

Meeting of:	TOWN AND COMMUNITY COUNCIL FORUM
Date of Meeting:	13 NOVEMBER 2023
Report Title:	UPDATE ON BRIDGEND COUNTY BOROUGH COUNCIL PUBLIC RIGHTS OF WAY
Report Owner / Corporate Director:	CORPORATE DIRECTOR COMMUNITIES
Responsible Officer:	KEVIN MULCAHY - GROUP MANAGER HIGHWAYS & GREEN SPACES
Policy Framework and Procedure Rules:	The report content has no direct effect upon the policy framework and procedure rules.
Executive Summary:	<p>The report outlines the Council’s position regarding its Public Rights of Way network as identified in its Definitive Map.</p> <p>The Rights of Way network is comprised of routes that exist in both urban and rural locations and require the assistance of differing agencies to assist in its maintenance and availability.</p> <p>The value of the network was most recently exemplified during the pandemic which saw a threefold increase in its use.</p>

1. Purpose of Report

- 1.1 The purpose of this report is to advise on the current status of the public rights of way network.

2. Background

- 2.1 Bridgend County Borough Council has overall responsibility for the maintenance of the Public Rights of Way network (RoW) and also has a duty to protect the rights of the public to use that network and to prevent routes from being stopped up or obstructed. However, landowners also have a responsibility in that they are generally responsible for the maintenance of structures i.e. stiles, kissing gates, field gates, etc. on routes, although they can recover some costs from the Council for this.

- 2.2 All Public Rights of Way are required by law to be recorded on the Definitive Map and Statement, which is the legal record of those rights recorded on it. This document, was last updated in 2005, recording 741 individual rights of way with a total length of just over 585 Km. Since that date, 105 Legal Event Orders have been processed to a conclusion meaning that there are now 805 individual Public Rights of Way within the County Borough with a total network length of 614.59 Km. The most up to date alignments of all the routes are indicated on a map which the Rights of Way Team refer to as the 'Working Copy' of the Definitive Map.
- 2.3 There are four different types of routes recorded as public rights of way, differing from each other only in the type of traffic entitled to use them. They are:
- Public Footpath – public have a right of way on foot only.
 - Public Bridleway – public have a right of way on foot and on horseback and the right to lead a horse. They can also ride a bicycle on a bridleway by virtue of the Countryside Act 1968.
 - Restricted Byway – the public have a right of way on foot, on horseback, a right to lead a horse and a right of way for vehicles other than mechanically propelled vehicles.
 - Byway Open to All Traffic (BOAT)– a right of way for vehicular traffic, but one used mainly for the purposes for which footpaths and bridleways are used i.e. by walkers and horse-riders.
- 2.4 In terms of the current network as shown on the 'Working Copy' of the Definitive Map this shows Public Footpaths making up 84.1% of the network (516.64 Km), Public Bridleways 14.5% (or 89.57 Km), Restricted Byways 0.1% (or 0.6 Km) and BOAT's 1.3% (or 7.78 Km).
- 2.5 Through the Wales Programme for Improvement the Council used to report annually on the condition of the public rights of way network using a nationally adopted Performance Indicator, namely 'Paths that are easy to use'. This Indicator stopped being reported nationally approximately 11 years ago, although it was reported internally for a number of years after that with the last 5% random sample survey being carried out in 2016.
- 2.6 In addition to the maintenance and protection of the rights of way network the Council, as both the Highway Authority and Surveying Authority, has various statutory duties including preparing, maintaining and reviewing the Definitive Map and Statement; investigating and determining applications for Definitive Map Modification Orders; signposting routes where they leave the metalled highway; preparing and reviewing the Rights of Way Improvement Plan (RoWIP); administering and providing the secretariat role in respect of the Bridgend Local Access Forum; processing applications for Temporary Closures; and responding to statutory property searches.

3. Current situation / proposal

3.1 Whilst the last sampling of the RoW network took place in 2016, inspections and reviews of the network have continued to take place. This provides a view on the current state of the asset which comprises circa 2,465 items of furniture and structures:

- Stiles – 548
- Kissing gates – 332
- Pedestrian/Bridle gates – 246
- Field gates – 670
- Bridges – 142
- Steps – 166
- Boardwalks – 32
- Drains – 329

Additionally, there are a further 684 roadside signs and 642 waymarks/other signs installed along the routes.

3.2 The condition of the above assets, and the routes themselves, can impact on a route being available or not, which can include the following issues.

- Cross Path (fences, hedges, barbed wire, unbridged watercourses)
- Vegetation obstructing the route.
- Issues with/missing Gates
- Issues with/missing Stiles
- Land Use (buildings, forestry, crops,)
- Terrain (muddy, waterlogged)
- Issues with Roadside signs (legible/orientation)

3.3 There are requests for additional improvements to routes including surfacing, structures, and signage and, whilst all are worthy of consideration, these need to be prioritised against the maintenance of the existing assets. The Rights of Way Section is aware of circa 900 individual assets that require some form of attention excluding signage maintenance.

3.4 The rural nature of the majority of the RoW network makes it impossible to say at any one time that a route is available as it is, by its very nature, ever changing. A path that may be considered as being passable one day may, for a variety of reasons, be unusable the next due to growth of vegetation, effect of weather on ground conditions/structures even for only a short time. Typically, BOATS, and Restricted Byways are not impacted in such a way, however footpaths and bridleways are impacted by the above issues and as many as 30% of those routes could be viewed as 'unavailable' at any one time for a variety of reasons.

3.5 Interventions/maintenance are ongoing through our maintenance officer and landowners in addressing obstructions and replacement of features, but this remains challenging within constraints of limited staff and budgets.

- 3.6 As indicated, apart from its maintenance duties the RoW Section has also to deliver other various statutory duties and as such the team comprises of 4 permanent full-time officers and 1 permanent part-time officer, namely, the RoW Manager, Maintenance Officer, RoW Officer, Definitive Map Officer and RoW Search Officer respectively.
- 3.7 The RoW Manager oversees the overall service delivery, as well as being involved across all aspects of the service provision. The Maintenance officer deals with all day-to-day issues on the network as well the implementation of any maintenance or improvement works on the ground. The RoW officer is responsible for processing all Public Path Orders and Temporary Closures, as well as liaising with developers and responding to any planning applications affected by public Rights of Way. The Definitive Map officer has been in post since 2020, and processes the Definitive Map Modification Orders and addressing the backlog (48 orders), as well as maintaining and updating the Definitive Map and Statement as well as investigating the 119 existing various anomalies that exist on the network. The RoW Search Officer is responsible for responding to received property searches within the team and any other general enquiries about the rights of way network.
- 3.8 During the pandemic there was an average threefold increase in the use of the RoW network with some popular routes seeing 5 and 6 times as many people using them. This, in turn, led to a fourfold increase in the number of queries/service requests the RoW team received over the same period. As a result, the team received additional Public Realm revenue support towards the end of 2020 which enabled the previously part-time role of the maintenance officer to become full-time. This also enabled the Council to increase the Agency Agreement funding to Town and Community Councils from £44/Km to £59/Km and for the appointment of the Definitive Map Officer.
- 3.9 In addition to the increase in revenue funding to manage pressures of an upsurge in usage, the ROW team have, over the past few years, been provided with £40k of Communities Minor Capital Works funding per year which is used to purchase structures such as kissing gates, bridleway gates, field gates, etc. and to carry larger improvement schemes such as surface improvements, replacement of smaller footbridges, etc.
- 3.10 Funding bids are also made to Welsh Government and Natural Resources Wales for the maintenance of the Wales Coast Path through Bridgend and also for access improvements to assist with the replacement of stiles with kissing or pedestrian gates, small scale surface improvements, signing, etc.
- 3.11 Even with improved revenue and capital support, recent inflationary increases have meant that cost rises impact on the amount of work that is delivered on the network within available budgets. Furthermore, with the continuing economic difficulties the situation is unlikely to change.

3.12 However, any issues advised to the Rights of Way team whilst not necessarily able to be dealt with immediately are resolved and routes reopened as soon as possible. The Council does value the partnership working it has, not only with the Town and Community Council's that have Agency Agreements with the Council to remove vegetation, but also the work it does with landowners to remove obstructions and repair structures. The increase in the number of issues which have, and continue to be, reported to the team are unfortunately resulting in a backlog which the team are trying to work through as soon as practicable.

4. Equality implications (including Socio-economic Duty and Welsh Language)

4.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. This is an information report, therefore it is not necessary to carry out an Equality Impact assessment in the production of this report. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives

5.1 The Well-being of Future Generations (Wales) Act 2015 Assessment Template has been completed and a summary of the implications from the assessment relating to the five ways of working is below:

- **Long-term:** Management of the Rights of Way Network benefits the provision of sustainable travel through protection of 'local traffic free' walking routes for the long-term benefit of the public
- **Prevention:** Planned annual maintenance takes place on the public rights of way network to maintain availability of routes and working in partnership with many of the Town and Community Councils in maintaining as best as possible the integrity of the RoW network.
- **Integration:** In carrying out maintenance and improvement works and by promoting the network through circular walks which highlight the areas historical, cultural and rich biodiversity this allows for an attractive and diverse economy to encourage more people to use the network during their daily routine.
- **Collaboration:** Different aspects of the Council's statutory duty to manage, maintain and improve the RoW network involve working together with partners at different times. These include but are not limited to town and community councils,

Welsh Government, Natural Resources Wales, user groups, landowners and land managers.

- **Involvement:** Different aspects of the Council's statutory duty to manage and maintain the rights of way network involve at different times co-operation and engagement with different stakeholders. Such engagement involves local members, community councils, landowners, local residents, Bridgend Local Access Forum, as well as statutory consultees.

5.2 The rights of way provision will contribute to the following elements of the Bridgend County Borough Council Delivering Together Corporate Plan 2023-28:

- **Wellbeing objective 3:** 'A county borough with thriving valleys communities. Improving community facilities and making them more accessible.' The RoW network extends and links communities as such preserves the connectivity and accessibility of the valley communities to the county borough.
- **Wellbeing objective 7:** 'A county borough where we support people to live healthy and happy lives, improving active travel routes and facilities so people can walk and cycle.' The RoW network provides valuable opportunities for residents to access local routes as well as enjoy access to the countryside which helps support wellbeing.

6. Climate Change Implications

6.1 Bridgend County Borough Council's 2030 Net Zero Carbon Strategy states that "To achieve our carbon neutral goal, we need to improve air quality, protect, and enhance our thriving green spaces, support sustainable travel, and continue to create energy efficient, good quality places to live and work to make the county borough a healthier and happier place to live." The rights of way network promotes and supports sustainable travel and benefits the wellbeing of its residents, making the county borough a healthier and happier place to live.

7. Safeguarding and Corporate Parent Implications

7.1 There are no Safeguarding and Corporate Parent Implications arising from this report.

8. Financial Implications

8.1 The report is for noting with current duties and powers carried out by the Rights of Way team within existing budgets.

9. Recommendation

9.1 That the Town and Community Council Forum notes the report.

Background documents

None