



## CAERPHILLY LOCAL ACCESS FORUM – 24<sup>TH</sup> FEBRUARY 2023

**SUBJECT:               RIGHTS OF WAY UPDATES**

**REPORT BY:           MR. STEFAN DENBURY  
                              COUNTRYSIDE AND RIGHTS OF WAY ASSISTANT**



### **1.       PURPOSE OF REPORT**

- 1.1     To inform the Local Access Forum of developments within the wider aspect of the department.

### **2.       SUMMARY**

- 2.1     Provides an update on the current development of policies and procedures, as well as updates on existing projects and workloads relating to rights of way.

### **3.       RECOMMENDATIONS**

- 3.1     The LAF is asked to note the updates provided

### **4.       REASONS FOR THE RECOMMENDATIONS**

- 4.1     To update the LAF on rights of way related matters.

### **5.       THE REPORT**

#### **5.1.    Policies and procedures being developed.**

- 5.1.1.  Under section 66(3) of the Highways Act 1980:-

*‘A highway authority may provide and maintain in a highway maintainable at the public expense by them which consists of a footpath or bridleway, such barriers, rails or fences as they think necessary for the purpose of safeguarding persons using the highway.’*

- 5.1.2.  That is to say that if lawful users are endangered by an unlawful use, the authority

can take steps to prevent such an action. Many examples will be familiar to the public and often take the form of bollards or a barrier to prevent motor vehicles driving on a particular path.

- 5.1.3. Following scrutiny of the results of public consultations at two separate sites in 2022, officers concluded that similar responses were being returned and a pattern was forming. These responses were that barriers and gates were not desired generally. In principle, the authority of course agree with this stance, however, the authority also has a duty of care to the users, and if a danger is genuine, and can be prevented by a simple structure, this is a course of action the authority must take.
- 5.1.4. During the original consultations the authority proposed K-barriers (motorcycle barriers) as a method of preventing the undesired use but allowing lawful use. Officers were advised by the results of the consultation that K-barriers were more restrictive to certain lawful users than first considered. Certain wheelchair and mobility vehicles for example were being prevented access completely. The Disabled Ramblers were consulted, and following a short internal consultation with its membership, it was concluded that a kissing gate with a RADAR bypass was less restrictive and therefore the preferred method if a structure were considered essential.
- 5.1.5. Officers concluded that the result of any consultation of this nature could only be one of six options:
  - a) No Structure (if there was no evidential misuse)
  - b) A kissing gate with RADAR bypass (least restrictive option)
  - c) A K-barrier
  - d) A pedestrian kissing gate
  - e) A small pedestrian gate
  - f) A squeeze stile
- 5.1.6. The use of structures should be in this order, and the last four structures would only become options if topographical or physical features prevented the use of a kissing gate with RADAR bypass.
- 5.1.7. The policy proposed is being drafted at present.

## **5.2. Project: NRW signage at Cwmcarn – update.**

- 5.2.1. This matter relates to the signing project being undertaken by Natural Resources Wales (NRW) and Caerphilly CBC within the Cwmcarn Forest Drive area on Public Rights of Way. At present NRW have installed in the region of 110 waymark posts at junctions of public rights of way, or along public rights of way, where the route may be unclear, such as at junctions with forest roads, or other unrecorded paths. Of those 110 posts, Caerphilly CBC has installed 46 signs, the majority being the new type with grid references incorporated. We have given an undertaking to erect a further 26 signs by the end of February (2023).

## **5.3. Current Claims**

- 5.3.1. Matters in the county continue to involve queries relating to unrecorded rights.
- 5.3.2. Claimed Right of Way 194 / FP127 Caerphilly - Park Lane to Footpath 39 (Tredomen) was sent to PEDW (Planning and Environmental Decisions Wales) for a determination following opposition to the making of the Order in 2019. Due to Covid restrictions, a public Inquiry was not held until September 2022. PEDW determined

the matter, their decision being released on 31<sup>st</sup> January 2023 and is an interim decision to confirm the order with modifications. Due to the modifications PEDW deemed it necessary to readvertise and this will occur imminently. It is possible for objections or representations to be made at this stage, and these will be dealt with by the Welsh Ministers or an Inspector.

#### **5.4. Works**

- 5.4.1. A substantial (13 metre long) footbridge on footpath 98 Risca, washed into the River Sirhowy during Storm Dennis has been replaced by a new structure. Associated works to reinstate the footpath connections either end are still underway. The cost of the works including the bridge itself are being covered by the Engineering Projects Group of Caerphilly CBC via a grant from Welsh Government which assists with the costs incurred by the storm.

#### **5.5. Information**

- 5.5.1. Rhondda Cynon Taff have posted notices on social media in relation to restarting their Local Access Forum, and asking residents to submit expressions of interest.

### **6. ASSUMPTIONS**

- 6.1 N/A

### **7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT**

- 7.1 Information Only

### **8. FINANCIAL IMPLICATIONS**

- 8.1 The signposts referred to in 5.2.1 have been bought and installed by NRW – there is no financial implication to CCBC in this regard. The signs being attached to these posts have been purchased to cover all public rights of way across NRW land within CCBC at a total cost of £5,124.10. The full costs of the replacement bridge are not yet known.

### **9. PERSONNEL IMPLICATIONS**

- 9.1 N/A

### **10. CONSULTATIONS**

- 10.1 Consultation with the Chair of Caerphilly Local Access Forum.

### **11. STATUTORY POWER**

- 11.1 Countryside and Rights of Way Act 2000

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