

# Report of the Head of Planning and City Regeneration

## Planning Committee – 10 January 2017

### Guidance for Local Authorities on Public Rights of Way

To outline the Welsh Government's latest guidance on  
Public Rights of Way

#### For Information

#### 1.0 Introduction

- 1.1 The County's extensive Public Rights of Way (PRoW) network (over 400 miles) provides a major recreational resource and the opportunity for local people and many thousands of annual visitors to experience the immense variety of landscapes within the area. The Council's Countryside Access Team, who are responsible for looking after the PRoW network, work with landowners, path users and voluntary bodies to ensure that the PRoW are legally defined, properly maintained, signposted and kept open for public use.
- 1.2 The Welsh Government's policy on PRoW has been set out in the recently published 'Guidance for Local Authorities on Public Rights of Way' (Oct 2016) <http://gov.wales/topics/environmentcountryside/consmanagement/rights-of-way-and-wider-access/rights-of-way/?lang=en>

#### 2.0 Background

- 2.1 The document sets out advice to local authorities on the following aspects of PRoW which are currently being followed by the Countryside Access Team:

##### (i) Managing the Network

This involves a wide variety of tasks from programming improvements, maintaining records, providing information to the public and ensuring compliance with legal requirements. This includes producing a Rights of Way Improvement Plan (ROWIP) – the Council's adopted ROWIP is currently being reviewed; maintaining for public inspection the Definitive Map and Statement (legal record of PRoW) – these have recently been made available on line; developing promoted routes - 4 promoted walks on Gower were launched in 2016; publishing leaflets and use of mobile technology – numerous walking leaflets have been published and are downloadable as Apps from the Council's website; and running a Local Access Forum – this has already been long established by the Countryside Access Team.

##### (ii) Maintaining the Network

Most PRoW are maintainable at public expense and, where this is the case, local authorities have a duty to maintain them. Maintenance may include construction or reconstruction of bridges forming part of the PRoW, the erection of gates, stiles and other structures, maintaining and improving surfaces and signage.

### **(iii) Protecting the Network**

This involves exercise of enforcement powers to ensure the PRow network remains available for public use. It requires taking appropriate action where an offence is identified, ranging from a simple caution to service of notice, direct action and prosecution.

### **(iv) Recording the Network**

There are various means and processes through which the PRow network is legally recorded. The guidance sets out the detailed processes to be followed in relation to maintaining and modifying the Definitive Map and Statement, along with associated consultation procedures.

### **(v) Changing the Network**

The guidance sets out the detailed legal processes that must be followed when a PRow is to be closed, created or diverted.

### **(vi) Planning Consent and the Network**

A change to the Network will not be made simply because planning permission has been granted. Proposals for the development of land affecting PRow give rise to two matters of particular concern which need to be taken into consideration in decision making:

- (a) The need for adequate consideration of the potential consequences for any rights of way affected by a development proposal before the decision on a planning application is taken, and
- (b) The need, once planning permission has been granted, for the right of way to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed.

- 2.2 The Guidance advises Local Authorities to ensure that they allocate sufficient resources to discharge their statutory duties in relation to PRow, and Countryside Access staff are encouraged to continue to work closely with colleagues in other Services such as Tourism and Transportation to help maximise the benefits of the network for economic development and sustainable active travel.
- 2.3 The primary function of a right of way is to provide access for people within their local community. However the Guidance encourages Local Authorities to realise their full recreational potential by managing the PRow network as an integral part of the whole complex of recreational facilities within the locality and this will be pursued as part of the ongoing Commissioning Review of the Planning and City Regeneration Service.
- 2.4 In particular, PRow play an important role in achieving the aims of the Active Travel (Wales) Act 2013 to enable more people to walk, cycle, etc. Significant potential also exists for the Council to draw on and develop the PRow network in discharging its duty to continuously improve facilities and routes for pedestrians and cyclists. Additionally routes must be maintained and improved, where practicable, to ensure that obligations placed on the Council by the Equalities Act 2010 are met.

### **3.0 Financial Implications**

- 3.1 The Guidance does not place any extra obligation on the Council, therefore has no implications in terms of increased expenditure. However the guidance reminds the Council to ensure that sufficient resources are devoted to meeting their statutory duties with regard to protection and recording of PRow and ensuring that the PRow network is maintained in a fit condition for those who wish to use it.

### **For Information**

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Background Documents:

Guidance for Local Authorities on Public Rights of Way, Welsh Govt, Oct 2016