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Am bob ymholiad ynglŷn â'r agenda hwn cysylltwch â Amy Dredge
(Rhif Ffôn: 01443 863100 E-bost: dredge@caerphilly.gov.uk)

Dyddiad: Dydd Iau, 30 Tachwedd 2017

Annwyl Syr/Fadam,

Bydd cyfarfod **Fforwm Mynediad Lleol Caerffili** yn cael ei gynnal yn **Ystafell Sirhywi, Tŷ Penallta, Tredomen, Ystrad Mynach** ar **Dydd Gwener, 8fed Rhagfyr, 2017** am **10.00 am** i ystyried materion a gynhwysir yn yr agenda canlynol. Mae croeso i chi ddefnyddio'r iaith Gymraeg yn y cyfarfod, a dylid rhoi cyfnod rhybudd o 3 diwrnod gwaith os ydych yn dymuno gwneud hynny. Bydd cyfieithu ar y pryd yn cael ei ddarparu ar gais

Yr eiddoch yn gywir,

PHILLIP GRIFFITHS
YSGRIFENNYDD Y FFORWM MYNEDIAD LLEOL

A G E N D A

Tudalennau

- 1 I dderbyn ymddiheuriadau am absenoldeb
- 2 Datganiadau o Ddiddordeb.

Atgoffi'r Cyngorwyr a Swyddogion o'u cyfrifoldeb personol i ddatgan unrhyw fuddiannau personol a/neu niweidiol mewn perthynas ag unrhyw eitem o fusnes ar yr agenda hwn yn unol â Deddf Llywodraeth Leol 2000, Cyfansoddiad y Cyngor a'r Cod Ymddygiad ar gyfer Cyngorwyr a Swyddogion.

A greener place Man gwyrddach

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3	Cyfarfod a gynhaliwyd ar y 9fed Mehefin 2017.	1 - 8
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11	Proses Go?rchymyn Addasu / Cyngor.	
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13	Adborth G?yl Gerdded y Cymoedd 2017.	
14	Unrhyw Fater Arall.	

Cynghorwyr:

Cynghorydd N. George, M. Benjamin, Mr B. Clarke, Mr G. Davies, Mr K. Donovan, Mr A. Edwards, Mr R. Evans, Mrs E. Gwynne, Ms L. Howells, Mr R. Jones, Mr G. Lewis (Is Gadeirydd), Mr W. Lindsay (Cadeirydd), Mrs A. Palmer, S. Rajoo, R. Stones, Ms M. Thomas a Mr N.D. Yates

Mr C. Heaps (Natural Resources Wales) a Ms C. Deller (Welsh Government)

A Swyddogion Priodol



CAERPHILLY LOCAL ACCESS FORUM

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH, ON
FRIDAY 9TH JUNE 2017 AT 10.00 AM

PRESENT:

William Lindsay – Chair
Gary Lewis – Vice Chair

Councillor N. George (Cabinet Member for Neighbourhood Services)

Mr B. Clarke, Mr K. Donovan, Mr A. Edwards, R. E. Evans, Ms R. Stones, M. Thomas, N. Yates.

Together with:-

P. Griffiths (Secretary/Principal Planner), S. Denbury (Countryside and Rights of Way Assistant), A. Palmer (Community Planning Co-ordinator) and A. Dredge (Committee Services Officer).

1. APOLOGIES

Apologies for absence were received from Mr G. Davies, E. Gwynne, L. Howells, S. Rajoo, M. Benjamin and C. Heaps (Natural Resources Wales).

2. DECLARATIONS OF INTEREST

A declaration of interest was received from Mr. William Lindsay (Chair) in relation to Agenda Item No. 17, Eglwysilan Common. Details are recorded with the respective item.

3. MINUTES – 10TH MARCH 2017

Subject to it being recorded that Roger Evans was in attendance at the meeting and that in relation to the final paragraph of minute No. 6 – Report on LAF Chairs Conference, it was confirmed that the new ROWIP will seek the promotion of health and wellbeing, and the Chairs discussed whether the new document should be a full with-list or a limited but deliverable one. Both options require Specific, Measurable, Attainable, Relevant and Timely (SMART) objectives to be applied. The minutes of the meeting held on the 10th March 2017 were approved as a correct record.

4. MATTER ARISING

Minute No. 14 – Any Other Business

The Chair confirmed that he will write letters to both Andy Powell and June Piper, thanking them for their hard work, support and commitment to working with the Forum.

5. PUBLIC SERVICE BOARD

Philip Griffiths (Principal Planner) provided the Forum with an update on the roles and responsibilities of the Public Services Board in relation to sustainable development principals within the Wellbeing of Future Generations Act and the formation of the Local Wellbeing Plan.

Local Authority Public Services Board brings public bodies together to improve the economic, social, environment and cultural well-being of Caerphilly County Borough through seven well-being priorities.

The process to establish the various themes that would be included within the Local Wellbeing Plan for Council to take forward were noted. Reference was made to a 'New Environment' paper being compiled by Dr Helen Fletcher of National Resources Wales (NRW) which would be going out for consultation.

Mr Griffiths also referred to Welsh Government consultation document 'Taking Forward Wales' Sustainable Management of Natural Resources' and Chapter 4 which set out proposals relating to access to the countryside. The paper identifies issues in relation to public access to the outdoors for recreation and how improvements would contribute to the goals set out in the Wellbeing of Future Generations Act. The proposals under consideration in the paper are presented in two themes and emphasise why green spaces are so important.

The importance of public engagement was emphasised and it was noted that a package would be put forward to the Public Services Board to make this a 'priority measure'. Members were advised that Tracey Evans (Policy Unit) would provide the consultation link with LAF and it was noted that a Sub Group would be established to look at the project going forward. LAF Members Ruth Stones and Nigel Yates volunteered to take part if required and were advised that a Member of the Rights of Way Team can be made available, if necessary.

Reference was made to the Bi-Annual Standing Conference at Llanciach Fawr and Members were advised Public Service Boards Leads would be in attendance. The conference would look at the Wellbeing Objective and would have an environmental theme.

Having fully considered its content the Forum noted the update.

6. RIGHTS OF WAY IMPROVEMENT PLAN

The Forum received an update on the Rights of Way Improvement Plan and confirmation that implementation funding of £36,105 had been indicated, this equated to a slight decrease of 3.7%. The bid was currently being put together to be ratified by Natural Resources Wales.

It was noted that going forward the ROWIP would be married with the health agenda. An update was given on the position of the Bridle Way improvements, Rights of Way promotional material, signage and the continuation of improvement works for those with mobility problems.

With regard to the review of the Rights of Way Improvement Plan it was explained that while this was underway the Council would wait to replace Andy Powell.

Having fully considered its content the Forum noted the update.

7. CAERPHILLY ACTIVE TRAVEL PLAN

The Forum was advised of a revision to the report title which should read the Active Travel Integrated Network Map.

Mr Griffiths apologised on behalf of Liz Gibby the author of the report who unfortunately was unable to attend the meeting. The Officer summarised the report which would also be presented to the Regeneration and Environment Scrutiny Committee as part of the consultation process prior to seeking Cabinet approval.

It was noted that the Active Travel (Wales) Act 2013 places new duties on local authorities in Wales to produce and publicise active travel maps. Caerphilly's Existing Routes Map was approved by Welsh Government in April 2016 and the next stage in the process was to produce an Active Travel Integrated Network Map (INM) which would need to be completed by November 2017. Part of this process was a 12 week public consultation on the draft INM.

Active travel means walking, cycling and the use of mobility scooters for everyday journeys. These would include journeys to school, work, shops and to access services such as health or leisure centres. However this does not include walking and cycling for recreational purposes. Its primary aim is to promote healthier lifestyles and reduce the negative impacts of traffic on our neighbourhoods and communities by making active travel the most attractive option for shorter journeys.

As well as producing active travel maps the Act requires Council's to deliver year on year improvements in active travel routes and facilities, make enhancements to routes and facilities for pedestrians and cyclist in new road schemes and have regard for the needs of walkers and cyclists in a range of other highway authority functions.

Areas within Caerphilly determined by Welsh Government for inclusion were noted as: - Aberbargoed, Abercarn, Abertridwr, Bargoed, Blackwood, Caerphilly, Cwmfelinfach, Llanbradach, Machen, Nelson, New Tredegar, Newbridge, Pontllanfraith, Pontlottyn, Rhymney, Risca, Wattsville, Ynysddu and Ystrad Mynach.

The consultation process was summarised and the forum were advised of the different methods of getting involved. It was noted that the questionnaire would be available on-line via the dedicated Active Travel page on the CCBC Website. Hardcopies would be made available at all libraries across the County Borough. Seven active consultation sessions would also be held in the libraries themselves. The consultation would also be promoted through Newline, social media and email to a range of internal and external stakeholders. Forum Members were encouraged to access the website and leave their comments on the map.

The active travel proposals would be grouped into either short (1-5 years), medium (5-10 years) or long-term (10-15 years) schemes. The development and delivery of these proposals would be dependent on funding becoming available.

The final version of the Active Travel INM is required to be submitted to Welsh Government for approval by 3rd November 2017 and would need to be reviewed and resubmitted within three years of approval.

The Chair thanked the Officer for the report and Members comments and questions were welcomed.

Ms Ruth Stones confirmed that she had attended the roadshow event in Caerphilly Library to consider its impact on horses and riders and confirmed that it was very good.

Having fully considered its content the Forum noted the report.

8. EGLWYSILAN COMMON

With the permission of the Chair it was moved and seconded that Agenda Item No. 17 Eglwysilan Common be brought forward and by show of hands this was unanimously agreed.

Mr William Lindsay (Chair) declared an interest in this item as he had written on behalf of supporters of the planning enforcement notices issued in regard to Eglwysilan Common.

Mr T. Jones and Mr K. Stephens, local land owners attended the meeting and circulated an aerial photograph taken of the area and advised the Forum of an application to down-grade byways 117, 118 and 119. Reference was made to a number of tracks shown on the byways and the impact of off-roaders was discussed.

The Forum discussed correspondence with the Open Space Society with regard to the common land and those with an interest in walking. Having the countryside accessible for all those interested in using it was discussed further as was the fencing of footpaths which could prohibit walkers.

The level of LAF support for motorised vehicle such as off-roaders and their access to the countryside was discussed. Balancing the role of the Local Access Forum within such a contentious issue and its commitment under its constitutional principle to promote and retain the legitimate use of the countryside. The legislation pertaining to both sides was debated. The Officer confirmed that the Rights of Way Cabinet Committee would determine any application.

Reference was made to similar issues experienced in Blaenau Gwent and the National Parks response to problems they had. The Officer confirmed that this was an issue for Commons throughout the Valleys and across South Wales. The legality of motorised access to Commons was debated further. The impact of bracken fires throughout the spring months and the need to safeguard and provide safe access to the countryside was emphasised. The down-grading to a restricted byway which would give access to all other forms of transportation (horse and cart etc.) other than motorised vehicles and the need to protect existing legal rights was then discussed.

It was noted that there was a democratic right to apply to the Rights of Way Cabinet Committee for such amendments and it would be a decision for that committee. Mr Griffiths confirmed that the lines on the plan were definitive which was disputed by Mr Jones who questioned the age and authenticity of the lines within the map being used for identification.

Mr Griffiths set out the process for the Rights of Way Cabinet Committee and advised that following this procedure the application would in all likelihood be referred to the Planning Inspectorate for Wales. He confirmed that there was a backlog in rights of way applications.

Discussion returned to the level of LAF support for motorised vehicles on by-ways and the need to respect the legal issues involved. Reference was made to a number of Section 59 notices issued by Police with regard to illegal off-road use. The Forum were also mindful of the general misconception that these vehicles were causing damage to the mountain and wished to emphasise the need to promote 'all' legal use. It was agreed that within the legal framework and the principles of the Local Access Forum, they would have to be in favour of any legal use on byways.

Reference was made to Penallta Park and the use of restrictions that apply there compared to that of Common land. In response it was noted that Penallta Park was not common land whereas Eglwysilan is common land with legal byways and with that comes the public right to use the countryside.

9. FUNDING UPDATE

Mr Griffiths provided an update on the present position of funding applications. He confirmed that a Stage 2 application under the Sustainable Management Scheme is ongoing and a final bid for joint funding with Torfaen County Borough Council covering the Uplands Project shall be submitted in late July 2017.

A Stage 1 bid has been approved for the Rural Development Fund, which the Officer hoped would see the money available to spend in the autumn.

Unfortunately the bid in relation to the Merthyr and Gelligaer Common did not receive Welsh Government approval.

RDP working with Merthyr and Gelligaer Commoners on bids of £165,000 plus.

Funding for a Scheme of mapping Heritage and Digital Landscapes is being developed.

Funding for a scheme to update access to the Bryn Oer Tram Road which is hoped to be approved on the 22nd June 2017.

In relation to the Monmouthshire and Brecon Canal Adventure Triangle the Officer confirmed that the Council is working with project partners in Torfaen County Borough Council and Visit Wales on the proposals which will be considered by Cabinet in July 2017 for approval.

In terms of core funding Mr Griffiths confirmed that he would be working with Welsh Government on further funding streams however there were not that many other grants available.

10. REPORT OF LAF CHAIRS MEETING

Mr William Lindsay (Chair) provided Members with an overview of the last LAF Chairs meeting.

The Chairs meeting received an update from Welsh Government in relation to Landscape and Recreation which provided a basic starting point for land management activities. It outlined three main priorities going forward, achieving consistency, simplifying and improvement. The proposals will lead to a white paper and the First Minister will make any decisions.

Details of the Glastir Management Scheme was discussed at the meeting, which offers financial support to farmers and land managers for specific environmental goods and services aimed at combating climate change, improving water management and maintain and enhancing biodiversity. The Forum discussed access route issues in relation to Glastir projects. Forum Members agreed that they would like to see a report on Glastir as a future agenda **item** and Mr Phil Griffiths confirmed that he would prepare this for **a future** meeting.

Mr Lindsay then referred to the Welsh Outdoor Recreation Survey and advised participation had been very low.

The relationship between LAFs' and Councils was debated and Members were conscious that limited resources would impact on the input of LAFs' in going forward. The future of arrangements with National Resources Wales was also discussed in light of likely cut backs. It was noted that there were currently 4 meetings being facilitated by NRW and in all likelihood they would be reduced to 3. Forum Members agreed that they would like to see one of these meetings opened up to include Vice Chairs and Forum Secretaries. Gratitude was expressed to Mr Lindsay for this attendance given the frequency of the meetings. Mr Griffiths confirmed that he would support a reduction in meetings.

Members thanked Mr Lindsay for his update.

11. PLANNING GUIDANCE

Mr Griffiths circulated a copy of the Planning Guidance for the Forum's consideration. He advised that the cover photograph would be changed and referenced section 5 of the report which would contain 2 photographs when finalised. The Officer also confirmed that hyperlinks to the website would also be included and would also be sent out with planning applications.

The Forum considered the guidance and agreed that it would be a valuable reference document.

12. ADOPT A GATE

Mr Griffiths provided the Forum with an update and advised that the initiative was 'Donate a Gate' rather than 'Adopt a Gate'.

Members discussed the initiative which they noted was already in place on the Isle of Wight. The initiative is organised by the local Ramblers who run a successful donate a gate scheme, where stiles have been swapped for gates on permissive paths created over private land.

Mr Griffiths confirmed that he would invite a representative from the Ramblers' Association attend a future LAF meeting.

Ms Stones expressed an interest on behalf of the Equestrians in terms of this project.

13. WALK EVENT

The Forum were informed of the recent 'Walk Event' that started in Rhymney at the North of the Valley for the 2017 Caerphilly Challenge Series, which was an over whelming success. With over 500 registered entrants and 450 of all abilities taking part in various routes throughout the day. The range of routes were suitable for beginners, more experienced hikers and runners, including a 22 and 14 mile unled routes and an 11 mile and 1 – 5 mile led routes.

The event was organized by Caerphilly County Borough Council's Countryside Service and Aneurin Bevan University Health Board in conjunction with Lets Walk Cymru, Caerphilly Adventure Group, Islwyn Ramblers, Caerphilly Ramblers, the Penallta Strollers and The Pengam Strollers.

The Forum was pleased to note that attendance was very good, there were no incidents during the day and positive feedback was received by all those involved with the event and looked forward to receiving the arrangements for next year.

14. DATES FOR DIARY

The Forum was asked to note the schedule of forthcoming events and reference was made to the opportunities to explore the Caerphilly countryside this September with a number of guided walks and family events. The events available are:

- A 5km stroll at Machen Forge
- The 'Ten Stone Trail' at Parc Cwm Darran
- 'Picnic in the Park' returns to Bedwas Riverside Park

- Walks and Talks in 'Marvelous Mynyddislwyn' in some of nature's finest autumnal views, part of the free Valleys Walking festival.

Ms A. Palmer confirmed she would distribute posters at her Third Sector meetings which will cover Community Centres that will help to advertise these events. Further details can be obtained on the Council's website at www.caerphilly.gov.uk.

15. RIGHTS OF WAY STAFF

Mr Griffiths provided an update in relation to staffing levels within the Rights of Way Team and confirmed that an advertisement for the Senior Post had been placed with a closing date of the 8th June 2017. In terms of the Junior role within the team, this would be considered after the Senior post had been filled.

16. TRAINING

Mr Griffiths confirmed that training for the Local Access Forum Members would take place before the next meeting and would be particularly beneficial for new Members to attend.

17. SITE VISIT

Mr Griffiths confirmed there would be a site visit, this afternoon at Parc Penallta for the Forum to see the works that have been undertaken and what is being proposed in the future.

18. ANY OTHER BUSINESS

Mr Griffiths advised the Forum of the present position of the tree felling programme within the Borough and confirmed that there was a further 2 years of work to progress. Main areas for works had been identified and were continuing.

In relation to Solar Panels, available guidance was referenced and it was noted that Welsh Government were heavily promoting the use of renewable energy and Council policy also supported and promoted the use of renewable energy production. The Forum expressed concern in relation to Solar Farms.

The Chair advised the Forum that this would be Mr David Parry's last meeting as he is moving to a new farm out of the Borough. Mr Parry was thanked for his valuable contribution during his membership on the Local Access Forum.

19. DATE OF THE NEXT MEETING

This has been arranged for 8th September 2017.

The meeting closed at 12.40 p.m.

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CAERPHILLY LOCAL ACCESS FORUM

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH, ON
FRIDAY 8TH SEPTEMBER 2017 AT 10.00 AM

PRESENT:

William Lindsay - Chair

Councillor N. George (Cabinet Member for Neighbourhood Services)

Mr M. Benjamin, Mr B. Clarke, Mr G. Davies, Mr K. Donovan, Mr A. Edwards, Ms R. Stones,
Ms M. Thomas, Mr N.D. Yates

Together with:

P. Griffiths (Secretary/Principal Planner), S. Denbury (Countryside and Rights of Way
Assistant), R. Barrett (Committee Services Officer)

Also present:

Mr C. Heaps (Natural Resources Wales)

1. CHAIR'S ANNOUNCEMENT

The Chair thanked Mr Phil Griffiths for the training provided to the Local Access Forum (LAF) Members prior to the meeting on their roles and responsibilities with regard to the functioning of the Caerphilly LAF.

2. APOLOGIES

Apologies for absence were received from Mr R. Evans, Mrs E. Gwynne, Ms L. Howells, Mr R. Jones, G. Lewis (Vice-Chair), Mrs A. Palmer and Ms C. Dellar (Welsh Government).

3. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting. Several members did however draw attention to the fact that they or their representative organisations were submitting responses to the consultation paper in their own right.

4. OVERVIEW OF WELSH GOVERNMENT'S CONSULTATION DOCUMENT – TAKING FORWARD WALES' SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES

Mr Phil Griffiths (LAF Secretary/Principal Planner) advised Members that Welsh Government (WG) launched a consultation on 21st June 2017 (Taking Forward Wales' Sustainable Management of Natural Resources) to seek views on new regulatory approaches to the sustainable management of natural resources in Wales. The proposed approaches would further deliver WG's commitment to managing natural resources more sustainably to deliver lasting economic, social and cultural, as well as environmental benefits, to ensure the continued prosperity of Wales. These would also help WG to achieve the goals set out in the Well-being of Future Generations (Wales) Act 2015.

It was noted that the scope of the consultation was very broad-ranging and comprised 9 main topics (forestry, designated landscapes, access to outdoors, marines and fisheries, water, waste and local environment quality, smarter regulation, agriculture, and wildlife). The consultation document contained over 50 proposals in total, including promotion of the circular economy, nature-based solutions, new markets and innovative mechanisms, and smarter regulation.

Members were advised that Chapter 4 of the consultation document (Access to the Outdoors) contained 17 proposals which were felt to be of particular relevance to Local Access Forums across Wales. This section of the consultation also included 3 questions to be considered by Local Access Forums in relation to the potential benefits of these proposals. A copy of the Chapter 4 section of the consultation document had been included in the agenda papers for Members to prepare questions and comments on the proposals ahead of the meeting.

5. LOCAL ACCESS FORUM RESPONSE TO CONSULTATION DOCUMENT – CHAPTER 4 (ACCESS TO THE OUTDOORS)

The Local Access Forum were referred to the proposals and questions as set out in Chapter 4 (Access to the Outdoors) of the consultation document and were asked to give their views on the contents. It was noted that once the Local Access Forum had discussed and agreed their response for each of the items, these would be collated by the Principal Planner and forwarded to Welsh Government prior to the consultation closing date of 30th September 2017.

Consideration and debate took place on each item and Members voted on whether or not to support the proposals and questions contained in the consultation document as set out below.

Proposal 10 – To enable cycling and horse riding on footpaths to occur under the same conditions as those provided for cycling on bridleways under section 30 of the Countryside Act 1968. These provisions allow for cycling without placing additional burdens of maintenance and liability on the local authority; and they prioritise the ordinary users of these paths. Whilst it would not place additional liabilities or maintenance burdens on local authorities, it would enable them to plan and implement surface and furniture improvements to routes that would add most value to the rights of way network. It would place the onus of checking the suitability of individual paths on users.

Members discussed this proposal at length and felt it to be contradictory in nature, particularly in relation to the cost implications that it could have in respect of future maintenance requirements. The LAF also raised a number of pressing concerns over the proposal. Some Members felt that the additional usage by cyclists and horse riders could present potential hazards to those users walking along the footpath. Members were of the view that it would not be appropriate to apply this overarching use across all footpaths (in that some paths might be of a more suitable layout to accommodate a variety of users than others). Concerns were also expressed that pathways could become churned up through bike and horse usage and lead to access difficulties for walkers.

Following consideration of the item, it was unanimously agreed that this proposal not be supported.

Proposal 11 - To amend or revoke the following list of restrictions on access, provided in Schedule 2 (1) of the CRoW Act 2000: (b) uses a vessel or sailboard on any non-tidal water; (c) has with him any animal other than a dog; (i) bathes in any non-tidal water; and (s) engages in any organised games, or in camping, hang-gliding or para-gliding.

It was noted that the Act does not currently entitle a person to be on any land if, in or on that land, they engage in certain activities as listed within the Act. The proposal was therefore seeking the amendment or removal of certain activities from this list. Discussion took place regarding the specifics of each of the current access restrictions listed within the proposal and the reasons why these had been originally implemented.

In response to a query on access by horses it was explained that these were specifically excluded from the restrictions under the provisions of the CROW Act. Concerns were raised that removing these restrictions and opening up the land for usage such as organised games or camping could lead to an increase in littering or anti-social behaviour. Clarification was sought on the definition of “non-tidal water”, with it confirmed that this includes areas such as reservoirs and lakes, and Members expressed concerns that this could lead to people swimming in potentially dangerous locations. This could also result in dangers arising from anglers and swimmers using the same stretch of water.

It was suggested that removing these restrictions could contradict the remaining activities on the list (such as being able to camp but not being able to light a campfire). Discussion also took place regarding the use of vessels such as jet skis on non-tidal water and the use of paragliders and hand gliders on open access land.

The LAF determined that they were unable to fully support the amendment or removal of all the restrictions listed within the proposal. They did not support (b) the use of a vessel or sailboard on any non-tidal water or (i) bathing in any non-tidal water but supported (c) access by all other animals. The LAF also held concerns around (s) in regards to organised games and camping but supported the use of hang-gliding and para-gliding. It was therefore agreed that the proposal not be supported in its entirety but that the comments of the LAF regarding the amendment or removal of individual activities be forwarded to Welsh Government.

Proposal 12 - To allow, with appropriate authority, organised cycle racing on bridleways in order to bring rules relating to bridleways into line with footpaths. We would welcome any further suggestions for change in relation to anomalous or unreasonable restriction on public rights of way.

The LAF discussed the meaning of “organised cycling” and felt that the wording used in the proposal was unclear. Following consideration of the item, it was unanimously agreed that this proposal not be supported.

Proposal 14 - To extend Part 1 of CRoW Act access land provisions to rivers and other inland waters

and

Proposal 15 - To establish NRW as the authority responsible for: identifying appropriate access and egress points; implementing measures to promote responsible use, including the use of river level indicators; and mediating between the different user interests to facilitate user access agreements.

The LAF determined that the two proposals should be considered in tandem as they felt that they complemented each other, and because there was potential for either proposal to impact

on the other. It was explained that Proposal 14 would allow access into the water and Proposal 15 would allow access to get to the water. Clarification was provided on the current situation in that users can walk into water but not any land adjacent to it. Bathing in such waters is currently not permitted. Discussion took place regarding fishing rights and concerns were raised that this could lead to conflict between kayakers and anglers owing to the potential disturbance of fish in the waters.

Following consideration of the proposals and by a majority vote, LAF agreed that Proposals 14 and 15 not be supported.

Proposal 16 - To establish a statutory caveat on all users to behave responsibly whilst exercising their right to participate in recreation on access land, inland water and on public rights of way.

The LAF discussed how such behaviour would be monitored and enforced and the Principal Planner explained that it would be a legal requirement for users to behave responsibly if the proposal was introduced. Members felt that the wording of the proposal was unclear and suggested that it would be helpful to have more information regarding the specifics of the proposals. However it was generally felt that introduction of the proposal would place an onus on the user to take more responsibility for their behaviour and could potentially assist in reducing instances of unreasonable or anti-social behaviour.

Following consideration of the proposal, LAF unanimously agreed that it be supported.

Proposal 17 - To enable temporary diversions and exclusions to be applied across all accessible land and water where circumstances require them and after the safety and convenience of the public have been considered.

The LAF confirmed that they were happy with the proposal, subject to the understanding that such arrangements would indeed be of a temporary nature, and unanimously agreed that it be supported.

Proposal 18 - Dogs to be on a short fixed length lead in the vicinity of livestock at all times of the year. In all other circumstances they will be subject to “effective control”, a legally defined term already used in England under Schedule 2 paragraph 6A of the CRoW Act. Exceptional circumstances relating to safety and the protection of nature conservation will be identified and guidance provided by the access code.

The LAF acknowledged that the majority of dog owners already behave responsibly but expressed a need for more effective dog control and for this to be made a statutory requirement. Reference was made to instances of uncontrolled dogs and the worrying of livestock, and discussion took place regarding the policing of this proposal. Members agreed that it would be a sensible measure to introduce a shorter lead, particularly in cases where a person has multiple dogs with them, in order to ensure the safety of other land users. The LAF noted that Caerphilly Council is currently carrying out a consultation exercise on a Public Spaces Protection Order relating to dog control. The proposals include a requirement for dogs to be placed on a lead in certain areas or situations, and places a requirement on dog walkers to carry an appropriate waste receptacle at all times. Members also discussed the second part of the proposal relating to effective control of dogs in other circumstances and the technicalities surrounding this proposal in relation to different types of situations.

Following consideration of the proposal (and in noting that there was 1 against and 1 abstention), it was agreed by the majority present that the proposal be supported.

Proposal 19 - To enable the development of one statutory map of accessible areas and green infrastructure. Layers of mapping would initially include CRoW access land (including water), public rights of way and designations, including, National Trails. Legislation would need to allow further layers to be identified and added.

The LAF welcomed the proposal and discussion took place on how this map would be created. It was confirmed that this would place a responsibility on all local authorities to digitise their maps, although NRW would continue to maintain their own maps of these areas. Discussion also took place regarding the specifics of green infrastructure.

Members acknowledged that it would be an onerous task to develop the map but that it would require minimal upkeep once it has been established. The LAF expressed a need to for the map to be easily accessible by the public and also that there was a need for it to be funded by the WG, in order to avoid costs for local authorities.

Following consideration of the item it was unanimously agreed that the proposal be supported.

Proposal 20 - 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.

Discussion took place regarding the implications of the proposal and Members sought reassurance that this would not have a detrimental impact on the rights of any parties involved in public rights of way matters. It was confirmed that the intention of the proposal was to expedite the existing process in order for the benefit of all parties.

Following consideration of the item it was unanimously agreed that the proposal be supported, subject to the proviso that safeguards be implemented to protect the rights of relevant parties.

Proposal 21 - To introduce provisions to allow flexibility in relation to stock control measures on public rights of way.

LAF discussed the current arrangements in place and expressed a need for clarity in relation to the replacement of gates and stiles, animal control, and how this would apply to historical furniture.

Following consideration of the item, LAF agreed that the proposal be supported on the condition that it does not inconvenience public rights of way users.

Proposal 22 - To amend the requirement for a decadal review of access maps to a process of continual review.

It was explained to LAF that access maps are currently updated every ten years but that this presents difficulties to the ever-changing access situation. Members were advised that local authorities would be consulted in regards to any changes and that changes would be subject to appropriate funding.

Following consideration of the item, it was unanimously agreed that the proposal be supported.

Proposal 23 - To create a requirement on local authorities and National Park Authorities to develop integrated access plans to take effect anytime up to the date of the next review in 2027.

Having given consideration to the item LAF unanimously agreed that the proposal be supported.

Proposal 24 - To repeal the Cycle Tracks Act 1984. In doing this create a new type of public right of way, 'cycle paths', prioritising cycling and walking (and subject to proposal 10 above) to be recorded on the definitive map and statement. All existing cycle tracks designated under the 1984 Act would be recorded as cycle paths.

Members expressed a need for reciprocal arrangements to be provided to horse riders and also referred to the difficulties faced by pedestrians in areas where canal towpaths have been designated as part of the National Cycle Network.

Following consideration of the item, it was unanimously agreed that the proposal be supported.

Proposal 25 - To repeal unwanted provisions in the CRoW Act. In particular those relating to the 2026 cut-off date for historical routes under sections 53 – 56 of the CRoW Act.

Subject to more detail being provided in due course on the unwanted provisions, LAF unanimously agreed that the proposal be supported.

Proposal 26 - To develop a statutory code for access to the outdoors for recreation similar to that already in place in Scotland under the Land Reform (Scotland) Act 2003.

Consideration was given to the proposal and LAF unanimously agreed that it be supported.

Proposal 27 - To review the regulations and guidance relating to local access forums with a view to updating and clarifying their role and membership.

The LAF noted that the Chair of the National LAF had already forwarded his views to the Principal Planner for consideration and possible inclusion in the local response and it was unanimously agreed that this action be supported.

Question 15 - Will these proposals deliver consistency in the opportunities available for participation in different activities and provide effective safeguards for land management and the natural environment?

The LAF were of the view that these proposals would not deliver the consistency detailed within the question.

Question 16 - Will these proposals deliver a more integrated and up to date system for identifying, designating and recording publically accessible areas?

The LAF were of the view that there was potential for these proposals to provide the clarification as detailed within the question. However, there were practical matters that should be resolved prior to this being done.

Question 17 - Will these proposals provide significant clarification to ensure that the public, land managers and others are clear about their rights, responsibilities and duties in relation to access to the outdoors?

The LAF felt that the opposite may be the case and that the proposals could lead to less clarity and greater confusion, for all parties, at least in the short/medium term.

Members were thanked for their detailed contributions to the meeting and for their views on the proposals. It was confirmed that the Principal Planner would circulate a copy of the consultation response to the Local Access Forum once it has been submitted to Welsh Government.

6. RIGHTS OF WAY STAFF

The Principal Planner updated Members on the vacant posts within the Rights of Way Team and confirmed that a new ROW and Countryside Access Officer has now been appointed (commencement date 18th September 2017). Advertisement of the remaining junior post within the team is currently on hold.

7. DATE OF THE NEXT MEETING

This has been arranged for 8th December 2017 at 10.00 a.m.

The meeting closed at 1.08 p.m.

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