

COMMITTEE	Communities Scrutiny Committee
DATE	7 December 2017
TITLE	REVIEW OF RIGHTS OF WAY IMPROVEMENT PLAN
CABINET MEMBER	Councillor Dafydd Meurig
PURPOSE	Report on the progress with the work of preparing a review of the Rights of Way Improvement Plan and to ask the opinion of the Committee on a draft version of the Statement of Action.

1. BACKGROUND

1.1 It was reported to this Committee in September 2016 and then in March 2017 about the intention to review the Rights of Way Improvement Plan (ROWIP). The purpose of this report is to update the Committee on what needs to be done and to ask for guidance on the draft Statement of Action.

1.2 The 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. Gwynedd's current ROWIP was prepared between 2004 and 2007 and was adopted by the Council and published in October 2007.

1.3 The lifespan of the ROWIP is ten years and, in 2016, Welsh Government presented guidelines for Local Authorities to review their Plans. The Scrutiny Committee has already approved the revision of the current ROWIP and the publication of a new plan in accordance with the guidelines before November 2018.

1.4 The work of preparing the ROWIP has been divided into two parts, namely:

Part 1: Review - in this report, attention is given to the following requirements

- Evaluate to what extent the previous ROWIP's objectives were achieved,
- Assess the network's current condition and its history,
- Determine to what extent the local rights of way satisfy the public's requirements now and in the future.

Part 2: Statement of Action - this report presents the main themes that will guide the Statement of Action as well as a draft list of the action steps that will, in turn, be the basis of the work programmes.

1.5 It must be noted that the ROWIP review is taking place at a time where Welsh Government is considering a change in legislation in the field of access and they have already held two public consultations regarding the change in access legislation. There is no certainty that there will be a change in legislation and, if so, when it would be operational. Therefore, the ROWIP review must proceed in the context of the current legislation.

2. GATHERING INFORMATION AND ENGAGEMENT

2.1 In order to have an idea of the current situation in terms of the condition of the rights of way network and to have the public's opinion, the following was undertaken:

Public Consultation - the intention of the consultation was to gather the opinion of Gwynedd residents and others on access requirements. A digital survey was prepared, along with a paper version that was available at Siopau Gwynedd, libraries and leisure centres throughout the County. The questionnaire was promoted on the Council's website and through social media. The consultation was held between the 10th of July and the 1st of September 2017.

1,386 valid responses were received, with the vast majority (97.1%) being received online. A full report on the results of the consultation is included in Appendix 1.

Assessment of the network's current condition - the national guidelines do not set a necessity on Local Authorities to hold a detailed review of their network. Nevertheless, it is not believed reasonable to consider preparing a new ROWIP without undertaking an overview of the network's physical condition. Unlike when the original plan was being prepared, resources were not available this time to carry out a comprehensive assessment of the network. At that time, full-time officers were appointed and approximately 35% of the network was assessed. This time, data from three main sources was used, namely:

- Information gathered by the Council's Officers
- Information gathered by the National Park Officers
- Information gathered by members of the Ramblers Association as part of their national campaign *Pathwatch*.

The information relates to 998km of paths, or 26% of the Network.

Other consultations - in addition to the above, the opinion of the three Local Access Forums in the Gwynedd area was sought and Gwynedd community and town councils were consulted over the 2016/17 period.

3. PART 1: THE REVIEW

3.1 This part of the report contains an overview of the review's findings to the matters noted in The information is used as a foundation to prepare a draft Statement of Action which is included in part 4 of this report. There will be an opportunity to give more detailed consideration to the results in the draft ROWIP that will be prepared over the coming months.

3.2 **Evaluate to what extent the previous ROWIP was achieved:** Appendix 2a notes the action areas that were included in ROWIP 2007 with an explanation of whether they have been achieved or not.

Observations: It is reasonable to conclude that the majority of actions have been fully or partially achieved. However, in considering the steps that have not been fully or partially implemented, the following factors should be considered:

- There are several actions, for example proposals 1/3 and 4/4, that offer different options which are dependent on resources, funding or staff. Overall, the proposals that needed the most resources have not been achieved. It is estimated that implementing the ideal proposals in the previous ROWIP would need a minimum of £8 million additional funding.
- It could be argued that it is unreasonable to draw up such a comprehensive work programme over such a long period when influences cannot be anticipated, such as:
 - a change in the financial climate

- change in the priorities of key bodies, such as Welsh Government and Natural Resources Wales
- Not all actions are measurable.

It is important to draw attention to the successes over the past 10 years and some of these are included in Appendix 2a. The majority of the plans were financed through Welsh Government grants and European funds.

3.3 **Evaluation of the network's condition:** See Appendix 2b

Observations

- In response to question 3.10 (problems on rights of way), 61.2% of those who answered had come across a problem when using rights of way. Of the problems identified, the main problems were a lack of signage or misleading signage. This shortcoming is also emphasised in the condition survey
- Intentional obstructions were a serious or very serious problem in the opinion of 53.4% of those who answered the questionnaire.
- It can be seen in the response to question 25 (prioritisation of resources) that there is some dissatisfaction with the categorisation system and, indeed, a relatively low number were in support of keeping the current stance of prioritising categories 1 and 2 only. The categorisation system was a method of responding to the financial situation and was aimed at identifying the most popular routes that served communities or created convenient and attractive networks for local people and tourists. It must be acknowledged that the categorisation system needs to be assessed and updated to reflect the changes and developments such as the Coastal Path that has taken place over the past 10 years. However, it is difficult to think of another option for the prioritisation of resources that is practical and fair, and that could be adopted.

3.4 **The extent to which the local rights of way satisfy requirements now and in the future:** Reference is made to Appendix 1, Rights of Way Questionnaire Report.

Conclusions

- In response to question 3.16: "Do you believe that the existing rights of way network is suitable and meets the needs of most users?"
The response was 44% yes, 41% no and 15% did not respond.
This response seems to show that there is quite an equal division between satisfaction with the existing network and a wish to see change. Of those who were of the opinion that the network does not meet their needs, a high number believed that more multi-purpose routes are needed that would be suitable for horse riding and cycling.
- The desire for more multi-purpose routes is an aim that should be supported, but it must be acknowledged that the current legislation is often an obstacle to change the status of paths, for example, to change the status of a footpath to a bridleway that would also allow cycling.
Attention is drawn to Welsh Government's proposal in its consultation document, "Taking Forward Wales' Sustainable Management of Natural Resources Consultation", that the legislation should be changed to allow cycling and horse riding on every footpath. The Council's observation on the proposal was that it would be impractical to implement this and would likely cause disagreements between users and land managers.

- The demand for local circular routes is high amongst people that responded to question 3.12 in the questionnaire.

4. PART 2: STATEMENT OF ACTION

- 4.1 In the Statement of Action, there is a need to identify the main work themes and the actions and this will be the basis to prepare more detailed work programmes. Unlike the previous plan, most of the work programme will be drawn-up for a year or two rather than a period of 10 years. Operating in this way will lead to more realistic and achievable work programmes.
- 4.2 In preparing the Statement of Action, consideration is given to the observations in part 3 of this report.
- 4.3 It is inevitable that consideration must be given to the Statement of Action in the context of resources. The Committee's attention is drawn to the following:
- In 2007/08, the core budget for maintaining rights of way was £351,000. In 2017/18, it has reduced to £175,000 which includes support for the community councils. With the reduction in budgets, prioritisation was given to category 1 and 2 paths only. Unfortunately, it is inevitable that the financial situation will lead to a decline in the network's condition over the coming years. These figures do not include the National Park's expenditure on paths nor the grant received towards maintaining the Coast Path.
 - Until 2016/17, £70,000 per year was earmarked towards supporting maintenance work by community councils. In 2017/18, the contribution was reduced to £35,000.
 - In 2007/08, there were 16.5 full-time members of staff involved in the management, maintenance and development of rights of way and other access opportunities, e.g. Lonydd Glas. In 2017/18, the number of full-time staff has reduced to 8.5, with 2 members of staff on temporary contracts.

4.4 Draft Statement of Action.

<p>Main Theme 1. Maintain the existing network</p>
<p>Action 1.1 Prioritise resources to maintain paths within category 1 and 2. Paths that are promoted by the Council and SNPA fall into these categories, as well as other routes such as the Lonydd Glas network. There will be a need to re-visit this action following a review of the categorisation system.</p>
<p>Explanation Although there is some criticism of the categorisation system; in the short term, this is the most practical system that would enable the most popular routes to be in an acceptable condition. It must be acknowledged that a lack of maintenance on the rest of the network would lead to further deterioration in the condition of many paths as well as a backlog of work and costs if they are going to be restored to an acceptable standard.</p> <p>During the life of the ROWIP, this stance could be reviewed in response to any change in legislation or resource availability.</p>
<p>Action 1.2 Continue to work with community and town councils to support work of maintaining paths that are important locally.</p>
<p>Explanation An engagement exercise over winter 2016/17 showed that the vast majority of town and community councils were eager to see popular paths maintained. There was an understanding amongst many councils that access opportunities were important for the economy and for the well-being of local people. Having a collaboration agreement with the councils reduces the workload of the Council and the SNPA.</p>
<p>Action 1.3 Support work by volunteers and local organisations to support rights of way.</p>
<p>Explanation Gwynedd and Anglesey's Well-being assessment conveys the importance of the Natural Environment for the people of Gwynedd, and there is recognition that participating in practical work within their communities is beneficial to individuals' health and well-being.</p> <p>Individuals and organisations already contribute towards maintaining rights of way and observations were received in response to the questionnaire asking the Council to offer more volunteering opportunities.</p>

Theme 2: Managing the network

Action 2.1

Review and update the Public Rights of Way Policy document.

Explanation

The document should be updated in order to reflect the changes in resources and emphasis since 2007.

Action 2.2

Review and update the system of categorising rights of way.

Explanation

The categorisation system was established over 10 years ago with the input of Town and Community Councils. The purpose of categorisation was to prioritise the available maintenance resources. With a reduction of 50% in the budget since 2007/08, the need to prioritise is more important than ever. It is emphasised that the Council's statutory duty to maintain a right of way remains, regardless of the category of the path.

It is apparent by now that the existing categories, in many cases, do not reflect local use and priorities; especially when considering potential connections for Active Travel plans and local routes.

Action 2.3

Strengthen collaboration arrangements with Snowdonia National Park Authority.

Explanation

A lot is already being done jointly between Gwynedd Council and the National Park. It is sensible during a time when resources are scarce for practical steps to be taken to make the best use of staff skills and resources from both bodies to benefit Gwynedd's economy and communities.

Main Theme 3: Maintain and update the definitive map and statements

Action 3.1

Continue to maintain and update the official definitive map and statements

Explanation

The official definitive map and statements is a record of the existence and status of rights of way which has been prepared and adopted following a thorough and prolonged legal process. The definitive map and statement is the most important evidence by far if doubt is raised about the existence or status of rights of way.

Action 3.2

Support applications to amend the official map to create new rights of way or to confirm higher rights if the changes are of significant benefit to the highest number of users.

Explanation

The existing system of creating or changing rights of way status can be complicated and burdensome in terms of staff time and resources. The Council must give consideration to each application to amend the official map but applications that bring the greatest benefit to the largest number of users should be prioritised.

Main Theme 4: Upgrade and enhance the network

Action 4.1

Support the development of circular routes that serve local communities or connect popular destinations and attractions.

Explanation

The questionnaire shows that circular routes are important to many users as they are a convenient resource for leisure and keeping fit. It would be possible to include some routes within work programmes to develop Active Travel routes.

Action 4.2

Support more multi-purpose routes - walking, wheelchair, cycling and horse riding - if it can be shown that the routes benefit the largest possible number of users.

Explanation

The questionnaire shows a high demand for multi-purpose routes, but nevertheless, routes that will bring the greatest benefit to the largest number of users must be prioritised. It is likely that some routes could be developed within the Active Travel work programmes. Advantage should be taken of grant schemes where possible to implement large improvements and to collaborate with organisations that represent users.

Action 4.3

Continue to operate in accordance with the principle of the least restrictive option.

Explanation

Since 2007, action has been taken in accordance with the least restrictive principle (install gates instead of stiles or no furniture at all), access provisions that meets the needs of less able users should continue to be delivered.

Main Theme 5: Information and promotion

Action 5.1

Provide an on-line map which shows the rights of way network and access opportunities.

Explanation

By now, it is normal to turn to the web to obtain information. Currently, the Council does not provide comprehensive information for the people of Gwynedd on the Council's website regarding the access opportunities available for them. Information is available on the National Park's website, and the main routes promoted are on the Snowdonia Mountains and Coast website.

Action 5.2

Collaborate with other Departments within the Council and other agencies to promote and market Gwynedd's rights of way and natural assets.

Explanation

Tourism is a key part of Gwynedd's economy which supports over 15,000 jobs. 60% of tourists have noted that walking is the main reason they visit Gwynedd.

5. THE NEXT STEPS

5.1 Following receiving the Committee's observations on the Draft Statement of Action, these are the anticipated next steps:

- Give the National Park an opportunity to make observations on the draft Statement of Action,
- Consult with the Local Access Forums,
- Submit a complete draft version of the ROWIP to this Committee during spring 2018 and receive support to use it for a public consultation,
- A consultation period on the draft for a minimum of 12 weeks. The aim is to conduct the consultation during May, June and July 2018,
- September / October 2018 - return to the Committee with a final version of the ROWIP,
- Before the end of November 2018, receive approval from the Council and the National Park to adopt and publish the new Plan.

6. RECOMMENDATION

6.1 The Committee is asked for its opinion on the draft Statement of Action and to approve the next steps towards preparing the Rights of Way Improvement Plan.

6.2 Submit a progress report to the Scrutiny Committee in approximately six month's time.