

# **CAERPHILLY COUNTY BOROUGH COUNCIL**

## **RIGHTS OF WAY IMPROVEMENT PLAN**

### **OUTLINE AND TIMETABLE**

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Roger Webb Director of Environment  
David Williams Chief Engineer

Caerphilly County Borough Council  
and produced in conjunction with  
the Caerphilly Local Access Forum

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## 1 INTRODUCTION

- 1.1 Welsh Assembly Government guidance on the preparation of Rights of Way Improvement Plans (ROWIPs) requires local authorities to produce an outline of their plan and a timetable for its production by 1st November 2003. This is the draft report produced in accordance with that requirement. The draft is to be considered by the Local Access Forum in December. It will be considered by the Council's Rights of Way committee soon after.
- 1.2 We<sup>1</sup> are required to produce "the outline and timetable for the production of our ROWIP including the assessments we will make, how we will deliver, fund and otherwise resource the production of the plan, and what reports will we make on progress and outcomes"<sup>2</sup>.
- 1.3 The ROWIP is produced under the authority of the Council's Rights of Way Committee which recommends the detail of the Plan to the Council. CCBC has adopted a cabinet style of government and the Cabinet has responsibility for the execution and interpretation of council policy. The Rights of Way Committee has powers delegated to it to decide on applications in relation to the creation, deletion or variation of public rights of way; those decisions are not subject to review by another committee or by the Council.
- 1.4 Day to day powers for rights of way lie with the Chief Engineer who has delegated powers for many matters. The Chief Planning Officer has delegated powers for, among other matters, open access to the countryside and management of our country parks, that being an important part of the ROWIP. There is also a scrutiny committee that has authority to consider any matter related to management of the council's transport and planning responsibilities.
- 1.5 The other body having a major input to the ROWIP is the Caerphilly Local Access Forum. The details of the forum are attached in Appendix A. We intend to make the Local Access Forum the primary body that advises and reviews the direction and content of the Plan. Although the Forum has no executive power, the Council wishes the Forum to be the steward of the plan. We see that as the only way of ensuring the cooperation with the public that will be central to making the Plan a success.
- 1.6 This report is written around the deadline for producing the ROWIP - Autumn 2007 which we have taken to mean 31st October 2007. The details of the Plan will be determined by the research and consideration of policy over the next four years. At this stage we foresee the Plan being very much a statement of what we already do.

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<sup>1</sup> This report is the statutorily the county borough council's. The word "we" is therefore used in this report to indicate Caerphilly County Borough Council. The Local Access Forum (the body overseeing its production) is referred to by its name throughout.

<sup>2</sup> The requirements relating to funds and resources, and reports and outcomes are taken to relate to the plan itself rather than the delivery of subsequent works on the ground.

## 2 CONTEXT OF THE ROWIP

- 2.1 National transport policy has moved over the last 10 years from most effort going on coping with seemingly ever increasing volumes of motor traffic to a more balanced approach of getting the best from existing systems and limited investment in a variety of new initiatives. ROWIPs are part of that change. CCBC has embraced the requirement to produce a ROWIP with enthusiasm.
- 2.2 The 847 kms. of rights of way in Caerphilly county borough is a valuable community asset. It provides opportunities for leisure activities as well as comprising an important part of the transport network. CCBC has established a good record in active management of the RoW network. RoWs are also an important part of the country parks scattered through the borough. Finally, the 4000 hectares of common land provide a lung for valley communities. Nearly all of this is accessible by means of the Law of Property Act 1925. All in all the RoW network is an under-exploited opportunity to offer local communities better access to the countryside and improvements in urban living.
- 2.3 The Countryside and Rights of Way Act 2000 (CROW) places a number of additional responsibilities on local authorities. The main ones of these are:
- i The requirement to produce improvement plans;
  - ii The importance of setting up a local access forum;
  - iii Redesignation of roads used as public paths (RUPPs);
  - iv Extinguishment of unrecorded rights;
  - v Opening up access land;
  - vi Strengthening of other legislation.
- 2.4 Caerphilly has 4000 hectares of common land. The area of land accessible to the public will increase once the CCW review of land, which meets its set criteria for 'open country' is complete. The ROWIP will set down how the council intends to provide access through the highway network, to this land, where the existing access is deficient.

### 3 UNDERLYING POLICIES AND PRINCIPLES

- 3.1 The Council already has in place a number of policies related to Rights of Way. First there is a presumption in many of the UDP policies in favour of actions that favour walking. Many of the UDP policies can be progressed by positive management of rights of way. The local transport plan also refers to the role that rights of way have in improving the population's health and in offering local walking links within communities.
- 3.2 One of the main purposes of the ROWIP is to develop specific policies and action programmes that will deliver the general intentions of the UDP and LTP in respect of rights of way.
- 3.3 This report is an outline of how we intend to develop the ROWIP. Some important principles will underlie that process.
- 3.4 Principle 1: We will run some work streams in parallel over the next 5 years. Some "actions" can start now and need not await their formal ratification within the plan. The proposed long distance hacking route (see later) is an example of such a likely action.
- 3.5 Principle 2: We cannot do everything we might want. We should do what we can do well and what is most important. Some activities identified in the guidance will not be progressed. It would prejudice the plan to define a list of low priority matters at this stage but it might include any interest in harness-horse riding and ameliorating the impact of major railways developments on rights of way. Neither do we foresee many opportunities for the creation of new link paths beyond those implicit in the list of current claimed rights of way. The major exception to this will be the new access paths associated with new access rights.
- 3.6 Principle 3: The Council is unlikely to put much more money than it already does into rights of way, although the preparation of the plan may identify a need for extra resources to be allocated to rights of way. Such needs will be assessed in the context of the council's overall policies and programmes. The ROWIP provides a new opportunity to unlock previously unexplored funding sources. We will raise most of the funding for major projects by our partners making bids against the likes of lottery funds. We will provide substantial support to those groups in making those bids.
- 3.7 Principle 4: Regular reports on progress and outcomes will be made to the Local Access Forum and to the Rights of Way Committee. Both these groups will also have an important role in guiding the content of the plan, in addition to commenting on proposals generated by the local authority. The public at large will be consulted at key stages of the plan, as proposed later in this report.
- 3.8 Principle 5: The Disability Discrimination Act is a practical piece of legislation that will require adjustments to the way the Council delivers its services. We note the content of Appendix C of the WAG guidance. From 1st October 2004, the Act strengthens the rights people have to require bodies to undertake action under the DDA. This issue will

have to be addressed on rights of way earlier than the publication date of the Plan (October 2007). We will attempt to implement our responsibilities under the DDA in the context of the Council's overall responsibility for making changes and within the context of the development of the Plan itself.

- 3.9 Principle 6: The WAG guidance recognised the importance of updating the definitive map. Our approach to that will be by handling claims, requests for diversions and reclassifications as quickly as possible. It has to be recognised however that we will not produce a new map, nor guarantee that the backlog of claims etc. is cleared by October 2007.
- 3.10 Principle 7: The list of outstanding claimed rights of way is long and many of these operate satisfactorily, even with their current uncertain status. Our resources require that we target professional staff time as effectively as possible on processing claims and other matters. The ROWIP will include policies related to the priorities that will direct where resources, both staff and budget, are to be allocated.
- 3.11 Principle 8: We will set a series of targets for implementing the plan. Some of these will be in the form of key stages for producing the plan and these are set down in the timetable in section 6 of this report. We will also set a number of business plan targets for path maintenance and improvement, key note projects like the long distance bridle route and administrative tasks such as treating claims. These targets will relate to national performance indicators where they exist and to the tenets of Wales : A Better Country, WAG's vision for the future of Wales.

## 4 ASSESSMENTS

- 4.1 WAG guidance lists criteria to be followed in making assessments. In summary these aim to ensure the council's efforts are consistent with its other policies, address existing problems and identify opportunities that will usefully expand the rights of way network. We will therefore carry out a variety of assessments. We describe these in more detail later. We are breaking new ground in developing this plan and it is possible that some of the assessment processes may prove fruitless. If that happens we will not pursue the failures. Our assessments will have three directions:
- i To provide information about the condition of the network and what needs to be done to improve it.
  - ii To determine the resources available to deliver improvements.
  - iii To identify opportunities to foster the use of rights of way as a community asset.
- 4.2 We will complete a *condition assessment* of the network by Autumn 2005. The Council cannot commit resources to ensure every right of way is surveyed by then. That would divert resources from the improvements needed to the network. Additionally, a single survey within a 2 year period will not guarantee the path remains open. We intend therefore to continue and strengthen our current survey processes.
- i We estimate about 15% of our paths are obstructed in some way or other; that is about 127km are 'closed' paths within the County Borough.
  - ii We will use GIS to record the network, the condition surveys, service requests and the record of works we have carried out. This will provide a more formal and accurate method of keeping our records up to date. (The GIS will also record all claims and other potential changes in path classification.)
  - iii We will continue to work with voluntary groups to survey and clear paths. These groups are more active in some areas than others. Inevitably there will be other areas where our records will be less complete. The council will not attempt to survey to the same detail, from its own resources, these weaker areas.
  - iv We will record within the GIS, locations where we have complaints about obstructions, overgrowth or other problems. New regulations on obstructions (section 63) will influence this work.
  - v We will record paths that we know are totally blocked. Our knowledge of this, when added to that of user groups and landowners will enable us to compile a list of completely blocked paths with a fair degree of certainty. What is beyond our resources is a complete survey of paths that may be slightly out of condition. We will continue to rely on our complaints management system to deal with those problems.
- 4.3 By August 2005, with the aid of these surveys and the GIS, we will have:
- i An accurate assessment of condition in areas where volunteers have been active.
  - ii A complete record of complaints about poor condition and our actions to solve those problems.
  - iii A complete record of serious obstructions across the whole network.
  - iv A proper record of requests to change the definitive map.
  - v Better information to target resources towards improvement, and a programme of remedial works to improve the situation.

vi A sound basis for monitoring performance and promoting rights of way.

- 4.4 We will also carry out a comprehensive study of *access to open land*. The CROW Act requires the local authority to provide adequate access from the highway network to open land where it is currently separated from the highway system. That process will require:
- \* Identification of all open access land.
  - \* Mapping of the current access points and routes to it.
  - \* Location of possible additional access points.
  - \* Assessment of how feasible it is to make those access points available and to what classes of user.
  - \* Funding and creation of the new accesses, whether by statute or negotiation.
- 4.5 The guidance report requests local authorities to *identify "holes" in the network*. We will look for such instances on a systematic basis but do not anticipate finding many. Due to the cost, we will not use section 26 Highways Act powers to create new paths except under the most extreme circumstances. We will carry out our search by:
- \* Drawing on the user survey, semi-structured interview groups, web responses and community council meetings (see below).
  - \* Overlay the GIS network map on aerial photographs and try to identify obvious "missing sections".
  - \* In the case of bridleways, our efforts to find new paths will centre on the long distance bridle route. This project is discussed in Appendix C.
- 4.6 The Local Access Forum will have a major input to both these exercises. From that work we will have a list of potential new paths. The feasibility of implementing them as rights of way will follow as a separate piece of work. By November 2005 we will have a list of paths that show serious potential to be opened as new rights of way or as permissive paths.
- 4.7 The final field survey will be of *waymarkers and finger posts* at highway ends. The source for this survey will mainly be our existing complaints procedures but this will be supplemented by our own field surveys and those of the walking groups. We will also attempt, where appropriate and in conjunction with our promotion of tourism, to improve access to footpaths for people reaching them by public transport and car.
- 4.8 We will identify *opportunities for self guided walks*. This can be regarded as a part of the survey work, as some of the walks might require work at the development stage of the plan. This will fit with the Walking for Tourism strategy being developed by CCBC.
- 4.9 We will *review other council documents* for references to rights of way. This review will be the start of the links to other policies that the plan needs to contain : the school curriculum, health and well-being, regional and local cycling strategy, safe routes to schools and so on. The assessment stage will only record what links there are, how they work and where further links might be developed. The closer specification of the links will follow later.



- 4.10 Our final line of assessment will spring from *surveys of users and discussions with user groups*.
- i Survey 1000 users of the RoW network. We will do this by handing out A4 questionnaires at random on the network. The Spring Bank Holiday 2004 is the best time to do this survey. (Appendix B is the form proposed). This survey is the most likely to throw up really original problems : things we have not thought of. We will include the community councils in this survey with the same form. The form will also be available on our web site, although the offer of a prize of maps will not be available to these respondents; they would have to be a rights of way user to qualify for that.
  - ii We will hold semi-structured discussion groups with user groups. The various ramblers groups will be the largest single group. We will also hold these discussion groups with all those having a significant interest in rights of way. These will include equestrians, the disability groups, land owners, the off-road community<sup>3</sup>, cyclists<sup>4</sup>, young people, land managers and community strategy staff. We will keep the groups separate; each discussion group will be with people having a specific interest. The Local Access Forum will receive reports on these discussion groups. The discussion groups are most likely to provide us with the substance of solid user opinions. We will offer any community council the option of a discussion group if it wants one. If we have lots of such requests, we will combine them into larger meetings. We will look to using the council's facilitator network to set up these discussion groups.
  - iii We will offer our schools the opportunity to become involved in the plan. This could either be through appropriate curriculum development or getting school groups directly involved in some aspect of the plan itself.
  - iv We will create a web page to offer information about the ROWIP and provide an opportunity to give us feedback.

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<sup>3</sup> We will need to consider whether we are including motor bikers in the plan. They are not mentioned in the guidance but the plan provides an opportunity to address this problem on a comprehensive basis. That work would be aimed at maximising the exercise of their existing rights but not extending them.

<sup>4</sup> As with motor bikers, we must decide the extent to which we include the needs of trail cyclists in the plan. They could receive similar treatment to equestrians, although with shorter routes within designated areas.

## 5 RESOURCES

- 5.1 We have taken the Assembly's request to set down our "resources" to be what we need to produce the plan itself, not what is needed to deliver the resulting programme of works.
- 5.2 The Council splits its responsibility for rights of way and open access between two groups. The management of rights of way as parts of the highway network is carried out by staff under the control of the Chief Engineer and the ROWIP will be coordinated by staff under his control. He has 3 full time staff working on rights of way. Two are largely office based and deal with diversions, claims, reclassifications and enquiries on the right of way. The third person is a "one man direct labour organisation" dedicated to maintaining and improving rights of way in the field. He is supported by contractors who tackle larger jobs. Those people are supported by an engineering management team and by other professions such as the legal services department. The Countryside and Landscape Section in the Planning Division is under the control of the Chief Planning Officer. Amongst other things it is responsible for the management of the council's country parks and implementing the open access provisions of the CROW Act. As part of this role it maintains and enhances some of the medium distance walking routes in the county and the rights of way within country parks. The Caerphilly Mountain Countryside Service is jointly funded by Caerphilly County Borough Council, Cardiff County Council and Rhondda Cynon Taff County Council and is managed by the Countryside and Landscape Section. As part of its remit it maintains and enhances rights of way in the Caerphilly Mountain area. The equivalent of about six full time members of staff are dedicated to the delivery of services that are encompassed by the ROWIP. The Council, whilst not being generously staffed to discharge these responsibilities, is better resourced than most similar local authorities to do so. The development of the plan will lie with this group of people and their management teams. We have an excellent name for producing good plans related to transport and land use. We intend that reputation will be enhanced by our ROWIP.
- 5.3 The 2003/04 budgets allocated to works on rights of way are as follows:
- i Engineering revenue budget: £40,000
  - ii Engineering capital budget: £15,000
  - iii Planning budgets £15,300
- 5.4 We will review our resource levels - staff and budgets for works - as we prepare the plan. We will look at resource levels in other local authorities to determine whether CCBC is out of line with resources allocated to rights of way elsewhere. If there is a case to increase resource levels, then it will be considered by the Council, although any adjustment would only be within the Council's overall assessment of its responsibilities and resources.
- 5.5 The second resource that will produce the ROWIP is embodied in our voluntary sector partners. They are more diverse than the council's own staff. The dividing line between writing the plan (where the partners are correspondents) and its delivery is narrow, as the plan is not a static document; it will develop even as it is written. These partners form

the major part of the Local Access Forum. As such they are central to the development of a plan that meets local needs; more important, the plan will be largely delivered with their cooperation and through their efforts.

- 5.6 Thirdly the Council will also make available the resources needed for the production, distribution and wide debate of the plan at various stages of its production. In this respect we regard our web site, the council's libraries and other public buildings, our substantial graphic production and printing facilities, and our network of contacts within the local community as all being "resources" that will aid the development of a plan that matches the community's needs.

## 6 TIMETABLE AND REPORTING

- 6.1 Our draft timetable for producing the plan is set down in the table. This groups activities under four headings - on-going activities (much of what we currently do), assessments and policies (condition surveys, views and a framework for improvement), open access issues (as emerging from CROW) and production and implementation of the action plan.
- 6.2 This is the first of a series of reports that will be posted on the Caerphilly website and in the Council's public buildings. The Local Access Forum has already received two notes on the production of the ROWIP. Debate of those notes has influenced this report. The notes are reproduced in Appendix D. It has been produced as a CCBC document but only following full consultation with the Local Access Forum. The executive summary will be available in Welsh and English; the full text will be English only. Subsequent reports will continue to be published in consistency with our Welsh Language policy.
- 6.3 The main reports that we anticipate producing during the preparation of the plan are shown in the timetable. The reports are:
- \* December 2003 : outline and timetable (this report); confirm CCW report on "open country".
  - \* January 2005 : survey of users; condition assessment report (interim); review of other council documents and processes; current policies and future options.
  - \* October 2005 - assessment report (final); possible access points to open land.
  - \* September 2006 : proposed policies; report on public consultation; interim report - links to open access land.
  - \* October 2007 : policies; proposed new link paths; links to open access land; Rights of Way Improvement Plan.
- 6.4 The Action plan itself is the main product of the processes discussed in this report. As stated earlier, the Plan is unlikely to contain many ground breaking proposals; it will centre largely on recording what we already do well and identifying key areas of improvement, together with proposals to achieve that improvement. We confirm our intention to address the main issues in section 4 of the guidance. We feel we are already well underway in tackling many of these issues. The main elements of the Plan can be summarised as:
- i Key aims, priorities, resources to be committed, our main partnerships and principle timescales for action. This will essentially be the policy planning part of the ROWIP.
  - ii Objectives and actions appropriate to our key aims, and the targets and costs associated with their delivery. This will be the business plan part of the ROWIP.
- 6.5 We recognise the need for the plan to address maintenance issues, the definitive map, protection issues, improving accessibility for different groups, and promotion and reporting of matters associated with rights of way.

## **ABBREVIATIONS**

**CCBC : Caerphilly County Borough Council**

**CCW : Countryside Council for Wales**

**CROW : Countryside and Rights of Way Act 2000**

**ROWIP: Rights of Way Improvement Plan**

**WAG: Welsh Assembly Government**

## **APPENDIX A - Caerphilly Local Access Forum**

The Countryside and Rights of Way Act 2000 (CROW Act) required that appointing authorities i.e. National Park Authorities and highway authorities, establish a Local Access Forum. The duty to establish Local Access Forums came into force with the Countryside Access (Local Access Forums) (Wales) Regulations 2001 on 1st January 2002 and all appointing authorities were required to have them in place by 31st December 2002.

The Caerphilly Local Access Forum was established on 14th June 2002 and currently has 13 members representing a range of interests including landowners, farmers, commoners, conservation groups, walkers, the less able, voluntary organisations, horse riders and off road drivers. At present the Forum meets every 3 months, usually on a Friday morning, and its meetings are open to the public.

Its role is to advise the council, the Welsh Assembly Government and the Countryside Council for Wales and other bodies exercising functions under Part I of the CROW Act, as to the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the Caerphilly County Borough area. In doing this it has regard to the needs of land-management and the natural beauty of the area. These bodies must, by law, have regard to relevant advice given by the Forum.

The Forum has already active in providing advice upon public access in the county borough, including public rights of way and the new right of access to open country and registered common land and has considered other issues such as anti social behaviour in the countryside. In giving advice, the Forum takes into account all forms of access, including access for the less able, horse riding, cycling and off road driving, and not just access on foot.

## APPENDIX B - RoW questionnaire

### RIGHTS OF WAY IMPROVEMENT PLAN

Everyone has a right to walk on all rights of way. Horses, cycling and even vehicles are also allowed to use certain types of rights of way. Your Council wants to improve the way these rights of way are managed. Please help us by filling in this form and posting it back to us in the reply paid envelope. You can include a plan, photographs or other additional detail if you want. If you provide your full address on the form, your name will be entered in our prize draw. The prize is a set of 5 1:25000 Ordnance Survey Leisure maps of the local area and a £50 voucher donated by ~~sponsor to be announced~~. Your views matter. Thanks for helping.

1 Where do you live? (town, village etc.) (full address for prize draw entry)

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2 What is your interest in rights of way (local walker, rambler, rider)

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3 Are there any local rights of way that you find difficult to use and would like us to improve? (provide a sketch or map if it will help)

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4 Do you think rights of way are misused? (please provide details) Does misuse cause you inconvenience?

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5 What can be done to encourage people to use rights of way like this more?

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6 Do you find the different classes of rights of way (footpaths, bridleways etc.) difficult to understand?

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7 Are there any local paths you feel should be designated as legal rights of way. Where are they and how are they used?

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8 Would you like to help us improve rights of way by joining a volunteer group?

Caerphilly County Borough Council, Rights of Way Section, Council Offices, Pontllanfraith, Blackwood NP12 2YW. Call us on 01495 235195 or visit our web site at [Caerphilly.gov.uk](http://Caerphilly.gov.uk)

## **APPENDIX C - Long distance bridle route**

The equestrian community has rights of way needs that are different from walkers. They require longer continuous routes than pedestrians if they are to be able to exercise properly. The size of a horse restricts the terrain over which bridleways can pass and the lesser number of rights of way limits opportunities to join routes up into a network. The needs of walkers requires little in the way of large scale planning of the network; one of the charms of the rights of way network is that it leads walkers into unexpected views and secluded places. Our ROWIP will do nothing to reduce those attractions. Bridleways however will benefit from planning on a larger scale. One of our intentions in the ROWIP is to identify a long distance hacking path. The line of route has not been determined; that will be one of the early parts of the project. At the same time, we will look for opportunities to provide more immediate and local improvements in the bridleway network.

The project is an ambitious one and beyond the Council's resources to finance to any great extent. We will therefore seek to promote it in partnership with equestrian groups, landowners and bodies responsible for tourism. If the project is to succeed, the benefits to the different parties must be made plain and the necessary funds secured from external sources to open the route. A proper business plan will be needed to demonstrate the feasibility of the study.

We have already started the first phase of the project which is to identify possible lines of route. Existing bridleways and common land form parts of the alternatives but there will be gaps that can only be crossed with the active involvement of land owners.

The project offers prospects for economic development - jobs, stables, guesthouses, even blacksmiths. All these will need careful planning. A marketing strategy will also be needed. We intend to set up a steering group to undertake the management of this project.