



Complete Agenda

Democratic Services
Council Offices
CAERNARFON
Gwynedd
LL55 1SH

a

Meeting

COMMUNITIES SCRUTINY COMMITTEE

Date and Time

10.30 am, THURSDAY, 27TH OCTOBER, 2022

This meeting will be webcast

[Home - Gwynedd Council Webcasts \(public-i.tv\)](#)

Note: a briefing session will be held for members at 10:15am

Location

Hybrid

Siambwr Hywel Dda, Council Offices, Caernarfon, Gwynedd, LL55 1SH

AND

Virtually via Zoom

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(DISTRIBUTED WEDNESDAY 19/10/22)

COMMUNITIES SCRUTINY COMMITTEE

MEMBERSHIP (18)

Plaid Cymru (11)

Councillors

Elwyn Edwards
Elin Hywel
Edgar Wyn Owen
Beca Roberts

Delyth Lloyd Griffiths
Kim Jones
Llio Elenid Owen
Rhys Tudur

Annwen Hughes
Linda Morgan
Arwyn Herald Roberts

Independent (5)

Councillors

Gwilym Jones
Peter Thomas
Gruffydd Williams

Robert Glyn Daniels
Elfed Powell Roberts
Rob Triggs

Ex-officio Members

Chair and Vice-Chair of the Council

AGENDA

1. APOLOGIES

To receive any apologies for absence.

2. DECLARATION OF PERSONAL INTEREST

To receive any declaration of personal interest

3. URGENT ITEMS

To note any items that are a matter of urgency in the view of the Chairman for consideration.

4. MINUTES

4 - 11

The Chairman shall propose that the minutes of the meeting of this Committee, held on 28.09.2022 be signed as a true record.

5. NATIONAL AND LOCAL DEVELOPMENTS TO MANAGE THE EFFECT OF SECOND HOMES AND HOLIDAY LETS ON THE ABILITY OF LOCAL PEOPLE TO GAIN ACCESS TO HOUSING IN THEIR COMMUNITIES AND THE NEW LOCAL DEVELOPMENT PLAN.

12 - 27

To raise the Committee's awareness about the legislative and national planning policy changes that are in the pipeline.

6. INTRODUCING THE RIGHTS OF WAY IMPROVEMENT PLAN

28 - 104

To approve the Rights of Way Improvement Plan for adoption by the Council Cabinet.

7. LOCAL FLOOD STRATEGY

105 - 106

Update on the Local Flood Strategy.

8. COMMUNITIES SCRUTINY COMMITTEE FORWARD PROGRAMME 2022/23

107 - 108

For the Committee to prioritise items for the upcoming meetings and to adopt a revised work programme.

Agenda Item 4

COMMUNITIES SCRUTINY COMMITTEE, 28 SEPTEMBER 2022

COMMUNITIES SCRUTINY COMMITTEE, 28 SEPTEMBER 2022

Present:

COUNCILLORS: Elin Hywel (Chair)
Kim Jones (Vice-chair)

Stephen Churchman, Robert Glyn Daniels, Elwyn Edwards, Delyth Lloyd Griffiths, Gwilym Jones, Linda Morgan, Edgar Owen, Llio Elenid Owen, Arwyn Herald Roberts, Beca Roberts, Peter Thomas, Rob Triggs and Gruffydd Williams.

Officers present:

Bethan Adams (Scrutiny Advisor), Rhodri Jones (Democracy Services Officer) and Lowri Haf Evans (Democracy Services Officer).

Present for item 5:

Councillor Dyfrig Siencyn (Council Leader) and Sandra Lynne Thomas (Gwynedd and Anglesey Public Services Board Manager).

Present for item 6:

Councillor Berwyn Parry Jones (Cabinet Member for Highways and Municipal and Gwynedd Consultancy), Steffan Jones (Head of Highways and Municipal Services) and Gareth Roberts (Dwyfor Area Engineer).

Present for item 7:

Councillor Dafydd Meurig (Cabinet Member for the Environment), Dafydd Wyn Williams (Head of Environment Department) and Rhian Wyn Williams (Integrated Transport and Road Safety Manager).

1. APOLOGIES

Apologies were received from Councillors Annwen Hughes, Elfed Powell Roberts and Rhys Tudur.

2. DECLARATION OF PERSONAL INTEREST

Councillor Dafydd Meurig declared a personal interest as he was the Chair of Ogwen Partnership. He was of the opinion that it was not a prejudicial interest, and he did not withdraw from the meeting during the discussion on the item.

3. URGENT ITEMS

None to note.

4. MINUTES

The Chair signed the minutes of the previous committee meeting held on 10 March 2022, as a true record.

5. ANNUAL REPORT OF THE GWYNEDD AND ANGLESEY PUBLIC SERVICES BOARD

The report was presented by the Council Leader and Gwynedd and Anglesey Public Services Board Manager, and in brief drew attention to the following main points:

- It was explained that the Board had been established under the Well-being of Future Generations (Wales) Act 2015 and that the board was a joint statutory body with Anglesey.
- It was explained that the Health and fire services, colleges, Natural Resources Wales, Snowdonia National Park and housing associations were represented on the board. They recognised important areas and identified places where collaboration in partnership can have a greater impact on residents.
- It was reported that Well-being Assessments were completed every 5 years over 13 different areas. It was noted that Gwynedd had been divided into 8 areas and Anglesey divided into 5 areas. It was explained that this division had been created so that the most important matters in each area were addressed, as those matters varied from area to area.
- It was confirmed that a Well-being Plan was being prepared for the period 2023-2028 following the current Well-being Assessments.
- Reference was made to three operational sub-groups which dealt with some aspects of the Board's operation and their main priorities were identified:
 - Climate Change sub-group: focusing on developing flood prevention methods.
 - The Welsh Language sub-group: focusing on improving and facilitating the use of the Welsh Language. A pilot scheme was carried out in order to collaborate with public institutions to see why people don't use Welsh in receptions and how to increase the use of the language.
 - Integrated Health and Social Care sub-group: governs the establishment of a collaboration system in the sector, including the Community Resources Team.
- It was ensured that a draft of the Well-being Plan (2023-2028) would be presented to the Committee.

Thanks were expressed for the report.

Members were given an opportunity to ask questions and offer observations. During the discussion, the following matters were raised:

This committee's input would be useful to the Board when creating the Well-being Plan.

- In response to the query, the Council Leader explained that a report would be submitted to the Cabinet soon and how the Board was going about gathering information. The Gwynedd and Anglesey Public Services Board Programme Manager elaborated that the Well-being Plan (2023-2028) draft was on its way to this scrutiny committee as soon as possible.

It was asked if it was possible to see the action plan of the climate change sub-group as well as receive confirmation of membership of the sub-group in order to look at its effectiveness and timetable.

- In response to the query, the Gwynedd and Anglesey Public Services Board Programme Manager explained that the sub-group was led by Natural Resources Wales and members were assured that all members of the sub-group took ownership of it. It was recognized that the objectives of the sub-group had been too broad during the last 5 years and as a result it had not been as successful as hoped. Despite this, the Council Leader elaborated that flood prevention had been a main focus recently and in the new Well-being Plan. He noted that receiving comments or ideas from members was appreciated.

It was questioned how the Board responded if projects did not develop as hoped.

- In response to the query, the Council Leader explained that the Board had struggled with working in partnership in the past. In order for the Board to be successful everyone needed to work together and as such the Board would highlight exactly who would act on which projects and how they were intended to be realised effectively. He elaborated that the Board reported to others and that created accountability and encouraged partners to act on time.

It was questioned how the Board dealt with poverty. It was noted that poverty rates had increased in recent years, and that resources were needed to tackle them.

- In response to the query, the Council Leader explained that it was a very important issue and that the Council was developing plans to help tackle the problem. However, it was a complex issue as the Westminster Government was responsible for public expenditure and benefits which placed limits on what can be achieved. The Council Leader ensured that the Board was as active as possible in solving the problem of poverty as well as other problematic issues such as obesity rates among children.

It was noted that some of the projects, such as Dolfeurig Community Hub, Dolgellau would take some time to develop and a timetable for the project was asked for. It was also questioned if the report was correct to say that work had started when there were no obvious developments to be seen on the site.

- In response to the query, the Council Leader explained that the Dolfeurig Community Hub project was a Gwynedd Council project rather than the Board's project. To elaborate on this particular project, it was noted that there was great pressure for the project to be completed due to the condition of the building, but that there had been problems with the planning application in the past. As it was a Gwynedd Council project, the relevant departments would look into this project as soon as possible. Apologies were made that the report appeared as if work had already begun.

DECISION

To accept the report, noting the observations made during the meeting.

6. SALT BINS - WINTER MAINTENANCE SERVICE UPDATE

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The report was presented by the Cabinet Member for Highways and Municipal and Gwynedd Consultancy and the Head of Highways and Municipal Services. They briefly drew attention to the following main points:

- The Cabinet Member explained that the Council had contacted town and community councils in the past to inform them that salt bins would no longer be filled by the Council, and that it would be their responsibility to finance them. Unfortunately, town and community councils were unable to cope with the costs causing the Council to receive a number of calls regarding dangerous roads. Because of this, the Highways and Municipal Department had revisited the situation.
- It was declared that around 600 salt bins were located across the County and that the Service was in the process of refilling them. The department would monitor them regularly over the winter in order to fill them when needed.
- It was explained that the locations of the salt bins as well as the roads that were being gritted by the Council would appear on Map Gwynedd for residents and Members to see.
- The Head of the Highways and Municipal Department noted that work was being done to number the salt bins. The unique number of the salt bins would make it easier for members and town and community councils to report, helping the workers to solve any problem sooner.

Members were given an opportunity to ask questions and offer observations. During the discussion, the following matters were raised:

The department was praised for accepting that problems had arisen in the past regarding salt bins, and the idea of numbering the bins and noting their location on Map Gwynedd was praised.

It was asked where the funding to reintroduce this service came from.

- In response to the query, the Head of Department noted that the funding had accumulated since town and community councils had taken over the service. The cost of reintroducing the service was relatively similar and therefore there was no need to look for funding from anywhere else.

It was asked if the location of the salt bins was already on Map Gwynedd and if the public had access to this facility.

- In response to the query, the Head of Department confirmed that the salt bins were not visible on Map Gwynedd at the moment but the process of adding them had started. Once this process had been completed, Gwynedd residents could see them through the Council's website. The members of the Council would be informed following the completion of the work to enable them to share the information with the residents of their ward.

Concern was expressed that the Winter Maintenance Service was starting from 01.10.2022 onwards as it did not give enough time to look at the condition of the salt bins and replace them if necessary.

- In response to this statement, the Head stated that the department was working closely with the Area Engineer and was confident that the salt bins would be in

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good condition by the time they were needed. It was confirmed that although the service had started from 01.10.2022, that the gritting service did not normally start until the second week in November.

It was pointed out that it appeared from the report that there were more salt bins in the Arfon area compared to other areas of the County and it was asked if there was a reason for this and the process involved in determining the allocation of bins in areas.

- In response to the query, the Head of Department explained that there was no particular reason why there were more salt bins in Arfon. He noted that they were distributed as needed and that continuous assessment was carried out.

DECISION

To accept the report, noting the observations made during the meeting.

7. UPDATE- DEVELOPMENTS IN THE PUBLIC TRANSPORT SECTOR

The report was presented by the Cabinet Member for the Environment and the Integrated Transport and Road Safety Manager. They briefly drew attention to the following main points:

- The Cabinet Member for the Environment explained that powers to govern public transport had moved from the hands of private companies to the government since 2017.
- It was declared that the department had been very successful in recent months in amending the timetable of the SHERPA service in the Llanberis area. The income saved over the summer would be subsidised for the rest of the year. This means that the money was spent to help the residents of the area as well as seasonal visitors.
- Requests were invited for any detailed report on any aspect of the department's work.
- The Head of Environment Department reported that school transport for the education department was a big priority. The Council did not want to be dependent on large companies to operate such services.
- It was explained that in order to ensure that the best service was provided to the people of Gwynedd, the department worked together with the Government. It was noted that the Corporate Joint Committee placed a statutory requirement on the Joint Committee to produce a Regional Transport Plan by July 2023 and develop new plans every 5 years thereafter.
- It was explained that working together with TrawsCymru was very effective enabling the operation of a service that visited several rural areas in order to meet the needs of local residents.
- It was acknowledged that the transport service had overspent by £300,000.00 this year and it was noted that the department was very aware of the need to ensure that the budget would be adhered to in the future.

Members were given an opportunity to ask questions and offer observations. During the discussion, the following matters were raised:

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It was asked whether there were plans to re-introduce a 10pm bus service as the need arose in rural areas, as the price of the service was cheaper for users than other means of travel.

- In response to the query, the Head of the Environment Department noted that the lack of drivers was a major challenge to overcome. If the driver numbers situation were to improve in the future, it was hoped that more of these late services would be able to run once again as there was a social value to the journeys. He explained that due to the current situation, companies had to prioritise resources.

It was questioned if collaborations were taking place between the Council's departments in order to promote these jobs available from the bus companies.

- In response to the query, the Integrated Transport and Road Safety Manager confirmed that this was happening. In addition, the Welsh Government had ideas on how to attract more bus drivers. Despite this, unfortunately, many older workers had retired since the lockdown periods and it was difficult to stimulate interest in young people to be bus drivers.

It was acknowledged that TrawsCymru was visiting more rural areas that did not receive regular bus services in the past, but that some areas continued to miss out on the current travel route. It was asked if it was possible to change these routes. It was noted that it would be beneficial for the department to ask for the opinion of members as well as town and community councils in terms of improvements.

- In response to the query, the Head of the Environment Department stated that the department was well aware that the bus service in some areas was not sufficient. He ensured that work was being done in order to visit different areas in order to understand how much need there was for a bus service and how to change the travel routes effectively to meet needs.

Reference was made to the costs of operating this service, and it was asked if electric buses would be useful in the future in order to manage the financial situation.

- In response to the query, the Head of the Environment Department shared that the infrastructure for the T22 was currently being installed in Porthmadog. It was anticipated that electricity supply would be connected on the site in November and it would be possible to maintain and promote a low carbon service for the residents of the area following that. The timetable for this service was not available at the moment as time is needed to consider how long it would take for the buses to fully charge. The department was confident that the electricity supply would be connected in accordance with the anticipated schedule.

Following the department's recent success in changing bus timetables, it was asked if there were plans to create electronic timetables in the future.

- In response to the query, the Head of the Environment Department noted that live timetables had been used in the past but were difficult to manage. As they were not a statutory requirement, it was decided to terminate that service. Despite this, TrawsCymru had installed electronic boards to inform passengers of the time of the next bus. This did not inform if the bus was late. The hope was to pilot electronic timetables in the future to see how the live electronic timetable would work under the new system.

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Reference was made to the Sherpa Service, it was asked if there was an intention to improve connections in nearby areas.

- In response, the Head noted if there was demand we would look at improving the network with trips connecting with the Sherpa.

It was asked in terms of meeting the needs of all areas, if it would be possible to offer a flexi bus or taxi so that people could reach areas that were not on the service bus route.

- In response to the query, it was acknowledged that it was difficult for the buses to pass every household in every area. It was noted that services such as the flexi bus had been very effective in the past. Such a service would fulfil the intention of the flexi service so that it was cost effective for residents and answered the problems of travel routes.

A member noted that they had used 'Bwcabus' provision in another council area and that she had a good experience. She added that she would welcome an on-demand bus service in Gwynedd.

- In response, the Head noted that an on-demand bus was a cost-effective way to meet the need of passengers.

With older people and disabled people relying heavily on the transport service, concern was expressed at cuts in services between Bangor and Wrexham as many people relied on this service for hospital visits.

- In response to the query, the Integrated Transport and Road Safety Manager declared that they were very aware of the importance of the former services. She noted that T2 and T3 services had been amended to ensure that residents did not miss connections between services.

In response to a request from a member, the Head noted that he would share the report drawn up by Bangor University in relation to the social value of journeys with members of the Committee.

It was asked how small local bus companies could be protected when large companies were competing against them to get transport contracts from the Council in the context of the changes arising from the Government's White Paper.

- In response to the query, the Head of Department explained that the process of enfranchisement was an issue that was troubling at first sight. He noted that the department had received confirmation from the government that small companies were important to the market. He explained that local companies could provide services that larger companies could not provide. It was important to ensure value for money giving small companies a level playing field. He confirmed that consideration would be given to rural provision.

DECISION

To accept the report, noting the observations made during the meeting.

8. COMMUNITIES SCRUTINY COMMITTEE FORWARD PROGRAMME 2022/23

COMMUNITIES SCRUTINY COMMITTEE, 28 SEPTEMBER 2022

The report was presented by the Scrutiny Advisor and she briefly drew attention to the following main points:

- The prioritised items for the year's committees were confirmed at the annual workshop on 06.07.2022 and it was noted that two items remained to be scheduled for this year, the 'Climate and Nature Emergency Plan' and the 'Rights of Way Improvement Plan'.
- It was explained that the Rights of Way Improvement Plan report was scheduled to be discussed in the Cabinet on 22.11.2022 and therefore it would be timely to discuss this matter at the 27.10.2022 meeting of this committee. It was confirmed that this would need to be confirmed with the relevant department in order to ensure that it would be possible for them to produce a comprehensive report within these time constraints.

In response to a query regarding the scheduling of the item 'Climate and Nature Emergency Plan'. It was noted that there would be a discussion at the committee's informal meeting, where feedback would be shared from the Climate and Nature Board.

DECISION

Adopt the work programme for 2022/23.

The meeting commenced at 10.30 a.m. and concluded at 12.35 p.m.

CHAIR

Agenda Item 5

Committee	COMMUNITIES SCRUTINY COMMITTEE
Date	27 October 2022
Title	National and local developments to manage the effect of second homes and holiday lets on the ability of local people to gain access to housing in their communities and the New Local Development Plan.
Cabinet Member	Councillor Dafydd Meurig
Author	Gareth Jones – Assistant Head of Environment Department
Purpose	To raise the Committee's awareness about the legislative and national planning policy changes that are in the pipeline.

1. BACKGROUND

- 1.1 During winter 2021/22, the Welsh Government carried out a public consultation linked to amendments to legislation and planning policy in relation to second homes and short-term holiday lets. A response was prepared and submitted by Gwynedd Council to the consultation, which generally welcomed the changes and the wider objective to be delivered; however, concern was expressed regarding the practicality of implementing the intended changes. Confirmation has now been received in a letter (see Appendix 1) that the changes to national legislation and planning policy will come into force on 20 October 2022.
- 1.2 In light of this announcement and the changes to planning legislation, all Local Planning Authorities in Wales have the choice to use new powers through the planning system that enable management of the use of houses for the purpose of second homes and holiday lets. Previously, the ability of Local Planning Authorities to restrict the use of dwellings as holiday homes (holiday lets and second homes) through the planning system has been extremely limited.

2. PURPOSE:

- 2.1 This paper is presented in order to provide an overview of the legislative changes to the planning system and national planning policy, and the work that is progressing to respond to these changes. The wider objective of the changes and the new powers is to seek better management of the use made of dwellings as second homes and holiday lets and, in doing so, ensure that there is an affordable provision of dwellings that meet the needs of local communities.

3.0 OVERVIEW OF THE CHANGES AND IMPLICATIONS

Proposal

- 3.1 In accordance with previous planning legislation (Town and Country Planning Order (Use Classes) 1987 (as amended)), a residential dwelling used as a primary residence, a second home or holiday let was defined as use class C3 'Dwelling House'. In general, this means that it is possible to use the dwelling house for these mixed uses (namely, second home and holiday let) without having to receive planning permission, unless it is concluded that a change of material use has taken place (such legal cases were rare).
- 3.2 Changes to planning legislation, which will be implemented from 20 October 2022 include:
- Amending the Town and Country Planning (Use Classes) Order 1987¹ to create three new use classes for Primary Residences, Second Homes and Short-term Holiday Lets.
 - Amend the Town and Country Planning (Permitted General Development) Order 1995 in order to allow changes between the three new use classes (Primary Residences, Second Homes and Short-term Holiday Lets) without the need for planning permission.
 - Amend Planning Policy Wales to make it clear, when relevant, that the number of second homes and short-term holiday lets in a local area must be considered when considering the housing requirements and policies in Local Development Plans (LDPs).
- 3.3 Dwelling houses, depending on the use made of them when the legislative changes are announced, will be defined in accordance with the new relevant use class category. For example, a dwelling house that is the primary residence for an individual will be defined as C3 use (Primary Residence), a property used as a second home will be defined as C5 use (Second Home) and a property used as short-term holiday let will be defined as C6 use (Holiday Let).
- 3.4 Owners will have the right to change the use of a dwelling house from one of the new use classes (C3, C5 and C6) to another use class, without having to request planning permission, as the amendment to planning legislation would allow this. New planning applications for main residences/second homes/short-term holiday lets will receive planning permission for the relevant use class.
- 3.5 If it is deemed appropriate, in order to restrict the change of use between the new use classes, the Local Planning Authority has the power to introduce what is called an **Article 4 Direction** for a specific area. An Article 4 Direction (depending on its content and scope) would remove the rights to change between the use classes without planning permission. It is possible to implement the Article 4 Direction for a specific area (no definition noted in legislation), provided that it is possible for Local Authorities to evidence appropriately that second homes and short-term holiday lets are having a detrimental impact on areas and communities.
- 3.6 It is emphasised that issuing an Article 4 Direction does not prevent development but rather, it means that planning permission must be sought from the Local Planning Authority for the proposal. By enforcing the need to receive planning permission, it means that consideration is needed to the impacts of the development and to its compliance with the local and national

¹[Town and Country Planning \(Use Classes\) Order 1987 \(as amended\)](#)

planning policy context. Therefore, this is how changes in planning legislation should help with having better management of second homes and short-term holiday lets.

The procedure for implementing an Article 4 Direction

- 3.7 Legal processes must be followed in order to issue and implement an Article 4 Direction. The procedure is outlined in the Town and Country Planning (Permitted General Development) Act 1995 as amended. In accordance with the latest amendment to the relevant legislation, it is possible to issue two types of Article 4 Directions, namely:
- a Direction with immediate effect, which means that the Article 4 Direction comes into force before a public consultation.
 - a Direction without immediate effect, which means that a public consultation is held before the Article 4 Direction comes into force.
- 3.8 In accordance with the Government's guidance, Local Planning Authorities should only consider issuing Article 4 Directions in exceptional circumstances. In this case, it will be required to evidence that allowing Primary Residences to change to Second Homes and/or Short-term Holiday Lets without planning permission, will have a detrimental impact on local amenities, community well-being or on the process of planning the area appropriately.
- 3.9 The process of preparing and receiving approval to the Article 4 Direction, whichever path is followed (direct/indirect), involves the need to:
- Prepare a report with appropriate evidence that justifies the decision in relation to issuing the Article 4 Direction;
 - Prepare the Article 4 Direction (legal document);
 - Hold a public consultation on the Direction, contacting those specifically affected by the Direction;
 - Consider the observations received during the public consultation period;
 - Confirming the Direction - Local Planning Authority.
- 3.10 It is considered that advantages and disadvantages are associated with both paths that need careful consideration. It is emphasised that the letter (Appendix 1) confirming the implementation of the legislative and national planning policy changes received from the Government (28 September 2022) includes a specific reference to circumstances where compensation may be payable by the Local Authority. **The letter states that a 12 month notice period is required prior to the implementation of an Article 4 direction, if compensation is not to be paid.** It is emphasised that it was unclear in the public consultation undertaken by the Welsh Government (November 2021 - February 2022) that the compensation provisions would be relevant, nor the need for a 12 month notice period prior to the implementation of an Article 4 direction, if compensation is not to be paid.
- 3.11 Given the potential risks of compensation claims the Council may have to pay, the Council must ensure that there is a 12 month notice period prior to the implementation of an Article 4 Direction, in order to protect the interests of the Council. In light of this, the Council has

been restricted to a large extent to follow the "direction without immediate effect" path, which will then include a 12 month notice period before the Article 4 Direction is implemented. By following this system, it would avoid the risks for the Council of having to pay compensation.

Matters to be considered

3.12 As the process of issuing an Article 4 Direction to manage this type of use is unprecedented, it is difficult to anticipate and predict the potential implications. It is anticipated that some of the opportunities associated with issuing an Article 4 Direction would include:

- Due to the research work published by the Planning Policy Service in 2020 "Managing the use of dwellings as holiday homes", the Council has a strong starting point for the work required in order to evidence the area(s) where an Article 4 Direction could be justified.
- Power of implementation in the hands of Local Planning Authorities;
- Possible to tailor the response in accordance with local circumstances and requirements - respond to the needs of a specific area;
- Possible to tailor the terms of the Article 4 Direction and the 'Permitted Development Rights' that are abolished;
- Opportunity to manage the use made of new houses and to restrict the transfer between uses of existing houses;
- Opportunity to try to reverse the side effects of second homes and short-term holiday lets on communities and to ensure fairness and opportunities for Gwynedd residents;
- The amendment to Planning Policy Wales, which also comes into force on 20 October 2022, will update the planning policy context to meet the changes in legislation, which will be useful for the Council to use on a local level;
- Opportunity to develop planning policies that will deal directly with the three new use classes (Primary Residences changing to Second Homes and/or to Short-term Holiday Lets) as part of the process of preparing the New Gwynedd Local Development Plan.

3.13 Amongst some of the restrictions or limitations associated with issuing an Article 4 Direction are:

- Implications for all residential dwellings where an Article 4 area has been implemented, which will potentially impact the value of the properties in question;
- Impact on the housing market where an Article 4 Direction is not implemented, additional pressures;
- Possibility that the adjacent Authority's implementation path could have an (unintentional) impact on the housing market;
- Possibility that the current local planning policy framework will not fully reflect any restrictions that would be set by issuing an Article 4 Direction, and that a new planning policy would not be in place until a New Local Development Plan has been adopted.
- No planning fee associated with an application that would be permitted development rights if the Article 4 Direction was not in force;

- Additional resources would be required to go through the steps of issuing and implementing an Article 4 Direction and especially for its implementation at grass roots' level, and recruiting qualified planners is already challenging.

4. THE CURRENT SITUATION

- 4.1 The work of preparing a report in order to evidence and justify the implementation and issue of an Article 4 Direction for Gwynedd/area of Gwynedd is ongoing. A detailed work programme has been prepared, which highlights the steps and associated timetable (appendix 2) and incorporates the 12-month notice period before the Article 4 direction is implemented.
- 4.2 The work that has been carried out includes reviewing and updating the evidence in the "Managing the use of dwellings as holiday homes" research work, to better understand the current situation in terms of numbers and the potential side effects across the county. Of course, consideration will also be given to all other interventions that will be introduced in terms of taxation and licensing, before examining the options of potential areas for an Article 4 direction.
- 4.3 Therefore, in terms of the timetable / programme in appendix 2, we are currently in Step 1 of the process with this work mainly being carried out in-house by Council officers, in consultation with officers from the Snowdonia National Park Authority.
- 4.4 It must be emphasised that it is extremely important that we have robust evidence in place and that we follow the procedure noted in legislation in order to reduce any risks of legal challenges to the Council.
- 4.5 The Welsh Government has recognised that there are additional pressures on Authorities in association with issuing and implementing an Article 4 Direction and, as a result, the Council has requested additional resources from them. An application was submitted for additional resources to the Welsh Government on 12 September 2022. This application included the costs of legal guidance from a Counsel, and the costs of additional planning officers to implement the Article 4 Direction. To date, no response has been received from the Government.
- 4.6 The issues that have been considered in light of the changes to the planning legislation, have gone beyond issues that are relevant to an Article direction. Careful consideration has been given to how the change in legislation can be used from 20 October 2022, to deal with new planning applications for housing developments. It is believed that introducing the new use classes has a direct impact on how authorities should deal with planning applications for new housing, especially as new housing developments are expected to meet the housing needs of the area and for main residential dwellings (not for second homes and short-term holiday lets). Therefore, on a case-by-case basis, with planning applications for new housing (namely, Primary Residences) we will consider using a planning condition that will abolish the right to move from a primary residence to a second home and/or short-term holiday let.

5. DWYFOR PILOT SCHEME

- 5.1 Following the Welsh Government's commitment to introduce various steps to address the impacts a high number of second homes and short-term holiday lets may have on communities, it was confirmed in November 2021 that the Dwyfor area had been chosen by the Government as a pilot area in order to trial some of the potential interventions. Dwyfor was selected as a pilot area due to its geographical size, the concentration of communities with second homes and due to its importance to the Welsh language.
- 5.2 In relation to changes to planning legislation and policy, the Government has committed to support the Council with the work of justifying and implementing an Article 4 Direction for the Pilot Area.
- 5.3 Furthermore, it is intended to put other actions (that are beyond the Planning system) in place in the pilot area, which include:
- support in terms of provision of affordable houses in the area by collaborating with various partners including Gwynedd Council, Snowdonia National Park, Grŵp Cynefin, town councils and Dwyfor communities.
 - extending the Homebuy Scheme, with £8.5 million earmarked by the Government for this Scheme in the Pilot Area;
 - Bringing empty homes back into use. £1 million has been contributed by the Government to the Council in order to bring empty residential units back into use;
 - Examine the provision and cost of private rented housing;
 - Support community initiatives/affordable housing.
- 5.4 In order to coordinate these actions, the Government has funded two specific Officers to work in the pilot area for a period of two years.
- 5.5 It is noted above that the Government is committed to support the process of issuing and implementing an Article 4 Direction in the Area of the Pilot Scheme should the Council decide to follow this path. It is emphasised that implementing an Article 4 Direction would not be undertaken based on a pilot/trialling and that there would be a long-term commitment to the intervention. Furthermore, issuing an Article 4 Direction is based on receiving robust evidence in order to support it, therefore, other areas of Gwynedd where it would be appropriate (possibly) to issue a Direction cannot be disregarded. Similarly, it must be ensured that the appropriate justification is in place to be able to justify issuing the intervention for the whole of Dwyfor.

6. NEW LOCAL DEVELOPMENT PLAN

- 6.1 Ensuring a fit for purpose local policy framework will be absolutely vital to implement any prospective Article 4 Direction effectively, and to meet the needs of Gwynedd communities and deliver the wider objective of the intervention.

- 6.2 The timetable identified in order to issue the Direction means that it would be in force before the New Local Development Plan is adopted. When preparing and drawing up policies within the New Plan, this means that there will be a need to set out local policy context and include clear policy guidance in order to facilitate the process of determining relevant planning applications, which would meet the objective of implementing the Article 4 Direction in the first instance.
- 6.3 In the meantime, and during the period when the Article 4 Direction is in force before the New Plan is adopted, it will need to be ensured that any prospective planning application complies with the current local and national policy guidance (including the amendments to Planning Policy Wales referred to above).

7. RECOMMENDATIONS

- 7.1 The purpose of the report is to provide an overview of the legislative and planning policy changes that are being introduced, and the work that is progressing as a result. Also, a further report will be submitted to the Committee examining the potential area options where use of an Article direction can be evidenced. Therefore, the Scrutiny Committee is asked to accept the report and make any observations.

APPENDICES

Appendix 1 - A letter confirming changes to planning legislation and policy

Appendix 2 - Work programme: Implementation of an Article 4 Direction



To:

Heads of Planning
Local Planning Authorities in Wales

28 September 2022

Dear Colleague,

On 4 July the First Minister and the leader of Plaid Cymru announced a package of measures to tackle the issue of second homes and short-term lets in Wales. This included a land use planning element - the introduction of three new use classes to give local planning authorities the ability to control the number of second homes and short-term lets in an area. These changes to planning legislation were consulted upon from [November 2021 to February 2022](#) and have now been agreed as follows:

- The Town and Country Planning (Use Classes) Order 1987 (the UCO) is being amended to create new use classes for 'Dwellinghouses, used as sole or main residences' (Class C3), 'Dwellinghouses, used otherwise than as sole or main residences' (Class C5) and 'Short-term Lets' (Class C6);
- The Town and Country Planning (General Permitted Development) Order 1995 (the GPDO) is being amended to allow permitted changes between the new use classes, C3, C5 and C6. These permitted development rights can be dis-applied within a specific area by an Article 4 Direction made by a local planning authority on the basis of robust local evidence.

As set out in the consultation, complementary changes are also being made to section 4.2 of *Planning Policy Wales* (PPW). These policy changes make it explicit that, where relevant, the prevalence of second homes and short-term lets in a local area must be taken into account when considering housing requirements and policy approaches in Local Development Plans (LDPs). The amendments to PPW make it clear that where a local planning authority introduces an Article 4 Direction, it should reinforce its actions by requiring conditions to be placed on all new dwellings restricting their use to Class C3 where such a condition would meet the relevant tests. Local authorities should also allocate sites in LDPs restricted to C3 use, including local market housing, in areas where they are seeking to manage second homes and short-term lets. A copy of the amendments to section 4.2 of PPW is attached and these changes will be incorporated into the next edition which is expected to be published during 2023.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

To facilitate and assist you with making Article 4 Directions, the GPDO is also being amended to include a new Article 4 which simplifies the process. The current requirement to secure the Welsh Ministers' approval for the introduction of an Article 4 Direction is being removed. Instead, the new Article 4 places all aspects of making Directions within the remit of a local planning authority in order to expedite their confirmation and potentially encouraging their use where evidence demonstrates localised intervention is necessary. The new Article 4 replaces the former directions known as Article 4(1) and Article 4(2) directions with two types of direction - an expedited direction known as a 'direction with immediate effect' and 'directions without immediate effect'. These changes formed part of the 'Permitted Development' consultation which took place between [16 November 2021 and 15 February 2022](#).

When an Article 4 Direction is made there are circumstances under which compensation may be payable by the local planning authority under the provisions of Section 108 of the Town and Country Planning Act 1990. To mitigate claims for compensation, all the new permitted development rights relating to second homes and short-term lets have been added to the prescribed list in the Town and Country Planning (Compensation) (Wales) (No. 2) Regulations 2014. A 12 month notice period is needed ahead of the implementation of an Article 4 Direction if compensation is not to be paid.

It will be for each local planning authority to decide, based on local circumstances, whether they wish to pursue the possible introduction of an Article 4 Direction to remove the permitted development rights for changes between the new use classes. Any such Article 4 Direction will need to be supported by robust local evidence highlighting the impact of second homes and short-term lets on specific communities as part of a co-ordinated response which applies all available interventions to an area and will need to evidence effective community consultation.

The UCO is also being amended to provide greater control over the siting of betting shops. Use as a betting shop has been removed from use class A2 (Financial and Professional Services) and is specified as a unique use (i.e. sui generis). Consequential amendments have also been made to the GPDO to permit changes of use from use as a betting shop that previously applied whilst the use fell within use class A2.

The two Statutory Instruments are:

- The Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2022; and
- The Town and Country Planning (General Permitted Development etc.) (Amendment) (Wales) Order 2022.

The Statutory Instruments come into force on 20 October.

Further details about the changes to the UCO and the GPDO will be available in due course in a 'Frequently Asked Questions' document.

Yours sincerely,



Julie James MS
Minister for Climate Change

Changes to Planning Policy Wales (PPW) section 4.2, 'Housing' regarding: affordability and the impact of second homes and short-term lets

New text – in red

Housing Requirement

4.2.5 Planning authorities must clearly set out the housing requirement in their development plan. These requirements must be based on evidence and clearly express the number of market and affordable homes the planning authority considers will be required in their area over the plan period. Planning authorities should plan for a mix of market and affordable housing types to meet the requirement and specifically consider the differing needs of their communities; this should include the housing requirements of older people and people with disabilities. Localised issues, such as the prevalence of second homes and short-term lets, must also be considered when developing the requirement for market and affordable homes within a particular area and whether the evidence justifies a local policy approach to support the viability of communities. This could, for example, include introducing a cap or ceiling on the number of second homes or short-term lets.

....

4.2.9 Planning authorities, in partnership with the community, including the private sector, must develop policies to meet the challenges and particular circumstances evident in their areas. If these policies need to diverge from national policies in order to meet specific local housing needs for market housing, which normally would have no occupancy restriction, planning authorities must provide clear and robust evidence to support the approach taken. The justification might be in terms of, for example, land supply, environmental or social impacts, including the prevalence of second homes and short-term lets either individually or in combination. Evidence could be obtained from local studies such as those deriving from the local well-being plans or from studies forming part of the evidence base for the development plan, particularly the Local Housing Market Assessment. Such evidence should highlight any impact of second homes and short-term lets on specific communities. The sustainability appraisal, including the Strategic Environmental Assessment (SEA), would be part of the evidence base providing justification for a departure from national policy.

New Paragraph (immediately after 4.2.9):

Where robust local evidence has identified impacts on the community arising from the prevalence of second homes and short-term lets, planning authorities may consider co-ordinated local planning approaches. This may include specifically identifying sites in development plans for new homes which are limited in use to sole or main residences or local market housing (see paragraph 4.2.9) and/or the introduction of area specific Article 4 Directions which may require a planning application for a change of use of a sole or main residence to a second home or short-term let. For the specific area to which such an Article 4 direction applies, restrictions by condition or obligation should be placed on all new homes limiting their use to sole or main residences. Further guidance on the use of Article 4 directions, planning conditions and obligations is provided in the Development Management Manual.

...

Affordable Housing

4.2.27 It is important that authorities have an appreciation of the demand for different types of affordable housing (i.e. intermediate and social rented) in relation to supply, so that they are well informed in negotiating the required appropriate mix of dwellings for new developments. To support policies and decisions on planning applications, planning authorities should refer to their LHMA to help determine the need for affordable housing, including any evidence of localised affordability issues such as the impact of second homes and short-term lets.

Work programme - Preparation and Implementation of an Article 4 Direction (CE4)

PREPARATION				
Stage	Explanation	Responsibility	Direct CE4 Timetable	Indirect CE4 Timetable
Prepare the outline of the Justification Report for Article 4 and receive legal opinion on it	It is considered appropriate that guidance is received on the information intended for inclusion within the 'Justification Paper for the Introduction of Article 4', in terms of its compliance with the requirements of the legislation.	HJ/RAJ	End of July	
Create a steering group	<p>Need to ensure that the individuals/Services interested in this matter are part of the discussion.</p> <p><u>Establish what is the objective to be achieved and the long-term vision. That aim I believe needs to permeate the background work as the basis to justify Article 4.</u></p> <p>Suggest that the following be part of the steering group: Gwynedd and National Park Officers (Enforcement, Planning, Policy, Economic Development, Research Department).</p> <p>Another advantage of the steering group is that it will be possible for the different Services to own the work and take responsibility for specific parts (data collection for example).</p>	HJ	Date to be arranged in October	
Report to the Communities Scrutiny Committee	Report on national and local developments to manage the effect of second homes and holiday lets on the ability of local people to gain access to housing in their communities and the New Local Development Plan.	GJ/HJ	27 October 2022	

Prepare the Justification Paper for Article 4	Use the previous background work as a basis for the justification work based on the outline that will have been prepared and approved.	HJ/RAJ With input from others	Complete draft by the end of October
Establish the procedure for implementing Article 4	A need for legal advice on which Article 4 procedure will be followed. What are the risks/benefits of the different methods of implementing Article 4?	GJ/Legal Department	October/November
Establish the procedure for approving Article 4	Submit the draft report of the justification paper for Article 4 to the: Leadership Team (GC) Working Group (SNPA)	HJ/RAJ Elliw/ JC	October/November
Prepare Article 4	Legal Department to prepare Article 4.	Legal Department	November/December
Report to the Communities Scrutiny Committee	Report on the justification paper and area options to issue an Article 4 Direction	GJ/HJ	January or March 2023
Report to the relevant Committee	Receive approval of the intention to introduce / issue a 12 month notice of Article 4: Cabinet (GC) Planning and Orders Committee (SNPA)	GJ JC	January or March 2023

CONSULTATION			
Stage	Explanation	Responsibility	Indirect CE4 Timetable
Prepare a Communication Strategy	<p>Need to ensure that the message of what is being introduced is conveyed in a simple and clear manner.</p> <ul style="list-style-type: none"> • Frequently asked questions • Whose responsibility to answer • How the message is communicated 	<p>USG/Communications Department</p> <p>Input from HJ/RAJ</p>	November/December
Prepare a consultation strategy	<p>Ensure that the consultation strategy complies with the requirements. Need to consider:</p> <ul style="list-style-type: none"> • Local advertising, where? Site notice, where? • Ensure that the material is available for inspection in public places. • Engagement methods • Record comments, use specific software? 	<p>HJ/RAJ</p> <p>Input from the Communications Department</p>	November/December
Receive legal guidance on the process	<p>Ensure that the procedure complies with the relevant legislation so as to avoid any legal challenge.</p>	Legal Department	November
Prepare consultation material	Advertisement, site notice, press statement, etc.	<p>HJ/RAJ/KS</p> <p>Communications Department</p>	December/January
Hold the consultation	<p>Inform those affected in accordance with the requirements and inform the Minister.</p>	Policy Service	February
Consider the observations	<p>Consider and report on the observations received.</p>	<p>Policy Service</p> <p>Input from the Legal Department</p>	March

Confirm Article 4	<ul style="list-style-type: none"> • Confirm 12 months after notice of the proposal. • A copy of the direction to be sent to Welsh Ministers • Local advertisement • Site notice <p>The material needs to include a description of the development and the area that the direction relates to.</p>	<p>Policy Service</p> <p>Legal Department input</p>	Quarter 1 2024
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IMPLEMENTATION			
Stage	Explanation	Responsibility	Indirect CE4 Timetable
Resources	<p>Consider the additional Resources needed in order to respond to:</p> <ul style="list-style-type: none"> • Complaints • Enquiries • Planning Applications • Lawful Use Certificate Applications • Appeals 	GJ/RAJ/KS	Ongoing
Raise the awareness of residents affected	Ensure that there is clear communication and an easy way for people to contact the LPA for guidance.	Policy Service/Communications Unit	Over the one-year period before its implementation
Raise the awareness of Officers/Members	Raise the awareness of relevant Officers and the Members to the changes that are coming into effect and the implications.	Policy Service/Communications Unit	Over the one-year period before its implementation

Consider the Policy implications	<p>Is the current local policy framework fit for purpose following the change?</p> <p>Draw up resilient new policies in response to the change during the preparation of the Amended Local Development Plan.</p>	Policy Service	Ongoing
Monitor	Ensure that there is an appropriate monitoring framework in place to be able to manage the successes of the new measures.	Policy Service	Over the one-year period before its implementation

Agenda Item 6

COMMITTEE	COMMUNITIES SCRUTINY COMMITTEE
DATE	27 October 2022
TITLE	INTRODUCING THE RIGHTS OF WAY IMPROVEMENT PLAN
CABINET MEMBER	Councillor Dafydd Meurig, Cabinet Member for the Environment
AUTHOR	Dafydd Williams, Head of Environment Department
PURPOSE	To approve the Rights of Way Improvement Plan for adoption by the Council Cabinet.

1. BACKGROUND

- 1.1 In accordance with the decision of the Scrutiny Committee at the meeting on 4 November 2021, a public consultation was held on the Rights of Way Improvement Plan (ROWIP) during the summer this year. The document used for the purpose of the consultation is appended, see Appendix 1.
- 1.2 The purpose of the ROWIP is to set high level guidance for the Council's work in the field of countryside access; although there is emphasis on the rights of way network, consideration must also be given to other access assets under the Council's control.
- 1.3 The purpose of this report is to:
 - Report back to the Committee on the outcome of the consultation process
 - Receive further observations of the Scrutiny Committee
 - Receive the approval of the Scrutiny Committee for the ROWIP to be submitted to the Council Cabinet for formal adoption.

2. PUBLIC CONSULTATION

- 2.1 The public consultation was held for a 14 week period between June 27 and September 30, 2022. The draft document along with a questionnaire were uploaded to the Have your Say page on the Council website and hard copies were printed for libraries and Council Offices. The consultation was promoted on the Council's social media, namely Facebook and Twitter. Organisations such as Community and Town Councils, the National Park, the Agricultural Unions and representatives of organisations that represent different cohorts of users were contacted directly.
- 2.2 A total of 294 valid responses were received to the questionnaire. The majority (92.2%) of respondents responded as individuals, with 5.8% responding on behalf of an organisation, group or business.
- 2.3 The full results of the consultation can be seen in the Appendix 2 report, "Gwynedd Council Rights of Way", which has been prepared by the Research and Analysis Team.
- 2.4 The results fall into two categories, namely:
 - a. Response to the seven questions asked in the questionnaire; the questions were based on the Statements of Action deemed by the Service as the most contentious and with the biggest implications in terms of staff resources and work budgets. Appendix 3 summarises the responses received to the seven questions; it can be seen that the majority of responses corresponded with the Statements of Action.

b. Observations by respondents; it is encouraging that so many observations have been received and a selection of them can be viewed in the Appendix 2 Report. There are some prominent themes:

- Observations about specific cases for example closed or blocked footpaths.
- Suggestions for footpaths that could be developed, especially multi-use paths.
- Lack of resources to maintain the network and the Council's failure to meet its statutory duty to maintain and protect rights of way.
- Individuals and bodies eager to volunteer to maintain and improve footpaths.

2.5 The Service will consider the observations and it is anticipated that they can be used to assist with the work of drawing up work programmes.

3. CONCLUSIONS

3.1 I believe that the response to the consultation reflects a desire among Gwynedd residents to have access networks that are safe and accessible for use by all cohorts of users.

3.2 The response, although not unanimous, shows a general satisfaction with the direction and content of the ROWIP. There is room to modify the wording of a few clauses and to improve the layout and format of the document but I am of the opinion that further changes are not needed unless the Scrutiny Committee has recommendations on specific matters.

3.3 The challenge facing the Department as it proceeds to implement the ROWIP must be acknowledged and it is inevitable that effort and resources will have to be prioritised over the next few years. Nevertheless, it must be ensured that the following Statements of Action are given priority to ensure that the core objectives of the ROWIP are realised.

High Priority Statement of Action	Period
3b . Update the Rights of Way Policies document in order to reflect the levels of current resources and changes in land use.	By October 23
c. "Reassess footpath categories to create a network that better reflects the needs of the County's communities. "	The first stage will be to establish and trial a way of working before the end of 2023

4. RECOMMENDATION

4.1 The Scrutiny Committee is asked to approve the

- Environment Department to prepare a final version of the Right of Way Improvement Plan and to incorporate any recommendations made by the Scrutiny Committee.
- Council Cabinet to adopt the Right of Way Improvement Plan.

APPENDICES

Appendix 1: Gwynedd Rights of Way Improvement Plan (Public Consultation Document)

Appendix 2: Public Consultation Results Report

Appendix 3: Questionnaire responses

Gwynedd Council

RIGHTS OF WAY IMPROVEMENT PLAN

REVIEW

Public consultation document

Contents

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Part 1. Background

- 1.1 Purpose of the Rights of Way Improvement Plan (RoWIP)
- 1.2 Preparing the new RoWIP
- 1.3 Description of the Gwynedd Area
- 1.4 Gwynedd Council
- 1.5 The Strategic Context
- 1.6 The Countryside Service and Ffordd Gwynedd
- 1.7 Evaluation to what extent the previous RoWIP was achieved
- 1.8 Access reform
- 1.9 Climate Change

Part 2. Theme A: Maintenance and management of the Rights of Way Network.

- 2.1 Gwynedd's Rights of Way Network
- 2.2 Responsibilities
- 2.3 Condition of the Network
- 2.4 Categorisation
- 2.5 Deficiencies
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 - 2.12.2 Community and Town Councils
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- 3.1 What is the Definitive Map and Statement ?
- 3.2 Use and importance of the Definitive Map and Statement
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- 4.6 The demand for multi-use paths
- 4.7 Promoted paths
- 4.8 Biodiversity and access to nature
- 4.9 Post Brexit agri-environment schemes

Appendix 1 : Summary of actions identified in the first ROWIP as being achievable with the resources available at the time

Appendix 2: Summary of the process that led to the creation of the Definitive Map and Statement and subsequent Reviews.

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-ymgynghoriadau/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.

Summary of Actions proposed in first ROWIP	What has been achieved	Current Status
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.

Appendix 2

Gwynedd Rights of Way Report

Date presented: 2022-10-14

Authors : Tîm Ymchwil a Dadansoddeg

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1. Introduction

The Rights of Way Improvement Plan (ROWIP) is a strategic document to be used by Local Authorities in order to plan for the management, development and promotion of their rights of way network. The ROWIP will set a framework for identifying, prioritising and planning for improvements to their rights of way network and access to the countryside for the benefit of walkers, cyclists, horse riders, individuals with mobility problems and others.

Rights of Way include footpaths, bridleways and byways (usually narrow lanes, often unsurfaced), but do not include roads.

2. Methodology

In order to ascertain the opinion of Gwynedd residents on the draft Rights of Way Improvement Plan, a questionnaire was used as a method of gathering information.

The questionnaire was open from 27th June until 30th September 2022.

A digital questionnaire was placed on the 'Have your say' page, which is a consultation site on the Council's website, in order to collect the opinion of the general public.

We contacted the Council's Residents Panel with a questionnaire in order to find out their opinion.

Paper copies of the questionnaire were provided in each of the Gwynedd Shops as well as the libraries across the county as well.

The consultation was promoted through the 'Have your say' page, and also through the Council's social media, namely Facebook and Twitter. The questionnaire was also promoted by Snowdonia National Park.

Responses were received by post and through online questionnaires.

3. Responses to the questionnaires

This part of the report will analyze responses to the questionnaires.

3.01 How were responses received?

A total of 296 valid responses to the questionnaire were received.

Most (91.9%) of the respondents answered as an individual, with 6.1% answering on behalf of an organisation, group or business.

	Number	%
As an individual	272	91.6
On behalf of an organisation, group or business	18	6.1
No reply	6	2.0
Total	296	100.0

The following organisations responded.

Cyngor cymuned Llanbedr
Dim ateb
Cyngor Tref Caernarfon
NFU Cymru
Bryncroes
Aberdyfi Community Council
Mynediad Ceffylau Gogledd Cymru
Cyngor Cymuned Llanwnda
Snowdonia Slate Trail Trust
Llanegryn Community Council
Cyngor Cymuned Betws Garmon
Cyngor Cymuned Pistyll
Grŵp cerdded Pen-Y-Groes, Dyffryn Nantlle. 10 o'r gloch bob dydd Iau o'r Ganolfan Hamdden
Eryri Ramblers walks secretary
Fforwm Mynediad Arfon Dwyfor a Fforymau gogledd a de Parc Eryri (yn gyfunol) // Arfon Dwyfor & Snowdonia Local Access Forums – north and south combined
Rhodwyr Llyn Ramblers representing 140 regular walkers mostly based in Dwyfor
Meirionnydd Ramblers
Cyngor Cymuned Llanengan

Categorising paths (section 2.4)

Although there is criticism of the current categorisation system, in the short term this is the most practical system that allows the most popular routes to be in a satisfactory condition.

It should be recognised that it is not possible to give full attention to all routes in Categories 1 and 2*, and that a lack of maintenance on the rest of the network leads to a backlog of work and costs if they are to be restored to an acceptable standard.

A survey of the state of Gwynedd's rights of way will be carried out to be used to establish a baseline that can be used to measure performance, assist with the work of re-categorising routes and to prioritize projects for grant funding. This will be a long-term commitment and cannot be fully achieved with the current staff resources, efforts will be made to use volunteers or temporary staff to speed up the work.

It is intended to re-assess route categories and update it if necessary to create a network that better reflects the needs of the County's communities. The work is done in conjunction with Community Councils

*Paths Category 1: Paths that facilitate the movement of people. These will usually have significant use or form a link in towns, villages or between public transport facilities, car parks and leisure attractions.

Category 2 Routes: Popular routes used primarily for pleasure including routes around communities, circular routes, access to beaches or promoted routes.

3.02 Do you agree or disagree that the current system of categorising rights of way should continue?

See from the table below that 67.9% (N=201) of the respondents agree that the current system of categorising rights of way should continue, while 17.2% (N=51) neither agree nor disagree, and 12.5% (N=37) disagree.

	Number	%
Strongly agree	9	32.8
Somewhat agree	104	35.1
Neither agree nor disagree	51	17.2
Somewhat disagree	20	6.8
Strongly disagree	17	5.7
No reply	7	2.4
Total	296	100.0

3.03 Further comments here

Those who were identified as strongly agreeing, agreeing to some extent and neither agreeing nor disagreeing were asked to indicate any further comment. Of the 252 possible responses, further comments were received from 70 respondents. The table below shows the themes that arose from the responses.

Theme	Number	%
All routes need to be open to all (walkers, cyclists, horse riding, disabled access) / Not prioritising.	18	25.7
Easy to use categories e.g. colour-coded categories	11	15.7
Less popular paths should not be ignored	9	12.9
Agree with the proposal	8	11.4
No change required	7	10.0
Paths should be improved and maintained	7	10.0
Some categories should be combined on some paths	5	7.1
Concern that land owners remove signs / stop access.	3	4.3
Prioritise specific paths	2	2.9
Respond when paths are misused	1	1.4
Designated mountain bike paths	1	1.4
The Slate Trail should be in Category 1	1	1.4
Prioritise long distance paths	1	1.4
Need to re-examine which way some paths go (e.g. Recent developments opening to some routes)	1	1.4
Ensure that Sat Navs do not lead tourists down certain lanes	1	1.4
Not relevant to the Question	7	10.0
<i>The percentages will not add up to 100 as more than one theme arises per comment. Denominator = 70</i>		

3.04 Do you have ideas about how work can be prioritised on the network?

Those who were identified as disagreeing to some extent or disagreeing strongly were asked if they had ideas about how work on the network can be prioritized. Of the 37 possible responses, further comments were received from 30 respondents. The table below shows the themes that arose from the responses.

Theme	Number	%
Maintain all paths (all categories)	9	30.0
Every path should be inspected regularly	4	13.3
Employ more staff / more funding	3	10.0
Extinguish some paths to give or resources to others.	2	6.7
Stop landowners from stopping access	2	6.7
Make the categories clearer	2	6.7
Reclassify some paths as bridleways and by-ways	1	3.3
Prioritise equestrian routes	1	3.3
Community Council should take more ownership.	1	3.3
Prioritise paths used by vehicles / circular routes.	1	3.3
Not relevant to the question	4	13.3
<i>The percentages will not add up to 100 as more than one theme arises per comment. Denominator = 30</i>		

3.05 How would you go about reviewing and updating the categorisation procedure and who should be involved in this work?

A response was received from 119 individuals. The table below shows the themes that arose from the responses.

Theme	Number	%
Create a group with a combination of stakeholders / local consultation on routes	31	26.1
Path users/ local volunteers / walking groups	25	21.0
Community Councils	17	14.3
Another consultation on route use / Review of the categories	10	8.4
Aerial surveys / use drone / digital mapping	9	7.6
Involve landowners	7	5.9
Improve signage / waymarking	7	5.9
The Council not to ignore concerns / complaints about routes / take more ownership	6	5.0
Additional funding and staff	4	3.4
maintain every path	4	3.4
Better explanation of the differences between categories	3	2.5
Community groups	2	1.7
No need to create new paths	2	1.7
Review speed limits on some paths	1	0.8

Tourism tax	1	0.8
No categorisation – all paths are important	1	0.8
Prioritise circular routes	1	0.8
Prioritise paths with the highest level of use.	1	0.8
Use Young Offenders to maintain paths	1	0.8
Not relevant to the question	9	7.6
<i>The percentages will not add up to 100 as more than one theme arises per comment. Denominator = 119</i>		

Grants (section 2.6)

The grants available to improve the path network prioritize the following:

- Upgrading bridges and structures;
- Making routes more accessible;
- Multi-use routes;
- Projects that facilitate access to nature.

3.06 Do you agree or disagree with these priorities for using grant funding?

See that almost three quarters of the respondents agree with the above priorities (72.6%, N=215). 9.1% (N=27) of the respondents indicated that they they disagreed with the priorities, while 6.4% (N=19) neither agreed nor disagreed.

	Number	%
Strongly agree	119	40.2
Somewhat agree	96	32.4
Neither agree nor disagree	19	6.4
Somewhat disagree	13	4.4
Strongly disagree	14	4.7
No response	35	11.8
Total	296	100.0

3.07 Please enter any further comments here

112 respondents indicated a further comment. The table below shows the themes that arose from the responses.

Theme	Number	%
Promote and maintain existing paths	28	25.0
Include equestrian routes	12	10.7
Access to nature / nature conservation	9	8.0
Access for all	9	8.0
Better signage	8	7.1
Facilities and access for the disabled	7	6.3
Links between villages	6	5.4
Improve bridges and structures	6	5.4
Segregate walking and cycling paths	5	4.5
Use digital technology to promote paths	4	3.6
Agree with the recommendation	3	2.7
Consider the needs of all users	2	1.8
More bins needed	2	1.8
Co-ordinate volunteers	2	1.8
Community consultation with all stakeholders	2	1.8
No responsibility on the landowner	1	0.9
Green lanes	1	0.9

Restrict access by motor bikes	1	0.9
More maps	1	0.9
Access and safe crossings near schools	1	0.9
Not relevant to the question	16	14.3
<i>The percentages will not add up to 100 as more than one theme arises per comment. Denominator = 112</i>		

Dispute Resolution (section 2.8)

Efforts are made to resolve disputes through discussion and negotiation with land owners and stakeholders. If there is no choice but to take formal enforcement action, priority will be given to effort on category 1 and 2 routes

3.08 Do you agree or disagree that enforcement should be prioritized on category 1 and 2 routes?

See from the table below that 67.6% (N=200) of the respondents agree that enforcement should be prioritized on category 1 and 2 routes. 15.5% (N=46) disagreed and 14.2% (N=42) did not agree or disagree.

	Number	%
Strongly agree	115	38.9
Somewhat agree	85	28.7
Neither agree nor disagree	42	14.2
Somewhat disagree	18	6.1
Somewhat disagree	28	9.5
No response	8	2.7
Total	296	100.0

3.09 Enter any further comments here

Additional comments were received from 79 of the respondents. The table below shows the themes that arose from the responses.

Theme	Number	%
All categories (subjects to financial constraints	20	25.3
Concern about the possible impact on some communities	1	1.3
Agree with the recommendation	8	10.1
Prioritise the Councils objective and not those of landowners	1	1.3
Enforcement already happens at local level	1	1.3
If possible resolve the problem before taking enforcement action	8	10.1
Consider the impact on farmers / landowners	9	11.4
The Council has a legal duty for all paths and not just for those in certain categories.	3	3.8
Landowners and other know that there is no penalty if the path isn't in category 1 and 2.	8	10.1
Landowners often break the law	13	16.5
The views of landowners should be respected	1	1.3
Bridleways are important	5	6.3
Public access is what's important not the path category.	12	15.2

Enforcement is important	3	3.8
Community Councils should take an enforcement role.	1	1.3
Signs should be improved	1	1.3
No opinion / not relevant to the question	7	8.9
<i>The percentages will not add up to 100 as more than one theme arises per comment. Denominator = 79</i>		

Making Use of Technology (section 2.11)

It is necessary that the Countryside Service makes use of technology that allows officers to work effectively and to respond efficiently to complaints from the public. Existing systems including the website will be reviewed and updated.

3.10 Do you agree or disagree with the intention to encourage the public to make more use of Gwynedd Council's website for contacting access issues?

80.7% (N=239) of the respondents agreed with the intention to encourage the public to make more use of Gwynedd Council's website for contacting access issues. 5.4% (N=16) disagreed with 11.5% (N=34) neither agreeing nor disagreeing.

	Number	%
Strongly agree	150	50.7
Somewhat agree	89	30.1
Neither agree nor disagree	34	11.5
Somewhat disagree	12	4.1
Strongly disagree	4	1.4
No response	7	2.4
Total	296	100.0

3.11 Enter any further comments here

Additional comments were received from 116 respondents. The table below shows the themes that arose from the responses.

Theme	Number	%
Agree with the recommendation	30	25.9
Concern that some individuals (elderly) may not have the technical knowledge to use the website.	24	20.7
Alternative means of reporting also require – phone or face to face.	21	18.1
On line systems make it difficult to speak to Council officers and receive a response.	16	13.8
On line leaflets showing paths.	11	9.5
Must be easy to use	11	9.5
The Council must ensure that they respond to all complaints.	9	7.8
Online issue reporting portal	8	6.9

Need to keep details on the web accessible	6	5.2
The public need a contact point.	3	2.6
Use a drone to survey paths	2	1.7
The main problem is to ensure that work happens on the ground	2	1.7
Include Community Councils	1	0.9
Concerns that the Council will receive many more unnecessary enquiries.	1	0.9
Disagree with the recommendation	1	0.9
The ability to download photos and videos of paths would be useful.	1	0.9
Make better use of social media	1	0.9
Use apps such as Strava to see which path are popular.	1	0.9
Not relevant to the question	4	3.4
<i>The percentages will not add up to 100 as more than one theme arises per comment. Denominator = 116</i>		

Strengthening Links with Organisations and Individuals (section 2.12.5)

The Countryside Service will identify opportunities to extend and strengthen links with organizations and individuals who are keen to volunteer and seek funding in order to support the work they do.

3.12 How can the Countryside Service encourage more volunteers to contribute towards the work of maintaining rights of way?

174 of the respondents commented. The table below shows the themes that arose from the responses.

Theme	Number	%
Promote volunteering opportunities	49	28.2
Contact relevant groups (walking groups, Community Councils)	40	23.0
Use social media	36	20.7
Advertise opportunities in local papers / leaflets etc	16	9.2
Make sure that the volunteers benefit	15	8.6
Contact schools and youth clubs	14	8.0
Staff required to supervise volunteers	13	7.5
Needs to be managed at a local level, communities to take ownership	12	6.9
Promote completed work and provide information about what needs to be done.	10	5.7
Provide volunteers with the necessary tools and equipment.	9	5.2
Disagree with using volunteers	8	4.6
Develop contact with agriculture	8	4.6
Volunteers must be given training	8	4.6
A wide range of different times to volunteer	5	2.9
Open day for volunteers	2	1.1
Organise free training	1	0.6
Be inclusive	1	0.6
Using volunteers can be difficult due to insurance and other matters.	1	0.6
Trial using volunteers on some paths.	1	0.6
Community Service	1	0.6
Business that benefit from paths should contribute	1	0.6
Volunteers need assurance that the work will be maintained for some time	1	0.6
Ensure that all user types are able to use the paths.	1	0.6
Not relevant to the question	8	4.6
<i>The percentages will not add up to 100 as more than one theme arises per comment. Denominator =174</i>		

3.13 Are you a member of an organization that is keen to work together with the Council's Countryside Service?

17.6% (N=52) of the respondents stated that they were a member of an organization that wanted to work together with the Council's Countryside Service.

	Number	%
Yes	52	17.6
No / Not applicable	231	78.0
No response	13	4.4
Total	296	100.0

Multi-Use Routes (section 4.6)

The Council will favor improvements to the network that offer multi-use provision.*

*Multi-use routes: Routes for walkers, cyclists, horse riders which also meet requirements with mobility problems.

3.14 Do you agree or disagree that the provision of additional multi-use routes should be prioritized?

The 69.6% (N=206) indicated that they agreed that the provision of additional multi-use routes should be prioritized. 19.3% (N=57) disagreed, while 7.8% (N=23) neither agreed nor disagreed.

	Number	%
Strongly agree	140	47.3
Somewhat agree	66	22.3
Neither agree nor disagree	23	7.8
Somewhat disagree	33	11.1
Strongly disagree	24	8.1
No response	10	3.4
Total	296	100.0

3.15 Enter any further comments here

Further comments were received from 135 of the respondents. The table below shows the themes that arose from the responses.

Theme	Number	%
Need to be inclusive / accessible for disabled people and mobility problems	17	12.6
Safety of path users	14	10.4
Valuable for some groups e.g. horse riders, cyclist, children	14	10.4
Maintenance	11	8.1
Look at each path separately / Depending on the path / Not always suitable	9	6.7
Cost / funding	8	5.9
Network to connect villages / active travel	7	5.2
Need some pedestrian only routes / Different routes for cyclists	7	5.2
Disagree with multi-use paths / Risk that the paths are not suitable for anyone / Problems with this type of paths	6	4.4
Need to keep the character of the path	6	4.4
All paths should be multi use / agree	5	3.7
Difficult / A big effort to do this / Obstacles to change existing routes to be multi-use	4	3.0
Need to respect others / this need to be promoted	4	3.0

Risk to the natural environment	3	2.2
Encourages going out / active travel	2	1.5
Negative impact on landowners	2	1.5
Consider need of cyclists / mountain bikers	2	1.5
Multi-use paths can be difficult to use e.g. for cyclists when busy	2	1.5
Segregated paths / lanes need for cyclists and walkers	2	1.5
Promote paths	1	0.7
Carry out a survey of the current use of the routes	1	0.7
Not relevant to the question	19	14.1
<i>The percentages will not add up to 100 as more than one theme arises per comment. Denominator = 135</i>		

Use of the Lonydd Glas Network by Riders (section 4.6)

3.16 Do you agree or disagree that horse riding should be allowed on the entire Lonydd Glas network?

54.4% (N=161) of the respondents agreed that horse-riding should be allowed on the entire Lonydd Glas network. 18.9% (N=56) disagreed while 23.0% (N=68) neither agreed nor disagreed.

	Number	%
Strongly agree	99	33.4
Somewhat agree	62	20.9
Neither agree nor disagree	68	23.0
Somewhat disagree	24	8.1
Somewhat disagree	32	10.8
No response	11	3.7
Total	296	100.0

3.17 Please note any further comments regarding this

Further comments were received from 92 of the respondents. The table below shows the themes that arose from the responses.

Theme	Number	%
Include horse riding in a qualified manner / a positive step / a good idea	22	23.4
Riding can be dangerous / paths not suitable for others (e.g. pedestrians, disabled people, bicycles)	18	19.1
Nothing to add	18	19.1
Horses can cause potholes and can lead to more maintenance	7	7.4
Safety - It is safe for riders to share the trails / riders need a safe place to go	6	6.4
Lack of respect/ guideline or code of conduct needed for users	6	6.4
Horse manure can be a problem	5	5.3
Paths need to be suitable	5	5.3
Signs needed	5	5.3
Unintended negative consequence e.g. opening the paths to motor bikes affecting landscape when expanding paths	4	4.3
Busy paths	3	3.2
Proposal for suitable paths – former railway lines.	2	2.1
Budgets and funding	2	2.1
Will increase use of the Lonydd Glas	1	1.1
Requirements will help other users	1	1.1
Some 'restrictions' e.g. time	1	1.1
Consultation needed	1	1.1
Not relevant	1	1.1

The percentages will not add up to 100 as more than one theme arises per comment. Denominator = 94

Further Comments

3.18 Is there any area of work that has not been touched upon sufficiently or not at all in the Draft Rights of Way Improvement Plan that you would like to see included?

A response was received from 124 of the respondents. The table below shows the themes that arose from the responses.

Theme	Number	%
Maintenance	21	16.9
Nothing	13	10.5
Horse riding	10	8.1
Information panels and signs	10	8.1
Accessibility for those with mobility problems or a disability	9	7.3
Litter, dog waste, anti-social behaviour, environmental impact	8	6.5
Local input / volunteering	7	5.6
Property owners and landowners obstructing paths / Access must be maintained on all registered paths	6	4.8
Funding	6	4.8
Re-categorise paths / non-categorised paths	6	4.8
Rights of way/ walkers' rights/ cyclists / motor cyclists	5	4.0
Time table / plan is vague / targets	5	4.0
Accuracy of maps	5	4.0
Promotion / marketing	3	2.4
Multi use paths	3	2.4
Education	3	2.4
Cycle paths	3	2.4
Reopen paths / increase number of paths / upgrade paths	3	2.4
Paths between communities	2	1.6
Parking	2	1.6
Safety	2	1.6
Section on vehicles is weak	1	0.8
"Ownership"	1	0.8
"dog friendly"	1	0.8
I Not relevant	6	4.8
<i>The percentages will not add up to 100 as more than one theme arises per comment. Denominator = 124</i>		

3.19 Are there any issues being proposed by us that you feel would have an impact on the Welsh language in any way, and specifically therefore could affect opportunities for people to use the Welsh language or would treat the Welsh language less favorably than the English?

A response was received from 80 of the respondents. The table below shows the themes that arose from the responses.

Theme	Number	%
No	34	42.5
Retain / promote / teach about Welsh place names / Welsh first	14	17.5
Bilingual signs etc	13	16.3
Promoting the history of areas e.g. through talks about the history of places on signs etc	4	5.0
English is treated less favourably / Bias towards the Welsh language	3	3.8
Paths that link communities	2	2.5
Need to be inclusive	2	2.5
Places that inspires people to learn about the culture	1	1.3
Historic paths are important to communities.	1	1.3
Encourage volunteers and people who move to an area to come together and help learn Welsh	1	1.3
Funding to promote the language the language e.g. bilingual mountain leaders etc	1	1.3
Use signs to help learners.	1	1.3
Be careful when translating	1	1.3
Other	5	6.3
<i>The percentages will not add up to 100 as more than one theme arises per comment. Denominator = 80</i>		

3.20 Any other comments?

A response was received from 46 of the respondents. The table below shows the themes that arose from the responses.

Theme	Number	%
Funding and resources	6	13.0
Tourism	5	10.9
Thanks / support	5	10.9
Health / active travel	5	10.9
Problems noted with the document, its accuracy and elements that have not been included	4	8.7
Safety	4	8.7
Working with local groups / stakeholders/ community councils	4	8.7
The benefits and importance of paths.	4	8.7

Property and landowners obstructing people from using paths.	3	6.5
Network requirements and ideas / additional paths needed	3	6.5
Need to be inclusive of all needs including cyclists, wheelchair users, horses	2	4.3
Horse riding	2	4.3
Survey of paths that are unavailable	2	4.3
Negative effect of extending the existing network	1	2.2
Availability of toilets.	1	2.2
Impact of not being able to use existing paths	1	2.2
Motor cycles using paths.	1	2.2
Vandalism	1	2.2
Need for map to show the path network	1	2.2
Not relevant / other	2	4.3
No further comments	5	10.9
<i>The percentages will not add up to 100 as more than one theme arises per comment. Denominator = 46</i>		

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Appendix 3: Questionnaire responses.

Subject	Section and Statement of Action	Summary	Recommendation
Categorisation	Section 2.4 Statements of Action 1a , 1b , 1c	<p>The rights of way categorisation system has been adopted for over 20 years to prioritise resources and staff time. The system is criticised as it leads to deterioration in the condition of footpaths in lower categories and, after 20 years, it is now clear that the original categories do not convey their use and value to communities.</p> <p>The response shows that 68% of the respondents agreed that the categorisation system should be retained.</p>	<p>Leave Statements of Action 1a, 1b ac 1c as they are.</p> <p>Further work will be needed to assess the condition of the network (1.b) and to identify methods to update and recategorise and, to this end, the suggestions proposed by respondents are examined.</p>
Grants	Section 2.6 Statement of Action 2b	<p>The Service is increasingly reliant on grants from different sources to make improvements to rights of way infrastructure.</p> <p>Opinion was sought regarding the following priorities:</p> <ul style="list-style-type: none"> • Upgrading bridges and structures; • Making footpaths more accessible; • Multi-use paths; • Projects that facilitate access to nature. <p>The response showed that 72% agreed with the priorities.</p>	Leave Statement of Action 2b as it is.

Conflict Resolution and Enforcement	Section 2.8 Statement of Action 4b	It is endeavoured to resolve conflict and to negotiate with landowners and stakeholders. If there is no other option but to take formal enforcement action, efforts will be prioritised for category 1 and 2 paths. The response showed that 67% agreed that efforts should be prioritised for category 1 and 2 paths.	It is recommended to leave Statement of Action 4b as it is.
Use of Technology	Section 2.11 Statement of Action 6	It is necessary for the Countryside Service to use technology that allows officers to work effectively and to respond efficiently to complaints from the public. Existing systems, including the website, will be reviewed and updated. 80.6% of respondents agreed with the proposal to encourage the public to make more use of Gwynedd Council's website to get in touch about access matters.	It is recommended to leave Statement of Action 6 as it is.
Strengthen Links with Organisations and Individuals	Section 2.13 Statement of Action 9	The Countryside Service will identify opportunities to extend and strengthen links with organisations and individuals who are keen to volunteer and seek funding to support the work undertaken by them. 17.7% of respondents noted that they were members of organisations who were eager to collaborate with the Council's Countryside Service. 78% stated that the question was not applicable to them.	It is recommended to leave Statement of Action 9 as it is.
Multi-use paths	Section 4.6	The Council will favour improvements to the network that offer multi-use provision.*	It is recommended to leave Statement of Action 14 as it is.

	Statement of Action 14a	*Multi-use paths: Paths for walkers, cyclists and horse riders which also meet the needs of people with mobility difficulties. The 69.4% noted that they agreed that providing additional multi-use paths should be prioritised. 19.4% strongly disagreed, while 7.8% did not agree or disagree.	
Use of the Recreational Routes network by horse riders	Section 4.6 Statement of Action 14b	The Recreational Routes network is a very popular resource; walkers and cyclists are permitted to use the whole network and horse riders may use some parts. In order to ensure consistency across the network, it was proposed to permit horse riders to use the whole network unless sound safety reasons existed. 54.4% of respondents agreed that horse riding on the entire Recreational Routes network should be permitted. 18.7% disagreed while 23.1% did not agree or disagree.	It is recommended to leave Statement of Action 14b as it is but further work will be needed to assess risks.

Committee	Communities Scrutiny Committee
Date	27 October, 2022
Title	Local Flood Strategy
Cabinet Member	Councillor Berwyn Parry Jones
Author	Steffan Jones, Head of Highways and Municipal Department/YGC
Purpose	Update on the Local Flood Strategy

1. Introduction

Climate change is having a significant impact on flooding and erosion rates as sea levels are rising with storms and periods of heavy rain becoming more intense and occurring more regularly.

The Council has published its Climate and Nature Emergency Plan and the plan refers to how we as a Council want to respond to the effects of climate change, which includes the effects of flooding. The Local Flood Strategy and the Climate and Nature Emergency Plan will run together, and help to realise each other's targets.

Managing Flood and Coastal Erosion Risk in Wales involves much more than building defences. Our approach to risk management encourages wider resilience, prevention and risk awareness so that better decisions can be made, by the public and those who influence how the land and water are managed.

A Local Flood Risk Management Strategy is one of the requirements of the Flood and Water Management Act 2010 and they must be consistent with the National Strategy published last year. We are required to review Local Flood Risk Management Strategies in Wales (the original ones were done in 2013) in order to match the objectives, measures and policies and related legislation of the new National Strategy.

We will need to complete this task by October 2023.

2. Background and Current Situation

Within this paper we present how we intend to draw up the local strategy and what it will contain.

Responsibilities for mitigating flood risks are divided between the Council and Natural Resources Wales. For clarity, the intention is to form a local flood strategy which includes all risks to Gwynedd residents.

It is essential that we consider these risks to Gwynedd and thereby see the risks divided into **coastal** and **inland**. This is because the nature of the risk and the ability to mitigate it; difference in statutory and passive roles/responsibilities, policies and strategies (including those of other agencies) together with differences in the funding structure of projects from the Welsh Government.

Action on Inland Risks

Gwynedd is divided into 15 river catchment areas. It is possible to prioritise these according to theoretical risk from Natural Resources Wales' information mapping, also considering the information that the Department collects after every incident of flooding in houses in Gwynedd. (Collecting this information is a statutory role under Section 19 of the Flood and Water Management Act 2010 – they are called Section 19 reports).

Based on these priorities, the Department draws up catchment interventions, which often include several small and large projects throughout the catchment area. This is a fundamental change to the way flood projects were developed in the past.

In addition, the Department seeks to take advantage of opportunities to add to the value of these projects by incorporating further elements that add value (even though these elements do not directly reduce flood risk).

These catchment projects are subsequently developed as part of the Department's work programme and in accordance with the Welsh Government's requirements.

The risks within catchment areas will be reviewed regularly so that we can reflect work we have completed to reduce flood risks in specific areas. For example, we have recently completed work in Llanberis so we need a mechanism to record the impact of this in the priority. This is currently being discussed with Natural Resources Wales to consider adjusting their theoretical information to then consider the impact of our plans within the priority list.

Action on Coastal Flood Risks

Gwynedd has the largest coastline in Wales and due to the nature of our landscape, a high percentage of our communities and the infrastructure that serves them is on the coast.

The responsibility for coastal risks is confusing as Natural Resources Wales (NRW) and Local Authorities have a role to play and as a Council we have approximately 21km of coastal assets which protect our residents from the sea.

We have prioritised our coast based on risk. We as a Council develop projects and then submit them through normal arrangements to the Welsh Government.

We then collect information on the work programs of other stakeholders including NRW and add these projects to the Council's work programmes. It is then possible to present briefly and clearly what work is in hand (including others') to reduce the risks of flooding and erosion for the residents of Gwynedd.

Regarding the areas, where there is not a high density of properties it is unlikely that plans to build traditional defences will be approved (within existing more traditional funding model of WG) and pass the criteria. But funding is possible through other sources within WG with plans focusing on varying improvements, community resilience and adaptation plans in coastal communities which have implications for the future due to climate change.

Agenda Item 8

MEETING	COMMUNITIES SCRUTINY COMMITTEE
DATE	27 October 2022
TITLE	Communities Scrutiny Committee Forward Programme 2022/23
PURPOSE OF THE REPORT	For the Committee to prioritise items for the upcoming meetings and to adopt a revised work programme.
AUTHOR	Bethan Adams, Scrutiny Advisor

1. The Committee's Forward Programme for 2022/23 was adopted at the Committee's meeting on 28 September 2022.
2. Since that meeting, the item 'Rights of Way Improvement Plan' has been added to the agenda of this meeting. In addition, confirmation was received that the 'Well-being Plan' would not be presented to this meeting. This is as a result of rescheduling meetings following an agreement at regional and national level, based on advice received from the Welsh Local Government Association, to postpone all formal meetings across all local authorities for two weeks following the death of Her Majesty Queen Elizabeth II.
3. A request was made for the Committee to consider re-programming the item to the next meeting that is to be held on 19 January 2023.
4. As you can see in the Appendix to the report, four items have already been programmed for the January meeting. An effort was made to prioritise a maximum of three items per meeting in order to ensure that due attention is given to matters and that scrutiny can add value. That was not possible on this occasion.
5. Presently, two items have been programmed for the Committee's meeting on 9 March 2023. One of these items is the 'Governance Structure and Delivery Arrangements of the Gwynedd and Anglesey Public Services Board'. Perhaps it would be an option to combine these two issues and consider them as one item at that meeting.
6. I have requested confirmation of the timetable for the adoption of the Well-being Plan from the Gwynedd and Anglesey Public Services Board Programme Manager, so that the Committee can take the timetable into account when prioritising items. I will report at the meeting on the Programme Manager's response.
7. Another consideration for the Committee when prioritising items, will be what has resulted from the discussion in the Committee on the item 'National and local developments to manage the effect of second homes and holiday lets on the ability of local people to gain access to housing in their communities and the Revised Local Development Plan'. The report states the intention to submit a further report examining the potential area options where use of an Article direction can be evidenced to the meetings held in January or March 2023.
8. **The Committee is asked to prioritise items for the upcoming meetings and to adopt a revised work programme.**

COMMUNITIES SCRUTINY COMMITTEE FORWARD PROGRAMME 2022/23

28/09/2022
<ul style="list-style-type: none"> • Annual Report 2021/22 - Gwynedd and Anglesey Public Services Board • Salt Bins and gritting back streets • Developments within the Public Transport Sector
27/10/2022
<ul style="list-style-type: none"> • National and local developments to manage the effect of second homes and holiday lets on the ability of local people to gain access to housing in their communities and the Revised Local Development Plan • Rights of Way Improvement Plan • Local Flood Strategy
19/01/2023
<ul style="list-style-type: none"> • Annual Update by the Gwynedd and Anglesey Community Safety Partnership • Revised Local Development Plan • Grass Cutting and Land Maintenance • Waste Collection Service (including overspend and realising savings)
09/03/2023
<ul style="list-style-type: none"> • Governance Structure and Delivery Arrangements of the Gwynedd and Anglesey Public Services Board • Street Cleanliness

Items to be programmed:

Well-being Plan

Climate and Nature Emergency Plan