



Report of the Cabinet Member for Environment and Infrastructure

Scrutiny Programme Committee – 15th October 2024

Public Rights of Way Follow Up

Purpose	To update the Scrutiny Committee on issues around Public Rights of Way which were raised by the Scrutiny Working Group on 22 nd November 2023.
Content	The report sets out how matters have progressed in terms of performance/ achievements in response to specific suggestions / recommendations / actions arising out of the last Scrutiny session.
Councillors are being asked to	Consider the information provided and provide views.
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1. Background

- 1.1 On the 22 November, a Scrutiny Working Group was held for an overview of Public Rights of Way (PRoW) across Swansea. The group discussed a range of issues, including impacts on PROW from developments and the effect on communities. Overall, Scrutiny Councillors praised the work of the Countryside Access Team and considered that the PROW in Swansea were an asset with huge value for money, however resources were a concern.

- 1.2 The Scrutiny Programme Committee has scheduled a 'follow up' to look at the topic of Public Rights of Way on 15th October 2024. Further updates are provided in this report on a number of issues discussed at the earlier meeting.

2. Monitoring Footfall on Public Rights of Way

- 2.1 Monitoring footfall on the PRow network is problematic, and although automated counter systems do exist, they are prone to errors, breakdowns and damage. A number of automated counters were tried by the Countryside Access Team some years ago, but they did not produce reliable data, and their use was discontinued.
- 2.2 Currently, the Countryside Team rely upon information from the visitor survey carried out for the Tourism Section, which includes figures for reasons why people chose to come to Gower. It is clear from these figures that many people visit Gower because of the opportunities for countryside access – but the survey specifically excludes residents, and therefore very significantly underestimates the number of people using the path network.

3. Countryside Action Plan

- 3.1 A draft version of the Countryside Access Plan (CAP) was published in December 2023 and public consultation ran until April 2024. [New plan to help improve access to Swansea's countryside - Swansea](#) Responses were received from all key stakeholders, including the Local Access Forum, as well as several members of the public concerned about the potential impact of the proposed Skyline application, and seeking to effectively duplicate in the CAP many of the provisions of the Local Development Plan (LDP). The CAP is not however a land use policy document, and if the Skyline scheme does proceed it would improve existing routes and potentially provide funding for expansion of the network across Kilvey Hill.
- 3.2 Following the consultation exercise, Natural Resources Wales (NRW), who have a guiding role in the preparation of the plan, were consulted on a Strategic Environment Assessment (SEA) Screening of the plan. They confirmed mid Aug 2024 that the plan would not be likely to have significant environmental effects as defined under the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 (as amended). The next version of the plan is currently being prepared taking into account the responses received.

4. Resourcing and Team Restructure

- 4.1 At the November meeting, the Working Group was told that a team restructure was to take place - this formally took place on 1st August 2024, with the creation of the Countryside Team, merging the previous Countryside Access Team and the Gower National Landscape Team. The team also now includes the Council's Commons Registration Officer. This was part of a wider restructure of the Natural Environment Section, will increase mutual support within (and between) the teams, and ensure better line management arrangements

- 4.2 There has been no reduction in staff resources and whilst it is too early to provide many examples of more efficient ways of working, that is the anticipated outcome. Officers are already better aware of project work and have identified opportunities for collaborative working to achieve financial and efficiency savings, such as using the same contractor to assist on projects in the same area. Another example is more effective permissive path maintenance and installation of bridges and improved signage within Clyne Valley Country Park.
- 4.3 The Council budgets for PROW work remains at the same level as for 2023/24, which is in effect a net reduction due to increased costs of materials, contractors, etc. For example, a couple of years ago an average installation cost of a kissing gate was £200, however this is now £350 or more. The cost of materials has also risen significantly. The external grants regularly provided at the start of each financial year have been maintained at the same level, but with some specific additional funding as outlined below. The availability and level of grants for 2025/26 has not yet been confirmed, however the Council's budget for next year will assume the same level of grant income.
- 4.4 There is sometimes the possibility of ad hoc grant funding for specific works being made available during the course of the year. In response to the potential collapse of the coastal path between Rotherslade and Limeslade, the Countryside Access Team successfully bid for £70,000 (88%) of NRW funding to move the path inland through the creation of a new 450m section of path.
[New section of Gower coast path planned following coastal erosion - Swansea](#)
- 4.5 Ad hoc sources of funding for path improvements can arise on the back of new residential developments, recognising LDP policy which seeks improved connections to the surrounding rights of way network. This may be through a condition attached to the permission, or through an associated legal agreement, and may be delivered either by the developer, through a financial contribution, or a combination of both. The recent Meadows development at Higher Lane, Langland is an example of this where the footpath previously crossing the site now forms part of the development (reducing the maintenance liability of the Countryside Team), plus the associated financial contribution has been put towards making up the balance of the cost of the coastal path improvement highlighted above.
- 4.6 To seek to make the same level of path maintenance budget for 2024/25 as the past six years (£45,300) go further, and to avoid the regular complaints of path clearance during 'No Mow May', the clearance contract (2 cuts of the historically most used paths) was not scheduled until June this year. However, due to issues with the procurement of suitable contractors, clearance did not start until July, and led to numerous complaints about overgrown paths. This feedback did however provide valuable information on paths that were being used more, and, as a consequence, adjustments have been made to those paths included on the clearance contract. The second round of path clearance commenced in September and will take around a month to complete.
- 4.7 There remains insufficient budget to clear all paths annually. Around £17,000 - £20,000 of the total annual path maintenance budget is spent on the clearance

contract. Those paths not included as part of the clearance contract are maintained out of the remainder of the budget (about £23,000-£26,000), wherever possible keeping costs to a minimum through, for example, working with the Ramblers and landowners, to ensure there is sufficient funding to deal with unexpected issues such as trees across paths and other obstructions, as well as being able to respond to complaints received. In addition, the team are encouraging the Ramblers to 'adopt' certain paths that they then take responsibility for regular clearance.

- 4.8 Some works originally planned for later in 2024/25 are now likely to be postponed as a consequence of the urgent repair works arising out of the storm damage in early September 2024, when whole sections of paths were washed out and bridges damaged/swept away in floods. Cllr Will Thomas has kindly offered to assist with the cost resurfacing of a footpath that has been washed out in his ward.
- 4.9 Historically, additional contributions for specific path improvements have been received from local ward councillors, and this year Cllr Williams (Penclawdd) has covered the cost of some works to a footpath in Crofty. At the last meeting it was noted that Scrutiny Working Group wished to encourage Councillors with routes in their ward to promote those locally through Community social media, local groups, and publications. The Team have not been copied in/made aware of any examples of this happening.

5. Promotion of Public Rights of Way Network

- 5.1 The team already works closely with the Tourism Section to ensure that countryside access opportunities are raised through promotional campaigns, and through social media. Whilst raising awareness and improving accessibility of routes is the Countryside Team's responsibility, marketing of the routes would be duplication of the work of the Tourism Section.
- 5.3 The Countryside Team have recently assisted the Tourism Section with details of five Gower walks which are to be included in a forthcoming Coast Magazine feature for their Winter edition. It will go live online in Autumn and into print for their Winter edition.
- 5.2 The Countryside Team are also building wider links, for example with the Gower Walking Festival and the Gower Show, to promote countryside access. A number of projects, funded by the Countryside Team and delivered by other Council teams, are also engaging underrepresented communities to empower them to take advantage of countryside access opportunities. The team has also been working with powered wheelchair users to improve access.
- 5.3 The team are currently updating their range of walking leaflets, to ensure that information is accurate, shares a common visual brand, as well as identifying whether there are information gaps to make it easier for visitors and residents to find promoted walks.
- 5.4 Future changes to office locations will impact upon the team's ability to produce, store and distribute leaflets. As a consequence there will be a

reduction in hard copy leaflets in the future to support the Tourism Section, with smaller annual print runs to reduce the need for storage space and greater encouragement of use of on line resources.

- 5.5 While we believe that producing paper leaflets ensures that information is widely accessible, we also provide countryside access information digitally. Currently, the leaflets can be downloaded as PDFs from the Council website, and Visit Swansea Bay. The “This Is Gower” walking app also includes several walking routes.
- 5.6 We are also considering the use of web-based apps such as “Outdoor Active”, which can provide a GPS linked map (and interpretation) of the routes. This approach is used successfully by several other National Landscapes to promote countryside access within their landscapes.

6. Welsh Public Rights of Way Legislation

- 6.1 In February 2024 officers from the Council’s Countryside Team and from all local authority PROW teams across Wales met with Welsh Government officials to discuss proposed legislative amendments to the various Acts dating back to 1949 relating to access and outdoor recreation including Highways and Planning Acts. This pre-empted the stated intention following the last Scrutiny to write to Welsh Government lobbying them to consider amending the legislation.
- 6.2 Welsh Government tabled a proposal ‘*To amend technical provisions relating to procedures for creating, diverting and extinguishing public rights of way; and the recording of amendments to the definitive map and statement*’. The objective of this as stated is to *Reduce the costly and complex procedural burdens associated with public rights of way and access land*.
- 6.3 Welsh Government fully recognised that the current legislative framework is very restrictive and complicates efforts for Wales to go digital-first in delivery of government services, e.g. Definitive Map Modification Order applications cannot be submitted electronically, Orders must be advertised in newspapers, etc. The changes proposed and endorsed by officers now need to follow the legislative consent process through the Senedd, a timescale for which has not yet been laid out.

7. Collaborative Working Between Public Rights of Way and Active Travel

- 7.1 Each year the Countryside Access Team are consulted by the Active Travel Team on all the Active Travel schemes that could potentially be carried out in year through that financial year’s capital funding. The purpose is to identify any issues, opportunities for joined up working on projects, appropriate apparatus to be installed, as well as any ecological constraints. A previous consultation with the Active Travel Team led to several practical changes to plans, so that, for example, equestrian users would be catered for, with better links between the Active Travel route and the PROW network. Detailed feedback on the latest Active Travel proposals was provided by the Countryside Team in July, with the support of the Nature Recovery Team on ecological matters.

7.2 The Countryside Team have also discussed with the Active Travel Team the future potential for routes in “less urban environments”, although there may be issues with “urban-style” specifications.

8. Partnership Working

8.1 The vast majority of PROW are across privately owned land which requires the establishment of good working relationships with the landowners many of whom are farmers.

8.2 The Countryside Team has extensive links with many individuals, groups and organisations, and uses those to maintain, facilitate and promote countryside access. Building on existing contacts with The Ramblers, the team is developing a scheme for local walkers to adopt a path, reporting issues to the Countryside Team, and potentially carrying out simple maintenance tasks to keep routes open. The team has also been discussing how volunteers could be used to contribute to a full network baseline survey, which could then inform future workplans.

8.3 The team also work closely with volunteers (Swansea Ramblers), who meet once a month to undertake network improvement and maintenance work under the supervision of the Countryside Access Officers. This ranges from path clearance to installation of gates and bridges.

8.4 A long standing partnership with Gower Society helps to maintain the Gower Way (a promoted long distance walking route from Rhossili to Mynydd y Betws), as well as contributing grant funding for the maintenance of the wider path network.

8.5 The Countryside Team has good links with many Community Councils and Councillors, and works closely with them to maintain and improve the path network. This ensures that maintenance and other issues can be dealt with as quickly as possible, using the team’s extensive knowledge of landowners, contractors and the network itself.

8.6 The Gower Coast Path (part of the Wales Coast Path) is an important part of the path network, and the Countryside Team work in partnership with Natural Resources Wales and Welsh Government to maintain, improve and promote the path. The coast path is a major contributor to tourism and is used by many tens of thousands of users every year. Several major path improvement projects have been carried out in recent years to make the route more accessible, and to mitigate coastal erosion.

8.7 The key forum for partnership working is through the Swansea Local Access Forum (LAF). Details of the LAF were set out in the previous report. The LAF has met three times since last year to consider path network matters, and membership of the LAF includes representatives from the following groups which helps to foster effective working relationships on PROW related matters across the County:

- Ramblers
- Cyclists
- Walkers/Disabled people
- Horse riders
- Farmers
- Landowners
- Commoners
- Gower Society
- Tourism Swansea Bay
- Local Community Councils
- National Trust
- Voluntary Groups e.g. Clyne Valley Community Project
- Natural Resources Wales

9. Conclusions/Key Points Summary

- 9.1 The recent restructure of the Countryside Team within the Natural Environment Section has provided greater resilience within the section, with built in succession planning. The legal duties, which were transferred to the team two years ago and dealt with on an ad hoc basis, are now the specific responsibility of the Principal Officer.
- 9.2 The budget for path maintenance is very constrained, however that is accepted in the context of the current financial constraints of the Council. New ways of working in association with the numerous partnerships in place e.g. Ramblers, Active Travel and Tourism Sections, landowners, commoners, etc, as well as identification of additional funding sources continue to be explored. This year an additional, £80,000 has been found in this manner, besides improvements to the highway network carried out or planned in association with related projects such as within Clyne Valley Country Park and as part of Active Travel schemes. This does mean that there is no funding available for 'nice to have' information such as path user surveys. However, the team will look to identify any opportunity to piggyback such work with other visitor surveys as and when they arise.
- 9.3 Welsh Government officers have been successfully lobbied for changes to the Highways and Planning Acts to simplify procedural process and the legislative consent process is awaited, although it could take a few years to enact.

10. Legal implications

- 10.1 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.

11. Finance Implications

- 11.1 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.

12. Integrated Assessment Implications

- 12.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015

and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage.
- Consider opportunities for people to use the Welsh language.
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

12.2 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

12.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

12.4 As this report is for information only, an IIA is not required.

Glossary of terms:

AONB: Area of Outstanding Natural Beauty (now referred to as National Landscape)

CAP: Countryside Access Plan

LAF: Local Access Forum

LDP: Local Development Plan

PROW: Public Rights of Way

SEA: Strategic Environmental Assessment

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: none