

## **Gweithgor Craffu - Hawliau Tramwy Cyhoeddus**

**Lleoliad:** Cyfarfod Aml-Leoliad - Ystafell Gloucester, Neuadd y Ddinas / MS Teams

**Dyddiad:** Dydd Mercher, 22 Tachwedd 2023

**Amser:** 2.00 pm

**Cynullydd:** Y Cynghorydd T M White

**Aelodaeth:**

Cynghorwyr: P M Black, C M J Evans, V A Holland, P R Hood-Williams, D H Jenkins, L R Jones, M W Locke, B J Rowlands a/ac W G Thomas

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### **Agenda**

**Rhif y Dudalen.**

**1 Ymddiheuriadau am absenoldeb**

**2 Datgeliadau o fuddiannau personol a rhagfarnol**  
[www.abertawe.gov.uk/DatgeliadauBuddiannau](http://www.abertawe.gov.uk/DatgeliadauBuddiannau)

**3 Gwahardd pleidleisiau Chwip a Datgan Chwipiau'r Pleidiau**

**4 Cwestiynau gan y Cyhoedd**

Gellir cyflwyno cwestiynau'n ysgrifenedig i'r adran Graffu [craffu@abertawe.gov.uk](mailto:craffu@abertawe.gov.uk) tan ganol dydd ar y diwrnod gwaith cyn y cyfarfod. Cwestiynau ysgrifenedig sy'n cael blaenoriaeth. Gall y cyhoedd ddod i'r cyfarfod a gofyn cwestiynau'n bersonol os oes digon o amser. Mae'n rhaid bod cwestiynau'n berthnasol i eitemau ar ran agored yr agenda a byddwn yn ymdrin â hwy o fewn cyfnod o 10 munud.

**5 Adroddiah Hawliau Tramwy Cyhoeddus**

**1 - 24**

Y Cyng. Andrew Stevens – Aelod y Cabinet Amgylchedd a Rheoli Isadeiledd

Paul Meller – Rheolwr Adran Amgylchedd Naturiol

Chris Dale – Arweinydd Tîm Mynediad i Gefn Gwlad

**6 Trafodaeth a Chasgliadau**

Gofynnwyd i Gynghorwyr drafod casgliadau sy'n codi o'r sesiwn hon i'w cynnwys yn llythyr y Cynullydd i Aelod y Cabinet neu, os yw'n

briodol, adroddiad i'r Cabinet:

Beth hoffech ei ddweud am y mater hwn wrth Aelod y Cabinet (beth yw'ch casgliadau sy'n codi o'r sesiwn hon?)

Oes gennych argymhellion i Aelod y Cabinet sy'n codi o'r sesiwn hon?

Oes unrhyw faterion pellach yr hoffech dynnu sylw Pwyllgor y Rhaglen Graffu atynt sy'n codi o'r sesiwn hon?

**Cyfarfod nesaf:** Date Not Specified am Time Not Specified



**Huw Evans**  
**Pennaeth y Gwasanaethau Democraidd**  
**Dydd Mercher, 22 Tachwedd 2023**  

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**Cyswllt: Swyddog Craffu - 01792 636292**

# Agenda Item 5

## Report of the Cabinet Member for Environment and Infrastructure

### Scrutiny Working Group – Public Rights of Way 22 November 2023

#### Public Rights of Way: Roles and Responsibilities

<b>Purpose</b>	To brief/update the Working Group on an overview of the Council's role and responsibilities relating to Public Rights of Way across the City and County of Swansea as performed by the Countryside Access Team.
<b>Content</b>	The report sets out the rights and responsibilities in respect of Public Rights of Way and defines the type and extent of routes. The Council's statutory duties in relation to managing, maintaining, protecting, and recording are detailed along with how changes to the path network may be made. Consideration is given to how Public Rights of Way are affected by development, including impact on surrounding communities, and what developers need to do if a Public Right of Way crosses a proposed development site. The role of the Swansea Local Access Forum is explained together with the extent of promoted routes, and how equality considerations are taken into account. Details of staff and budget resources are also set out.
<b>Councillors are being asked to</b>	Consider the information provided and give views
<b>Lead Councillor</b>	Councillor Andrew Stevens, Cabinet Member for Environment and Infrastructure
<b>Lead Officer Report Author</b>	Phil Holmes, Head of Planning and City Regeneration Paul Meller, Natural Environment Manager  E-mail: <a href="mailto:paul.meller@swansea.gov.uk">paul.meller@swansea.gov.uk</a>
<b>Legal Officer</b>	Jonathan Wills
<b>Finance Officer</b>	Peter Keys

#### 1.0 Background

- 1.1 The present registered Public Rights of Way (PROW) network within the City and County of Swansea (the County) is 406 miles (650km) long and is mostly comprised of footpaths (80%). There are also 80miles (128km) of bridleways and 1¼ miles (2km) of byways open to all traffic. In addition, there are 23 square miles (60km<sup>2</sup>) of open Access Land (16% of the total land area of the

County). Approximately two thirds of the County’s path network is within the Gower Area of Outstanding Natural Beauty (AONB).

## 2.0 Definitions

2.1 PROW are routes, usually across land which is privately owned, over which the public have the right to travel. There are 3 categories of PROW in the County:

Category	Legal Users	Length in County
Footpaths	Walkers	568km
Bridleways	Horse riders, cyclists, and walkers	80km
Byways open to all traffic	All forms of users, including horse-drawn carriages, motorcycles, and motor vehicles. There are three byways in the County	2km
Total		650km

2.2 It is common for people to confuse public footpaths with pavements. Pavements or footways beside public roads are looked after by the Council’s Highways Team.

2.3 There is a distinction between PROW and private rights of access. The Council do not hold records of private rights of access, way leaves (a right of way granted by a landowner), or easements. Different rules apply to private access and the Council is unable to provide legal advice on such matters.

2.4 Specific responsibilities of the Council, landowners, and path users in respect of the PROW network are set out in Appendix A.

## 3.0 Statutory Duties

3.1 The Council as local highway authority has a statutory responsibility for PROW within the County. Key duties for the path network include:

- a) Managing
- b) Maintaining
- c) Protecting
- d) Recording

These duties are explained in more detail below.

3.2 Welsh Government Guidance for Local Authorities on Public Rights of Way, 2016 [Guidance for Local Authorities on Public Rights of Way - October 2016 \(gov.wales\)](https://gov.wales/guidance-for-local-authorities-on-public-rights-of-way-october-2016) states that:

*“... Authorities should ensure that sufficient resources are devoted to meeting their statutory duties with regard to the protection and recording of*

*public rights of way, and that the rights of way network is in a fit condition for those who wish to use it...*

#### **a) Managing the network**

- 3.3 Under the provisions of the Countryside and Rights of Way (CROW) Act, 2000 The Council are responsible for producing a Countryside Access Plan (CAP), officially known as a Rights of Way Improvement Plan (ROWIP) every 10 years. This is the primary means by which Councils identify the changes to be made in respect of management and improvement to the local rights of way network to make better provision for users. A CAP for the period 2023-2033 has recently been drafted and will shortly be reported to Planning Committee – who have responsibility for approving PROW matters – for public consultation.
- 3.4 The CAP must consider walking, horseriding and cycling with an emphasis on recreational use of the path network and Access Land. Key objectives of the CAP include:
- Improving coastal access including the Wales Coast Path and the path network near the coast (about 30% of the total path network)
  - Increasing the connectivity of the path network by creating and diverting paths in areas where there is demand but few or no paths
  - Improving the network so that 75% of it is ‘easy to use’ – including all the bridleways.
- 3.5 The CAP describes how the Council seeks to make the most of the economic benefits of countryside access by improving the accessibility of the path network. Gower AONB attracts both domestic and international visitors year-round to enjoy the County’s natural landscape, helping to drive sustainable growth of the tourism economy. The extent of path network and Access Land are the main means by which visitors can enjoy this experience and walking is recognised as the most popular activity of visitors.
- 3.6 The path network also benefits both physical and mental wellbeing, and medical professionals are increasingly socially prescribing walking in green space to improve health. Walking is by far the most common form of exercise undertaken by people in Wales, with counters on various countryside footpaths around the County in 2016 recording around 650,000 people passing through every year. Numbers of users are estimated to have increased since the Covid pandemic.

#### **b) Maintaining the network**

- 3.7 The Countryside Access Team manage the County’s 405 mile/650 km network of paths with a net maintenance budget of £45,300 (2022/23). Maintenance, which involves routine work such as regular clearance of vegetation and repairs to infrastructure, is a statutory duty and therefore contributions from external sources, such as Natural Resources Wales, are not available. The Council must, therefore, provide a base of funding to

undertake statutory duties and to use as match funding for external sources of funds to enable improvements to be carried out.

- 3.8 Maintenance should be such that paths can support the use that is made of them by authorised users at all times of the year. Maintenance need not conform to a specific standard of construction or appearance but should instead harmonise with the general appearance and character of the surroundings.
- 3.9 Maintenance of the network is currently informally prioritised, but due to the reductions in the maintenance budget, and the potential for further reductions, a more formal system of prioritisation is identified in the CAP as follows:
- Where there is a danger to the public
  - Routes promoted by the Council
  - High level of use prioritised over low level of use, or potential high level of use prioritised over low level of use, especially where improvements will benefit those with limited mobility.
- 3.10 A 2019 survey of path users found 77% agreed the Council should prioritise the maintenance of busier paths over less well used paths. Realistically, the Council cannot stop maintaining the busiest paths, some used by tens of thousands of people per year, to maintain paths used by less than 100 people per year.
- 3.11 The aim is to improve 75% paths to at least the 'easy to use' standard by 2033, i.e., that they are all signposted and easy to find and follow. Within the Gower AONB and Coastal Access Zone, the target is to improve 95% of paths to this standard. Presently, around 60% of the network is considered 'easy to use'. In 2012, by comparison, 78% of the network was considered easy to use. The main reason for this decline has been diminishing resources - maintenance costs have increased at a greater rate than budgets, whilst staff numbers have decreased (section 10 below refers). Nevertheless, some areas, e.g., Mawr, have seen considerable improvement in standards, where initially only 15% of the network could be described as easy-to-use - this is now over 60%.
- 3.12 Each year a random sample of paths that make up 5%-10% of the network are chosen and surveyed to determine which paths are 'easy to use'. Since 2010, the number of 'alternative' routes for paths has also been recorded. Alternative routes are those being used by the public as informal diversions to the legal route due to some form of obstruction. When the alternative routes are taken into consideration, the survey results have been as high as 87% 'easy to use' (2012). Whilst it is unsatisfactory for the legally recorded route to be obstructed or unused, to the public using the path network it is of relatively little importance provided an adjacent route can be used as an alternative. A number of these situations have been resolved over the past decade either by diverting the legal route onto the alternative used route, or by clearing the legal route of obstructions.

3.13 Specific maintenance tasks undertaken by the Countryside Access Team include:

- Clearance of vegetation
- Surface improvements, including levelling and drainage
- Signposts and waymarking
- Construction and reconstruction of bridges
- Replacing stiles with gates
- Adding path limitations to prevent illegal access

**c) Protecting the network - preventing obstruction**

3.14 If a user finds a right of way blocked, they can bypass the obstruction by taking the shortest detour possible to get around it (alternative route). They may also remove enough of the obstruction to get by it. However, in either case they should be careful not to cause damage and consider not continuing along the path, as they might be held liable for any damage caused. The problem should be reported to the Countryside Access Team regardless of whether the obstruction is caused by vegetation or is man-made.

3.15 There is an online facility for reporting problems with any of the public footpaths or bridleways around Swansea or Gower to the Countryside Access Team [Report a problem with a public footpath or bridleway - Swansea](#) The Team do not however deal with private rights of way or issues with pavements by the roadside.

3.16 All stiles and gates must be safe to use and must not interfere unreasonably with the use of a PROW. Stiles that are broken or difficult to use, and any locked gates should be reported so that appropriate action can be taken. In addition, if new stiles or gates appear on public footpaths or bridleways, they may require consent and should also be reported.

3.17 Moveable electric fences play an important part in modern farming. Any electric fence crossing a PROW must be insulated so that there is no danger of a path user receiving a shock. Electric fences adjacent to PROW should be clearly labelled as such. It is an offence to place barbed wire across a PROW. Barbed wire adjacent to a path could be considered to be an offence if placed too close.

3.18 Landowners must ensure that they do not obstruct PROW that cross their land or cause a nuisance to anyone using them. Generally, landowners have the responsibility to maintain gates and stiles in a safe condition on PROW across their land. They are also responsible for cutting back overhanging vegetation and ensuring crops do not grow on or alongside the path so as not to obstruct it. They must also have regard for public safety and should not keep any animal considered to be dangerous in an enclosure through which a PROW passes.

3.19 Dogs can be taken on a PROW provided they are kept on a lead or under close control, especially on land with livestock. Landowners have the right to

shoot a dog that is worrying livestock. There is also a duty on dog walkers to pick up after their dog even in remote countryside.

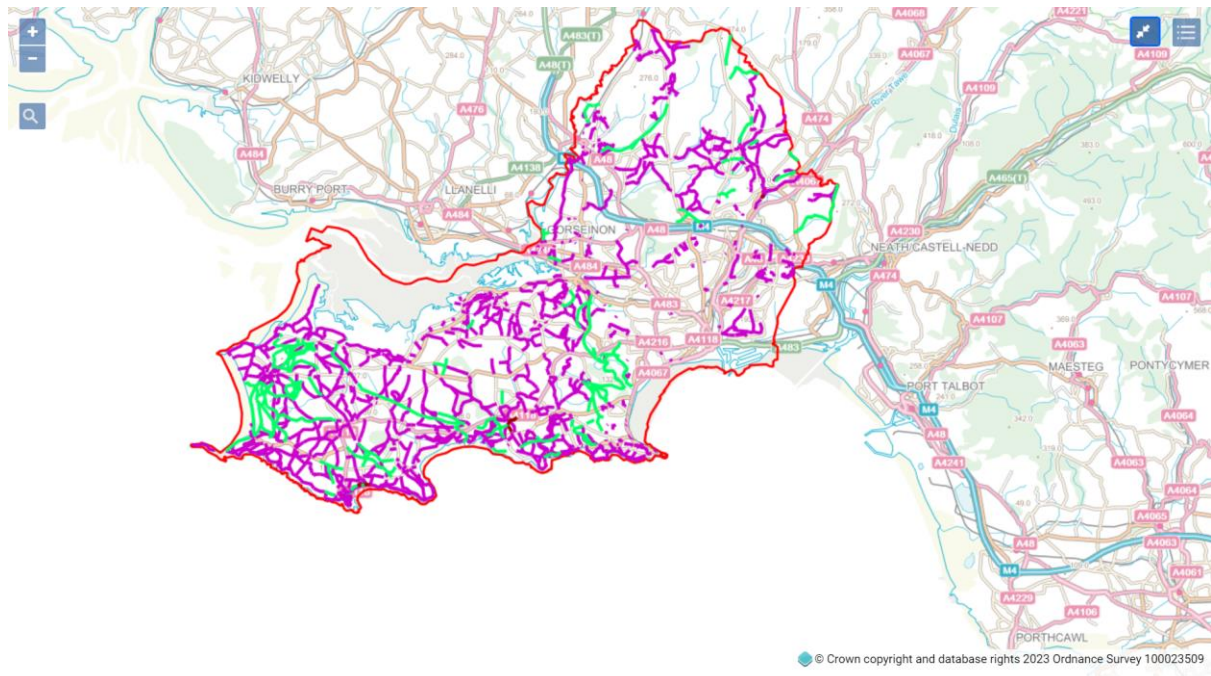
- 3.20 In most cases users must follow the routes of PROW, there is no general right of access to all land. However, areas of Access Land including some commons as shown on Ordnance Survey maps are available for walkers.
- 3.21 Members of the public are entitled to expect that all rights of way will be kept open and available for use. Where this is not the case, the Council has a range of duties and powers to ensure that any problems can be resolved.
- 3.22 The Council's procedures for taking enforcement action are set out in the CAP and relate to:
- Overgrowing trees and vegetation
  - Stiles and gates
  - Obstructions
  - Electric fences
  - Crops and ploughing
- 3.23 Where any obstruction is deliberate, and an offence has been committed, then enforcement action may be taken if the landowner/occupier fails to respond to goodwill and cooperation approaches. Enforcement could take the form of a caution, or direct action and recovery of costs, or potentially prosecution proceedings in serious cases.

#### **d) Recording the network**

- 3.24 The Definitive Map and Statement records all the registered public footpaths, bridleways, and byways in the County. The presence of a PROW on the Definitive Map is conclusive evidence of its existence and status at the relevant date of the Map (under the provisions of the Wildlife and Countryside Act, 1981). The extent of path length by community is included as Appendix B and shows changes over the period 2008-2023, which has seen a 45km increase in the PROW network within the County.
- 3.25 The Definitive Map and Statement are available for the public to inspect free of charge at Civic Centre reception during working hours. A digital copy is also available on the Council's website [Public rights of way map - Swansea](#) ( see Figure 1 below). The Council is under a duty to keep the Definitive Map and Statement under continuous review, and to make Modification Orders as necessary to keep the Map and Statement up to date as an accurate record of the public's rights.



Figure1: Digital version of Definitive Map



- 3.26 The showing of a route as a footpath on the Map does not prove that there are not, for example, additional unrecorded rights for horse-riders to use that route. Nor is the fact that a route is omitted from the Definitive Map proof that the public has no rights over it. The Definitive Map is therefore useful in providing evidence of the public's rights but may not tell the whole story. A check should always be made with the Countryside Access Team to see if it has reason to believe that there are additional rights, as yet unrecorded, over any particular area of land. This can be especially important if the land is for sale or is the subject of a planning application for development.
- 3.27 In June 2023, the Council's 2<sup>nd</sup> edition of the Definitive Map, with a relevant date of 1971, was replaced by the 3<sup>rd</sup> edition of the Definitive Map. This was based on the digitised map that had been checked and updated over a 23-year period. The Definitive Map is accompanied by a Statement which describes each right of way in greater or lesser detail. If the Statement defines the position or width of a right of way shown on the Map, then that information is conclusive evidence of the position or width of the public's right of way at the relevant date. Similarly, if the Statement contains a record of any limitation or condition attached to the public's rights, then that too is conclusive evidence of the existence of such a limitation or condition at the relevant date.

## 4.0 Changing the Path Network (Diversion, Creation and Extinguishment)

4.1 A PROW can only be created, diverted, or closed by a Public Path Order. The most commonly made types of Order include:

- **Diversions** - the permanent re-routing of a footpath or bridleway in the interests of the public, and landowners/occupiers.
- **Creation (Dedication)** - the addition of a new path to the network, usually with the agreement of the landowner.
- **Modification** - this usually involves the addition of routes to the network because a footpath or bridleway is not shown on the Definitive Map, but evidence suggests that it should be. However, Modifications can also be made to alter or delete footpaths or bridleways from the Definitive Map.
- **Extinguishment** - the permanent closing of a footpath or bridleway. This can be applied for by a landowner or initiated by the council. Extinguishments are extremely rare.

4.2 Most Diversion and Extinguishment orders follow the same basic procedure in the order set out below:

- Application
- Informal consultation
- If the order appears to be contentious or receives objections which are not withdrawn, then a report will go to Planning Committee
- If approved, formal consultation
- Order is made and advertised
- Objection period
- Unopposed orders confirmed and advertised
- Opposed orders sent to the Planning Inspectorate for determination

4.3 There are a number of steps to the process (some with set timescales) so it can take a long time to divert or extinguish a PROW. Also, there is no certainty that an application will succeed.

4.4 Landowners can apply to the Council for a diversion or extinguishment of a PROW crossing their land. There is an administration fee to cover the full costs of making the order and the applicant must also cover the advertising and legal costs for the order which can cost around £3500.

4.5 **Creation/Dedication agreements:** where the landowner wishes to dedicate a PROW, such proposals are undertaken by mutual consent and do not need to go through the same process as an Order.

4.6 **Temporary closures:** PROW can be temporarily closed to safeguard users when there are works being carried out in the vicinity of the path or following surface damage. These Orders can last for up to six months and may be extended further at the discretion of the Welsh Government. They need to be advertised twice, 1 week apart, and the fee is around £2250.

- 4.7 **Claimed rights of way:** Members of the public may apply to have a route added to the Definitive Map, this is called a 'claim'.
- 4.8 Once a claim is received the Council must determine the claim by assessing the evidence provided. The evidence provided by the claimants usually takes the form of statements completed by members of the public who claim to have used the route. Such user evidence must show that the route has been used continuously for at least 20 years by the public. The 20 year period is calculated by working backwards from the date the route is called into question by the landowner. For example, if a route is blocked in September 2023 the 20 year period will be from September 2003 to September 2023. It is not necessary to demonstrate that each claimant has used the route for 20 years, but that the general public have used the route.
- 4.9 If it is decided that there is sufficient evidence a Modification Order will be published to add the route to the Definitive Map. There is a six week period in which to object to a Modification Order. If there are no objections at the end of the six week period, the Order is confirmed, and the route added to the Definitive Map. However, it is common for an Order to receive objections and when this is the case the Order and objections must be submitted to the Planning and Environment Decisions Wales (the Planning Inspectorate) for consideration.

## 5.0 Public Rights of Way and Development

- 5.1 When considering development proposals affecting PROW, decision making must follow policy set out in the Swansea Local Development Plan (LDP). The LDP provides a comprehensive set of policies and objectives regarding non-motorised access through new developments notably to:
- Improve access to healthcare, lifelong learning, leisure, recreation, and other community facilities
  - Create environments that support and promote walking, cycling and public transport as integral elements of a sustainable transport system
  - Support the development of safe, accessible, and vibrant places and spaces
  - Create environments that encourage and support good health, well-being, and equality
- 5.2 LDP policy seeks to ensure, that when development affects existing public paths, public access through, to or around the site is improved. This is supported by draft CAP policies PN10-12. It is acknowledged that new large scale development can completely alter an existing landscape and the access needs of the public will change considerably. To reflect this change the existing public paths may require partial or complete alteration, but in doing so the overall public access/connectivity should be enhanced.

- 5.3 For new developments, where new public paths are required or where existing public paths are diverted, the principles for new paths must be used to ensure that the new access is adequate for the new circumstances, i.e.:
- Provide good visibility and be well lit.
  - Be part of a clear, connected network of streets
  - Provide direct routes with generous width (as appropriate to site context)
  - Avoid sharp changes in direction, hiding places or doglegs that may be perceived as threatening
  - Be avoided along the back of properties where surveillance is more limited, and boundaries may be more vulnerable
  - Provide bollards or gateway features at entrances that establish clear routes, prohibit unauthorised vehicles, and provide visual markers and a sense of identity
  - Provide routes in landscape strips to avoid nuisance to neighbouring properties
- 5.4 Section 106 planning obligations are sought where appropriate to improve access to or adjacent to new development. This includes the creation of new public paths to improve access.
- 5.5 A path through a development will continue to exist, even if the intention is to divert it once the development is complete. The granting of planning permission does not give a developer the right to obstruct, divert or extinguish a PROW. Therefore, if a development is due to cause a path to become obstructed the path must be temporarily stopped up or diverted under the Road Traffic Regulation Act in time for the development to start. If the path is obstructed and is not stopped up an offence under the Highways Act 1980 will occur, for which the offender can be prosecuted.
- 5.6 Ultimately any development should result in improvements to the PROW network within the vicinity of the site ranging from creation of improved linkages to the surrounding community, improved standards of design and surfacing, and meet the needs for those with mobility difficulties, the young and elderly.
- 5.6 The relevant LDP policy and amplification which seeks to ensure this is set out in Appendix C.
- 5.7 If the highway network within a development is not adopted following completion, then responsibility for its maintenance including any newly created or diverted PROW within it rests with the developer. If the network becomes adopted, then all the hard surfaced routes within it would be maintained by the Council's Highways Maintenance Service not the Countryside Access Team. There is however limited maintenance liability for hard surfaced PROW created within new development sites.

## 6.0 Swansea Local Access Forum

6.1 The work of the Countryside Access Team is overseen by the Swansea Local Access Forum (the LAF). The function of the LAF is to:-

*‘Provide advice to Swansea Council, Natural Resources Wales and others as appropriate as to the improvement of public access to land in the area for the purposes of open–air recreation and the enjoyment of the area in ways which take account of land management, social, economic, environmental and educational interests.’*

6.2 The LAF fulfils this role by advising on issues of particular local relevance, including:

- Access to open countryside (Access Land)
- The rights of way network, and
- Developing recreation and access strategies that cater for everyone

6.3 Examples of access topics that are considered by the LAF include:

- Recreational access of all types, including walking, horse-riding, cycling and off-road driving
- Review of recreation and access strategies, including access points, signs, and information points
- The monitoring of Countryside Access Plans
- Promoting Routes.

6.4 The Countryside and Rights of Way (CROW) Act, 2000 requires the Council to establish a LAF, and every three years there is a requirement to abolish the existing forum and set up a new one. The most recent LAF was elected in May 2023.

6.5 Members of the LAF are selected based on their ability, through knowledge and experience, to provide a balanced representation of the interests of recreational access users, land managers and owners, together with representation of other interests especially relevant to access in the areas such as conservation or tourism. Members sit as individuals, rather than as representatives of any specified organisation.

## 7.0 Promoted Routes

7.1 The Countryside Access Team has published several leaflets promoting specific walks to encourage people to explore these routes. All the promoted routes have been made accessible using grant aid funding.

7.2 The promoted routes are available as paper leaflets and downloadable from the Visit Swansea Bay website. The website also contains details of the ‘This Is Gower’ walking app, containing walks throughout the County, plus walks in Gower’s ancient woodlands, Llanrhidian Community, and coastal walks (See appendix D for further details).

7.3 The promoted routes are spread across the County with circular routes based on the Coast Path, short 'Walking by Bus' circular walks and various walks in Mawr. Opportunities for creating additional promoted routes continue to be pursued and, as for all routes, shall take account of the need to act sustainably, with access to the routes via public transport, on foot, horseback or by bicycle encouraged as appropriate.

7.4 Of concern in this regard is that several other unofficial routes are being actively promoted by external organisations and other Council services without consulting with the Countryside Access Team and this has led to complaints that these routes are not fully accessible. However, officially promoted routes must be given priority in terms of routine path clearance and maintenance. Other routes can only be dealt with when resources permit.

## **8.0 Equality Duty**

8.1 Section 69 of the CROW Act, 2000 amended s147 of the Highways Act, 1980, and requires the Council to have regard to the needs of people with mobility problems when authorising the erection of stiles, gates, or other furniture on appropriate PROW.

8.2 Both s147 and s147ZA of the Highway Act contain powers to impose conditions on the design and maintenance of structures on paths such as gates. The Council can use these powers to require, for example, that a structure complies with British Standards as a minimum.

8.3 Best practice guides together with the British Standard (BS 5709) for gaps, gates, and stiles, provides the Council with enough information on how to assess the needs of people with mobility problems and to determine which routes should have priority for improved access for such people. The Council applies 'Least Restrictive Access' considerations, seeking to minimise barriers when replacing and installing gates and stiles, in agreement with the landowner.

8.4 Tackling physical barriers on PROW is only one part of providing better access to the countryside for people with disabilities or mobility problems and consideration must also be given to publicity, parking, and other relevant facilities.

8.5 In preparing the CAP consideration has been given to how the PROW network meets the current and future needs of users, including blind people and people with mobility problems. There is also limited mobility user representation on the LAF.

8.6 Welsh language is given equal prominence with English. All promotional material is bilingual, using text of the same size and prominence for both languages and where appropriate, commonly used symbols is used on signage instead of language.

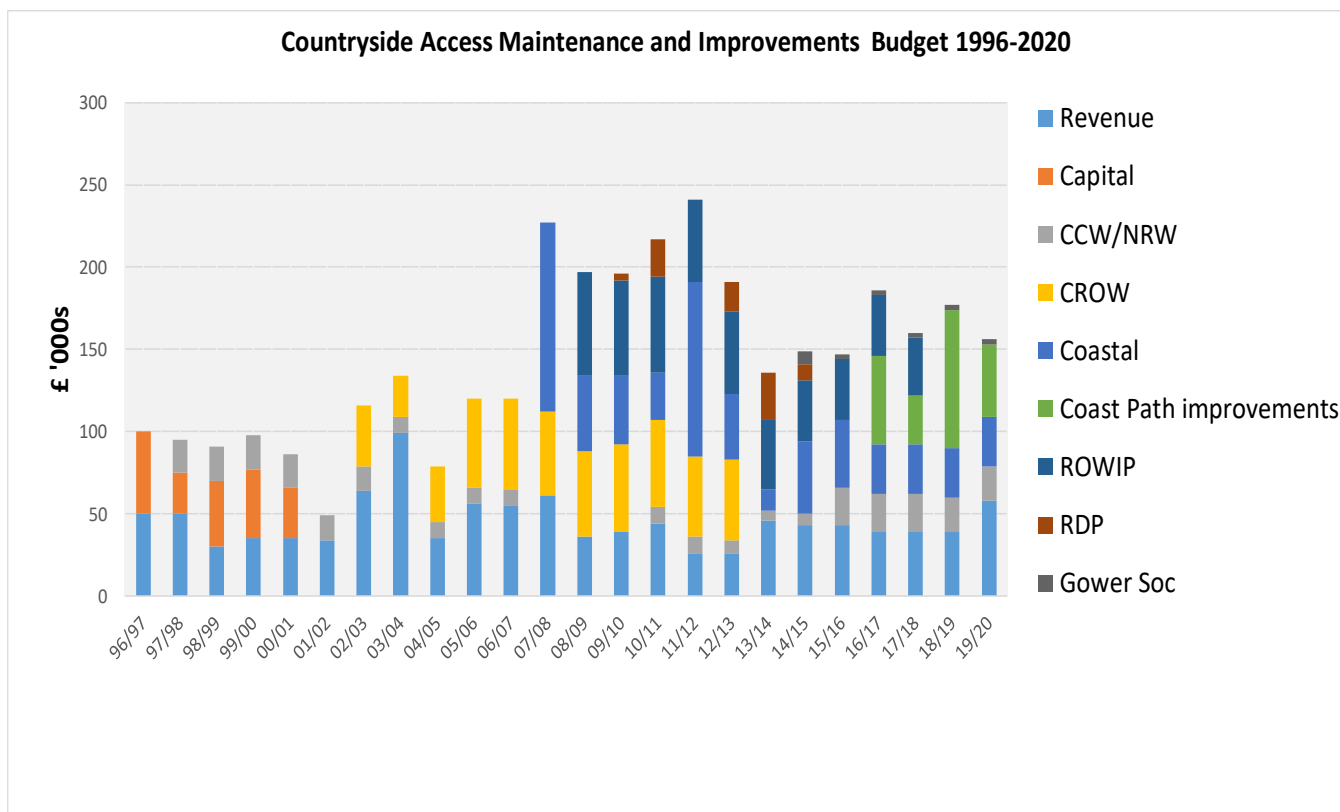
## **9.0 Staff Resources**

- 9.1 The Countryside Access Team forms part of the Natural Environment Section within the Planning and City Regeneration Service. The Section also includes the Nature Conservation, Gower AONB, Landscape and Commons Teams.
- 9.2 It currently comprises a Team Leader and three Countryside Access Officers each responsible for a different area of the County. There were previously nine officers supporting the PROW function, however over the past decade the support of two part time legal officers (jointly employed by Neath Port Talbot Borough Council) has been withdrawn, a Countryside Access Officer post has been deleted along with two Countryside Access Ranger posts (Appendix E shows the current structure).
- 9.3 The loss of the two Ranger posts has meant that in order to make the maintenance budget go further, the remaining professional staff are required to carry out operational tasks on site in addition to their professional duties.
- 9.4 Furthermore, the team now also carry out all the legal work previously undertaken by Legal Services, including enforcement action.
- 9.5 The situation has been compounded by the officer within the Countryside Access Team with significant legal experience being on long term sickness absence for significant periods over the past year. A long serving Countryside Access Officer has also recently retired, however after 3 month vacancy period a suitably experienced replacement has been appointed.

## **10.0 Budget**

- 10.1 Figure 2 below shows how Welsh Government and Natural Resources Wales grant schemes over the past twenty years have helped the Council make significant improvements to the path network - the coastpath around Limeslade- Caswell being a prime example. Considerable grant funding has also been provided by the Gower Society.
- 10.2 These funding streams are not guaranteed, they fluctuate annually and some are subject to conditions or funding contributions from the Council. For example, 50% the ROWIP funding for 23/24 was conditional upon the Swansea LAF being reformed and the CAP review being progressed. Grants from Natural Resources Wales typically require 25% contribution from the Council. This can be a monetary contribution, or sometimes officer or volunteer time.

Figure 2: Maintenance and Improvement Budgets 1996-2020



10.3 The historic budgets over the period since 2016 to date are set out in Appendix F. Grants have totaled around £100-£120,000 per year, and the annual maintenance budget has varied between £20-£45,000.

10.4 What must be appreciated is that the grant income may only be spent on improvements to the path network. Grant income may not be spent on standard maintenance such as path clearance – this is the statutory duty of the Council to fulfill. There are no external funding sources available for maintenance works. Some local councillors have provided contributions from their community budgets in the past and, whilst appreciated, such support is sporadic and typically directed at resolving a specific identified problem subject of complaint rather than any routine works.

10.5 While net maintenance funding appears to have increased in the last few years and currently stands at £45,300 per annum, this is partly due to the loss of the in-house Countryside Access Ranger service. Some of the salary savings from deleting these posts has gone towards maintenance and dealing with tasks that the Rangers were previously carrying out.

## 11. Conclusions/Key Points Summary

11.1 The PROW network within the County is extensive and continues to expand. It provides significant economic and wellbeing benefits for the local economy, residents, and visitors. The path network is the means of access to most beaches around Gower AONB which are the main tourist attraction to the



area. Unless the paths are suitably maintained there will be issues with accessing these areas.

- 11.2 There are significant statutory requirements associated with managing, maintaining, protecting, and recording the path network and effectively diminishing resources available to meet these requirements - both staff and financial.
- 11.3 The PROW service is totally dependent on grant funding to carry out improvements and whilst the amount of funding has remained steady in recent years, in part due to increased recreational access demands arising out of Covid Lockdown, this funding is not guaranteed in the longer term. Moreover, grant funding is not available for carrying out routine maintenance – which is the duty of the Council.
- 11.4 Expectations are increasing that more routes will become accessible, however the current percentage of easy to use paths (under 60%) is well below the current target of 75% ( increasing to 95% in Gower AONB and Coastal Access Zones). This, along with other actions for improving the path network will be monitored on an annual basis by the Swansea Local Access Forum upon adoption of the replacement Countryside Access Plan – anticipated early 2024.
- 11.5 Paths crossing development sites are more than adequately protected and improved for users with greater connectivity to surrounding countryside and communities being a requirement under Local Development Plan policy.
- 11.5 The responsibility for undertaking PROW legal work has passed to the Countryside Access Team – a significant additional burden in terms of dealing with the recording and protection of the network without the provision of any additional resource. This has given rise to dealing with increased complaints and the need to seek external legal advice to assist with instigating prosecution proceedings - a cost that is not budgeted for.
- 11.6 Numbers of staff dealing with PROW work has also significantly reduced over the past decade and has reached a critical level with all posts now identified as essential to be able to continue to maintain the service. Staff turnover and periods of absence over this past year have resulted in a further increase in the backlog of legal and on-site work. Discrepancies between English and Welsh legislation are also placing unnecessary burden on Welsh local authorities when recording the path network and further lobbying of the Welsh Government is needed in this regard.
- 11.7 This means that even priority paths such as promoted routes are not being maintained to the standard they should be. This situation is compounded by external organisations as well as other Council Services seeking to promote additional routes without consulting with the Countryside Access Team or consideration of the costs involved in maintaining additional promoted routes. Greater collaboration needs to be encouraged before any further promoted

routes can be supported along with identification of additional funding for the associated maintenance.

## **12 Legal implications**

- 12.1 There are no legal implications other than those detailed in the body of this report. Responsibility for legal duties associated with PROW was passed to the Countryside Access Team in 2022.

## **13 Finance Implications**

- 13.1 There are no financial implications associate with this report. The costs of fulfilling all statutory duties and preparation of the CAP must be met from within the team's budget.

### **Glossary of terms:**

AONB: Area of Outstanding Natural Beauty  
CAP: Countryside Access Plan  
CROW Act : Countryside and Rights of Way Act  
LAF: Local Access Forum  
LDP: Local Development Plan  
PROW: Public Rights of Way  
ROWIP: Rights of Way Improvement Plan

### **Background papers:**

Swansea Countryside Access Plan, 2007-2017  
Swansea Countryside Access Plan, 2023-2033 (Draft)  
Welsh Government Guidance for Local Authorities on Public Rights of Way, 2016  
Swansea Local Development Plan, 2019

### **Appendices:**

Appendix A: Rights and Responsibilities in relation to Public Rights of Way  
Appendix B: Length of Path Network by Community  
Appendix C: Swansea Local Development Plan Public Rights of Way Policy  
Appendix D: Promoted Routes within the County  
Appendix E: Countryside Access Team Structure  
Appendix F: Countryside Access Team Budget 2016-2024

## **Appendix A: Rights and Responsibilities**

Everyone has rights and responsibilities in relation to public rights of way (PROW), and for ensuring that the network is accessible and used with care. The general rights and responsibilities in relation to PROW are outlined below:

<b>Council Responsibilities</b>	
<ul style="list-style-type: none"> <li>• Ensure routes are not obstructed and can be used at all times</li> <li>• Maintain the surface in a fit condition for its intended use</li> <li>• Maintain bridges and install new ones</li> <li>• Signpost PROW where they leave a metalled road and provide additional signs and waymarks</li> <li>• Authorise gates and stiles where appropriate</li> <li>• Keep the Definitive Map and Statement up to date</li> <li>• Provide 25% funding to landowners for the repair or improvement of structures</li> <li>• Ensure that landowners/managers are fulfilling their responsibilities</li> <li>• Ensure farmers properly restore paths over cultivated land after disturbance</li> <li>• Exercise powers to make public path orders and agreements</li> </ul>	
<b>Landowner Responsibilities</b>	
<ul style="list-style-type: none"> <li>• Do not obstruct paths or deter public use of them</li> <li>• Do not deter public from using paths either verbally or by placing misleading signs</li> <li>• Maintain most stiles and gates in safe and easy to use condition</li> <li>• Remove unnecessary structures</li> <li>• Do not place barbed wire across paths and install on stock side of fences adjacent</li> <li>• Keep back side growth and overhanging vegetation</li> <li>• Ensure cross-field routes are kept apparent and free from obstruction unless disturbed for agriculture</li> <li>• Reinstate path across fields after ploughing or planting crops</li> <li>• Do not plough paths at field edges</li> <li>• Do not keep dangerous animals (including certain bulls) on fields crossed by paths</li> <li>• Avoid using firearms on or adjacent to paths</li> </ul>	
<b>Responsibilities of the Public</b>	
<ul style="list-style-type: none"> <li>• Use maps (paper or electronic) and follow waymark posts and signposts</li> <li>• Walk in single file across arable land and do not trespass on a wider area</li> <li>• Do not cycle on a footpath</li> <li>• Cyclists give way to horse riders and walkers on a bridleway</li> <li>• Avoid obstructing field gateways when parking</li> <li>• Keep dogs under close control, and always clear up after them</li> <li>• Do not allow your dog to worry livestock or run through crops</li> <li>• Follow the Countryside Code <a href="#">Natural Resources Wales / The Countryside Code: advice for countryside visitors</a></li> </ul>	

### **Appendix B: Length of Path Network by Community**

<b>Community</b>	<b>2008</b>		<b>2023</b>	
	<b>Network (kilometres)</b>	<b>Order</b>	<b>Network (kilometres)</b>	<b>Order</b>

Gorseinon	3.6	23	3.6	28
Gowerton	16.7	14	17.6	12
Grovesend	4.2	24	4.2	25
Llangyfelach	12.9	16	13.1	16
Llwchwr	8.5	20	10.9	18
Penllergaer	2.1	27	2.5	29
Pontardulais	13.2	15	13.2	15
Pontlliw	3.6	26	3.7	27
Mawr	70.7	2	74.0	2
Clydach	14.8	13	14.8	13
Bishopston	18.7	11	20.1	11
Ilston	41.1	5	43.5	=4
Llangennith, L & C	88.2	1	93.5	1
Llanrhidian Lower	29.4	9	29.6	9
Llanrhidian Higher	37.5	8	26.3	10
Penrice	39.7	6	44.5	3
Pennard	37.9	7	38.6	7
Port Eynon	42.7	3	42.7	6
Reynoldston	8.7	19	9.0	20
Rhossili	42.4	4	43.5	=4
Three Crosses	-	-	13.9	14
Upper Killay	10.3	18	10.6	19
Birchgrove	3.7	25	4.0	=26
Bonymaen	-	-	4.7	23
Cockett	1.4	28	2.2	30
Dunvant	5.8	21	6.7	22
Killay	5.1	22	6.9	21
Llansamlet	11.5	17	11.5	17
Mumbles	26.4	10	31.1	8
St Thomas	-	-	4.4	24
Sketty	-	-	4.0	=26
Rest of Swansea	3.8	-	1.1	31
Total	604.6		650	

## Appendix C: Swansea Local Development Plan Public Rights of Way Policy

**Policy T 7: Public Rights of Way and Recreational Routes** *Development that significantly adversely affects the character, safety, enjoyment, and convenient use of a PROW will only be permitted where an acceptable alternative route is identified and provided. Linkages, and where appropriate extensions, to the*

*existing PROW network will be expected from all new developments, which must have regard to the existing character of the PROW and the aspiration to provide access for all.*

*Amplification:*

*2.12.38 The Council is committed to its statutory duty to protect the County's PROW network for public access and recreational purposes. Furthermore, many PROWs are historic features in their own right and are part of the Green Infrastructure network supporting many ecosystem services. The grant of planning permission does not provide consent to alter a PROW. It must be diverted or stopped up by order and a separate application must be made to the Council for any alteration. A diversion order must be confirmed before the development takes place. Where necessary, planning conditions will be used to ensure that development does not commence before arrangements have been made to provide an adequate alternative route. If diversion of a PROW is necessary to allow development to take place, an alternative route must be identified and incorporated into the planning application*

*2.12.39 In addition to statutory responsibilities for the PROW network, the policy seeks to facilitate new or improved off road public access routes. Any development that would unacceptably obstruct and/or adversely affect the enjoyment of an existing or proposed new route will be resisted, unless an acceptable alternative route is confirmed in advance of development taking place. This is in accordance with the Council's Countryside Access Plan. It also supports aims to promote recreational access to urban greenspace and the countryside*

*2.12.40 The stopping up of a PROW will only be considered in exceptional circumstances. Such circumstances will only apply to developments that bring substantial economic or social benefits to the community and where it can be demonstrated that those benefits outweigh the loss of the PROW. In such circumstances also, developers will be expected to demonstrate that no alternative route can be developed. PROW's can only be stopped-up by a legal order, meeting the legal test that they are no longer needed for public access.*

*2.12.41 In-line with the Countryside Access Plan, possibilities for the improvement or extension of public access opportunities will be examined when considering all development proposals. Developers will be encouraged to provide links to any adjoining PROW network from new developments. New developments must become more accessible and encourage travel by means other than the private car. It is important to ensure that all new or improved routes do not damage the local landscape or environment, nor local resident and visitor amenity. When considering development proposals there will be a concentrated and balanced assessment of local character and accessibility. Careful consideration will also be given to signage, surfacing and engineering work. In addition, standards of design on the PROW network must take into account people with mobility difficulties, the young and the elderly.*

*2.12.42 Requirements in relation to the Countryside and Rights of Way Act extend the public's right of access to the countryside. In considering proposals for new*

*access rights, consideration will be given to guidance from the Local Access Forum and the Countryside Access Plan.*

## Appendix D: Promoted Routes within the County

### Coastal Walks

#### [Wales Coast Path - Swansea Bay and Gower section](#)

Distance 38 miles / 61km.

#### [Bishopston Valley and Pwll Du Bay \(Gower coast walks\)](#)

Distance variety.

#### [Gowerton, Three Crosses and Dunvant \(Gower coast walks\)](#)

Distance 6 miles / 10km.

#### [Llanmadoc Circular \(Gower coast walks\)](#)

Distance 5.5 miles / 8.9km.

#### [Llanmorlais Circular \(Gower coast walks\)](#)

Distance 3.7 miles / 6km.

#### [Llanrhidian to Cheriton \(Gower coast walks\)](#)

Distance 8 miles / 12.9km.

#### [Oxwich Point \(Gower coast walks\)](#)

Distance 4.3 miles / 7km.

### Walking by Bus

#### [Langland and Caswell \(Walking by bus\)](#)

Distance 2.3 miles / 3.6km.

#### [Llanmadoc \(Walking by bus\)](#)

Distance 2.3 miles / 3.6km.

#### [Penmaen \(Walking by bus\)](#)

Distance 1.3 miles 2km.

#### [Rhossili \(Walking by bus\)](#)

Distance 2 miles / 3.2km.

### Rural Circular Walks

#### [Cwm Clydach walk](#)

Distance 9 miles / 14.5km.

#### [Cwm Ysgiach walk](#)

Distance 7 miles / 11.2km.

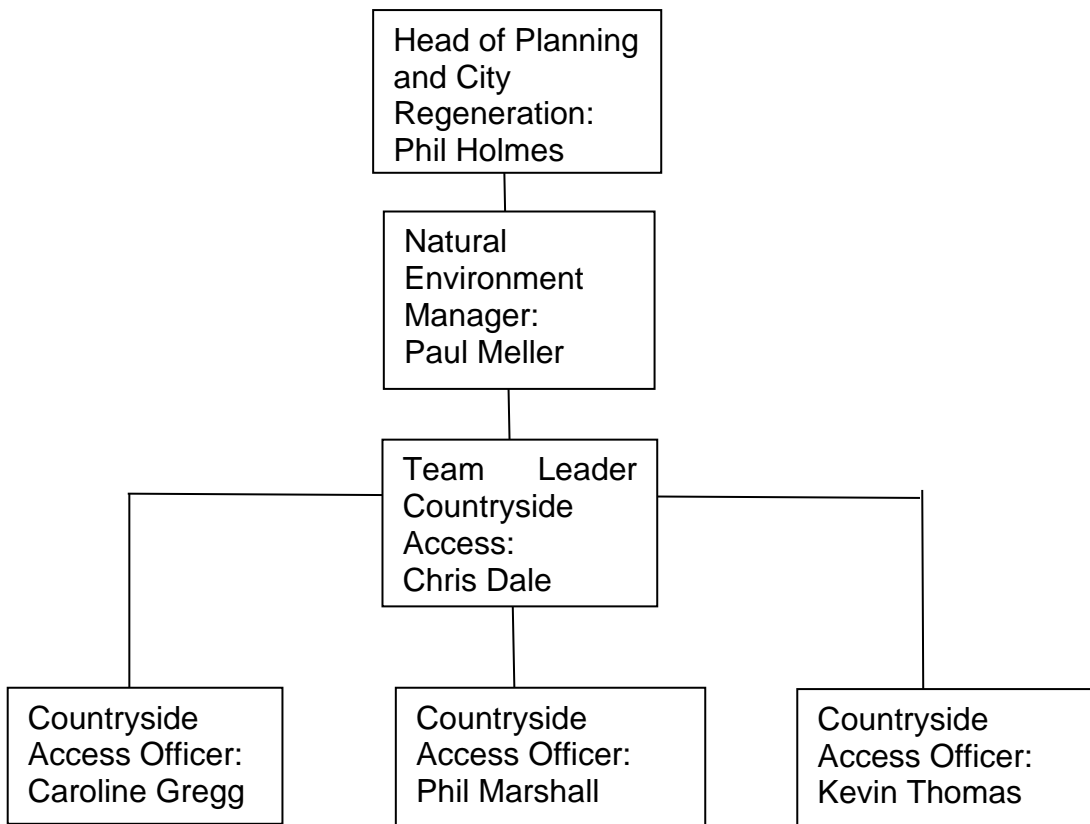
#### [Graig Fawr walk](#)

Distance 7.5 miles / 12.1km

#### [Llanrhidian Higher walk](#)

Distance 1.5 to 4.6 miles / 2.5 to 7.5km.

## Appendix E: Countryside Access Team





## Appendix F: Countryside Access Team Budget 2016 – 2024

### 2016-17

Item	Amount £
Gross budget	381,866
Less grants	-102,966
Net budget	279,200
Less fixed salaries, material, plant, etc	-238,500
Available maintenance	<b>40,700</b>

### 2017-18

Item	Amount £
Gross budget	386,366
Less grants	-112,666
Net budget	273,700
Less fixed salaries, material, plant, etc	-243,000
Available maintenance	<b>30,700</b>

### 2018-19

Item	Amount £
Gross budget	394,366
Less grants	-122,666
Net budget	271,700
Less fixed salaries, material, plant, etc	-251,000
Available maintenance	<b>20,700</b>

### 2019-20

Item	Amount £
Gross budget	384,696
Less grants	-122,396
Net budget	262,300
Less fixed salaries, material, plant, etc	-240,800
Available maintenance	<b>21,500</b>

### 2020-21

Item	Amount £
Gross budget	382,146
Less grants	-122,496
Net budget	259,650
Less fixed salaries, material, plant, etc	-237,500
Available maintenance	<b>22,150</b>

**2021-22**

Item	Amount £
Gross budget	383,996
Less grants	-122,496
Net budget	261,500
Less fixed salaries, material, plant, etc	-240,100
Available maintenance	<b>21,400</b>

**2022-23**

Item	Amount £
Gross budget	394,696
Less grants	-98,596
Net budget	296,100
Less fixed salaries, material, plant, etc	-250,800
Available maintenance	<b>45,300</b>

**2023-24**

Item	Amount £
Gross budget	407,996
Less grants	-98,596
Net budget	309,400
Less fixed salaries, material, plant, etc	-264,100
Available maintenance	<b>45,300</b>