

Committee	Communities Scrutiny Committee
Date	22 September 2016
Title	Review of Rights of Way Improvement Plan
Cabinet Member	Councillor Dafydd Meurig
Purpose	Report on the proposal to review and update the Rights of Way Improvement Plan and receive the Committee's initial input to the process.

1.0 Background

- 1.1 The Countryside and Rights of Way Act 2000 (the Act) places a duty on highway authorities such as Gwynedd Council to prepare and publish a Rights of Way Improvement Plan (RoWIP).
- 1.2 The RoWIP is a strategic document to be used by Local Authorities in order to plan for the management, development and to promote their rights of way network. The RoWIP should set a framework to identify, prioritise and plan for improvements to the rights of way network and access to the countryside. In the case of Gwynedd, the current RoWIP was prepared between 2004 and 2007 and was adopted by the Council and published in October 2007. The following is a link to the Rights of Way Improvement Plan 2007.
- <https://www.gwynedd.llyw.cymru/cy/Cyngor/Dogfennau-Cyngor/Strategaethau-a-pholisiau/Cynllunio-ac-amgylchedd/Polisi-cynllunio/Newyddlenni/Newyddlen-Gorffennaf-2015.pdf>
- 1.3 The 2000 Act states that a highways authority should undertake a review of the RoWIP within 10 years of publication and this means that Gwynedd is required to undertake a review of the original Plan before November 2017. In July this year, the Welsh Government published guidance for Local Authorities on Rights of Way Improvement Plans which explains the procedure and steps to be taken to undertake the ten year review together with the preparation for a new plan. The guidance is attached - pdf document.
- 1.4 The Scrutiny Committee is invited firstly to consider how the Council can comply and respond to the requirements and the preparation process in the RoWIP Guidance 2016, the requirement (or not for a New Plan) as well as the resources to achieve this.

2.0 The process of preparing a New Rights of Way Improvement Plan

- 2.1 The Welsh Government guidance splits the process of preparing a RoWIP into two main stages -

Step 1: Undertake an Assessment - the following has to be undertaken before November 2017.

- Notify key bodies such as Community Councils, neighbouring Authorities, NRW, The Ramblers etc. that the Council proposes to undertake a review.
 - Conduct an overview of the achievements of the first Plan and what has changed.
 - Assessment of the evidence available associated with the public need now and the possible future need.
 - Assess to what extent rights of way and other access assets meet with the current needs of the public and their future needs.
 - Evaluation of the network's condition, how correct is the Definitive Map, how are applications to change rights of way managed and how is outdoor leisure promoted.
 - Overview of the common elements between the Improvement Plan and other plans.
- 2.2 Following the preparation of the assessment the Authority can determine to revise the RoWIP or otherwise. If it is determined not to revise the original Plan, this will have to be reported to the Welsh Government with an explanation and justification as to the decision. If it is determined to proceed and prepare a revised plan then Stage 2 will have to be implemented.

Step 2 - Prepare a new action statement and Delivery Plan - the following will have to be achieved prior to November 2018

- Preparation of a Delivery Plan that gives details on how the Authority manages rights of way, to include evaluation of the progress of the first Plan, review policies to manage rights of way, work plans to include measuring and monitoring, who will undertake the work and a timetable.
- Draft a plan and circulate for observations, at least 12 weeks should be allowed for comments and then the draft should be adapted as required.
- Publishing the final RoWIP.
- Publish the Delivery Plan, namely long and medium term work programmes that will be a separate document and will be continuously reviewed and updated.

Observations are welcomed from the Committee regarding the process of preparing a new Rights of Way Improvement Plan.

3.0 Why is there a need for a new Rights of Way Improvement Plan for Gwynedd?

- 3.1 Firstly, it should be noted that it is a requirement for every highways authority to publish a RoWIP in accordance with section 60 (1) of the 2000 Countryside and Access Act. However, consideration should also be given to the purpose and use of the Plan as a document that encompasses the Authority's duties and sets priorities in the field of rights of way and access by foot, bicycle and on horseback.
- 3.2 Since preparing and publishing the original plan there have been major changes that influence this field, namely:

- A change in the financial climate that has led to cuts in budgets for maintenance of the network of paths, for example a reduction in the maintenance budget from £351,390 in 2007 / 08 to £235,000 in 2016/17 with a proposed reduction to £150,000 in 2017/18. Over the same period there was a reduction in the number of officers in the rights of way team from 12.5 to 8 with one further post to be lost in 2017/18.
 - The coming of new legislation that influences and touches upon the access field especially the health and well-being agenda e.g. Active Travel Act 2014, Well-being of Future Generations Act 2015 and the Environment Act 2016.
 - General growth in the call for high standard paths and facilities and recognition of their importance to the tourism industry.
- 3.3 Attention should be drawn to the need to review and revise the Authority's policies concerning maintenance procedures and the legal processes that are linked to updating the definitive map. The current policies were adopted in 2011 and as stated already the reduction in resources means that it is not now realistic for the service to respond effectively to many of the procedures in the 2011 document. The following is a link to the Rights of Way Policies 2011
<https://www.gwynedd.llyw.cymru/cy/Trigolion/Dogfennau-trigolion/Parcio,-ffyrdd-a-theithio/Polisiau-Hawliau-Tramwy.pdf>
- 3.4 A revised plan would strengthen the Council's case for resources that may be available from the Welsh Government or to support grant applications. It is worthwhile noting that the Welsh Government has financed improvements to the network of paths via the RoWIP grant programme since 2008. Over the last few years Gwynedd has received approximately £75,000 a year, however, currently there is no assurance that this funding will continue.
- 3.5 Preparing a new Plan would be a means to work in collaboration with others especially Snowdonia National Park Authority.

Does the Committee agree that a New Plan is required for Gwynedd and that there is justification to prepare a New Plan?

4.0 Benefits to be considered

- 4.1 **Working with the National Park** - the first plan was prepared with only a little input from the National Park. The Act does not allow National Park Authorities to prepare their own plans and it is recommended in the guidance that the Parks work jointly with the relevant Highway Authorities. Initial steps have been taken to establish a closer system of collaboration with the Snowdonia National Park Authority (SNPA) that refers to the need to work jointly in order to prepare a RoWIP.
- 4.2 In addition, a RoWIP can be prepared jointly with neighbouring councils, maybe this should not be disregarded, however it makes more sense to work with the Park as we work over the same geographical area. It is proposed to continue to discuss collaboration with the Park and this would include the preparation of the RoWIP.
- 4.3 **Resources** - at the time of preparing the original plan between 2004 and 2007 the Welsh Government had provided funding to Local Authorities towards the work. The current stance of the Government is that no additional finance will be available for the review, although the majority of Local Authorities have emphasised the need for this

if they want them to provide a Plan to achieve the requirements of the Government's guidance

4.4 This is where we anticipate that the main demand will be for resources and additional capacity:

- **Assessment of network condition:** the 2002 guidance to prepare the first Plan required a comprehensive assessment of the condition of the rights of way network. At that time an officer was employed to undertake the task and 1,317km of the County's paths were inspected, approximately 35% of the whole network. The 2016 guidance also requires an assessment of the condition but without any additional staff resources we will have to limit our efforts to paths in categories 1 and 2 making use of information from the National Park and the Ramblers Association. Although useful there is a danger that there will be inconsistencies in the information that may mean additional work to analyse and present this information.
- **Assess the public need and note the opportunities:** the review emphasises the need to identify what are the public needs in terms of access and how access opportunities may be extended and to promote access opportunities to enable more people to use the network for the benefit of their health and well-being. In order to find out the views of a typical sample of Gwynedd residents an on-line questionnaire may be considered, drop-in sessions, direct contact with Community Councils, Access Forums and bodies such as the National Trust. Discussions will take place with the engagement team to identify the most effective ways of engaging with the public.
- **Access Forums:** the Council is responsible for administering the Arfon and Dwyfor Local Access Forum and the National Park administers the Forums in the North and South of the National Park. The review legislation and guidance emphasise the role of the Forums and they are expected to play a key role in the review including giving advice on priorities of actions and assist to resolve conflict between different views.

4.5 Therefore these are the options that may be considered in response to the requirement of additional resources:-

- Continue to press on the Welsh Government to give additional finance to Local Authorities for the RoWIP review.
- Earmark part of the RoWIP action grant, i.e. if it is available following 17 March.
- Establish a joint project team between Gwynedd and the National Park.

Observations are welcomed by the Committee regarding the process of preparing the plan and the resources required to achieve this.

5. Conclusion and next steps

- 5.1 There is no doubt that the task of reviewing and preparing the new RoWIP, in accordance with Welsh Government guidance, will be challenging for the Regulatory Department. However, I believe that the observations submitted in section 3 of the report make a strong case for undertaking Step 1 of the review.
- 5.2 As a result of the amendments and developments that have taken place since preparing the original Plan it also makes sense to commit in principle to Step 2 of the process, namely preparing the revised Plan and the Delivery Plan but once again we welcome the Committee's views on this.
- 5.3 The next steps will be:
- conduct discussions with the National Park in order to identify and agree on opportunities to work together.
 - Contact the Welsh Government to impress upon them to commit funding for the work of preparing the RoWIP.
 - Prepare a detailed action plan and timetable for the work to include identifying staff resources available for the work.
 - To undertake the initial consultation by contacting Community and Town Councils, Neighbouring Authorities, Natural Resources Wales and others that are relevant to this field of work.
- 5.4 I feel that this Committee has an important role to play not only with the process (namely the current step) but also in the preparation and direction of the RoWIP, as it will set a framework for the provision of the rights of way Service over the coming years. To this end, it is proposed to report back to the Committee in approximately six months' time.

6.0 Recommendation

- 6.1 That the Committee support the proposal to review and prepare a Rights of Way Improvement Plan for Gwynedd and that the Regulatory Department identifies methods of pooling resources for this work.
- 6.2 That the Department contacts the Welsh Government to impress upon them to fund the review.
- 6.3 To submit a progress report to the Scrutiny Committee in approximately six months' time.