

# CITY AND COUNTY OF SWANSEA

## MINUTES OF THE RIGHTS OF WAY AND COMMONS SUB COMMITTEE

HELD AT COMMITTEE ROOM 2, CIVIC CENTRE, SWANSEA ON  
WEDNESDAY, 18 JUNE 2014 AT 2.00 PM

### PRESENT:

#### Councillor(s):

A M Cook  
J E C Harris  
Y V Jardine

#### Councillor(s):

K E Marsh  
J Newbury  
J A Raynor

#### Councillor(s):

R V Smith  
L J Tyler-Lloyd  
T M White

### Officers:

S Richards - Principal Lawyer  
C Dale - Countryside Access Team Leader (Rights of Way)  
B George - Transport Strategy Officer  
M Workman - Rights of Way Officer  
J Parkhouse - Democratic Services Officer

#### 1 ELECTION OF CHAIR FOR THE 2014/2015 MUNICIPAL YEAR.

**RESOLVED** that Councillor J A Raynor be elected Chair for the 2014/2015 Municipal Year.

**(Councillor J A Raynor, Chair presided)**

#### 2 ELECTION OF VICE-CHAIR FOR THE 2014/2015 MUNICIPAL YEAR.

**RESOLVED** that Councillor R V Smith be elected Vice-Chair for the 2014/2015 Municipal Year.

#### 3 TO RECEIVE ANY APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillors J A Hale, P M Meara and C Richards.

#### 4 TO RECEIVE DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS.

In accordance with the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

#### 5 MINUTES.

**RESOLVED** that the Minutes of the meeting of the Rights of Way and Commons Sub-Committee held on 23 April 2014 be agreed as a correct record.

6 **ACTIVE TRAVEL (WALES) ACT PROGRESS REPORT. (FOR INFORMATION)**

The Transport Strategy Officer provided a report which presented an update on the works associated with the Active Travel (Wales) Act 2013. It was outlined that the legislation contained three principle requirements to which local authorities must conform. Firstly, that a local authority will provide a map of currently available Active Travel Routes. The routes contained in the map must either conform to the active travel standard or where it provides a link to a key service such as schools, hospitals, places of employment and/or retail. The maps will cover all communities with a population of 2,000 or greater and the communities considered to conform to this threshold have been identified by the Welsh Government in a consultation document published in November 2013. Whilst the local authorities are now awaiting the outcome of this consultation and a formal list of communities, it is expected that largely the whole of the City and County of Swansea area will be included, with the possible exclusion of Gower.

Secondly, the legislation required that the Local Authority will prepare a second map which sets out all the programmes anticipated Active Travel Schemes which may be delivered over the next five years (2014-2018). These routes also need to be publicly accessible but does not need to be published in hard form and can therefore be presented electronically if appropriate.

Thirdly, the Act is to make good progress against realising the elements defined in the second map to ensure that the routes are continually improved and built upon. This does not therefore require simply that the new routes will be constructed each year but that the network will be improved in some way. It was added that whilst these are the principle requirements of the Act, there is also a further significant implication as the Act also interfaces directly with the Highways Act and principally with section 3, 4, 9 and 12. These sections deal with the "creation", "improvement", "maintenance" and "interference" of the highway and require that when any works are undertaken that consideration be given as to how measures which promote active travel could be incorporated.

It was explained that the Welsh Government is currently preparing a draft guidance document to advise on the Active Travel (Wales) Act standard infrastructure. The guidance will therefore describe best practice and the forms of route which are required in order to conform to the expectations of the Act. The draft guidance document was made available in May 2014 and will be subject to a 12 week public consultation prior to being revised and formally published in the Autumn of 2014.

The Committee asked a number of questions of the officer who responded accordingly.

**RESOLVED** that:

- (1) the contents of the report be noted;
- (2) a web link to the Welsh Government webpage be circulated to the Committee.

7 **APPLICATION TO REGISTER LAND KNOWN AS THE GREEN, ACCESSED OFF Y LLWYNI, LLANGYFELACH, SWANSEA AS A TOWN OR VILLAGE GREEN - APPLICATION NO. 2729(S).**

The Head of Legal, Democratic Services and Procurement presented a For Information Report informing the Committee of the proposal to hold a non statutory inquiry. It was outlined that the Council had received an application made by Mrs Margaret E. Boyter under Section 15(2) of the Commons Act 1996 in respect of land known locally as the Green, access off Y Llwyni, Llangyfelach, Swansea. The application sought to register the land as a town or village green and a plan of the land was provided at Appendix 1 of the report.

It was added that the land was predominantly owned by the Council and the Council had made an objection to the application. The Head of Legal, Democratic Services and Procurement had used his delegated authority granted by the Committee on 15 February 2012 to instruct Counsel to advise on the application and the appropriate procedure to adopt in determining the application. Counsel had advised that there were issues of fact and law in dispute and it would be appropriate to hold a non statutory inquiry. The holding of such an inquiry would ensure that evidence from both the applicant and the objectors can be heard and tested and the issues examined and argued over. Once the inquiry had taken place, Counsel will issue a report with recommendations for this Committee to consider and make a decision.

8 **ALLEGED PUBLIC FOOTPATH FROM PENTRECHWYTH ROAD TO BROKESBY ROAD AND FOOTPATH NO.451 - COMMUNITY OF BONYMAEN.**

The Head of Legal, Democratic Services and Procurement presented a report which sought to determine the application as required by the provisions of the Wildlife and Countryside Act 1981.

It was outlined that an application was submitted on 3 March 2013 to register a 50 m length of path which passes alongside the Canaan Congregational Chapel which closed in the same month. Plan number 1 of the report showed the length concerned between points A and B. The claim was initially supported by eight people, who apart from two, alleged use in excess of 20 years. On 7 November 2013 a further six users' evidence forms were submitted, each signatory having alleged a minimum of 20 years use. All the usual individuals and organisations had been consulted and one objection had been made by the person who converted the former New Inn public house into a residential property, which is situated immediately to the west and adjacent to the path. That development closed the path with two balls at

either end of the path, although the path is not shown in the Land Registry and to date no one has provided any proof of title.

The Committee were provided with the grounds for recognising the path as a public right of way, the evidence, the routes claimed, the evidence against the application and the distribution of claimants/specialist user groups.

In the absence of any counter evidence, it was clear that the path had been in use for the period of 1993-2013 and that the use is uninterrupted. Whilst the majority of those who made use of the path do live in the relatively confined area, there are a contingent who do not. Consequently, the test as to whether it is reasonable to allege a public path exists via the route A-B-C the public right of way can be satisfied.

**RESOLVED** that a Modification Order be made.

9 **ALLEGED PUBLIC FOOTPATH FROM LANDOR DRIVE TO THE CROFT - COMMUNITY OF LOUGHOR.**

The Head of Legal, Democratic Services and Procurement presented a report which sought to amend the previous report submitted to the Sub-Committee on 26 February 2014. It was explained that at the meeting on 26 February 2014 it was noted that some of the text in the report under the heading "the possible existence of a public path via G-F" did not correspond to the letters on plan number 3. It was therefore decided that an amended report should be submitted and include the required changes in full.

It was noted that the Ward Member had received the report and had made no further comment.

**RESOLVED** that the amendments to the report be noted and agreed.

10 **COUNTRYSIDE ACCESS BUDGET.**

The Head of Economic Development and Planning presented a For Information Report which informed the Committee about the sources of funding available for work on public rights of way and countryside access.

It was outlined that the report considered the resources available for works to improve and maintain the 400 miles of public rights of way and other public access in the City and County of Swansea. The funds available for the current financial year were outlined as follows:

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Cont'd

Authority	£43,000
Coast Path Grant (100%)	£44,000
ROWIP Grant (Countryside Access Plan) (100%)	£37,000
Natural Resources Wales (NRW) Grant (50%)	£6,750
Gower Society Grant (50%)	£8,000
RDP (100%)	£10,000
<b>TOTAL:</b>	<b>£148,750</b>

It was added that the Authority's funds were slightly less than the previous financial year. The Authority's £43,000 is used for maintenance, as funding from grants can only be used for improvements. The Coast Path Grant was offered this year for specific storm damage repairs. The ROWIP Grant and NRW Grant are fixed amounts offered each year, although both are gradually declining. Both grants are tied to actions in the Authority's Countryside Access Plan (ROWIP). The funding for both the Coast Path and ROWIP is from Welsh Government, but is administered and distributed by NRW. A Gower Society Grant of £3,000 will be available for the foreseeable future, subject to agreement with the Gower Society. Additional Gower Society funds are also available for larger individual projects. The RDP Grant ends this year with future funding uncertain at present. This round of RDP funding had only been available in Mawr and Pontarddulais, but if continued it may be available in all of the rural areas of the City and County of Swansea. In addition to the above funds, the Authority employed a two man Ranger Team to maintain the Public Rights of Way Network. The annual running costs of the Ranger Team is £58,000. The Rangers have worked exclusively for the Countryside Access Team since 2002.

Since 1996, the funds available for the Public Path Network had varied considerably and were dependent on what sources of funding were available as outlined in the chart contained in the Appendix of the report. In 2002, the UK Government provided extra funds to all authorities to carry out the additional duties under the Countryside and Rights of Way Act 2000. Some of this additional funding was added to the existing Authority Revenue Budget and some was kept separate as a "CROW" Budget although in practice both budgets were used to carry out improvements to and maintenance of public paths. Hence the last financial year the CROW Budget was added to the Revenue Budget.

The Committee asked a number of questions of the officer who responded accordingly. The Chair requested further information be provided with regards to the management of grants for the Authority.

**RESOLVED** that:

- (1) the contents of the report be noted;
- (2) details regarding the management of grants within the Authority be provided at the next meeting.

11 **DATE OF NEXT MEETING - 2 P.M. ON WEDNESDAY, 13 AUGUST 2014.**

**NOTED** that the next meeting is scheduled for 2.00 p.m. on Wednesday 13 August 2014.

The meeting ended at 2.56 p.m.

**CHAIR**