**Minor problems** - seasonal overgrowth, fallen tree limbs, localised seasonal flooding, poorly installed and maintained furniture or lack of signage. These problems will be inconvenient to the user but do not necessarily make the path unusable.

**Major problems** - flooding and drainage problems, unsafe or dangerous bridges, landslips or fallen trees, defective and dangerous furniture, badly eroded surface. These problems are likely to make the path unusable but can in most cases be resolved with adequate resources.

**Deliberate obstructions** - paths obstructed by fences, walls or other barriers and by locked gates. It may be possible to resolve some of these problems with better furniture and signage, they may also be resolved with discussions between officers and the landowner or their representative, if this fails the Council will have to take enforcement action.

These problems are evident in the responses received to the Public Consultation Questionnaire.

61.2% of those who answered stated they had come across a problem when using rights of way. Summary of response

Table 4.

Problem encountered	% of respondents
Deliberately blocked paths	54.3
Lack of signs or misleading signs	29.3
Overgrowth / fallen trees	28
Gates / stiles in poor condition	39.2
Bridges in poor or dangerous condition	21.4
Aggressive dogs	26.5

### STATEMENT OF ACTION - 1

#### 1a. Continue to prioritise paths in category 1 and 2

Although there is some criticism of the categorisation system; in the short term, this is the most practical system to keep the most popular paths in a satisfactory condition.

It should be acknowledged that it is not possible to give full attention to every path in Categories 1 and 2.

#### **1b. Assessing the condition of the network**

A survey of the condition of Gwynedd's rights of way will be carried out and used to establish a baseline against which to measure performance, assist in the re-categorisation of paths and to prioritise projects for grant funding.

This is a long term undertaking and cannot be achieved with current staff resources, efforts will be made to use volunteers or temporary staff to speed up the process

*Note: pilot surveys will be conducted in at least 6 Community Council areas during 2022 using external funding.*

#### **1c. Review and re-categorisation**

Path categories will be reviewed and updated if necessary to create a network that better reflects the current needs of the County's communities. The work will be undertaken in conjunction with Community and Town Councils with input from the National Park, Local Access Forums and user groups.

## **2.6 Resources for rights of way**

The function to maintain the rights of way together with the funding lies within the Countryside Service. During the lifespan of the original RoWIP, the annual core budget for maintaining rights of way was reduced from £351k in 2007, to £170k in 2019. During this period, the Service lost five front line staff, two Rights of Way inspectors and three Countryside wardens.

From the existing budget, approximately £32,000 is allocated to support maintenance work (annual cut of vegetation) carried out by Community and Town Councils this leaves approximately £143,000 for everything else. Because of the categorisation system, the majority of the expenditure will be on category 1 and 2 paths, i.e. approximately 42% of the network (around 1,700km).

The Service is also responsible for maintaining the Lonydd Glas network; the core budget of £16,000 has remained fixed since 2010.

A sum of £50,000 has been allocated from the Council's structures budget towards maintaining and upgrading bridges and other structures on the rights of way network. This amount is not sufficient to build new bridges that are often in difficult to reach locations and over fast flowing rivers.

According to the original RoWIP, an annual budget of **£380,586** was required to maintain the furniture and control annual vegetation growth on category 1, 2 and 3 paths. This estimate remains relevant and if only paths in categories 1 and 2 are considered and bearing

inflation in mind (average of 3%); a baseline budget of **£232k** is required to maintain category 1 and 2 paths in a satisfactory condition. A satisfactory condition is defined as an unobstructed, signposted path with furniture that is safe and easy to use; the nature of the furniture will vary according to the status of the right of way.

Due to the reduction in the core budget for staff and maintenance, the majority of the budget is now used for reactive work, in response to queries and complaints. Priority is given to health and safety issues and problems on popular routes.

It is often not possible to take action if the issue involves significant work and costs, for example repairing or refurbishing a bridge, resurfacing a path or making safe a retaining wall. In such situations there may be no alternative but to do temporary work or even close part of a path.

In order to make the major improvements to paths which forms between communities or attractions the Service takes advantage of grant funding. Here are some examples of grants received between 2010 and 2020:

- Over £ 900,000 was received through the Rights of Way Improvement fund between 2010 and 2017.
- £ 100k from the Coastal Communities fund towards the establishment of 18 circular walks off the Coast Path.
- The contribution of Active Travel grants has enabled improvements to the Greenways and to routes identified as Active Travel routes.
- In 2020/21 £ 243,446 was secured from the Welsh Government's Improving Access grant program and £ 145,976 at 21/22.
- Between 2017 and 2020, £ 85,000 of grant funding was received towards access improvements within the Llŷn AONB area.

This funding is to be welcomed but care is needed to ensure that it does not become an additional burden on staff who also have to respond to day to day issues.

Additional pressures on the budget is anticipated due to more frequent extreme weather events and the advent of the ash die back disease that has affected the majority of ash trees in the County.

#### **STATEMENT OF ACTION 2**

2a. The impact in the frequency of extreme weather and other environmental pressures such as ash-die back and the spread on invasive species on the rights of way maintenance budget will be monitored.

2.b External grants will be used to improve the network, prioritising:

- upgrading bridges and structures
- improving accessibility of paths
- multi-use routes
- projects that provide access to nature.

## 2.7 Policies

Following the publication of the original RoWIP, a Public Rights of Way Policies document was prepared and published. The current document can be viewed on the Council's website

<https://www.gwynedd.llyw.cymru/cy/Trigolion/Dogfennau-trigolion/Parcio,-ffyrdd-a-theithio/Polisiau-Hawliau-Tramwy.pdf>

The purpose of this document is to summarise and explain the Council's responsibilities and to give guidance for the physical maintenance of the network together with the legal processes to protect and revise public rights of way.

The policy document places great emphasis on the Categorisation system, nevertheless, it is stressed that Categorisation is a system to prioritise resources and does not remove the Council from its statutory duties to maintain and protect the whole network including a responsibility for the public's health and safety, whatever the path category. When the Service receives reports from the public, priority has to be given to issues that may have an impact on public health and safety, including that of Council staff. In responding to such reports Countryside Service officers have to assess the risk and determine what action to take. If the damage is significant, for example a collapsed bridge or a path lost to the sea, there will be no choice but to close the path and try to secure resources to restore it. In such cases, priority is given to paths within category 1 and 2.

The document continues to be an effective tool and sets the basis for the Service's work, however, due to the reduction in staff resources and finance it is no longer possible to implement some of the document's recommendations. For example:

- Policy 1.8 Surveys and Inspections - it is not practically possible to maintain the level of condition surveys in accordance with the policy, namely that 50% of category 1 network paths are to be surveyed annually.
- The budget does not allow a proactive programme to cut vegetation and for improvements.

In addition, since the publication of the Policies document, some changes have been seen in land use and farming methods that have an impact on rights of way.

- Policy 2.11 Electric Fences - it is necessary to review this policy to reflect the increase in use of electric fences for stock management.
- Clear guidance is required on the measures needed in response to ash die back.

### **STATEMENT OF ACTION 3**

3a. Enquiries and complaints with health and safety implications will be prioritised.

3b. The Rights of Way Policy document will be updated to reflect the levels of current resources and changes in land use that have influenced the management of rights of way over the last decade.

## **2.8 Enforcement**

The Rights of Way Policies document outlines how officers will implement actions to force landowners and others to remove obstructions and protect public rights. The public can also present a formal notice to the Highways Authority to act to open an obstructed right of way.

In the vast majority of cases, every effort is made to resolve a dispute by persuasion and discussion with landowners and users. In the end, this approach leads to a better relationship between different parties and reduces the burden of bureaucracy. Since 2015, the Countryside Service has made only two cases of formal enforcement, which is evidence of the staff's ability to negotiate and to take fair and commensurate action in line with the circumstances.

In accordance with the Categorisation policies, priority is given to enforcement efforts for category 1 and 2 rights of way.

### **STATEMENT OF ACTION 4**

4a. We aim to open up and have a well signed public rights of way network

4.b Every effort will be made to resolve disputes by discussing and negotiating with landowners and stakeholders.

If there is no other option but to take formal proceedings, paths in categories 1 and 2 will be prioritised.

## **2.9 Motor Vehicles**

Users of 4x4 motor vehicles, motorcycles and cars have the legal right to use byways open to all traffic as well as most unclassified road network. Although the status allows for use by vehicles the surface is often not suitable for use by modern vehicles. Overuse of byways and

some unclassified roads can cause surface damage as well as adversely affect biodiversity and the landscape.

There are significant costs associated with repairing byways that are beyond the Countryside Service budgets. Unclassified roads are the responsibility of the Highways Department who also find it difficult to bear the costs.

Although there are instances of vehicle and motorcycle abuse occurring throughout the County, the greatest impact is in the uplands within the National Park area. The Council's Environment and Highways Departments are working with the National Park to try and manage the problem and support efforts to work with user groups to ensure responsible and sustainable use of byways open to all traffic and unclassified roads.

## **2.10 Maintenance of the Coast Path**

Gwynedd has played a key role in the development of the Wales Coast Path, with 300km or close to 25% of the Coastal Path in the County.

National standards were established to maintain the path and to ensure consistency throughout Wales. Since 2015, coastal Local Authorities in Wales have received annual funding towards maintaining the Coastal Path. Funding is apportioned according to a national formula, currently £643 is given for every km of paths or other access rights and £20 for every km for sections of the Coast Path on roads, beaches or promenades. This arrangement means that Gwynedd receives approximately £80,000 a year towards the maintenance of the Coast Path.

### **STATEMENT OF ACTION 5**

Gwynedd will continue to maintain the Coastal Path in accordance with national standards subject to the continuation of the current funding arrangement.

## **2.11 Information systems**

Since around 2005 rights of way, officers have used the Countryside Access Management System (CAMS) a digital system for collecting and recording information about the condition of the rights of way network. In 2014/15, the system was reviewed to take advantage of technology that supported remote working. Since 2015 officers have been, using tablets while out in the field to record work and problems encountered. The value of having mobile technology was demonstrated during the Covid pandemic.

The CAMS system was considered as part of the Service's Ffordd Gwynedd review and it was concluded that the system was an important tool for the work of the service, especially the



ability to work remotely. However, it was recognised that the function for recording enquiries and complaints was difficult to use and was not being fully utilised.

The Council is receiving an increasing number of requests for service from its website. It is already possible for the public to report a problem or make a complaint about a right of way from the Rights of Way web page. Contact can also be made by visiting the path layer on the online map. It is important that the information on the web site is regularly reviewed and updated.

The public has become used to contacting Council Services through the website. Online provision should be improved and extended to enable the public to access up-to-date information and to report problems on the rights of way and wider access network.

#### **ACTION STATEMENT 6**

**6.** It is essential for the Service to make use of available technology that enables officers to work effectively and to efficiently respond to complaints and enquiries by the public. Existing systems including the website will be reviewed and updated.

*Note: this work has started with improvements to how complaints are handled along with better on-line information planned for 2022 / 23.*

## **2.12 Partnership working**

Many agencies and organisations contribute to providing countryside access in Gwynedd. The Countryside Service has a successful record of working in partnership to achieve common goals for the benefit of all.

### **2.12.1 Snowdonia National Park Authority**

The Snowdonia National Park Authority (SNPA) plays an important role in providing countryside access in those parts of Gwynedd and Conwy Council areas within the Park.

Snowdonia attracts over 4 million visitors a year, in 2018; there were 557,991 visitors to Snowdon and 66,241 to Cader Idris.

There are 2,409km (1,497 miles) of rights of way in the Park area, which is nearly 64% of Gwynedd's total network with about 375km (233 miles) being routes promoted by the SNPA.

Gwynedd Council is the statutory highways authority with responsibility for all legal matters relating to rights of way within the Park area of Gwynedd. SNPA is responsible for open access land in accordance with the Countryside and Access Act 2000.

Over the years, the Park has concentrated effort and resources to maintain the most used routes and develop circular routes that serve local communities as well as visitors. They have also secured funding for the development of multi-purpose paths such as Lôn Gwyrfai and have begun to develop the Snowdon Circuit, which is a low-level route around Snowdon.

The original ROWIP stated the intention to negotiate a formal agreement between Gwynedd Council and the Park in order to establish a more integrated approach to access. The two authorities have agreed principles for joint working that recognises the roles of both organisations. Further steps will be needed over the coming years to build and strengthen the relationship.

#### **ACTION STATEMENT 7**

The Countryside Service will work with SNPA to develop effective working arrangements to ensuring that rights of way are maintained and improved within the Park area.

### **2.12.2 Community and Town Councils**

Gwynedd Council recognises the importance of the work and input of the Community and Town Councils in maintaining rights of way within their areas. An engagement exercise over the winter of 2016/17 showed that the vast majority of Community and Town Councils were keen to see popular routes maintained and improved. Many councils understood that access opportunities are important to the economy and the well-being of local people.

In order to support the work of the Community Councils in maintaining paths the Countryside Service operate a long-standing arrangement to reimburse some of their costs. However, a reduction in the core budget has meant that this contribution has also been reduced. Up to 2016 approximately £ 70,000 was repaid annually to the Community Councils, however since 2016 the total contribution has been reduced to £ 32,000. The funding should only be used to maintain paths in category 1 and 2.

As a result of the change the number of community Councils taking advantage of the opportunity has reduced from 53 in 2016 to 48 in 2019 (note that some Councils have never been part of the arrangement and that the 5 Penllyn Councils act as one entity under the Penllyn Partnership). The reduction in funding available to the Community Councils has meant that the Council has had to take on the additional work in many areas. On the other hand, some Community and Town Councils have increased the use of their own budgets in order to maintain paths within their area.

## **ACTION STATEMENT 8**

The Service will continue to work with Community and Town Councils, providing advice and support to enable them to continue maintaining locally important rights of way.

### **2.12.3 Landowners**

The vast majority of public rights of way cross private land and property and therefore it is essential that Countryside Service officers develop good relationships with a wide range of landowners and land managers. Without a constructive relationship, it would be extremely difficult to manage and improve access to the countryside.

The National Trust owns large areas of coastal land and has been a key partner in the development of the Coast Path.

Although a high percentage of paths are on agricultural and forestry land there are also paths within towns and villages, industrial estates, holiday centres and even crossing private gardens. The existence of paths close to houses can impact the privacy of residents and in such cases; staff must show diplomacy and tact when dealing with sensitive situations.

### **2.12.4 Natural Resources Wales**

Natural Resources Wales (NRW) collaborates and influences the work of the Countryside Service in a number of ways.

- NRW is a significant landowner, particularly of forestry land in Meirionnydd, the Service must work with land managers to ensure that forestry works do not damage or infringe on public rights of way.
- NRW is responsible for administering the Wales Coast Path grant that pays for a project officer, maintenance and improvements. It also manages other several grant funds including support for work within the Llŷn AONB
- NRW leads on the preparation and updating of the Area Statements and co-ordinates the Access Reform Programme.

### **2.12.5 User Groups**

Contact with members of different user groups occur in a variety of ways. They assist the Service by reporting problems and identifying where improvements are needed.

In addition, they provide valuable assistance when a new route or improvements are being considered, for example from the perspective of a wheelchair user or by cyclists and horse riders.

Local representatives also respond to consultations on legal orders as well as lobbying and bringing issues to the attention of local and national politicians.

## **2.13 Volunteers**

The Countryside Service has endeavoured over the years to support and increase volunteering opportunities for individuals and organisations. Volunteers have contributed to work on the rights of way network, the Lonydd Glas and on nature reserves and woodlands.

Volunteers are able to undertake a wide variety of tasks; however, supporting a volunteer workforce cannot happen without support and the organisational work undertaken by Service staff. At all times the main consideration has to be the health and safety of volunteers and to ensure that they have the equipment and materials to achieve the task.

There is now a better understanding of the benefits that individuals gain from volunteering

- improvement in physical and mental health,
- socialising,
- gaining new experiences and skills.

There is an increase in interest in volunteering, however, to be effective a dedicated member of staff is required to organise work and liaise with volunteers.

### **ACTION STATEMENT 9**

The Service will identify opportunities to extend and strengthen links with organisations and individuals who are keen to volunteer and will seek funding to support their work.

## **2.15 Local Access Forums**

Local Access Forums are statutory bodies established under Section 94 of the CROW Act 2000 with the purpose of providing independent advice and recommendations on rights of way and outdoor recreation, considering these issues at a strategic level.

Forum membership should include a balance of users of rights of way, landowners together with other interests relevant to the area, for example the tourism sector.

There are three Local Access Forums in operation in the Gwynedd area. These are:

- Arfon and Dwyfor Forum - administered by Gwynedd Council
- National Park North Forum - administered by SNPA
- National Park South Forum - administered by SNPA

The Forums respond to consultations by Government and public bodies on issues that will influence access and land use in Wales.

**Part 3:**  
**Theme 2. The Definitive Map and Statement**

### **3.1 What is the Definitive Map and Statement?**

The Definitive Map and Statement is the legal record of the existence, status and location of public rights of way in Gwynedd. It is made up of two documents – the *Definitive Map* and the *Definitive Statement*.

The Definitive Map shows public rights of way on an Ordnance Survey based map, and the Definitive Statement *describes* the routes shown on the Definitive Map. These documents cannot be altered in any way unless a legal order is confirmed.

The introduction of the National Parks and Access to the Countryside Act 1949, made it a requirement for local authorities to prepare a definitive map and statement.

The first step, that was started in the early 1950s, was to conduct a survey of the footpaths, bridleways or roads used as public paths. The survey led to the preparation of a draft map and statement and then a provisional map and statement. During the process, there was an opportunity for individuals, organisations and landowners to make representations and object to proposals to register rights of way.

The final step was to prepare the definitive map and statement, in the case of Gwynedd this entailed two maps namely the definitive map for Merionethshire (publication date 13.8.1964) and the Caernarvonshire definitive map (publication date 2.1.1975).

Appendix 2 provides a more detailed explanation of the process involved in producing the Definitive Map and Statement.

### **3.2 Use and importance of the Definitive Map and Statement.**

The Definitive Map and Statement is the foundation of the Authority's work in the field of rights of way and is key to the work of managing the Rights of Way network. This is the record that shows the location and status of the right of way and it cannot be altered in any way unless a legal order is confirmed.

The map's accuracy is vitally important when the Council considers Planning applications, or for prospective land or property buyers. Failure to consider the definitive map may lead to a dispute between neighbours and between individuals and the Council.

The Definitive Map is kept by the Countryside Service on A1 sized sheets, and hard copies are provided to the public, developers and landowners upon request. There is a digital version of the map that is used on Council mapping systems and provided to the Ordnance

Survey; however, current legislation does not acknowledge the digital versions as the true definitive map.

In 2019, the digital version was placed on the Council's external website.

<https://www.gwynedd.llyw.cymru/map/default.htm?iaith=cy&xC=257293&yC=336548&layer=29&level=1>

The map can be used to submit a query or complaint regarding the condition of a specific path. Although the online map is an effective way of presenting information, it should not be depended upon to resolve uncertainty regarding the line of a path, and the public are encouraged to arrange to see a hard copy of the definitive map.

#### **STATEMENT OF ACTION 10**

10a. The definitive map and written statement will be kept and updated

10b Maintain and update the map on the Council's website and promote its use.

### **3.3 Definitive Map Modification Orders (DMMO)**

Any user, landowner or land occupier can apply to the highway authority to modify the Definitive Map and Statement. This is done via a Definitive Map Modification Order, in accordance with section 53 of the Wildlife and Countryside Act 1981.

When preparing the application, the applicant must gather and present information to support the order, the Council will assess the application based on the evidence. The evidence may be evidence of use or documentary and historical evidence.

It is vital that the Council take a balanced view of the application and to give supporters and objectors a fair opportunity to present evidence in favour or against the Order.

Where possible efforts will be made to find a solution between the various interests, however, the likelihood is that the majority of applications will be sent to the Planning and Environment Decisions Wales for determination, in many cases the matter is determined at a Public Inquiry.

Due to the emphasis on accuracy and the quality of evidence and given the likelihood of having to justify the determination to accept or refuse an application in a public inquiry, it is inevitable that the process is heavy in terms of the officers' time.

Due to a series of budgetary cuts since 2010, currently one dedicated member of staff is available to deal with DMMOs as well as other orders. Consequently, there is a backlog of

applications and as of January 2020, 60 applications had been registered. The public are able to see the full list DMMO applications on the Council's website.

On average, the Council receives three new application a year, currently it takes at least four years for a DMMO application to be completed especially if it leads to a Public Inquiry.

Of the 60 outstanding registered applications, 29 pre-date the 1996 reorganisation of Local Government. It must be noted that the legislation does not allow the authority to disregard any application regardless of the date it was registered.

If an application has not been decided within 12 months of registration, the applicant may ask the Planning Inspectorate to set a timeframe for the Council to reach a decision

The demand for DMMO's is beyond the current capacity to process and therefore cases have to be prioritised. Policy 3.3 of the Gwynedd Rights of Way Policy document sets out the criteria for prioritising applications however experience of recent years has shown that there is a need to strengthen the criteria and to include a system to score and rank applications.

### **3.4 Public Path Orders (PPO)**

If the Council considers that, a change to the Definitive Map is desirable then this may be made using several legal procedures and Public Path Orders. The main motivation for the Council in making or supporting a PPO is the resultant benefit to the network and users.

For example, S25 of the Highways Act 1980 is used to create new paths via an agreement with the landowner; S25 has been used successfully to improve the line of the Coast Path.

A right of way may be diverted by using S119 of the Highways Act 1980; it is a useful tool to avoid hazard spots or to solve a dispute between a landowner and users.

### **3.5 Legal Event Orders (LEO)**

The purpose of the LEO is to record onto the Definitive Map and Statement the changes that stem from Public Path Orders, Side Road Orders or other events that have legally affected changes to the network.

The completion and processing of LEOs ensures that the Definitive Map is updated and kept current.

#### **STATEMENT OF ACTION 11**

**11.a** Additional resources are required to reduce the backlog of order cases.



**11.b** The existing system to rank and prioritise DMMO applications will be reviewed and updated. The procedure will be explained to applicants and will be used to respond to appeals made to the Planning Inspectorate.

### **3.5 Cartographic problems and anomalies**

The Definitive Map and Statement has several types of discrepancies or anomalies for example, differences between what is shown on the map and what is written in the accompanying statement, paths that end without any link to another path or highway, the line of a path shown going through a pre-existing building or structure.

Many of the discrepancies date back to the time when the draft map and the provisional map were prepared, nevertheless, such discrepancies can be grounds for a dispute between landowners and the Council and between one owner and another.

To resolve a large number of these anomalies, a DMMO process has to be followed; again, this would have significant resource implications.

The 2007 RoWIP, noted that around 200 anomalies had been identified requiring a DMMO to resolve them. Since then, unless cases have arisen that mean that it is essential to resolve a discrepancy it has not been possible to respond to the vast majority of the 200 anomalies. It is unlikely that resources will allow these anomalies to be resolved in the future and they have to be dealt with on a case-by-case basis.

#### **STATEMENT OF ACTION 12**

The list of discrepancies and anomalies on the Definitive Map and Statement will be kept under review and addressed on a case by case basis.

### **3.7 Consolidation**

The first RoWIP included an Action Proposal to produce a Consolidated Definitive Map that would unify the Caernarfonshire and Merionethshire maps and all subsequent Orders into one new up-to-date Definitive Map for Gwynedd. This task would require the resolution and correction of the outstanding anomalies and defects; however, this has not been achieved due to insufficient staff resources. Whilst the production of a Consolidated Map remains an aspiration it is unlikely to be achievable within the life time of the new RoWIP.

### **3.8 Lost Ways**

The term 'lost ways' is used to describe paths that have never been identified and recorded on the definitive map. The Countryside and Rights of Way Act, 2000 (Section 56) imposed a

deadline of January 2026 to register 'lost ways', based purely on historical documentary evidence that is pre-1949.

It is worth noting that this Section of the Act was never enacted in Wales and was further reviewed within the Access Reform Programme. Welsh Government has since confirmed its intention to remove S 56 from Welsh legislation.

## **Part 4:**

### **Theme C. Meeting users' needs**

#### **4.1 To what extent do local rights of way satisfy the public now and in the future.**

In order to try to identify users' needs the public were given an opportunity to give their views in an engagement campaign in 2017. There were 1,386 valid responses; a full report of the questionnaire's findings can be seen in Appendix 2.

It should be borne in mind that individuals, whatever their physical abilities, belong to more than one group of users.

In response to the Rights of Way questions

- 43.6% of those who responded said that they walked on public rights of way daily
- In response to the question "What are your main reasons for using Rights of Way?", 71.7% answered in order to keep fit, 59.1% to watch wildlife and enjoy the countryside and 38.8% said to take the dog for a walk.
- 61.2% of those who answered had come across a problem when using rights of way.
- One of the main findings of the consultation was that circular paths and local paths were favoured by the majority of users rather than long distance paths.
- In response to question asked in the Questionnaire, "Do you believe that the existing rights of way network is suitable and meets the needs of most users?" 44% stated that they were satisfied and 41% stated that they were not (15% had not answered)
- In response to a question regarding how the network could be improved, of those who answered they were not satisfied with the network, a high percentage were keen to see more cycle paths, bridleways and 18.3% believed that cyclists and horse riders should have the right to use the majority of footpaths.
- There was strong support to amend legislation to facilitate the work of Local Authorities to create and revise rights of way.

In addition to the questionnaire, the opinions of the Town and Community Councils and the Access Forums were sought. There were clear themes from the consultation namely the desire to have -

1. A network that provides easy connections within communities for recreation, keeping fit and active travel.
2. A network that offers better provision for all user groups.

## **4.2 Walkers**

Walkers have the right to use the whole rights of way network, with many walking their dogs or with a pram or a child's pushchair.

National evidence indicates that a walk of approximately three miles is what is usual for most people. The 2017 consultation demonstrated that many people wanted to have circular paths that are close to communities, convenient, and safe to use. This need was demonstrated during Covid lockdown in 2020 that showed increase use of path close to communities.

Many paths can be improved for the benefit of all users by implementing the principles of least obstructive access, namely replacing stiles with gates and, if possible removing gates subject of course to the need for stock management.

## **4.3 Cyclists**

Over the past decade cycling both on and off the highway has grown in popularity.

Cyclists can use rights of way that are bridleways, restricted byways and byways. Additionally, Gwynedd has a network of Lonydd Glas that are multi-use paths mainly developed on former railway lines.

The Lonydd Glas are also part of the national cycling network, Lôn Las Cymru (Number 8) that uses a combination of Lonydd Glas, quiet lanes and paths on Natural Resources Wales' forestry land.

The Lonydd Glas have also been identified as Active Travel paths as they provide easy travel between communities -

- Lôn Las Ogwen – Bangor – Glasinfryn – Tregarth – Bethesda
- Lôn Las Menai – Caernarfon – Y Felinheli
- Lôn Eifion – Caernarfon- Groeslon, Penygroes, Bryncir

The current network was developed and upgraded over a period of 20 years, the main paths now have a tarmacadam surface and major improvements have taken place as a result of

securing grants, e.g. opening 'Twnnel Tywyll' (dark tunnel) creating a direct connection between Tregarth and Bethesda.

#### **4.4 Horse riders**

Only 10% of the rights of way network is available to horse riders. In addition, current provision is fragmented and this means that it is not possible to follow a journey without having to venture onto the highway. As there are obvious dangers linked to horse riding on a busy main road, the British Horse Society and other equestrian groups campaign to improve the provision for horse riders.

The Council can act to improve provision by

- Carrying out physical improvements to bridleways and existing byways, this may include modifying gates to make them easier to open and close when on horseback. Horse riders are also eager to have full use of the Lonydd Glas network. Currently, use is permitted on Lôn Las Ogwen and sections of Lôn Eifion, in the past it was resolved to limit the use of Lonydd Glas for the safety of horse riders and other users.
- Registering new rights or upgrading existing rights via the DMMO process. As noted in section 3.3, this system is often contentious and the majority of landowners and managers are unwilling to cooperate to upgrade a right of way from a footpath to a higher status.
- Include provision within Active Travel plans and projects, although equestrian use is not a consideration under current Active Travel guidance.

#### **4.5 Assessing the needs of people with sensory and mobility impairment**

According to the 2011 Census, 20.5% of the population of Gwynedd stated that their day-to-day activities were limited due to disability. It was noted that 9.7% (11,824) had a high level of restriction and 10.8% (13,184) had a low level of restriction.

The Council has a duty, in everything the Authority does to conform to the requirements of the Equalities Act 2010, to reduce inequality be that based on race, age, physical disability, religion or sexual orientation. It must also take into consideration the Well-being of Future Generations Act.

In the context of access to the countryside, the main attention is on how it is possible to respond to the needs of individuals with mobility difficulties or are blind or partially sighted.

In response to the consultation, 7% of those who responded stated that they did not use rights of way due to disability, age or poor health reasons.

It has to be recognised that the landscape and topography of Gwynedd will be a barrier to some users; however, this should not be an excuse not to take practical and reasonable steps to improve access for all.

Practical steps -

- Implement the principle of least restrictive access in relation to rights of way and Council managed paths. The obvious example would be to replace a stile with a gate, and if possible to totally remove the gate.
- Install a tap rail on bridge parapets or boardwalks to assist blind or partially sighted persons to familiarise themselves with the location.
- Paths with level surfaces without potholes are much safer and convenient to use by wheelchairs and individuals who find it difficult to keep their balance.

Although practical steps are important, it is also necessary to consider that paths can be promoted by making use of mobile technology, signage and information in a way that is easy to reach and read. An obvious example would be to ensure that an interpretation panel is at a height that a wheelchair user could read it.

The Countryside Service has endeavoured over the years to understand and act for the benefit of individuals with sensory impairment. Nevertheless, there is room for closer cooperation with organisations and user groups to better understand the needs and aspirations of all users.

#### **STATEMENT OF ACTION 13**

13a. Implement the least restrictive principle of access - replace stiles with gates where possible and remove non-essential furniture.

13b. Identify and seek improve paths within convenient reach of communities to be used by local people and by people with mobility and sensory impairments.

13.c Work with partners within and outside the Council to identify opportunities to improve access for all.

13d. Raise awareness and promote paths that are suitable for all.

## **4.6 The demand for multi-use paths**

It is evident from consultation with user groups and from enquires to the Countryside Service that there is a desire amongst a significant section of users for more multi-use paths. These are paths for walkers, cyclists and horse riders, which also meet with the needs of people with mobility difficulties.

Multi-use paths such as the Lonydd Glas can provide for recreation, keeping fit, for Active Travel (going to and from work or school) and are a valuable resource for the tourism industry in Gwynedd.

Whilst the Council has successfully collaborated over the years with others to extend the Lonydd Glas network and other multi-use paths, there are however legal and practical factors that can stop or delay progress, such as:

- To enable higher rights (cycling and horse riding) on an existing public footpath, the status of the path has to be changed. If the landowner does not support the change the Council or a third party has to resort to the use of the DMMO procedure or an order under S26 of Highways Act 1980. A path can also be upgraded to a Cycle Track under the Cycle Track Act 1984, but this would not permit equestrian use. In all cases, the legal process can be complex and can take many years to complete.
- In order to extend the Lonydd Glas network on land that has no legal public access rights. The path corridor would have to be purchased or new rights created.
- There are substantial costs associated with creating new multi-use paths, e.g. the total cost of extending Lôn Las Ogwen between Tregarth and Bethesda including opening 'Twnnel Tywyll' was approximately £800,000.
- Due to their popularity and range of users, multi user paths require a higher level of maintenance.
- Not everyone agrees with permitting every use of a path, there are concerns about safety, especially conflict between different users and in relation to uncontrolled dogs or feeling intimidated by horses or bikes ridden at speed. Whilst these concerns should not be dismissed, they can be overcome with good design, information and engagement with users.

The need for multi user paths is addressed within the Governments Access Review process, with proposal for cyclists and horse riders to be allowed to use existing public footpath. Any legislative changes may take a long time to implement.

#### **STATEMENT OF ACTION 14**

14a. The Council will, wherever possible and subject to the terrain and the legal status of paths make every effort to extend the availability of multi-user routes.

14b. Unless sound safety reasons exist, current equestrian use of the Lonydd Glas network will be extended.

14c. There will be increased emphasis on providing information to users of multi use paths and to encourage responsible behaviour and respect for other users.

## **4.7 Promoted Paths**

The Council has sought over the years to provide circular and long-distance paths that facilitate and encourage access for the benefit of local residents and to meet the aspirations of tourists to enjoy the beauty and heritage of Gwynedd. These routes often follow a theme related to local history or wildlife.

The importance of walking tourism to the rural economy is clear, walking tourism is estimated to bring £ 550million annually to the Welsh economy with the coastal path accounting for £ 32m.

Most promoted routes use public rights of way, quiet roads and paths on land owned by organisations such as the National Trust. In creating a promotional route, the Council recognises that the paths must be well maintained ensuring that the furniture is intact, safe and the paths clearly signed.

The Council Tourism Service has worked with the Countryside Service over the years to promote and market promoted routes locally, nationally and internationally. Most of the marketing takes place on the Snowdonia Mountains and Coast website. Although less popular now, traditional methods such as a leaflet, booklet or information panel are still used to promote a route. In recent years, it has become common for the information to be available only on the web and on smartphone apps.

Many routes and trails are promoted on line by organisations and enterprises who act independently of the Council or the SNPA.

Technology offers new opportunities, for example, the Coast Path has been filmed and can be followed using Google Street on Google maps.

Many promoted paths have been established with the help of one-off grants, not only by the Council but also by Community and Town Councils, regeneration agencies and community enterprises. This investment means that many paths are improved for the benefit of the wider community but in most cases grant funding does not provide for ongoing maintenance and upkeep. The costs of this work has to be borne by the Countryside Service, there are however, exceptions such as the Coast Path which receives an annual maintenance grant and the Snowdonia Slate Path which is managed as a Social Enterprise.



Unfortunately, some promoted paths have deteriorated due to lack of maintenance. Alternative means of maintaining promoted routes must therefore be considered, for example:

- Rationalise the routes and concentrate resources to ensure that a smaller number of routes are in good condition.
- Encourage organisations who are considering establishing a promoted path with grant aid to consult with the Countryside Service at an early stage to discuss its creation and long-term maintenance.
- Establish and maintain a volunteer workforce.

During the Covid lockdown, local residents were very interested in rediscovering their localities and there was an increase in the use of paths close to towns and villages. Not only should efforts be made to improve the physical condition of the paths but also to promote them locally.

#### **Statement of Action 15**

15a. The Service will assess the quality and use of promoted paths and consider how they can be better maintained and promoted or discontinued.

15b. Promote access opportunities close to local communities.

#### **4.8 Biodiversity and access to nature**

Biodiversity and the ecosystem we live in are central to people's enjoyment of the countryside. The rights of way network, Lonydd Glas and open country allow people to enjoy and appreciate nature.

Gwynedd Council is required to maintain and enhance biodiversity in all that the Authority does in accordance with S6 of the Environment (Wales) Act 2016. Section 6 states that “A public authority must seek to protect and enhance biodiversity when exercising its functions in Wales, thereby promoting the resilience of ecosystems...”

Many areas of Gwynedd are designated for their ecological and geological importance. In addition, Gwynedd's countryside is dotted with sites that support a diverse range of mammals, birds, plants, reptiles and insects. Sites whether designated or not are important for wildlife and care must always be taken when carrying out path improvements and upgrades as well as timing of annual maintenance to avoid disturbing nesting birds, protected species or cutting wildflowers.

The Countryside Service is responsible for woodlands and Local Nature Reserves all of which have public access that must be maintained and enhanced to allow everyone to have access to nature. These and other sites provide opportunities for innovative projects that combine habitat management, education and access.

**Action Statement 16**

16.a The Countryside Service will have regard to biodiversity when carrying out works to maintain and improve the access network.

16.b Projects will be developed that benefit biodiversity and improve access.

#### **4.9 Agri-environment schemes following Brexit**

Britain's departure from the European Union requires the creation of a new framework for supporting the agricultural sector. For decades, schemes such as Tir Gofal and Glastir have contributed to improving natural habitats and restoring landscape features such as cloddiau and stonewalls. Although some landowners took the opportunity to create permissive paths there has been no direct support towards maintaining the rights of way network. There is the potential to incorporate maintaining rights of way within a new regime for subsidy payments to landowners.

## Appendix 1

The following actions were identified in the first ROWIP as being achievable with the resources available at the time. The table explains what has been achieved and the current status of these actions.

<b>Summary of Actions proposed in first ROWIP</b>	<b>What has been achieved</b>	<b>Current Status</b>
Produce Consolidated Map	This has not been achieved	This is addressed in section 3.7 of the new ROWIP
Produce electronic version of the working Definitive Map	This has been achieved.	The map is available on the Gwynedd website
Clear backlog of DMMO applications	This has not been achieved due to reduction in staffing following completion of the first ROWIP	Covered in Action Statement 11 of new ROWIP. The situation cannot be resolved without additional resources
Develop a robust policy for enforcement / prosecution	This has been achieved, enforcement matters are covered in the Public Rights of Way Policies document.	Action Statement 3b in the new ROWIP states the need to review and update existing policies.
Produce a range of clear policies for the management of rights of way.	This has been achieved, the management of rights of way is covered in the Public Rights of Way Policies document	Action Statement 3b in the new ROWIP states the need to review and update existing policies.
Produce a guide for protection and enforcement purposes	This has not been achieved	This Action will be considered as part of the review of existing policies

Negotiate a formal agreement with SNPA to establish a more integrated approach.	Principles for joint working have been agreed.	This is covered in Action Statement 7 in the new ROWIP
Encourage partnership working with other Council Departments, community Councils and other agencies	Progress has been made to develop partnership working since the first ROWIP.	The need for continued and extend partnership working is addressed in Action Statements 8 and 9 of the new ROWIP
Liaise with landowners to minimise conflict, arrange workshops.	Contact a liaison with landowners is seen as key to maintain and protecting the PROW network. No formal workshops have been arranged although matters are raised at LAF meetings	The new ROWIP stresses the importance of dialogue in order to minimise conflict.
Disability training for officers regarding disability equality	Training has been given	Training in relation to all aspects of equality will be provided.
Engage with various user and disability groups	There is continuous engagement with a wide range of user groups. Representatives and individuals have provided input to path improvement schemes.	Access for people with mobility problems is addressed in Action Statement 13 in the new ROWIP.
Integration with Safe Routes to Schools / Work	This area of work has been superseded by the Active Travel Act and the preparation of Active Travel maps.	Active travel routes add significant value to the wider access network. Collaborative working has led investment in the Lonydd Glas and the PROW network.
Examine existing promoted routes	Due to reduced resources following the preparation of the first ROWIP, the upkeep	Action Statement 15 addresses the need to review and reassess the

	of many promoted routes has not been prioritised.	management of promoted routes.
Identify further health walks -explore new / alternative routes to ensure that public rights of way and access help to deliver health benefits.	This action was partly achieved.	The health and wellbeing benefits of walking and access to green spaces is now universally accepted and is a common theme within the new ROWIP.
Develop a quality interactive website	This has been achieved	Further work is required to provide a fully interactive website.

## **Appendix 2**

### **The following is a summary of the process that led to the creation of the Definitive Map and Statement.**

The process of producing a Definitive Map and Statement Under the National Parks and Access to the Countryside Act 1949 all county councils in England and Wales were given the duty of surveying and mapping all public rights of way by classifying them as footpaths, bridleways or roads used as public paths. The process comprised three stages: draft, provisional and definitive.

#### **Draft Map**

The initial Draft Map was prepared in consultation with the local parish councils whereby all rights of ways which were believed to be public were firstly surveyed and then mapped. The Draft Map was then placed on deposit and a period was allowed for objections and representations to be made which were considered at a series of local hearings. Merionethshire County Council published its Draft Map on 18th December 1952 and Caernarvonshire on the 2nd July 1954 (but with three communities excluded - Aberdaron, Dolbenmaen and Llanystumdwy - due to their original incompleteness). These three communities were published soon after (1955) and a series of local hearings dealt with objections and representations for the whole area.

#### **Provisional Map**

For Caernarvonshire, the results of the hearings were consolidated into a map showing the "determinations to modify" which was published in 1956. Caernarvonshire followed their determinations with a Provisional Map in 1958, to which only landowners could object. Objections at this stage were heard through Quarter Sessions. Merionethshire published their determinations to modify on 16th October 1959 and there then followed quarter session considerations of objections.

#### **Definitive Map**

After determining all of the quarter session cases pertaining to the area, Merionethshire County Council published its Definitive Map in August 1964. The Merionethshire Definitive map was formally sealed by that Authority. The Caernarvonshire Definitive Map remained unpublished for a number of years since the process of quarter session hearings had not been completed. However, prior to the eventual publication of the Caernarvonshire section a new base map series (1963) was published by the Ordnance Survey and the records were transferred onto this updated base map before the map was finally published in January 1975. The County did not seal a copy of the Definitive Map but was content merely to publish its completion, there being no requirement within the legislation for a map to be "sealed". Under the Transfer of Property provisions following the Local Government Act 1972, these maps were, with the exception of some areas which were not included as a result of boundary changes, transferred to Gwynedd County Council and became, in effect, part of the Gwynedd County Council Definitive Map

#### **Reviewing the Definitive Map**

The 1949 Act also required County Councils, to review their Definitive Maps at intervals not exceeding five years, a process which was to be carried out in three stages – draft, provisional,

definitive. The purpose of a review was to enable authorities to produce a revised map by adding any rights of way which had been omitted from the original maps and by showing any path creation, diversion or extinguishment which had come into force following a legal procedure. Because of the time-consuming nature of this work and the inadequate resources devoted to it, most authorities were not in a position to comply with the requirement to carry out reviews under the 1949 Act. Whilst still requiring reviews to be made periodically, the Countryside Act 1968, attempted to speed up the process in that it was no longer necessary to go through the three-stage process of draft, provisional and definitive. However, by the early 1980s, some thousands of objections arising out of the review process throughout England and Wales were still outstanding. The Wildlife and Countryside Act 1981 sought to refine the process further by abolishing the periodic review and introducing a new requirement on highway authorities to keep the Definitive Map and Statement under continuous review providing for changes to be made on an individual path basis. Transitional provisions were put in place to deal with uncompleted reviews proceeding under the 1949 and 1968 legislation.

When the 1981 Act came into force, Gwynedd County Council had commenced, and advertised, but not completed, a review of the Definitive Map. They were therefore directed by the Welsh Office (in 1986) to execute a Modification Order under Section 55(5), confirming the amendments to the Map which had been advertised but not objected to, so that those amendments should become part of the Map. As a result of this direction a Modification Order was prepared and completed on the 10th August 1988. This was a major Modification Order containing alterations to more than 1000 paths in its schedule. However, the accompanying map was now at a new metric scale of 1:10000 instead of the 1:10560 of the original maps.

It should be appreciated that when the 1981 review was undertaken there was no requirement to keep track of each minor change or correction since the Map itself was to be accepted in its entirety through the review process. It is perhaps understandable therefore that not every alteration that had been made was picked up in a schedule compiled some seven years later.