

Rights of Way Improvement Plan



Neath Port Talbot Rights of Way Improvement Plan

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Neath Port Talbot Rights of Way Improvement Plan

Part 1: Report of Survey and Assessment of Current Access Opportunities in Neath Port Talbot

1.1 Legislative Background

Under Section 60 of the Countryside and Rights of Way (CROW) Act 2000, the County Borough Council has a statutory duty to prepare a Rights of Way Improvement Plan (ROWIP). This plan must contain the following elements:

- The extent to which local rights of way meet the present and likely future needs of the public.
- The opportunities provided by local rights of way for exercise and other forms of open air recreation.
- The accessibility of local rights of way to blind or partially sighted persons and others with mobility problems.
- A statement of the actions which the highway authority intends to take in order to manage and improve access to the countryside

Under Sections 60(3) and (4) of the Act, the authority has to repeat the assessment after ten years and then review the plan, although the Welsh Assembly Government has indicated that when this second stage of the plan process is reached, the ROWIP may be incorporated within another plan or strategy. This plan sets out the means by which Neath Port Talbot County Borough Council intends to improve access to the countryside the County Borough in the plan period of 2008 – 2018.

1.2 Means of Access to the Countryside

A substantial area of the countryside in Neath Port Talbot is open to the public by one means or another. The means of access are outlined below.

1.2.1 Public Rights of Way

Public rights of way are highways which carry a range of access rights and are recorded on a Definitive Map. They comprise:

(i) Footpaths

A footpath is a public highway over which the public has a right of way on foot only.

(ii) Bridleways.

A bridleway is a highway over which the public may ride a horse, lead a horse, walk or ride on a pedal cycle.

(iii) Restricted Byways

Restricted byways were created by the CROW Act, and they carry all the rights which apply to bridleways but, in addition, there is a public right to drive horse drawn vehicles. They replace the former “Roads Used as Public Paths” (RUPPs), but since all the RUPPs in Neath Port Talbot were reclassified prior to the CROW Act, there are no restricted byways at present in the County Borough.

(iv) Byway Open to All Traffic (BOAT)

BOATs are highways over which the public can exercise all the rights referred to above, but there is also a right to drive mechanically propelled vehicles. Neath Port Talbot County Borough Council as highway authority does not, however, have a duty to provide a surface which is capable of being used by all forms of motor vehicular traffic.

1.2.2 Cycleways

Cycleways are routes over which the public have the right to ride a pedal cycle, with or without a right to walk or ride a horse. This Plan considers only the rural cycleway network which provides a means of access to the countryside. Some of the rural cycleways are on public rights of way, but many are part of the permissive network of paths described below.

1.2.3 Permissive Paths

These are paths over which the landowner has granted public rights of access. The rights may be on foot, horseback or on pedal cycle, but rarely do they include a right to drive motor vehicles.

1.2.4 Common Land

The County Borough Council has a duty to keep a register of common land under the Commons Act 2006, which has replaced the Commons Registration Act 1965.

Public rights of access over common land which was located in a former urban or metropolitan council area differ from those that apply to commons which were located in a former rural district council area. The Law of Property Act 1925 granted the public a right to air and exercise on urban common land, but this did not apply automatically to rural common

land. The Act allowed landowners to grant similar rights of access by deed on rural common land, but many of them did not do so.

Following the Crow Act 2000, all registered common land is open to public pedestrian access for air and exercise. In addition, there is a public right to ride on horseback on urban common land, and on rural common land where a deed of access has been granted under Section 193 of the Law of Property Act 1925. There is no public right to ride a pedal cycle or a mechanically propelled vehicle on common land.

1.2.5 Open Country designated under the CROW Act 2000

The Act provided a public right of access on foot to areas of mountain, moor, heath and down, and this land is indicated on maps prepared by Countryside Council for Wales (CCW). In addition, the Act provides landowners with a means of dedicating land for public access and the Forestry Commission, for example, has dedicated its forests held under freehold title for public access.

1.2.6 Permissive areas of access

These are areas of land where the landowner has granted a general public right of access on foot. They include some country parks, woodlands owned by the County Borough Council or the Woodland Trust, nature reserves and some parts of the coast.

The availability of the various forms of public access to the countryside in Neath Port Talbot is considered in Section 1.5 of the plan.

1.3 The County Borough of Neath Port Talbot

The County Borough of Neath Port Talbot covers an area of 44,217 hectares. Rising from sea level in the west to 600 metres at Craig Y Llyn, above Glynneath, Neath Port Talbot is predominantly an upland area dissected by the valleys of the Afan, Neath, Dulais and Tawe rivers which all flow to the sea in Swansea Bay. These valleys are separated from each other by ridges of high forest or moorland. A narrow coastal strip extends around Swansea Bay where the main centres of population are found. The surrounding valleys are rural in aspect with scattered communities, many of which still contain significant numbers of Welsh speakers. The County Borough has a population of 138,000 (Mid Year Estimates 2000) and contains 58,684 dwellings (Digest of Welsh Local Area Statistics 2001). Over recent decades the overall population trend has been of gradual decline, although this largely stabilised in the early 1990s.

The County Borough is served by the M4 motorway with the A465 “Heads of the Valleys” road providing links to the M50, M5 and M6. The Intercity Rail service includes mainline stations in Neath and Port Talbot. The area has a strong manufacturing base with more than twice the UK average employed in the manufacturing sector.

The local economy continues to experience change. The coal, oil, petrochemical and metal manufacturing industries which have dominated the area’s economy and employment have suffered substantial contraction or restructuring over recent decades. As a result, major employment has become increasingly concentrated in the coastal towns. Particular hardship has been created in the upper Swansea Valley following the closure of several large employers.

The steel industry remains by far the largest industrial employer in the County Borough with around 3,000 employed directly at the Port Talbot works although contraction in the labour force has affected employment, contractors and suppliers.

Coal mining is still important in the valley communities where small mines, opencast sites and coal processing/washeries provide valuable local jobs.

The closure of the Llandarcy refinery in 1998 and the contraction of the Baglan Bay Petrochemical complex have created two of the largest “brownfield” regeneration areas in the UK (445 and 757 hectares respectively). BP is working with the County Borough and the Department of Economy and Transport to help bring the land forward for development and reinvigorate the area’s economy. The Government decided in 1999 to allow the development of a gas-fired 500 Mw power station at Baglan Bay. This will form the core of the Energy Park and is intended to attract the creation of new industry and business through offering discounted electricity.

Sites for major new business parks have been created in the Neath Valley at Glynneath and in the Swansea Valley at Glanrhyd, and Abernant (Cwmgors).

Tourism has become a significant part of the economy over recent decades, and countryside based visitor interest has continued to strengthen. This is particularly focused on the Upper Afan and Neath valleys and Margam Park. Currently plans for a renaissance of the Aberavon Sea Front are bearing fruit with the area re-emerging as a significant visitor and leisure destination.

Leisure facilities are largely concentrated in the three main towns of Neath, Port Talbot and Pontardawe, providing employment and contributing to their role as town centres. While retaining their own identities, the three centres are only 14 kilometres apart.

Neath and Port Talbot are the principal shopping towns. Both centres are the focus of new development and initiatives to make them more attractive in terms of their range of shops, appearance and general attractiveness to visitors.

1.4 Policy Context

1.4.1 National Plans and Strategies

There are a number of national plans or strategies which recognise the importance of access to the countryside, and the benefits it can provide for public health and well being.

The ROWIP has to have regard to these national policies and initiatives, and implementation of the plan will contribute to the achievement of Welsh Assembly Government (WAG) policy objectives. The most relevant national strategies are set out below.

i) Wales Spatial Plan

The Wales Spatial Plan sets out the strategic framework which will guide future development and policy making. It is more than a land use plan, and will form the basis for future European funding applications. For purposes of the Plan, Neath Port Talbot falls within the Swansea Bay, Waterfront and Western Valleys Region.

ii) Wales Transport Strategy

The Transport (Wales) Act 2006 provides WAG with a duty to prepare a Wales Transport Strategy and a consultation document on such a strategy, called “Connecting Wales,” has been produced. It is clear that the emerging transport strategy will promote sustainable transport and will certainly be aiming to encourage more people to walk or use pedal cycles as regular means of transport. The aims of the national transport strategy will have to be incorporated into the Regional Transport Plan for the South West Wales area.

iii) WAG Strategy for Sport and Active Recreation: “Climbing Higher”

This is a strategy which sets out means of encouraging the Welsh population to participate more in sport and active recreation. Improving

access to the countryside and coast is recognised as an important element in this strategy.

iv) Walking and Cycling Strategy.

This is a Welsh Assembly Government (WAG) initiative which includes the following aims:

- Increase the levels of walking and cycling through promotion and provision of facilities.
- Reflect the higher priorities for walking and cycling in cross cutting policies, guidance and funding.
- Triple the number of cycle trips by 2010 and set appropriate targets for walking.

The document outlines some interesting facts of travel in Wales:

- Walking is now the second most used mode of transport after the car
- 27% of purposeful journeys are made wholly on foot
- 2% of purposeful journeys are by bike
- 17% of journeys under 1 mile and 39% of journeys fewer than 5 miles are being made by car. It is suggested that many of these journeys could be made on foot or by pedal cycle

It is accepted that there is significant scope for increasing non-motorised travel such as walking, cycling and horse-riding in Wales, and implementation of the ROWIP will assist in achieving that aim.

v) WAG Strategic Agenda: “Wales a Better Country”

This document outlines a commitment to further extend public access to the Welsh Coast, and a partnership programme has been set up to achieve this aim. The Wales Coastal Access Improvement Programme will result in resources becoming available to improve existing access opportunities and to create new ones where possible. Neath Port Talbot County Borough Council will be involved in this programme and this is reflected in the ROWIP.

vi) WAG Environment Strategy for Wales

In its environment strategy called “Our Environment – Our Future” WAG has given a commitment that by 2025 everyone will have access to green space and that barriers to countryside access will be removed. It puts forward key objectives to which the implementation of the ROWIP will contribute, and these include:

- The need to provide good access to the countryside and coast, and encouragement for everyone to use outdoor recreation to enhance public health.
- Use of the environment must be sustainable and lead to environmental improvement.

vii) Countryside Council for Wales (CCW)

CCW has prepared a vision statement called “A better Wales: The natural environment of Wales in 2010”

This document sets out corporate aims which CCW wishes to achieve in partnership with other bodies. It includes a vision of Wales in 2010 when there will be greater access to the countryside and coast for local residents and visitors. In order to achieve its corporate aims, CCW enters into partnership programmes with local authorities and provides grant aid to achieve agreed outcomes. Some of the access improvement work identified in the ROWIP will be carried out under such a programme.

viii) Communities First Programme

This is a WAG programme which aims to improve the lives of people in the poorest areas of Wales. There are a number of wards in Neath Port Talbot which are identified as Communities First areas and their status is recognised in the ROWIP.

ix) Health Challenge Wales

This is a WAG initiative which provides a national focus for programmes which will improve the health of the Welsh population. Increasing physical activity is a major element in this initiative and implementation of the ROWIP will contribute to this objective.

National policy objectives will be kept under review during the plan period, and the ROWIP policy aims will be modified, if necessary, to adapt to changed national priorities.

1.4.2 Local or Regional Plans and Strategies

i) Neath Port Talbot Community Plan

This sets out a shared vision for Neath Port Talbot for the period 2005-2015, and aims to achieve this through a partnership approach between the County Borough Council and a wide range of organisations. Its

overall objective is to improve the quality of life, well-being and health of everyone in Neath Port Talbot.

Under the Environment Theme of the plan, the importance of improved access to the countryside is identified as a means of encouraging more walking, cycling and horse riding. The Transport Theme also recognises the need to encourage more use of these sustainable forms of transport, and the Health Social Care and Well-Being Theme promotes the health benefits that will follow as a result.

ii) Neath Port Talbot Unitary Development Plan (UDP)

The UDP provides the overall planning policy framework for the County Borough, and implementation of the ROWIP will help to achieve a number of those policy aims. The most relevant are:

Policy 17

Provision for sport, recreation and open space will be protected and enhanced by various policy aims. These include the encouragement and promotion of opportunities for access to and enjoyment of the coast and countryside, and this is set out specifically in the further policies below.

Policy RO4 – Access to the countryside and coast

Proposals that improve and extend access to the countryside and coast including cycleway, pedestrian and bridleway networks will be supported. Proposals should take into account the following:

- a) the improvement and extension of the public rights of way network;
- b) the reduction of conflicts between different users of the network and priority over vehicular transport;
- c) no unacceptable impacts being created on the landscape, seascape, biodiversity or built environment.

Policy T12 - Footpaths, Cycleways and Bridleways

- a) Proposals to improve and extend the footpath, cycleway and bridleway network will be permitted where they accord with other relevant policies of this Plan. New proposals will be expected to provide appropriate internal routes and links to the network;
- b) Measures such as shared pedestrian and cycle routes will be encouraged where these can improve safety and convenience for pedestrians, cyclists and the disabled;
- c) Planning permission will not be granted for proposals which would lead to the loss of footpaths, bridleways or cycle routes unless

acceptable alternative routes would be provided, or the routes affected no longer have a useful role.

Policy RO5 – Water based Recreation

The aim of the policy is to safeguard and encourage water based recreation, and it includes a commitment to provide access by a variety of transport means.

Policy RO6 – Canals

This policy aims to protect the Swansea, Neath and Tennant Canals and to encourage their use for recreation and water supply.

iii) Neath Port Talbot Local Development Plan

The Council is now preparing a Local Development Plan which will ultimately replace the UDP. The plan will set out planning policies and proposals in greater detail than the plan it will replace, and the ROWIP will be considered in detail during the plan preparation process.

iv) South West Wales Regional Transport Plan

This plan will be prepared in accordance with the Wales Transport Strategy and the ROWIPs prepared by all the local authorities in the area will be considered as part of the plan preparation process.

v) Draft Neath Port Talbot Physical Activity and Health Action Plan

This plan puts forward proposals which will help achieve the aims set out in the WAG initiatives “Health Challenge Wales” and “Climbing Higher”. Again, access to the countryside is recognised as an important means of improving public health through increased levels of physical activity.

vi) The Neath Port Talbot Western Valleys Strategy

This is a shared partnership programme which aims to improve the social and economic prospects of the valley communities in the County Borough. The need to improve access to the countryside is an important aim of the strategy because it adds to the quality of life in the valley areas, and it contributes to the development of ‘green tourism’. The ROWIP policies are the means by which the County Borough Council will seek to improve access to the countryside in the valley areas, over the ten year period of the plan.

vii) Neath Port Talbot Environment Strategy

The purpose of the Environment Strategy is to provide long term protection of the environment. As a community leader, the Council has a responsibility to reduce the adverse environmental impacts of its own activities and those of other parties through partnership working, and the Strategy sets out the means of achieving this aim. Implementation of the ROWIP will contribute to the aims of the Strategy by encouraging sustainable means of transport for work and leisure purposes.

viii) Neath Port Talbot Local Biodiversity Action Plan.

The Neath Port Talbot Local Biodiversity Action Plan sets out the Council's vision for protecting and enhancing biodiversity in the County Borough. The policies and proposals seek to improve public knowledge and understanding of biodiversity, and to actively encourage public involvement in habitat management. Implementation of the ROWIP will increase public access to local habitats and will ensure that access management will be undertaken by means which minimise any adverse effects on local biodiversity. The ROWIP will also take into account the aims of emerging local strategies such as that being produced for the Crymlyn Bog National Nature Reserve.

ix) Valleys Regional Park

The County Borough Council is participating in the Valleys Regional Park project, and implementing the ROWIP's of the participating local authorities in South Wales will be the means by which countryside access is improved across the region.

1.4.3 Council Aims and Objectives

The Council aims to create a more prosperous, better educated, healthier, greener, safer and more confident future for the people and communities of Neath Port Talbot. The Corporate Objectives of the authority are outlined below: -

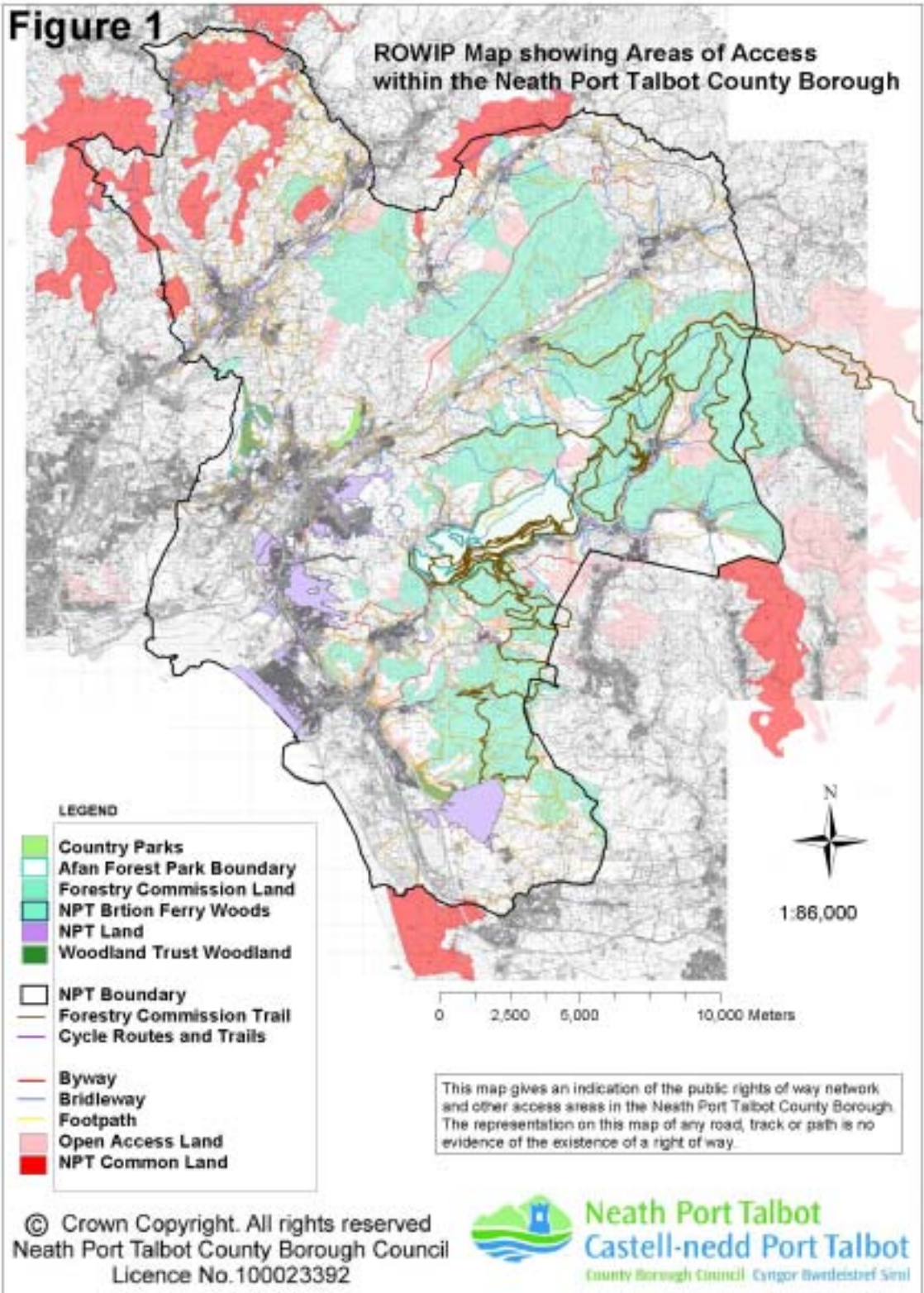
- To enhance Neath Port Talbot's reputation at all levels and to act as a focus to achieve the vision of the Neath Port Talbot Community Plan.
- To make Neath Port Talbot a place where jobs, business, e-commerce and entrepreneurship can develop and flourish.
- To provide the best opportunities for educational excellence, culture, leisure and lifelong learning.

- To improve health and well-being by providing effective services and tackling the causes of poor health and health inequalities.
- To improve the quality of the local environment. To improve mobility and access, adopting an integrated approach to public transport.
- To increase residents' and communities' sense of security and safety.
- To engage with local people and communities, fostering strong community spirit, identity and confidence.
- To provide customer-focused and cost-effective services continuously seeking improvement and value-for-money.

The Council intends to deliver these corporate aims and objectives by promoting partnership working, sustainable development, social inclusion and equal opportunities. The policies in the ROWIP will contribute to the achievement of these objectives.

1.5 Countryside Access Opportunities in Neath Port Talbot

There are extensive opportunities for public access to the countryside in Neath Port Talbot, and the plan in Figure 1 gives a broad indication of the areas of land open to public access. More detailed information on public access can be obtained from the Countryside Section at Neath Port Talbot County Borough Council Offices, The Quays, Brunel Way, Baglan Energy Park, Neath.



The County Borough Council has carried out an assessment of the existing means of access, and the findings are set out below.

1.5.1 Public Rights of Way.

Rights of way are public highways which provide one of the most important means of access to the countryside. They provide communities with opportunities to access the countryside for purposes of leisure and also provide a sustainable transport option.

The duty to record public rights of way was first introduced by the National Parks and Access to the Countryside Act 1949. This Act required highway authorities to carry out a survey in order to compile a Definitive Map of the public rights of way in their area. The aim of the Act was to prevent the disappearance of historic rural paths which were in danger of being lost through neglect.

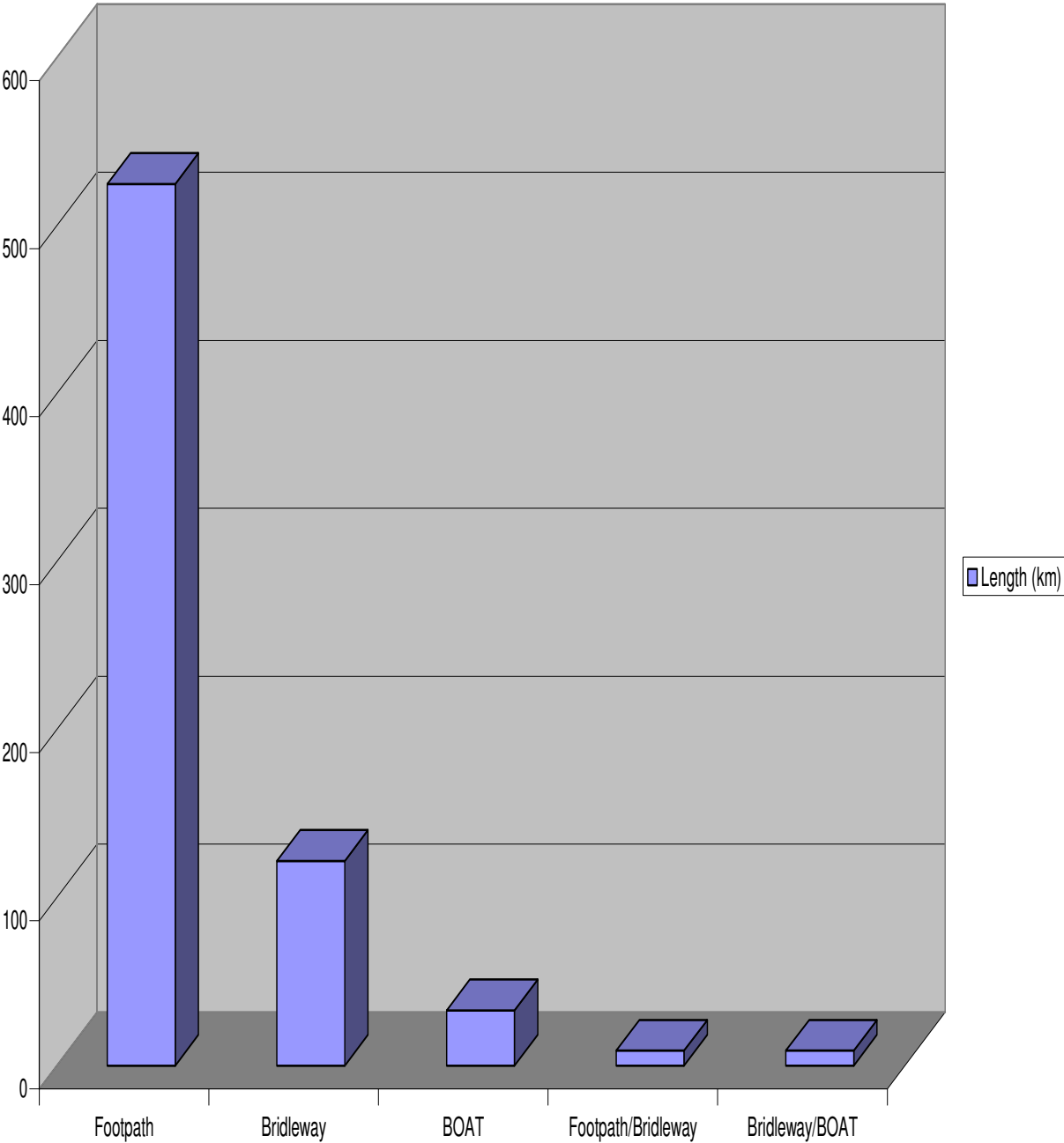
The process of preparing the Definitive Map proved to be long and protracted, and it included the publication of a draft map and a provisional map, both of which were subject of public scrutiny. The Definitive Map for the Neath Port Talbot area was finally published on 1st January 1971. It comprises an OS based map which shows the location of the paths and their status, together with a written statement which provides evidence of width etc.

Paths were recorded on the Definitive Map based on an assessment of their historic use and status. The tables below provide some basic statistics on the network which is recorded on the Definitive Map.

Table 1 – Breakdown of PROW network

Definitive Map Classification	For use by	Length (km)	Number of paths	Approx. network %
Footpath	Walkers	525	765	75.2.
Bridleway	Walkers, Horse Riders, Cyclists	122	85	17.5
BOAT	Walkers, Horse Riders, Cyclists, Horse Drawn and Motor Vehicles	33	19	4.7
Footpath/Bridleway	See Above	9	6	1.3
Bridleway/BOAT	See Above	9	5	1.3
Total	See Above	698	880	100

Rights of Way
Length (km)



**Rights of Way
Number of paths**

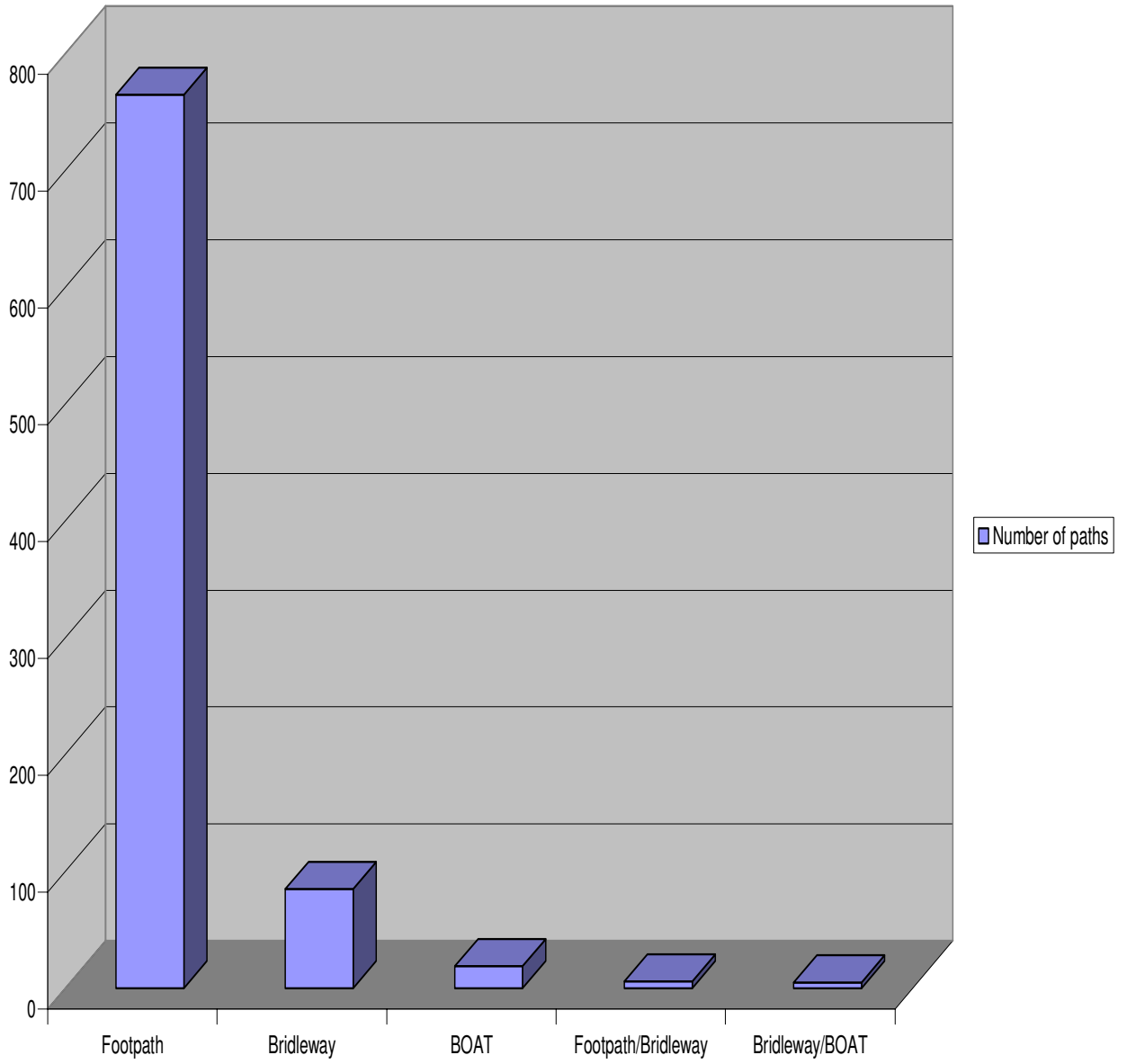


Table 2 – Length of PROW network by Community

Parish	Total PROW Network (m)
Baglan Higher	11946
Blaengwrach	12676
Blaenhonddan	17538
Cilybebyll	33847
Clyne	24968
Coedffranc	8235
Dulais Higher	47897
Dulais Lower	8696
Dyffryn Clydach	15837
Glyncorrwg	88335
Llanguicke	86573
Michaelston Higher	21799
Neath	12283
Neath Higher	40810
Neath Lower	19907
Port Talbot	159965
Resolven	35551
Rhyndwyclydach	23295
Tonna	25374
Ynysmond	1564
Total	697096

The initial path surveys were carried out by the parish councils that existed at the time, and there were some inconsistencies in the ways that evidence of public use was assessed. As a result, a path that crossed an old parish boundary may have been recorded as a footpath in one parish, and a bridleway in the adjacent parish, and this has led to a fragmentation of the network. It is certainly possible that some footpaths may have been historically used by horse riders, but those rights were not registered at the time the Definitive Map was being prepared. The County Borough Council is aware that there are 65 registration anomalies on the Definitive Map but they do not give rise to day to day management problems. These inconsistencies can only be resolved by detailed historical research, and such work requires considerable staff resources. This is an area of legal work which, unfortunately, has been given a low priority because staff are engaged in legal issues which are causing more immediate managerial problems.

The length of the rights of way network is not static, because paths can be created, diverted or extinguished. Members of the public are able to

make applications for the registration of new public rights of way, based on the evidence of uninterrupted and unchallenged use for a period of at least twenty years. Landowners can dedicate paths on their land as public rights of way, but in practice this rarely happens. Paths may be diverted for a number of management reasons and this can alter the total length of the paths in question. Rights of way are sometimes extinguished because they are no longer needed for public use, or because they were wrongly registered in the first place, although it is very rare for paths to be lost on either of these grounds. They are sometimes extinguished in order to implement planning consents, but again this is uncommon because a diversion is usually possible. Since extinguishments are rare, the path network is gradually growing each year because new paths are being added following successful applications made by members of the public. Although the rights of way network is essentially a historic network of rural highways, it does change incrementally each year due to the circumstances described above. The additions and deletions to the network which have occurred since 1971 are kept as a separate legal record. Since the network of public rights of way is basically a historic one, it does not always meet current needs. However, when other forms of countryside access are considered alongside the path network, the deficiencies in the network itself are often not relevant. Where this is not the case it will be addressed, as far as possible, by the policies set out in this plan. The Definitive Map is open for public inspection during normal office hours at the County Borough Council's office at the Quays, Brunel Way, Baglan Energy Park, Neath.

The County Borough Council has a duty to keep rights of way open and free from wilful obstructions, but the network still suffers from a long period of neglect which pre-dates the establishment of the Council in 1996. Since that date, the Council has provided considerable resources in its annual path maintenance programme in order to maintain the paths in a suitable condition. In addition, the authority undertakes an annual path improvement programme and the Countryside Council for Wales, (CCW), provides grant aid in support of much of this work. Nevertheless, performance indicators show that access problems exist on substantial parts of the network through lack of maintenance or wilful obstruction, and the need to continue efforts to open up neglected paths will continue throughout the period of this plan. The performance indicator figures for public rights of way which are easy to use are shown below:

2003/04	60.55%
2004/05	62.55%
2005/06	64.72%
2006/07	62.35%

The average figure for the whole of Wales in 2006/07 was 41%.

On the basis of the above indicators, around 38% of the path network is unavailable for use due to some form of physical obstruction. There are a number of reasons why paths become unusable, ranging from simple vegetation overgrowth to wilful obstruction by landowners. Although many of the paths are in remote locations and have not been subject of public complaint, the Council still has a statutory duty to open them up. The cost of opening up a closed path can vary from funding a few hours work to clear vegetation, to the cost of a protracted legal dispute which can take years to resolve. As a result, it is impossible to predict with any degree of accuracy the cost of opening up the whole network of paths in the County Borough. However, CCW carried out a national sample survey of public rights of way in 2003, and estimated that £26m would be required to remove physical obstructions across the whole path network in Wales. Allowing for inflation, this figure will have risen to around £28.6m, and this represents the cost of works only. It does not include an estimate of the cost of additional staff that would have to be recruited to plan and manage the work, nor does it include legal costs. Using the CCW formula, the cost of giving immediate priority to removing physical obstructions in Neath Port Talbot would be as follows:

38% of the obstructed path network in Neath Port Talbot = 266km.

Cost to restore would be £867per km = £230,622

Ongoing additional annual costs to keep the currently obstructed network open: £71,288 per year.

In order to carry out the work needed to open up the network and keep it open an additional member of staff would be required in the Countryside Section, and there would also need to be legal officer support. The staff costs, including on-costs, would broadly be as follows:

Rights of Way Officer: £30,000 per year.

Legal Executive Officer: £30,000 per year.

The County Borough Council will continue to open up the path network on an incremental basis as it has done since 1996, but the pace of the work would clearly increase if more resources are made available, and this will be assessed on an annual basis. Priorities for opening up and improving the network will be in accordance with the policies set out in this plan. These policies take into account the likely budget resources that will be available, public safety, level of use and suitability for purposes of persons with mobility problems.

1.5.2 Long Distance Trails

The County Borough Council is broadly aware of the parts of the path network which are accessible, or could be made accessible, to members of the public with mobility problems. Each year, the authority includes the installation of easier path furniture and the improvement of path surfaces in its maintenance and improvement programmes. Further survey work will be carried out during the plan period in order to assess the suitability of the whole network for persons with mobility difficulties. The Authority is also aware that there are limited opportunities for horse riders in some parts of the County Borough and efforts will be made to improve that situation as far as budgets will allow.

There are currently three long distance trails which pass through Neath Port Talbot; and these provide links to adjacent local authority areas. Some sections of these paths are registered public rights of way, but other sections are permissive paths where use is allowed by the landowner.

i) Coed Morgannwg Way

This 58km trail commences at Margam Park and passes through Afan Forest Park to link with a route which passes through parts of Bridgend County Borough, Rhondda Cynon Taff and Merthyr Tydfil County Borough where it terminates at Gethin Woodland Park. This is a challenging upland walk, much of it through forest areas, but there are also outstanding views of the Brecon Beacons and the coast.

ii) St. Illtyd's Walk

This path links Pembrey Country Park in Carmarthenshire with Margam Park in Neath Port Talbot, and passes through the upland part of the City and County of Swansea en route. The trail is 103km in length and passes through a variety of rural and coastal landscapes. There are problems with the alignment of the route in Carmarthenshire, and the local authority is considering revising it in conjunction with the Ramblers. The three local authorities have not had the resources to maintain this route in recent years, and the route will need to be re-established, if the problems in Carmarthenshire are resolved.

iii) Ogwr Ridgeway Walk

This path links Margam Park with Mynydd y Gaer in the County Borough of Bridgend where it then links with the Taff Eley Ridgeway. It is almost entirely in the administrative area of Bridgend, but the link with

the Coed Morgannwg Way in Neath Port Talbot allows walkers the opportunity for long distance walking across South Wales.

In addition to these trails, a circular walk around the Vale of Neath called Cerdded Bro Nedd was established by the former highway authority, but the waymarking discs have largely disappeared and the route is no longer promoted. The reinstatement of this trail is included as a proposal in this plan.

Whilst the above trails are clearly of value to the long distance walker and add to the tourism attraction of South Wales, they also enable people to walk shorter distances within this authority and allow links with other areas of access.

1.5.3 Public Access provided under the CROW Act 2000 and Common Land.

Whilst public rights of way provide the main linear means of access in Neath Port Talbot, the CROW Act significantly increased the opportunities for members of the public to gain pedestrian access to designated areas of the countryside. The Act allows public access on foot to land classified as open country which is defined as ‘mountain, moor, heath or down’, and provides similar public access rights on all registered common land. Prior to the Act, public pedestrian access rights on common land were confined to commons which were located in former urban district council areas. Commons in former rural district council areas had no public access rights unless they had been granted by deed of dedication, but these are now all open for public pedestrian access. Following a High Court judgement in 1998, members of the public are also able to ride on horseback on rural common land.

Land classified as access land under the Act is indicated on maps prepared by CCW and those maps will be reviewed every ten years.

The areas of land which have become available for public access in Neath Port Talbot as a result of the CROW Act comprise:

- 1374 hectares open access land
- 1151 hectares common land

The County Borough Council is responsible for keeping the register of common land, but the service is provided by the City and County of Swansea under an agency agreement. The register of common land is available for public inspection at the Civic Centre in Swansea. Land

classified as open country under the CROW Act is shown on maps which can be viewed on the CCW website.

Areas of common land, and land designated for public access under the CROW Act, comprise mainly upland areas and are broadly indicated in Figure 1. More detailed information can be obtained by inspecting the maps and registers referred to above.

Following the CROW Act, the County Borough Council has surveyed all open access land and common land to ensure it is available for public use. All rights of way which enter open access land have been waymarked to inform members of the public that they are entering such land. The Council will continue to monitor access to these areas of land and will attempt to respond to any requests for additional means of access received from members of the public.

In addition to the access rights referred to above, the CROW Act also provides landowners with opportunity to dedicate their land for public access. The Forestry Commission has dedicated all of its freehold estate for public access, and this amounts to 13,480ha in Neath Port Talbot. A further 2588ha of land is held by the Commission under leasehold title, but unfortunately there are no immediate plans to provide a formal public right of access to this land. Nevertheless, the forest plantations provide a vast area of land which is now available for walking, pedal cycling and horse riding.

1.5.4 Access to the Canal Network

The remnant canal network in Neath Port Talbot provides a very important means of countryside access. The former canal towpaths alongside the Swansea, Neath and Tennant Canals allow walkers of all abilities an opportunity to walk through the countryside, and they also provide a link between settlements. Due to their relatively flat surface, and their proximity to residential areas, the towpaths are particularly important as a means of access for people with mobility problems. Policy R06 in the draft UDP sets out the County Borough Council's policy of helping to preserve the canal network for recreation and water supply purposes.

The whole network of canals is open to the public for walking on the following basis:

- (i) Some sections of the former Swansea and Neath Canal towpaths are registered as public footpaths, and members of the public have a right to walk on these sections.
- (ii) The Swansea Canal between Ynysmeudwy and Ystalyfera is owned by the County Borough Council and managed as a nature reserve.

(iii)The County Borough Council has entered into formal access agreements with the canal owners in respect of the remaining sections of the Neath and Tennant canal network, and these allow public pedestrian access. A section of the Neath Canal is also open to pedal cyclists and forms part of the rural cycle network.

1.5.5 Rural Cycleways

Neath Port Talbot County Borough Council recognises the importance of cycling as a sustainable form of transport which also has a beneficial effect on public health. As a consequence, the Authority has developed a significant network of cycleways which provide a means of accessing the countryside for leisure purposes. Much of the network has been developed in conjunction with Sustrans, and part of the National Cycle Route passes through the County Borough Sections of the network also provide a link between settlements and enable a sustainable transport option for other types of journey.

Rural cycleways are a very important element in the range of opportunities for gaining access to the countryside in Neath Port Talbot. Where they have been developed on disused railway lines their gradient is suitable for users with various mobility problems, and cycleways have been developed on such land in the Afan, Goytre, Swansea and Upper Amman Valleys. In addition, there are some sections of the Neath Canal towpath which are open to cyclists by permission of the Neath Canal Navigation Company, and these also offer easy access opportunities for less able users.

The rural cycle network also includes more challenging routes over upland areas, and therefore it meets the needs of riders of all abilities.

1.5.6 Permissive access

In addition to statutory rights of access, the County Borough is fortunate in having considerable areas of land to which public access is available by permission of the landowners, and these areas are broadly indicated in Figure 1 above. The land in question is owned by the following:

County Borough Council

Community Councils

- Forestry Commission (Land not dedicated as access land under the CROW Act)
- Woodland Trust
- British Waterways
- Neath Canal Navigation Company
- Tennant Canal Company

- Coombe Tennant Estate
- South and West Wales Wildlife Trust
- Farmland in the Tir Gofal scheme where additional access rights have been granted.

Access to these areas of land is provided on a very secure basis because the landowners are either public authorities, Trusts, or private landowners who have entered into access agreements with the local authority. Since the permissive access will continue to be available throughout the plan period, it can be considered as a very important part of the range of options that allow countryside access in the County Borough.

1.5.7 Country Parks

There are three major country parks in Neath Port Talbot: Margam Park, Gnoll Estate Country Park and Afan Forest Park, and there is also a small Country Park at Craig Gwladys, Cadoxton. Although the parks have a much wider role than simply allowing public access, they do provide the public with an opportunity to experience a variety of countryside landscapes. They enable people who are not experienced in visiting the wider countryside an opportunity to enjoy a variety of landscapes in a secure environment. All the parks have waymarked paths, and these can be used by members of the public who would, perhaps, lack the confidence to walk unmarked routes outside the park boundaries. All the parks are accessible by public transport, and the major parks have public car parks and visitor centres which provide a range of facilities. They offer people with mobility problems and those with small children an excellent means of enjoying the countryside.

The parks also allow the more adventurous visitor the chance to gain access to the adjacent countryside. Margam Park and Afan Forest Park are linked by the Coed Morgannwg Way and Ogwr Ridgeway long distance trails, and they therefore allow experienced walkers the opportunity for extensive walking in this part of South Wales.

1.5.8 Access to the coast

Access to coast in Neath Port Talbot is limited by urban and industrial development and also by the difficult landscape of the Neath Estuary. However, the Welsh Assembly Government has announced a six year Coastal Access Improvement Programme which will aim to improve access to the whole coastal area in Wales. This programme includes the development of an all-Wales coast path which will be achieved by collaborative working between the sixteen Welsh coastal authorities. It

will also include improvements to other access opportunities in the coastal zone, and the County Borough Council will be considering the options available in conjunction with the neighbouring Bridgend and Swansea local authorities.

There are currently two main areas of coastline where members of the public can gain access to the foreshore, namely Aberavon Beach and the area adjacent to Fabian way at Crymlyn Burrows.

Aberavon Beach at Sandfields Port Talbot is the main area of public access south of the Neath estuary, it is owned by the County Borough Council and is promoted as a visitor attraction. The beach is adjacent to the urban area, but it is accessible from the developing rural cycleway network, and the authority will be considering further links to the valley areas of Neath Port Talbot.

North of the estuary, there has been a long tradition of public access on foot to the foreshore at Crymlyn Burrows, although this access does not have a statutory basis. The land is easily accessible from Fabian Way and part of it is designated as a Site of Special Scientific Interest because of its flora and fauna. The land is not managed by the County Borough Council but the authority is aware that it does suffer from vehicular trespass which is a particular concern in view of its protected status.

Although Footpaths 92 and 93 in the Community of Port Talbot give access to the edge of the foreshore at Margam Sands, there is no public right of access over the foreshore in this area. Similarly, there is no statutory right of access to the Neath estuary.

1.6 An assessment of user demand based on public consultation

This section provides an analysis of the consultations undertaken by the County Borough Council as part of the plan preparation process.

As part of its assessment of the extent to which current access opportunities meet the present and likely future needs of the public, the County Borough Council undertook a survey via an access questionnaire. The questionnaire was distributed to all elected members of the authority, Community Councils, major employers, landowners, local libraries, clubs and ethnic minority groups. To try to gain the best response, a freepost envelope was provided with the questionnaires. A notice inviting people to complete the questionnaire was also placed in the local newspaper, on the intranet and internet. The questionnaire is reproduced in Appendix 3 of this plan.

The ROWIP has also been discussed at meetings of the Neath Port Talbot Local Access Forum and the views of forum members have also been considered along with those gained through the public consultation exercise.

1.6.1 Questionnaire Analysis

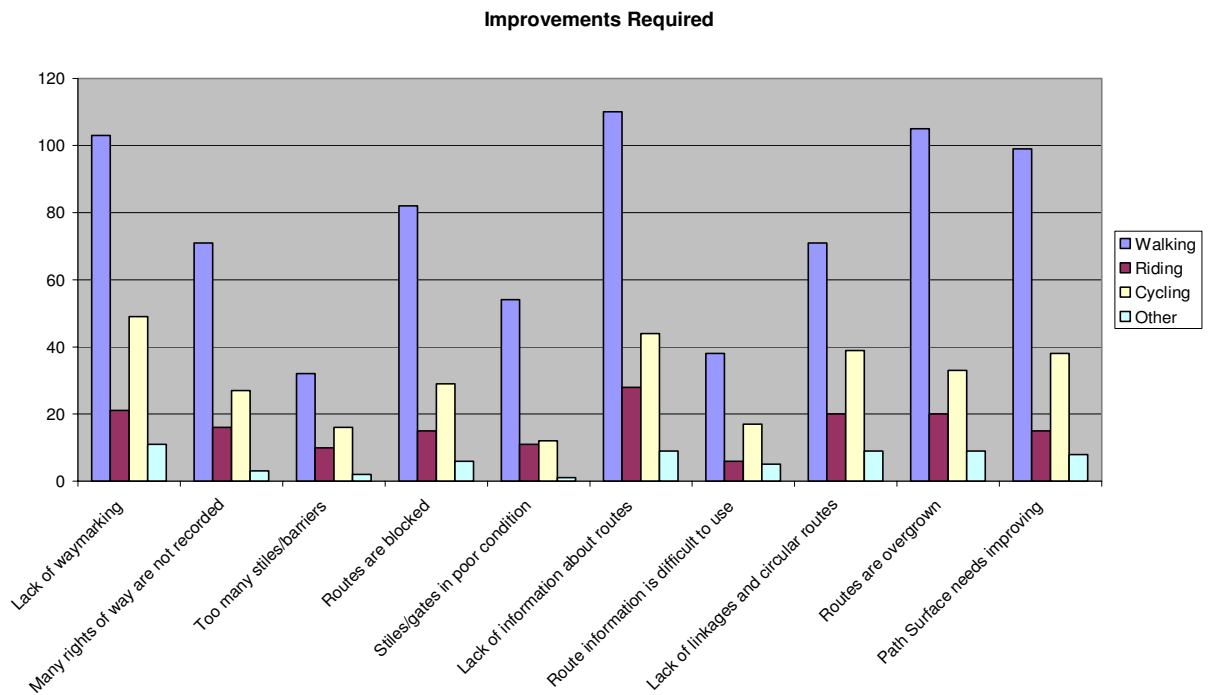
A total of 182 questionnaires were returned giving a response rate of 25%. Although this was a fairly low return, it nevertheless provided useful information to compare against the data on access already held by the County Borough Council. Disappointingly, no response was received from groups which represent ethnic minorities and further attempts to contact them will be made during the plan period.

Results

Some of the main results of the questionnaire are shown below. It should be noted that not all respondents answered all the questions, and some questions triggered multi-responses, so the total number of questions answered does not always appear to match the number of forms returned. Respondents were asked to comment on the condition of the public rights of way network and to provide views on the works necessary to improve it. Their comments are set out below.

Table 3 - Improvements required to the Public Rights of Way network

Improvement	Walking	Riding	Cycling	Other	Total
Lack of waymarking	103	21	49	11	184
Many rights of way are not recorded	71	16	27	3	117
Too many stiles/barriers	32	10	16	2	60
Routes are blocked	82	15	29	6	132
Stiles/gates in poor condition	54	11	12	1	78
Lack of information about routes	110	28	44	9	191
Route information is difficult to use	38	6	17	5	66
Lack of linkages and circular routes	71	20	39	9	139
Routes are overgrown	105	20	33	9	167
Path Surface needs improving	99	15	38	8	160
Total	765	162	304	63	1294

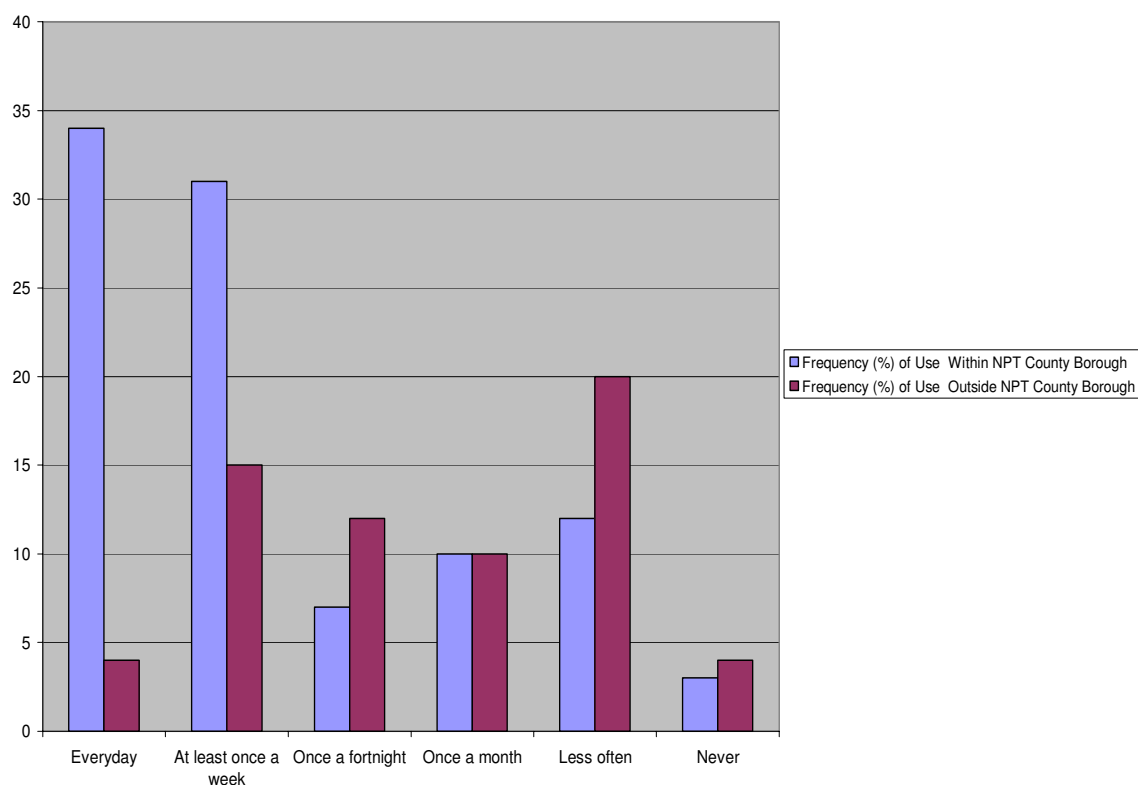


- The questionnaire asked respondents to indicate their frequency of use of public rights of way in the County Borough and those outside the area.

Table 4 Frequency of visits to Public Rights of Way

Frequency (%)	Location of Respondent	
	NPT County Borough	Outside NPT County Borough
Everyday	34	4
At least once a week	31	15
Once a fortnight	7	12
Once a month	10	10
Less often	12	20
Never	3	4
Total	97	65

Frequency of Visits to Public Rights of Way



Responses to the questionnaire were received from members of the public, local authority elected members, user groups and a range of organisations. Details of the respondents and their age groups are indicated in the table below.

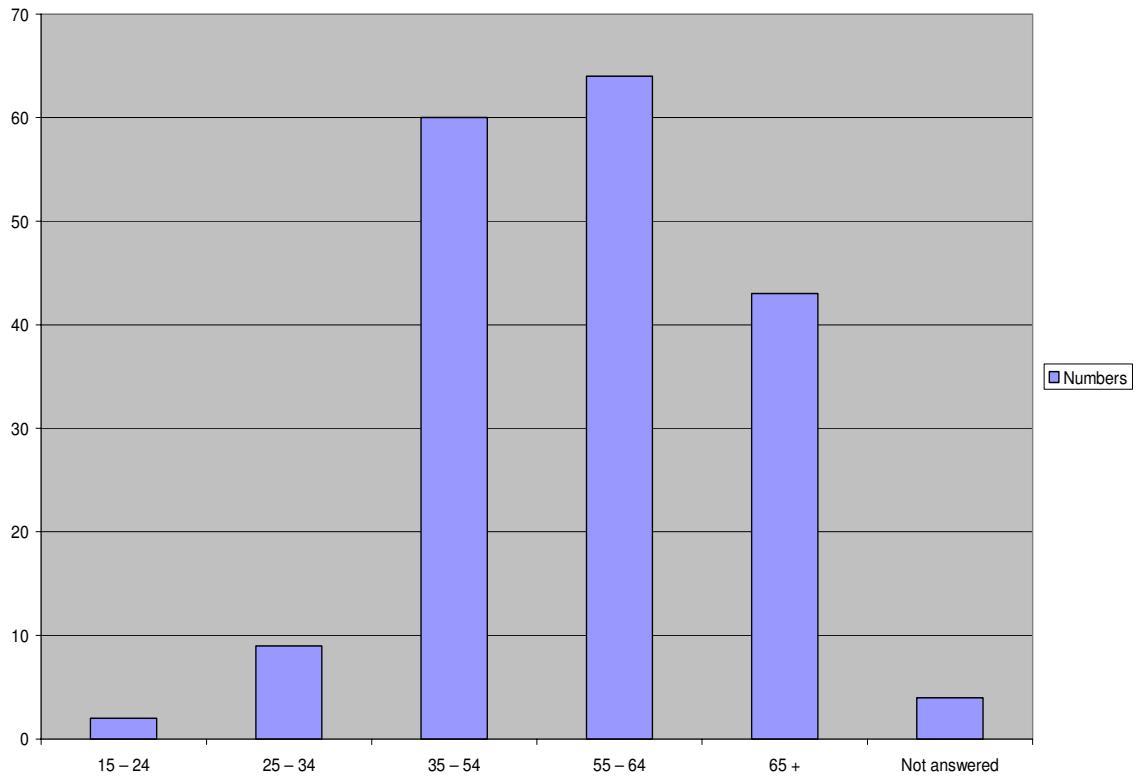
Table 5. Respondents Details

Respondent details	Number	Percentage (%)
Resident of NPTCB (incl. Cllrs. Etc.)	116	64
Community Councillor	5	3
County Borough Councillor	11	6
Private Landowner/Land Manager	11	6
Visitor to the Area	3	2
Interested Group/Organisation	35	19
Total	181	100
Age Group	Number	Percentage (%)
15 – 24	2	1
25 – 34	9	5
35 – 54	60	33
55 – 64	64	35
65 +	43	24
Not answered	4	2
Total	182	100

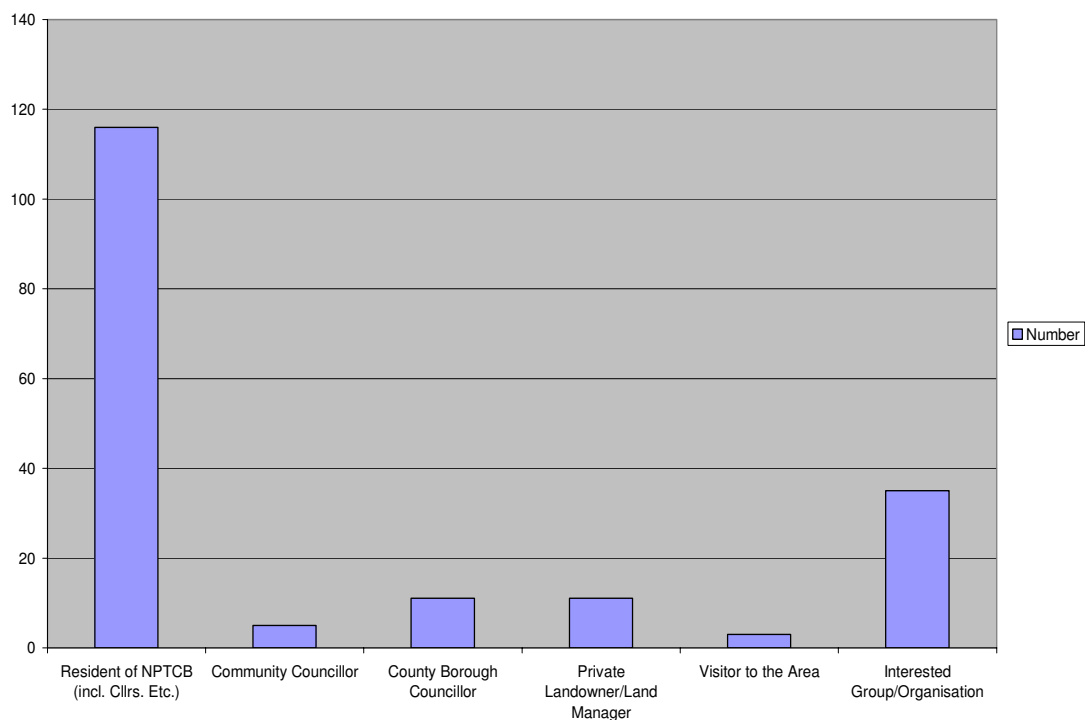
93% of responses were from within the Neath Port Talbot County Borough, the remaining 7% were from outside the area.

83% of respondents had no mobility problems, whilst 17% have some form of mobility or sensory difficulty.

Respondents Age Groups



Respondent Details

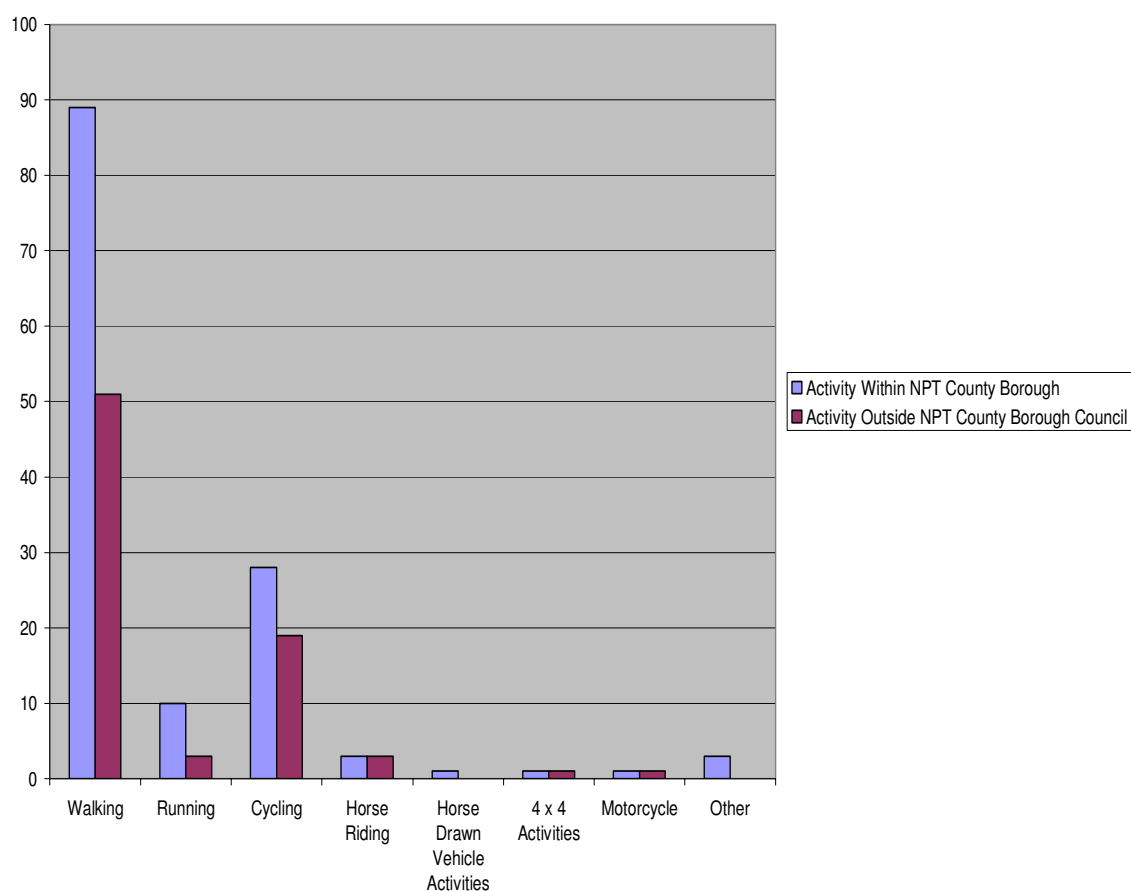


The public rights of way within the Neath Port Talbot County Borough and elsewhere are used in a variety of ways, as shown in the table below.

Table 6 User Activities

Activity	Location of Respondent	
	NPT Borough	County Elsewhere
Walking	89	51
Running	10	3
Cycling	28	19
Horse Riding	3	3
Horse Drawn Vehicle Activities	1	0
4 x 4 Activities	1	1
Motorcycle	1	1
Other	3	0

User Activities



The questionnaire responses not only provided information on the use of the public rights of way network, but also provided information on levels of use of other access land in the area. This is summarised below:

Forestry Commission land.

72% of respondents use Forestry Commission plantations for the following purposes:

- Walking 68%
- Pedal Cycling 22%
- Horse Riding 5%
- Quad Bike driving 1%
- Disabled vehicular use 1%
- Non specific use 3%

Other areas of woodland are enjoyed by 57% of respondents,

Rural cycleways are used by 62% of respondents.

Canal towpaths are used by 72% of respondents for the following purposes:

- Walking 56%
- Walking and cycling 38%
- Cycling 4%
- Disabled scooter and other use 2%

Sites owned by the Woodland Trust and wildlife Trust 35%

Coastal land is used by 57% of respondents

65% of respondents use open mountain/moorland

76% of respondents used country parks in Neath Port Talbot

Whilst the respondents provided many positive comments on countryside access in Neath Port Talbot, there are certainly areas of concern which need to be addressed in the ten year period covered by the plan.

1.6.2 Local Access Forum

The Local Access Forum is a key consultative body and its purpose is to advise the County Borough Council on means of improving access to the countryside. In providing that advice, the Forum has to take into account the needs of land management and the desirability of conserving the beauty of the countryside and its biodiversity. In accordance with regulations, the Forum members represent a balance of landowning and user interests.

The development of the ROWIP has been fully discussed at meetings of the Forum. It has been a formal agenda item at a number of meetings, and members have also considered many other items which were of direct relevance to preparation of the plan.

The Local Access Forum shares all of the concerns expressed by the questionnaire respondents, and members have highlighted similar areas of service which need to be improved. The forum has also identified the need to encourage public enjoyment of the countryside in a responsible manner because it recognises the concerns of landowners. In preparing the plan, the County Borough Council has taken these views into account. The draft ROWIP will be subject of further consultation and discussion at the Forum.

1.7 Conclusions on the assessment of current access provision in Neath Port Talbot

1.7.1 Access to the countryside in Neath Port Talbot

In broad terms the County Borough is very fortunate to have such a large area of countryside within its boundaries which is open to public access. Although the area of land available for access is extensive, it does not entirely meet the needs of the public, and the plan will need to address the following matters to improve the situation over the plan period.

1.7.2 Public rights of way

Public rights of way provide the most important means of gaining access to the countryside. Although the County Borough Council has a good record in rights of way management, there is an historic legacy of neglect and only about 68% of the network is available for use. This compares to the Wales national average in 2006 /07 of 41%.

The following broad areas of improvement are required:

- (i) To increase the proportion of the network which is open and maintained to a proper standard;
- (ii) To improve the condition of parts of the network in partnership with CCW according to an agreed set of priorities. This will include the removal of barriers which impede access by people with mobility problems wherever possible;
- (iii) To reduce backlogs of legal orders which are needed to update the Definitive Map by means of a priority system;
- (iv) To provide better publicity and promotion;
- (v) To consider means of improving horse riding opportunities because the available network is fragmented, and does not meet the needs of riders.

The Council will seek to improve the rights of way service by the policies set out in the Statement of Action.

1.7.3 Long Distance Trails

The Coed Morgannwg Way, Ogwr Ridgeway and St Iltyd's Way are managed in conjunction with the Forestry Commission and adjacent local authorities, and evidence suggests that the budgets available have not been sufficient to maintain them effectively. The Council will seek to work in partnership with the neighbouring local authorities and the Forestry Commission to improve maintenance, waymarking and publicity in respect of these trails. There are problems with regard to the route of the St Iltyd's Way in Carmarthenshire, and the future of the route is being reassessed in that County. The walk will continue to be promoted only if these problems are resolved.

The Council is aware that there is public demand for the reinstatement of Cerdded Bro Nedd, which is a route formerly promoted around the Vale of Neath. In recognition of this demand, the walk will be waymarked and promoted once again.

1.7.4 Access Land provided under the CROW Act 2000

The County Borough Council has ensured that land recorded on the CCW maps of access land is open and available for use, but public interest has not yet been significant. Interestingly, though, 57% of the respondents to the access survey said they walked on mountain and moorland and, quite possibly, they were using this land before the public access right was created. It is considered that better publicity and promotion is necessary to increase public awareness of the availability of this access land. The Council will also consider providing additional means of access, where appropriate, in conjunction with landowners.

Land held under freehold title has been dedicated for public access by the Forestry Commission under the CROW Act. It is clearly being used to a considerable degree, because 72% of questionnaire respondents stated that they used such land. The Council will seek to work in partnership with the Forestry Commission to examine ways of improving access opportunities in the forest plantations, including provision of more waymarked routes.

1.7.5 Access to the canal network

Former canal towpaths offer superb opportunities for public access and they are particularly suitable for people with mobility problems. The Council will work in partnership with the canal companies to ensure the paths are maintained to a high standard, and promoted for responsible public use.

1.7.6 Rural Cycleway Network.

The rural cycle network provides access opportunities for cyclists and walkers of all abilities, and 57% of respondents to the access survey stated that they are using these routes. The Council has plans in place to extend the network during the plan period, and more opportunities to gain access to the countryside will be created.

1.7.7 Permissive Access Land.

The County Borough Council recognises the importance of permissive access land in Neath Port Talbot. Most of the land is in the ownership of the Forestry Commission, the local authority itself and other landowners who have a commitment to providing public access. Such land provides extensive opportunities to gain access to the countryside and often connects to other types of access. The Council will seek to improve access to rural land in its ownership, and will work in partnership with other landowners who have allowed public access to their land.

1.7.8 Country Parks

The three major Country Parks will continue to provide a range of options for public access during the plan period. Whilst their importance in providing countryside access is fully recognised, their future management is not considered in detail in this plan because that will be set out in the Council's Green Spaces Strategy.

1.7.9 Access to the coast.

The access survey showed that 57% of the respondents already enjoy access to the coast in Neath Port Talbot. The County Borough Council will be participating in the national Coastal Access Improvement Programme which will improve access to the coastal zone. This programme will be carried out in the period 2007 to 2012, and will create more opportunities for the public to enjoy the coastal area of the County Borough.

1.7.10 Countryside access in Neath Port Talbot from the perspective of users.

The access survey provided a valuable insight into the public perception of the current quality of access to the countryside in the County Borough. The main areas of concern are listed below in order of priority based on the number of respondents who raised them:

- Lack of information about routes
- Lack of waymarking
- Routes overgrown
- Surface improvements required
- Lack of linkages and circular routes
- Routes blocked
- Many rights of way are not recorded
- Stiles/gates are in a poor condition
- Route information difficult to use
- Too many stiles/barriers.

As would be expected in a survey of this nature, not all of the respondents identified these issues as matters of concern, and there were positive responses about these and other issues. The main positive responses were as follows:

- The over all performance of the County Borough Council access service is good
- Paths are maintained to an acceptable standard
- Waymarking is satisfactory
- There are have been improvements in performance in recent year
- Officers of the authority are very helpful

Nevertheless, the Council accepts that the areas of service identified in the public consultation exercise as matters of concern are the parts of the service which need to be improved. The policies in this plan will provide the means by which the County Borough Council will attempt to improve its performance in these areas of service.

1.7.11 Countryside access in Neath Port Talbot from the perspective of landowners.

The landowners who responded to the access survey provided some interesting information on countryside access issues from their point of view. The main areas of concern were as follows:

- There is a need to reduce motor vehicle trespass. There should be more barriers to prevent this happening together with more effective policing.
- Other criminal activities have to be tackled, particularly in respect of abandoned vehicles, fly tipping, arson and poaching
- Paths should be better maintained and signposted
- Dogs are a problem and should be better controlled
- There is a need provide more public education about countryside access
- Path users should have third party insurance cover
- Ramblers should help to maintain paths

Again there were positive responses about the general performance of the Council and the helpful attitude of its officers.

Part 2: Statement of Action

2.1 Introduction

The policies and proposals in this section will form the basis of the County Borough Council's efforts to improve access to the countryside in Neath Port Talbot during the ten year period covered by this plan. They will underpin the annual programme of work which will be produced by the Countryside Section in March every year, and that programme will set out the detailed work planned for the year ahead. Although the core work will be carried out by the Countryside Section which is based in the Environment Directorate, the work of the Section is carried out in conjunction with other parts of that Directorate and other Directorates of the authority. The existing corporate working arrangements within the authority will therefore be important in achieving the aims of this plan, as will continued partnership working with outside bodies such as CCW and major local landowners.

It is impossible to predict, in detail, the level of resources that will be available to the Council over the ten year period of the plan, but the production of an annual programme will allow flexibility in order to take account of circumstances. The Welsh Assembly Government has indicated that it will provide additional resources to local authorities in order to enable them to implement policies and proposals in their ROWIPs. This will be crucial because all Council budgets are under pressure, and the additional resources will enable the Council to implement the aims of this plan. The Council will remain alert to possible additional sources of external funding, and should such funding become available, the authority will include any proposed additional works in the relevant annual programme.

The policies and proposals set out below will provide the means by which the County Borough Council intends to maintain and improve access to the countryside in the plan period.

2.2 Definitive Map Policies

The County Borough Council has a statutory duty to maintain a Definitive Map of public rights of way, and this must be kept as up to date as possible. The Map can only be amended through the legal order making process, and the authority undertakes this area of work through an agency agreement between the Council's legal officers and those in the

City and County of Swansea. This is an excellent example of collaborative working between local authorities and it is proposed that the work will continue to be carried out in this way.

2.2.1 Policy DM 1 Continuous Review of the Definitive Map

The County Borough Council will keep the Definitive Map under continuous review in accordance with the requirements of Section 53 of the Wildlife and Countryside Act 1981.

Changes to the map have to be made on a regular basis because paths can be created, diverted or extinguished by public path orders. Changes can also be made as a result of applications made by members of the public to add routes to the map through the submission of satisfactory evidence of public use, or because the authority has discovered anomalies on the map which require correction. Such changes are made by evidential modification orders, and the order making process can be complicated and expensive in terms of staff resources, especially where evidence submitted by the public has to be investigated.

Since order making work is largely driven by outside pressures, it has to be prioritised in order that the most urgent amendments are dealt with first. Due to the time consuming nature of this work there is a backlog of claims and anomalies in the system, and the order making priorities which the Council will use to organise this area of work are indicated in Policy DM2 below. Although the Council is concerned at the backlog, it is largely confined to the less urgent anomalies which are not causing current problems, and the legal team is keeping pace with the priority areas of order making work.

The Definitive Map was published on 1st January 1971 and this remains the base date for the rights of way recorded on it. Since that date, the changes to the network which have occurred by virtue of public path orders and evidential modification orders have been kept as a separate, but complementary, record. This has not caused any managerial problems to date but, nevertheless, the authority does intend to make a composite legal event order during the plan period which will formally allow the changes to be recorded on the Map itself, and it will then be republished with a new relevant date.

2.2.2 Policy DM2 Priority for making legal orders in respect of public rights of way.

The list below indicates the order of priority in which the Council will make legal orders in respect of public rights of way.

(i) Orders for the diversion or extinguishment of footpaths and bridleways made under the Town and Country Planning Act 1990 which are necessary for development to take place.

(ii) Orders for the diversion or stopping up of public rights of way made under the Highways Act 1980. Such orders may be made on the request of the landowner, or made by the County Borough Council for management purposes. If Section 57 of the CROW Act comes into force, the time limits set for dealing with landowner applications may mean that such applications become the top priority for the Council. Unless Section 57 comes into force, where a landowner makes a request to divert a public right of way which has been wilfully obstructed, that request will not be considered until the obstruction has been removed.

(iii) Definitive Map Modification Orders for adding new public rights of way to the Definitive Map based on evidence of public usage. Such orders represent the major proportion of the order making workload each year, and they are generated by public pressure. Within this particular category the Council will endeavour to deal with the applications to register new rights of way in the date order that they are received. However, some claims are more complicated than others and the work entailed can vary greatly. As a result, it is inevitable that highly contentious claims involving large numbers of claimants will take longer to process, and claims involving less work will proceed to conclusion more quickly. Due to the large volume of work involved in processing these orders there is a backlog, and this has to be prioritised in order to maximise public benefit. That backlog, however, is decreasing, and the Council considers that it is now processing the highest priority claims which generate the most work at an acceptable pace.

(iv) Definitive Map Anomalies

In assessing the accuracy of the Definitive Map the Council has discovered 65 minor anomalies which date back to its inception. Some of these anomalies were already known to the authority and none of them are causing day to day management problems. The Council is also aware that the status of some rights of way changes when the path crosses the boundary with an adjacent highway authority. This needs to be assessed with those authorities in order to clarify the status of the path in each instance. In order to rectify the anomalies the Council will have to make a Definitive Map Modification Order in each case, and this will be a time consuming and expensive process. As a consequence, the Council will only make orders to rectify historical anomalies if one of those anomalies gives rise to a current access or management issue. However, the Council will endeavor to remove the non urgent backlog of orders during the ten year period of the plan, and will then publish a legal event modification

order to incorporate all the changes which have occurred since 1971. The Definitive Map will then be republished with a new relevant date.

(v) Orders to register historic public rights (CROW Act Sections 53 to 56)

This part of the CROW Act provides for the extinguishment of any historic public rights which have not been recorded on the Definitive Map by 1st January 2026. Evidence of historic public access rights can only be established through detailed research undertaken by experienced professional staff or by suitably qualified volunteer researchers.

Due to the failure and subsequent abandonment of the Discovery of Lost Ways Project in England, this part of the CROW Act is now being reviewed, and may actually be repealed. The Council will therefore monitor the situation during the period of the plan, and if this part of the legislation is not repealed, the authority will attempt to make any necessary orders in accordance with the priorities set out in this part of the plan.

2.2.3 Policy DM3 Temporary Orders for diversion or closure of public rights of way.

It will be the policy of the Council to make orders for the temporary diversion or closure of public rights of way, where appropriate, on the request of landowners or statutory undertakers. Orders of this nature are usually made within six weeks of the request, and this period allows time for statutory notices to be placed in the press.

2.2.4 Policy DM4 Charges for certain types of Legal Order which affect Public Rights of Way

It will be the policy of the County Borough Council to make an appropriate charge for certain types of legal order:

- Developers and statutory undertakers who require temporary or permanent orders, will be expected to pay for the costs incurred in making the order.
- Landowners who require orders to be made which are primarily for their own benefit will be charged the full cost of the order. If the change to the path in question has some public benefit, then the Council may decide to share the cost of making the order.
- If the Council itself wishes to change the location of a public path because it is in the public interest, the council will pay for the order.

2.2.5 Policy DM5 Public Inspection of the Definitive Map

The Definitive Map will be available for public inspection free of charge at the Council Offices at Baglan Energy Park during normal office hours. Copies of the map will be available to members of the public at a charge set by the Service Level Agreement with the Ordnance Survey.

2.2.6 Policy DM6 Definitive Map Land Charges enquiries

The Countryside Section will respond to Land Charges Section within ten working days regarding public rights of way enquiries on Part 2 of the CON 29 search form.

2.2.7 Policy DM7 Additional Definitive Map enquiries by prospective purchasers or their agents

The County Borough Council is sometimes requested by prospective purchasers or their agents to provide additional Definitive Map information, over and above that included in Part 2 of the CON 29 form. If the request requires only a verbal reply, the information will be given free of charge. If a written response is required, the County Borough Council will provide this additional information on payment of an appropriate fee which is consistent with the fee charged for similar enquiries of the main highway network.

2.2.8 Policy DM8 Protecting public rights of way from development.

The Countryside Section will respond to the Planning Section within 21 days regarding applications for planning consent which affect public rights of way. The County Borough Council will ensure that public rights of way are protected through site design or path diversion as may be appropriate in each case.

2.3. Public Rights of Way Maintenance and Improvement Policies

The County Borough Council has a statutory duty to maintain public rights of way under Section 41 of the Highways Act 1980, and it also has a wide range of powers to improve them under the same Act. Section 60 of the CROW Act provides the authority with a duty to include measures to improve the network of public rights of way in its ROWIP, and this is a clear indication that highway authorities are expected to use their powers of improvement. Appendix 1 provides further information on the duties

of the County Borough Council as highway authority in respect of this aspect of work. The policies in this section provide the basis on which maintenance and improvement work will be carried out during the plan period.

The authority recognises that the Wales Data Unit performance indicator figures on signposting and ease of use show that there is a need to maintain the path network to a higher standard. The consultation exercise also highlighted public concern about the condition of the network, with particular reference to overgrown or blocked paths, surface defects and the need for better waymarking. The Council undertakes a path improvement programme each year in order to improve the condition of the network, and this will continue to target paths for improvement throughout the plan period. The rate of improvement will depend on budget resources and the level of grant aid available in each financial year.

Path maintenance and improvement programmes will continue to be implemented under the policies set out below, and details of the works proposed will be included in the annual action programme.

2.3.1 Policy M1 Improving performance in maintaining the Rights of Way Network.

The Wales Data Unit Performance Indicator on rights of way will continue to be the main means by which the achievement of improved standards will be measured. This indicator measures the success of the authority in meeting its statutory duties in respect of signposting, removal of obstructions and ensuring that path structures such as stiles and gates are in good condition.

Over the plan period, the council will aim to increase the proportion of the path network which is in a condition that is fit for purpose. The current performance indicator has been used to measure performance for the last four years, and over that period the authority has managed to keep approximately 62% of the path network in a suitable condition for use. The national figure for Wales in 2006/07 was 41%.

It is impossible to predict accurately the expected rate of improvement over a ten year period, because achievement of this aim will depend on the necessary resources being available. However, an annual improvement rate of 1% is considered to be an attainable target which would result in approximately 72% of the network being maintained to an appropriate level by the end of the first ten years of the plan.

2.3.2 Policy M2 Standards of Path Maintenance

Although the Council, as highway authority, has a statutory duty to maintain public rights of way, there is no statutory standard of path maintenance which applies to every right of way. However, the standard of maintenance has been considered in the High Court, and it has been determined that the Council has a duty to keep a highway in a safe and fit condition for the ordinary traffic of the neighbourhood at all times of the year. In practice, this means that the standard of maintenance which is appropriate for each right of way has to be based on its historic character and use. The Council will continue to base its maintenance duties on an assessment of the historic nature and use of the path.

Over the years the use of the network has changed, and paths adjacent to settlements have become more intensively used as the residential areas have expanded. As a consequence, many of these paths have been provided with stone or tarmac surfaces in order to accommodate higher levels of public use. In these instances, the Council has carried out the work by exercising its powers of highway improvement and this has often enabled such paths to be used by all members of the community, including the disabled. Where the Council has improved the surface of a right of way it has a duty to maintain it to that standard in future, because the definition of 'maintenance' in the Highways Act 1980 includes repair. The Council will continue to monitor use of the path network, and where the volume of use substantially increases, will consider upgrading the path surface in line with Policy IP1 below. Further information on the legal responsibilities of the Council as highway authority is provided in Appendix 1.

Many public footpaths and bridleways provide private vehicular access to adjacent properties. Whilst the County Borough Council has a duty to ensure that such paths are in a suitable condition for public use, it does not have a duty to ensure that they are capable of being used by vehicular traffic. If a landowner damages a footpath or bridleway by using it for private vehicular access, the landowner will be required to make good any damage caused to the surface of the path. In some instances, these paths have been surfaced with aggregate or tarmac by landowners using them for vehicular access, and the work has been done without the knowledge or consent of the authority. Where this has occurred and the path subsequently falls into disrepair, the public use of the path on foot or on horseback may be adversely affected. In those circumstances, the primary responsibility for repair will fall on the parties who surfaced the right of way without consent.

2.3.3 Policy M3 Maintenance Priorities

Maintenance work varies in scale and nature and includes such work as clearing vegetation from the path surface, clearing drainage ditches and culverts, path surfacing or repair, building bridges and signposting. Much of the work is routine in nature but often work has to be carried out urgently in the interests of public safety. The Council therefore has to be able to undertake the work on a priority basis, and the work routine has to be flexible enough to adapt to unforeseen circumstances.

The County Borough Council has an annual programme of routine maintenance work which includes clearing surface vegetation, clearing ditches and culverts and signposting. Vegetation clearance is largely carried out in spring and summer, although it may be undertaken at other times of year where the authority discovers overgrown paths which are not on the annual maintenance list. The list is amended to include these paths if it considered that they will require annual clearance work.

The authority is only responsible for clearing vegetation other than grass which grows on the surface of a right of way; it is not responsible for clearing overhanging or encroaching vegetation because this is the responsibility of the landowner. The Council does have a duty to ensure that landowners carry out their responsibilities, and failure to do so will be treated as an enforcement issue.

Each year the Council also undertakes structural work as part of its annual maintenance programme, and this includes repair of culverts, path surfaces, steps and bridge repairs.

The authority has a duty to signpost a public right of way where it leaves a metalled road. It also has a duty to waymark paths which it considers to be difficult to follow if the user is unfamiliar with the area. . The priority for signposting will be to repair or replace signs on paths which are open and available for use, and on those which are opened up after a long period of neglect. Waymarking will be carried out not only where the authority considers that the path is difficult to follow, but also because landowners have complained about trespass off the line of the path.

The routine part of the maintenance programme referred to above has to be flexible in order to undertake urgent work where problems are discovered which require immediate attention. The condition of the network is not static and it is affected by the natural processes of erosion, vandalism or wilful interference. As a result, work has to be carried out each year which has not been pre-planned, and the Council prioritises this work as described below:

- i) Where a problem is discovered on a well used path and it is a potential safety hazard to the public, the remedial work will be regarded as top priority and it will be carried out as soon as possible.
- ii) A hazard discovered on a little used path will be treated as high priority in the interests of public safety.
- iii) If a problem is discovered on a very well used path, but it is not an immediate safety hazard, this will be next in priority after safety issues.
- iv) Non urgent work on paths which are little used will be the lowest priority.

The Council has been successful in opening parts of the network which are not well used, and maintenance work of this nature is often done prior to a path being improved under a grant aided scheme.

The above system of prioritising the work has been used by the Council since 1996, and it has enabled the authority to target its resources effectively. It is proposed that this set of priorities shall continue to apply throughout the plan period.

2.3.4 Policy M4 Methods of Implementation

The County Borough Council will continue to use the most cost effective and appropriate means available when undertaking its statutory duty to maintain the public rights of way network, or when exercising its powers of improvement. Environmental considerations will always be taken into account, and materials used will be from locally based sustainable resources wherever possible. Although rights of way are public highways, they are usually located on private land and the work has to be carried out in a sensitive manner by an experienced workforce. The Countryside Section in the Environment Directorate will manage the maintenance programme, and the means by which the work will be carried out are described below.

(i) Countryside Project Team.

This is a team of two workers based in Unit 20 at the Crynant Business Park, where stocks of materials and equipment are held. The team is responsible for maintaining records and booking out equipment such as stiles gates and signposts to contractors employed to install them. The team, however, is mainly employed on outside duties carrying out maintenance and improvement work. Due to the fact that the team is directly controlled by the Countryside Section, it can be redirected at short notice when urgent tasks arise.

(ii) Contractors.

The Council employs a number of contractors who are experienced in rights of way work. They are skilled at undertaking construction work, in conditions which are difficult due to remoteness, or due to the nature of the terrain. They are also aware of the issues involved with working on agricultural land, and the need to deal with landowners in an appropriate manner. The Council will continue to employ experienced contractors to carry out maintenance work where their skill and expertise is required.

(iii) Community Council Path Maintenance Scheme

Since 1996, the Council has offered 75% grants to Community Councils in order for them to undertake approved maintenance on public rights of way. The participating Councils are typically involved in clearance of vegetation and drainage ditches, and employ seasonal staff to do the work. This is a cost effective means of carrying out some elements of the maintenance work, and it has the benefit of involving the Community Councils in the management of their local path network. The County Borough Council will welcome the continuing support of the Community Councils during the plan period.

(iv) Neath Port Talbot Highways Staff.

Each year, part of the structural maintenance work is undertaken by Council highway staff. This is work which is beyond the scope of the rights of way contractors, and includes the repair of tarmac surfaces and major footbridges which are more than 10 metres in length.

(v) Landowners

The Council is prepared to consider employing landowners to carry out work on paths which cross their land because this can be cost effective. It also involves the landowner in the process and this can lead to a better relationship with the authority. However, landowners can only be employed if they are registered under the Inland Revenue Construction Industry Scheme because highway work is covered by that scheme, and this includes rights of way work. Unfortunately, many landowners are not registered under the scheme, and this option is less likely to be available in future.

(vi)Volunteers.

The Council supports, in principle, the use of volunteers to carry out maintenance work on rights of way. In practice, however, there is a problem in the provision of public liability insurance cover because many volunteers do not have their own insurance policies. The Council is only able to provide volunteers with public liability cover under its own policy if the work is supervised by a professional officer of the authority. Unfortunately, the Council does not have the staff resources to do this on a regular basis, and volunteer labour not directly supervised by the authority will only be engaged if public liability cover is provided by the volunteer group itself.

2.3.5 Policy IP1 Priorities for Public Rights of Way Improvement.

The County Borough Council has powers to carry out improvements to public rights of way under Sections 62 and 66 of the Highways Act 1980. Each year improvements are carried out to parts of the path network in accordance with priorities which are agreed with the Countryside Council for Wales which provides grant aid in support of much of the work. The Neath Port Talbot Local Access Forum will also be consulted on the improvement programme to be undertaken each year.

There are a number of factors which will be taken into consideration when drawing up the annual rights of way improvement programme, and the criteria below will be used to determine priorities. Highest priority will be given to:

- Paths which provide communities with access to attractive areas of countryside or coast. Additional factors will be the level of public use and public pressure for improvement.
- Paths which can be improved to provide access to the countryside for people with mobility problems, or improve the safety of the path for all users.
- Paths which provide access to the countryside from public transport routes.
- Paths which are little used but have the potential to be well used following improvement works
- Paths which are located in Communities First areas of the authority, or help meet the objectives of the Western Valleys Strategy.
- Paths which are located in the coastal area and will contribute to the achievement of an all Wales coast path with associated access improvements.

The criteria will be kept under review during the plan period and they may change in accordance with the priorities set by CCW. For example, in the first six years of the plan period there will be an emphasis on improving access in the coastal area because the authority will be contributing to the national coastal access improvement programme. When the planned coastal access improvements have been completed by 2013, this will be replaced by other priorities after that date.

Each year the Council will carry out a path improvement programme which will be drawn up in conjunction with CCW in the form of a three year rolling programme. The paths selected for inclusion in the programme, and the works proposed, will be in accordance with the above criteria. The methods of implementation will be as set out in policy M4 above.

2.3.6 Policy IP2 Improvement of structures on public rights of way

Gates and stiles on public rights of way can cause serious difficulties for persons with mobility problems. The County Borough Council has an on going programme of stile and gate replacement which will continue throughout the plan period. The aim of the programme is to improve the accessibility of the path network by replacing structures which are easier to use. This programme has always been supported by CCW grant aid, and it is envisaged that this will continue throughout the plan period because it provides long lasting benefits to path users. This policy is in accordance with the duty of the authority to provide an improved rights of way network which is laid down in Section 60(b) of the CROW Act 2000.

The legal position with regard to stiles and gates is not simple, but primarily they are the responsibility of the landowner and there are many locations where the Council does not have the power to insist on the replacement of a structure. Where a stile or gate has been in position for a long period of time prior to the first registration of the path, the landowner has a right to maintain a structure of that nature on the path. In a situation such as this, the authority will attempt to persuade the landowner to agree to change the structure for an easier to use one, and it has a good record of succeeding in this aim. Although, it does not have a power to insist that the structure is replaced by one which is easier to use, the authority does have a power to ensure that the structure is in a suitable state of repair so that it does not endanger users. Where structures are replaced by the authority with the support of CCW grant, landowners will be informed that future maintenance responsibilities remain primarily with them.

In accordance with the above, there will be a presumption in favour of

- i) Replacing existing stiles on public footpaths with self latching kissing gates,
- ii) Replacing gates on bridleways with bridlegates which meet British Horse Society standards wherever possible.

2.3.7 Policy IP3 Approval for new stiles and gates on footpaths and bridleways

When landowners wish to erect new fence lines across a public right of way they have to obtain the permission of the highway authority. Under these circumstances landowners can request the Council to grant consent for new stiles or gates under the provisions of Section 147 of the Highways Act 1980 as amended by the CROW Act 2000. This Section of the Act allows the authority the power to grant consent for such structures under strictly defined circumstances, and these are described in Appendix 2.

The amendments to Section 147 enacted under the CROW Act require the authority to consider the needs of persons with mobility problems when deciding to approve any such requests, and the County Borough Council will comply with this duty.

It will be the policy of the Council to approve applications for new structures which meet the statutory requirements, and which do not adversely affect the public enjoyment of the path to an unacceptable degree.

2.3.8 Policy 1P4 Erection of barriers to restrict vehicles.

The County Borough Council has powers to erect structures on footpaths and bridleways to deter their use by unauthorised vehicular traffic. They cannot be used on such paths if there are private vehicular rights along them, unless those possessing those rights agree to barriers being erected. The authority also has to consider the needs of people with mobility problems, and any barriers that are erected must not cause difficulties of access to such people because this would contravene the Disability Discrimination Acts. There are numerous barrier designs available, but there are circumstances where it is impossible to restrict vehicular trespass without adversely affecting the enjoyment of the path by the whole community.

The Council will only erect new barriers on footpaths and bridleways as a last resort and only if the following criteria are met:

- (i) There is strong evidence that the path is being used by unauthorised vehicular traffic.

(ii) If there are any private vehicular rights along the path, all those persons holding such rights will have to agree to the type of barrier being proposed.

(iii) The physical nature of the site of the proposed barrier will allow the installation of a barrier which cannot be easily by-passed.

(iv) It will be possible to provide a barrier that will enable the passage of all categories of user, including those with mobility problems. If the whole length of the path is of a width and gradient that enables it to be used by disabled persons, then a barrier which allows the passage of wheel chair users will be appropriate.

2.3.9 Policy IP5 Improvement of path surfaces.

The improvement of path surfaces is one of the most important means of improving the accessibility of the network for all categories of user. The paths selected for inclusion in the programme have to be chosen carefully because the Council will have to maintain the paths to those standards in future. The criteria set out in Policy IP1 will be used to determine the paths to be selected and the nature of the works to be undertaken.

Typically the work will entail the following:

(i) Providing rolled aggregate surfaces on previously unsurfaced paths.

(ii) Providing additional drainage on waterlogged paths.

(iii) Construction of steps on steep slopes to encourage greater public use.

(iv) Constructing footbridges where none previously existed to improve the accessibility of the paths to the whole community.

2.4 Enforcement Policies

Under Section 130 of the Highways Act 1980 the County Borough Council, as highway authority, has a duty to assert and protect the public right to use the highways in its administrative area, and this includes public rights of way. In particular, it has a duty to ensure that public rights of way are not obstructed by the wilful action of landowners or other parties, and there are a number of powers which it can use to secure the removal of obstructions if negotiation fails to resolve the problem.

The County Borough Council has always regarded the removal of obstructions as a very important statutory duty, and this commitment has been reinforced by amendments to the Highways Act brought in by the CROW Act 2000. Any person may now serve a notice on the highway authority to require the removal of some of the more common obstructions, and if the authority fails to comply with the notice, that person can refer the matter to the Magistrates Court. The Court has the

power to order the authority to remove the obstruction within a reasonable period of time which can be specified in the order.

Obstructions on public rights of way vary greatly in scale and nature, and actions taken by the authority to open up the paths have to be appropriate to the circumstances in each case. Physical obstructions may take many forms and include broken stiles, fences, encroaching vegetation, warning notices and sometimes buildings. Intimidating behaviour is also used to deter path users, and serious instances are reported to the police for investigation. Whenever a path is obstructed, the authority will in the first instance attempt to negotiate with the person responsible, and will only resort to the use of legal powers if this approach fails. Experience has shown that this approach is likely to produce the quickest and most cost effective results.

Whilst the County Borough Council is fully committed to removing obstructions on public rights of way, unfortunately new obstructions are erected, or come to light, on a regular basis. The removal of obstructions can sometimes be achieved quickly by negotiation, but on other occasions it can only be achieved by a long protracted legal process. It has to be accepted that this is an ongoing area of work which can only be dealt with effectively through prioritising the workload.

2.4.1 Policy E1 Priorities for removing obstructions on public rights of way.

The criteria which the Council will use to prioritise the workload are set out below:

(i) High priority

a) Where members of the public are prevented from using the path by intimidating or aggressive behaviour by, or on behalf of the landowner, this will be regarded as an immediate priority, and the police will be involved if appropriate.

b) Recently erected structures on well used public rights of way which are subject of numerous public complaints.

c) Obstructions on well used paths which are a safety hazard, such as barbed wire fences, locked gates with barbed wire on them, metal barriers with sharp edges, seriously defective stiles or gates.

d) Encroaching vegetation on well used paths which is a responsibility of the landowner to cut back.

e) Obstructions which have been subject of a notice served on the authority under Section 130A of the Highways Act 1980.

These five categories are all regarded as top priority, but which of them will be regarded as first priority at any point in time, will depend on the circumstances of each case.

(ii) Medium priority

If the problems listed in points a) to d) above are discovered on paths which are not currently well used, but have the potential to be well used, they will be treated as medium priority. Such problems may be discovered through routine monitoring, or by receiving a first complaint from the public.

(iii) Low priority.

Where the authority discovers obstructions on little used parts of the network which have not been subject of any public complaint, they will be treated as low priority.

2.4.2 Policy E2 Procedure to be used to secure the removal of obstructions

The Council will adopt the following procedure when dealing with any obstructions on public rights of way:

(i) Determine the identity of the landowner responsible for the obstruction. In many instances the identity of the landowner is known to the authority or the identity can be easily found. Where this is not the case, the authority will carry out a search of Land Registry records. Where there is no record of land ownership, the Council will use its powers under Section 143 of the Highways Act 1980 to serve a notice requiring the removal of the obstruction. This will be done by means of a site notice, and if the landowner does not comply with it, the Council will use its powers under the Act to remove the obstruction after a period of one month.

(ii) If the landowner can be identified, the authority will make contact in order to request the removal of the obstruction. In most cases a discussion with the landowner will result in the removal of the obstruction. In appropriate circumstances, particularly where the obstructions have not been intentional, the Council may assist in the removal of obstructions by providing stiles or gates as part of its path improvement programme. In such instances landowners will be informed that they will remain primarily responsible for future maintenance of the structures. This approach is in accordance with the duty of the authority to secure an improved rights of way network which is set out in Section 60(b) of the CROW Act 2000.

(iii) In situations where a landowner refuses to remove an obstruction, this is a criminal offence under Section 137 of the Highways Act 1980,

and the Council will seek a prosecution of the offender in the magistrates Court. The Council will also ask the Court to use its powers under Section 137ZA of the Act to require the removal of the obstruction. Alternatively, in appropriate cases, the Council will use its powers under Section 143 of the Act, to remove the structure after the due period of notice and recover the costs incurred from the landowner.

2.5 Publicity and promotion

The consultation exercise indicated that members of the public required more information on public rights of access, and this included general publicity material as well as waymarks and signposts which make it easier to find and follow paths on the ground. The authority recognises the importance of public information, because it gives members of the public the confidence to take advantage of the extensive access rights which are available in the area. The Council already undertakes an ongoing programme of sign posting and waymarking, and has prepared some publicity material on public access in conjunction with the Community Councils. It is accepted, however, that greater efforts to inform members of the public of their access rights are required, particularly with regard to the new access land provided under the CROW Act 2000, and permissive access. The County Borough Council wishes, therefore, to target this area of work in the first five years of the plan, and the means of improving publicity and promotion are set out in Policy P1 below.

2.5.1 Policy P1 Improving Publicity and Promotion

The Council will improve the provision of information on countryside access by the following means:

(i) Create a countryside access point on the Council's website which will contain information on the types of public access available in the County Borough. The site will contain information on public access rights and also on the responsibilities expected of the public when enjoying access to private land. The site will be linked to the National Access data base being established by CCW, and this will assist members of the public who live outside the area to find information on local access opportunities if they are planning to visit the area.

(ii) Increase the range of access information leaflets produced by the Council, and include the information on the countryside access point on

the Council website. The Local Access Forum will be consulted on the form and content of the material that will be produced.

(iii) Make access information available at public buildings throughout the County Borough, including those provided by Community Councils.

(iv) Work with members of the Local Access Forum to distribute information through organisations with which they are involved.

(v) Promote the use of public access to the countryside for the benefit of public health. This will be in accordance with the aims of the Neath Port Talbot Physical Activity Plan, and will be done as a corporate exercise and in conjunction with outside organisations.

(vi) Signposting and waymarking is an ongoing task undertaken under the maintenance and improvement programmes, as described above. The authority will attempt to increase the proportion of the network which is adequately signed and waymarked by 1% a year in line with Policy M1, and priorities for this work will be as described in that Policy. However, additional priority will be given to signposting or waymarking promoted paths or access areas, including those in the coastal zone.

2.6 Management of countryside access other than public rights of way.

Whilst public rights of way will remain a very important means of access to the countryside in Neath Port Talbot, there are now other forms of access available which have greatly increased the opportunities to visit the countryside in the County Borough. As a result of the CROW Act 2000, there are areas of land to which the public have been granted new rights of access, and the County Borough Council has a statutory role in helping to manage that access. There are also areas of land to which the public are able to gain access by permission of the landowner, and the Council will have a direct role in managing such land where it is owned by the authority itself. In other instances, where permissive access land is owned by other landowning bodies, the Council will work with those bodies as far as possible to ensure public enjoyment of the permissive access rights.

2.6.1 Policy CA1 Management of open access land provided under the CROW Act 2000, and common land

The County Borough Council will ensure that open access land provided under the CROW Act 2000 is accessible to the public, and this includes areas of common land which previously had no public rights of access. The authority has already waymarked all public rights of way where they enter or leave such land.

The Council will consider public requests for additional means of entry to access land, and in consultation with landowners, will assist in providing the necessary structures subject to the availability of funding. The needs of persons with mobility problems will be considered in line with policy IP2

The authority will work with landowners to ensure, as far as possible, that members of the public exercise their rights of access responsibly, and will provide appropriate signage to encourage proper standards of behaviour where problems have been identified.

To date, the additional public access rights provided under the CROW Act have not increased the workload of the Countryside Section to a significant degree. However, greater public awareness of these rights is likely to lead to increased management work, and the possibility of establishing a countryside wardening service will be considered if it becomes necessary, and budget resources are available.

2.6.2 Policy CA2 Management of access land owned by the County Borough Council.

The County Borough Council owns considerable areas of countryside which are already open to public access. This includes the country parks at Margam, and the Gnoll as well as land within Afan Forest Park. Whilst these parks offer excellent access opportunities, they are site specific facilities which offer a range of recreational facilities, and their management is not dealt with in detail in this plan because it is covered in other Council documents. However, it is recognised that these parks offer all members of the community a means of enjoying the countryside, and in particular they offer people with mobility problems excellent access opportunities.

The County Borough Council owns significant areas of woodland which have potential for public access. These areas of woodland will be assessed by the Coed Cymru Officer in order to consider the possibility of preparing woodland grant scheme applications aimed at improving their long term management. In all cases the need to allow public access will be considered.

The authority also owns disused railway land in the Afan, Neath, Swansea, Upper Amman and Goytre valleys, and much of this land has already been made available for public access through the development of the rural cycle network. Future development of the rural cycle network is set out in Policy CA 4 below.

The Countryside Section will continue to support efforts to improve public access to land in Council ownership, and will work in partnership with Council land managers on specific projects.

2.6.3 Policy CA3 Management of Long Distance Trails.

The Council considers that the maintenance and waymarking of the long distance trails which pass through the County Borough should be considerably improved. This can only be achieved through partnership working with the adjacent local authorities and the Forestry Commission, because some sections of the trails are permissive routes on FC land and they are not public rights of way. A co-ordinated approach to the work is essential and a group has already been set up to programme work on the Coed Morgannwg way. It is proposed that this will be extended to include the development of other waymarked trails, in order to ensure that they are managed more effectively.

The Council will survey the former Cerdded Bro Nedd in order to re-establish this waymarked walk around the Vale of Neath.

2.6.4 Policy CA4 Development of the Rural Cycle Network.

The CROW Act requires the authority to improve the opportunities for cyclists and horse riders to gain access to the countryside, and one of the ways this will be achieved will be by increasing the rural cycle network.

Further additions to the rural cycle network will provide cyclists and other users with more options to gain access to the countryside. In planning these routes the council will, in particular, seek to include margins for horse riders wherever possible, and develop circular routes for cyclists and riders of all abilities.

Cyclists have a right to use public bridleways and byways open to all traffic, as well as the extensive permissive access which is available in Neath Port Talbot. The County Borough Council will improve and extend the access available to cyclists in the plan period by the following means:

- (i) Improving the standards of maintenance of bridleways and byways through the policies in this plan.

- (ii) Working in partnership with the Forestry Commission to provide waymarked trails in the forest plantations.
- (iii) Extending the rural cycle network in the valley and coastal areas of the authority area. The following work is proposed to be undertaken in the plan period:
 - a) Cycleway link between Aberavon seafront and the Afan Forest Park
 - b) Cycleway link between Aberavon seafront and Brunel Dock
 - c) Cycleway link between the Celtic Trail and the Goytre to Bryn Cycleway.
 - d) Completion of the Amman Valley Cycleway between Cwmllynfell and Lower Brynamman, in partnership with Carmarthenshire County Council.
 - e) Completion of National Cycle Route 46 between Neath and Glynneath
- (iv) Developing waymarked cycle trails in the forest plantations
- (v) Providing better publicity on the availability of cycling in Neath Port Talbot.

2.6.5 Policy CA5 Access to the Canal network in Neath Port Talbot

Under Policy R06 of the draft UDP, the County Borough Council will continue to protect the canal network from alternative development, and will encourage its further development for recreation and water supply purposes. This policy of the UDP also specifically protects sections of former canal at Pontardawe, Abergarwed and Glynneath from development in order to allow future restoration. The scheme to restore the Abergarwed section has been designed and is likely to be undertaken during the plan period provided that grant aid is forthcoming. It is less certain, however, that the other two sections will be restored during that timescale.

In terms of public access, the Council recognises the importance of the canal network to persons with mobility problems and will aim to:

- (i) Maintain the sections of canal which are registered public rights of way to a high standard which will enable their use by all members of the community.
- (ii) Maintain public access to the Swansea Canal Nature Reserve between Ynysmeudwy and Ystalyfera.
- (iii) Continue to promote public access to the remainder of the canal network under on going access agreements

2.6.6 Policy CA6 Coastal Access Improvement Programme

The County Borough Council is committed to participating in the national Coastal Access Improvement Programme which is being implemented as a partnership between the coastal local authorities and CCW. The project

is being overseen by CCW on behalf of the Welsh Assembly Government.

The project will have two main aims:

(i) To create an All Wales Coastal Path which will pass through fourteen coastal local authority areas and link with the Offa's Dyke Path at the southern and northern ends of the country. It is envisaged that this will be completed by 2012.

(ii) To carry out other coastal access improvements within a notional 2km strip inland of the high water mark. This may be extended further inland in Neath Port Talbot because much of the land in the coastal strip is occupied by residential, commercial or industrial development.

The project will aim to improve access to the coastal areas of Wales for walkers, cyclists, horse riders and people with mobility problems. The Welsh Assembly Government has allocated £1.5 million grant aid for the project in 2006/07 with further funding projected for the first three years.

The County Borough Council will participate in this project by producing a plan of the proposed work to be carried out in this area over the period 2008 to 2012, and grant aid has already been provided by CCW for this plan to be prepared. The Council will work closely with Bridgend County Borough and the City and County of Swansea to ensure the Coastal Path is developed on time in this part of South Wales. Details of the work proposed will be included in the Countryside Section annual work programme.

2.7 Improving Access for all in Neath Port Talbot.

The above policies provide the means by which the County Borough Council will seek to improve the range of access opportunities that are available in the County Borough. The information provided below explains how the Council intends to improve countryside access for the various categories of user, and the benefits which local landowners can expect.

2.7.1 Improving access for people with mobility problems.

The assessments carried out as part of the preparation of this plan have given the authority a broad indication of the parts of the rights of way network which could be further improved to allow easier access for people with mobility problems. Although the rights of way improvement policies set out above will progressively improve the network of public rights of way for persons with mobility problems, it is recognised that

further research is required to determine other ways in which access can be improved. The Council will therefore:

(i) Carry out a survey of all types of access land in 2009/10 to determine in more detail the potential for improving accessibility for persons with mobility problems.

(ii) The Council will seek the views of the Neath Port Talbot Access Group, and the Neath Port Talbot Local access Forum, to determine areas of priority, and the means by which accessibility for partially sighted or blind persons can be improved.

(iii) The Council will seek to work with the owners of permissive access land in order to remove barriers to access wherever possible. With such a huge area of land available for permissive access, it is likely that such land will provide a means of significantly improving access for the less able in Neath Port Talbot. The Council will approach the major landowners such as the Forestry Commission, the canal companies and the Woodland Trust in order to work in partnership with them.

(iv) The Council will assess demand for access to specific rights of way or other access land, in order to assist in prioritising the work.

(v) The Neath Port Local Access Forum will be consulted on all the above matters.

Implementation of proposed works will depend on partnership working, the availability of funding and grant aid, but if greater than anticipated funding becomes available during the plan period, this will be a key area of increased expenditure.

2.7.2 Improving access for walkers.

Walkers are very well served in Neath Port Talbot because they are entitled to use all the statutory and permissive access land in the County Borough. Nevertheless, the Council intends to improve public pedestrian access to the countryside by the following means:

- Increasing the proportion of the public rights of way network that is open and in a good condition through the implementation of the maintenance, improvement and enforcement policies in this plan.
- Providing better information on the walking options that are available across the County Borough, and by improving performance in signposting and waymarking rights of way and other access land.
- Increasing public pedestrian access in the coastal area through the national Coastal Access Improvement Programme.
- Improving the maintenance and waymarking of long distance trails in conjunction with adjoining local authorities and outside bodies.

- Developing more waymarked circular walks near to settlements or public transport routes, in response to user demands.
- Responding to user demands to improve means of access to land made available under the CROW Act 2000, and to claims for new rights of way to be registered based on evidence of usage.
- It is likely that further permissive opportunities for walking in the countryside will be created in the plan period. This could occur through the following means:

The Forestry Commission may consider the possibility of dedicating land it holds under leasehold title for access purposes.

- Additional farms will enter the Tir Gofal scheme and further permissive access routes should become available through that scheme.
- The Coed Cymru project will encourage woodland owners to apply for woodland management grants, and public access will be encouraged as part of the grant schemes.

2.7.3 Improving access for horse riders.

Access to the countryside for horse riders will continue to be provided by statutory rights of access and through permissive access.

(i) Statutory rights of access for horse riders.

Horse riders can use public bridleways and byways open to all traffic, but the total length of these routes is less than 200 km. These routes are not evenly distributed across the County Borough, and they also tend to be fragmented, which means that they fail to allow rides of significant length. As explained in Section 4.1, this is a legacy of the way rights of way were first recorded, because this was done on evidence of public use rather than on evidence of public need.

Following a High Court judgement in 1998, members of the public can now ride on horse back over urban common land, and on rural common land where a deed of access has been granted. (*R v Secretary of State for the Environment ex parte Billson*). This has increased opportunities for horse riding where there is an absence of public bridleways and byways.

(ii) Permissive rights of access for horse riders.

Although the public rights of way network does not provide adequate access to the countryside for horse riders across the County Borough, there are huge areas of permissive access land available for horse riding.

Through a concordat with the British Horse Society, the Forestry Commission allows horse riding in the forest plantations which are held under freehold title. This is a permissive right which is provided on a very secure basis because the forests are owned by the Welsh Assembly Government. The extensive opportunities for horse riding now offered by the forest plantations assist in meeting the needs of users where the rights of way network is inadequate.

The County Council will take the following action to improve statutory and permissive horse riding opportunities in the County Borough:

(i) The authority will continue to improve the condition of the public bridleway and byway network as far as its budget and CCW grant will allow.

(ii) Where the public rights of way network does not provide horse riders with adequate opportunities, the Council will seek to create new rights where possible. The authority will aim to do this by:

- Examining the possibility of granting permissive horse riding rights on rural land in its ownership.
- Considering the needs of horse riders as part of future schemes to extend the rural cycle network.
- Encouraging landowners to agree to the upgrading of footpaths to bridleways by offering to replace stiles with bridlegates.
- Increasing the opportunities for horse riding in the coastal area of the authority through the Coastal Access Improvement Programme. This will include partnership working with the adjacent local authorities to develop cross boundary links where possible.
- As a last resort, the Council could use its powers to compulsorily upgrade footpaths to bridleways, or to create new bridleways, but this would be a costly legal process and would depend on the availability of budget resources.
- Working with the Forestry Commission and the British Horse Society (BHS) to provide waymarked routes for horse riders in the forest plantations. The Council is also working in partnership with BHS and adjacent authorities in order to establish a North-South Wales bridle route. An officer working group will be established in the current financial year to plan this work.
- Encouraging horse riding access to woodlands that become subject of grant schemes through Coed Cymru wherever this is practicable.

(iii) The Council will provide better information on the location of horse riding possibilities in the County Borough through its website and through the production of publicity material.

2.7.4 Improving access for Cyclists

Cyclists have a right to use public bridleways and byways open to all traffic, as well as the extensive permissive access which is available in Neath Port Talbot. The County Borough Council will improve and extend the access available to cyclists in the plan period by the means set out in policy CA 4 above.

2.7.5 Public access for Horse Drawn Vehicles.

The public consultation exercise did not indicate any demand for improved or increased access for horse drawn vehicles. The only public rights of way in Neath Port Talbot that can be used by such traffic are byways open to all traffic, although limited access to parts of the Forestry Commission plantation is available. There is also a hard surfaced trotting track at Tairgwaith which is located on land in the ownership of the County Borough Council. The track is managed by Amman Valley Trotting Club and is supported by the County Borough Council.

The authority will react to any future demand for this form of access which may arise, and will seek to meet that demand in partnership with other landowning bodies.

2.7.6 Access for Mechanically Propelled Vehicles.

The Rights of Way Improvement Plan provisions in the CROW Act 2000 do not give the County Borough Council a duty to improve public vehicular access to the countryside. Statutory guidance, however, does require the authority to ensure that any improvements to countryside access do not adversely affect the legitimate rights of motor vehicle users.

2.7.7 Public vehicular access rights

The only statutory right of public access to the countryside by motor vehicular traffic is provided by the relatively small network of public byways in the County Borough. These are important public rights of way which are open to all users, not just those who wish to drive motor vehicles along them. They will be maintained to an appropriate standard based on their historic character under the Council's annual public rights of way maintenance programme.

The County Borough Council will continue to protect the public right to drive motor vehicles on byways, as long as the exercise of that right does not destroy the traditional character of the highway or adversely affect the adjacent countryside. If the surface of any byway is incapable of taking

modern public vehicular traffic without inappropriate surface improvement, the Council will use its powers under the Road Traffic Regulation Act 1984 to restrict public vehicular traffic. This action will only be taken as a last resort, and to date only one byway is subject to restrictions under this legislation.

2.7.8 Motor vehicular trespass.

Motor vehicle trespass is a problem in Neath Port Talbot as it is in most other local authority areas in South Wales. The problem is at its worst on the fringe of urban areas, where residents suffer from potential danger, dust, noise pollution and damage to the landscape. Driving motor vehicles off road without the consent of the landowner is an offence under the Road Traffic Act 1988, but it is the police who have the powers of prosecution not the local authority. The County Borough Council will continue, however, to seek ways of tackling this problem through the work of the Neath Port Talbot Safety Partnership Group. This group recognises that the problem cannot be solved by more effective police enforcement alone, because any such action needs to be combined with the provision of legal sites for motor vehicular recreation. Providing sites will not be easy because proposals usually generate local opposition, and the Wales Off Road Steering Group is developing guidance to assist site identification and management. The Forestry Commission is represented on this group, and this is significant because the forest plantations provide a major option for the location of off road vehicular recreation sites. The Steering Group, has recommended that the Welsh Assembly Government should provide guidance to encourage local authorities to include the provision of sites for vehicular recreation in their Local Development Plans. The County Borough Council will attempt to comply with any such guidance that may be issued.

2.7.9 Encouraging ethnic minority groups to use the countryside for recreation purposes.

During the ROWIP consultation exercise, the County Borough Council received no response when attempts were made to seek the views of groups which represent ethnic minorities in Neath Port Talbot. This was disappointing, and the Council intends to make further attempts to contact these groups in order to encourage people from varied cultural backgrounds to enjoy the countryside in the County Borough. The Local Access Forum will be asked to consider the best means of reaching the ethnic minority population, and will be kept informed of the Council's progress.

2.7.10 Partnership working with landowners in Neath Port Talbot

In its role of managing public access to the countryside, the County Borough Council will continue to work in partnership with landowners as far as possible. The Council will always listen to the concerns of landowners and will make every effort to ensure that public rights are exercised responsibly. The Local Access Forum will allow landowners an opportunity to raise matters of interest to them, and the authority will also respond to the concerns of individual landowners. Over the next ten years landowners can expect to benefit from the following :

- i) More public information on access rights and how those rights should be exercised responsibly.
- ii) Better signposting and waymarking of public access to confirm where the public can go and where access is not permitted.
- iii) Improved structures such as gates and stiles which assist public passage and reduce conflict between users and landowners.
- iv) Where obstructions occur through the actions of landowners, the Council will seek to negotiate their removal, and will only resort to legal action as a last resort.
- v) Applications from landowners to divert public rights of way will be considered sympathetically provided that the public enjoyment of the path is not adversely affected.

2.8 Implementation and Monitoring

2.8.1 Introduction.

The proposals in this plan can be implemented through existing core Council budgets, additional WAG funding and grant aid through CCW. Other than the additional WAG funding, it is not assumed that there will be additional Council resources above current levels because all areas of work are under budgetary pressure.

The improvements planned for each financial year covered by the plan will be set out in an annual action programme prepared by the Countryside Section in March of each year. This will enable the authority to reassess its targets each year and produce a detailed programme which will reflect the budget resources that are available in the forthcoming financial year. This process will also enable the authority to include any additional work which will be carried out if additional resources have become available from any source.

The Countryside Section in the Environment Directorate will be primarily responsible for implementing the policies and proposals in this plan. However, the aims of the plan are in line with corporate objectives of the

authority and staff in other Directorates will also have a role in helping to deliver the countryside access improvements which are proposed. In addition, the improvement work will be grant aided by CCW and that body will have a role in monitoring progress each year on behalf of WAG from any source.

Implementation of the ROWIP will be monitored as part of the Council's business planning process, and the Local Access Forum will also receive reports on implementation.

The County Borough Council may have to prepare reports on the implementation of the ROWIP which may be requested by the Welsh Assembly Government under powers set out in Section 71 of the CROW Act.

2.8.2 Budget Resources

The core budget for countryside access management is administered by the Countryside Section in the Environment Directorate. The Countryside Section also undertakes an access improvement programme each year which is grant aided by CCW, and this programme is committed up to the financial year 2009/10. Over all monitoring of the implementation of this plan will be carried out as part of the Parks and Countryside operational business planning process. The resources in 2007/08 which were administered by the Countryside Section are set out in broad terms below.

i) Countryside Staff

Office Based	Principal Countryside Access Officer Senior Rights of Way Officer Rights of Way Officer Countryside Access Officer Rural Projects Officer Countryside Team Assistant Coed Cymru Officer Coastal Access Improvement Officer (temporary post)
Site Based	Countryside Project Officer Countryside Project Assistant

Total Staff costs: £233,800

ii) Budget resources

Running costs and administration: £59,600

Public rights of way Maintenance	£68,000
Public rights of way Improvement and other access management work:	£57,000
CCW Access Grant	£20,000
WAG ROWIP Funding	£57,000
WAG Coastal Access Improvement Grant:	£69,000
<u>Total budget:</u>	<u>£564,400</u>

The annual action programme produced in March each year will be based on this core budget as set for the forthcoming financial year. Although the core budget for access management is administered by the Countryside Section, some of the policies and proposals of this plan will be achieved through existing corporate working arrangements and partnership working with outside bodies. These will include:

- Works to repair or replace major bridges on the rights of way network funded out of the main highway budget.
- Legal officer support
- Construction and maintenance of rural cycleways
- Coastal access improvement funded by CCW
- Production of tourism information
- Website development
- Partnership working with Forestry Commission and Woodland Trust.

The amount of resources allocated to these areas of work will vary from year to year.

Part Three: Annual Action Programme 2008/09

The core budget for the programme will be managed by the Countryside Section:

Staff costs: £233,800

Expenditure:

Running costs and administration:	£59,600
Public rights of way Maintenance	£68,000
Public rights of way Improvement and other access management work:	£57,000
CCW Access Grant	£20,000
WAG ROWIP Funding	£57,000
WAG Coastal Access Improvement Grant:	£69,000
Total Expenditure	£330,200
<u>Total budget:</u>	<u>£564,400</u>

3.1 Public Rights of Way

3.1.1 Maintenance Programme

The maintenance programme will be carried out in accordance with Policies M1, M2 M3 and M4.

Annual Vegetation Clearance List

The Council has an annual vegetation clearance programme which includes the paths listed below. In the Communities marked with an asterisk, (*) the majority of Rights of Way are cleared of vegetation by the Community or Town Council, working in partnership with the County Borough Council

Blaengwrach	F 1, Br 1 Br 2, Br 3, Footpath at Glannant Place
Blaenhonddan*	F 1a, F 2, Br 3, Village Close
Briton Ferry	Footpaths at Church Street, Ynysmaerdy Road to Old Road
Brynaman	F 4, F 5, F 6, F 7, F 10, F 17
Cilybebyll*	F 4, F 5, F 5a, F 6. F 7, F 8, F 11, F 18, Footpath off Derwen Road, Footpath between Edward Street and Lon Hir
Clyne	F 1, F 1a, F 3, F 3a, F 7, F 8, F 9, By 13, F 15, F 16, F 17, F 33
Crynant	F 4, F 7, Br 9, F 13, F 14, F 27 F37
Cwmllynfell	F 14, F 31, F 33, F 34, F 35, F 36, F 37, F 43, F 46, F 47, F 53, F74 – F 86, F 105 – F 107, F 113 – F 117, F 226, F 227
Cwmtwrch	F 111, F 112, F 133 – F 136, F 172
Dyffryn Clydach*	F 1, F 2, Br 3, F 12, Br 5, F17
Glyncorrwg	F 7, Br 8, F 9, Br 18, Br 19, Br 20, Br 23, By37, Br 39, Br 42, Br 43, Br 50, Br 55, Br 58, F 61.
Glynneath	Br 1, Br 1 (Rhigos), Br 2, F 3, F 4, Br 6, F 7, F 12 – F 14, F 16, Br 17, F 19, F 26, F 35, F 40, F 42, F 44, New footpath at Halfway
Gwaun cae Gurwen (including Tairgwaith)	F 1, F 2, F 3, F 15, F 16, F 18, F 19, F 21 – F 25, F 27, F 55, F56, F 59, F60, F 65, F 223, F 224
Neath	F 1 – F 5, By 6, Br/By 7, F 8, F 9, Br 11, Br 12, Br 13, F 15, F 21, F 26, Path off Foundry Road
Onllwyn	Br 6, F 14, F 19, F20, F 26, F 29, F 32, F 33, F 36, F 40

Pelenna	Br 1 – Br 3, F 4, Br 5, F 6
Pontardawe*	F 10, F 73, F 92 – 96, F 173, F 184, F185, F 188, F 201, F 209, F 212, F 213
Port Talbot	F 1, F 2, F 6, F 7, Br 8, F 9 – F 15, By 19, F 20, F 21, F 33, F 40 – F 43, F 55, F 57, F 69 – F 72, F 81 – 86, F 89 – 91, F 93, F 96, F 98, F 101, F 104, F 106, F 107, By 111, F 113, F 114, F 116, F 119, F 121, F 122, F 126, F 129, F 130, F 131, F 133, F 137, Footpaths at Brombil, off Glan y mor, off Heol Tabor, off Heol y Parc, New path off F 39, Footpath from Dan y Coed to Maes y Bettws,
Resolven	F 1 – F 3/3a, F 5, F 8, F 12 – F 14, F 29, F 31, Br 32, F 36
Seven Sisters	Br 9, F 15, F 17 – F 19, F 27, F 37
Skewen	F 1, F 3, F 4, F 5, F 7, F 8, F 10, F 11, F 12, Br 16, F 17, F 18, F 22, F 24, F 25, F 26, Footpath off Pale Road, Footpath off Villiers Road
Tonmawr	F 1, F 2, F 8, F 9
Tonna	Br 2, Br 3, Br 5, F 8, F 16 – F 19, F 32, F 33
Ynysmeudw	F 190, F 232 – F 234, F 237, Footpath off Bethesda Road, Footpath off Tan-y-darren, Footpath off Davies Road
Ystalyfera	F 55, F 56, F 124, F 126, F 127, F 137, F 138, F 140 – F 142, F 152, F 153, F 157, F 161, F 162, F 164, F 165, F 167 – F 170, F 193, F 194, F 196

This list is constantly being added to as new parts of the network are opened up, and as users identify routes that were previously little or unused.

The standard and frequency of trashing will vary according to the type of path and the vegetation growing on it.

Structural Repair List

Footpath 12 Community of Blaenhonddan
Footpath 111 Community of Cwmtwrch
Footpath 1, 15, 19, 21 Community of Gwaun cae Gurwen
Footpath 28 Community of Rhigos
Footpath 3 Community of Skewen
Sarn Helen Roman Road
Footpath 213 Community of Ynysmeudw

3.1.2 Improvement Programme

The Improvement Programme will be carried out in accordance with Policies IP1,IP2,IP3,IP4 and IP5.

Footpaths 21/24 Community of Bryn
Footpaths 8/17 Community of Crynant
Footpath 1 Community of Clyne
Footpaths 15, 21, 63, 64 Community of Gwaun Cae Gurwen
Footpath 18 Community of Port Talbot
Bridleway 5 Community of Tonna
Footpath 7 Ynysmond

3.1.3 Enforcement: Removal of obstructions

Negotiation and/or legal action will be carried out to remove obstructions on the following rights of way, in accordance with Policies E1 and E2:

Footpath 102 Community of Baglan
Footpath 83 Community of Port Talbot
Footpaths 7, 18 and 41 Community of Cilybebyll
Footpath 23 Community of Blaenhonddan
Footpath 5 Community of Resolven
Footpath 5 Community of Crynant

3.1.4 Definitive Map Service.

The Council will undertake its statutory duties with regard to maintaining the Definitive Map, in line with Policies DM1,DM2, DM3, DM4, DM5,DM6,DM7 and DM8

Work will proceed on the following legal orders:

Alleged public right of way – Parsons Lane, Community of Tonna
Dedication Agreement – Glyncorrrwg Ponds
Diversion Order – St Martin’s Avenue, Seven Sisters

Extinguishment of Footpath 4, Community of Blaenhonddan
Alleged public footpath at Gellicaebyn, Community of Glynneath
Claimed public byway from Nant Hir to Morfa Glas, Main Road, Glynneath
Alleged public footpath from Footpath 38 to Footpath 39, Community of Glyncoerwg
Extinguishment of Footpath 20 in the Community of Coedffranc
Diversion of bridleway 57, Community of Glyncoerwg
Dedication agreement at Cwmdu Glen, Community of Pontardawe
Alleged public right of way from Moorlands Road to Footpath 32, Community of Onllwyn
Alleged public right of way from Duffryn Street to Heol y Tyla, Community of Glyncoerwg
Proposed dedication of a public footpath from Carreg yr Afon, Ystalyfera

3.1.5 Publicity and Promotion

The Council will produce more information on the availability of countryside access opportunities in line with Policy P1.

The main project will be a corporate exercise to develop a countryside access information point on the Council website. This will provide information on all forms of access available in Neath Port Talbot. The Council will also commence work on a range of publicity leaflets which will provide information on specific access opportunities, in conjunction with partnership bodies. These will include information on local access, features of interest and biodiversity.

3.1.6 Coastal Access Improvement Programme

Work to be undertaken this year will include:

Production of the Neath Port Talbot Coastal Access Improvement Programme document.

Carry out improvement work on Footpath 93 on Corus Steel Company land.

Consider the feasibility of diverting part of Footpath 93 and creating a new link with the Coast path in Bridgend County Borough. This will be done through liaison with the relevant bodies and the Local Access Forum.

3.1.7 ROWIP Implementation Programme

The purpose of this programme is to carry out additional access work funded by 100% WAG grant delivered via CCW.

Budget: £57,000

- i. Preparation of orders to amend Definitive Map anomalies
Budget allocation: £8,000
- ii. Improvements to countryside routes to allow access by persons with mobility problems.
Budget allocation: £20,000.
- iii. Development of waymarked trails
Budget allocation: £10,000
- iv. Production of countryside access promotional material.
Budget allocation: £10,000
- v. Development of Neath Port Talbot section of North/South Wales bridle route.
Budget allocation: £5,000
- vi. Development of Cwm Gwrelych Geo Heritage Trail
Budget allocation: £4,000

Part 4: Appendices

Appendix 1: Maintenance and improvement of Public Rights of Way

The information below is intended to give a broad indication of the duties and powers of highway authorities, as background to the plan.

General Duties of Highway Authorities

Public rights of way have the legal status of public highway, and their management is governed by the legislation and High Court case law referred to below.

The highway authority has a duty under section 41 of the Highways Act, 1980, to maintain all highways which are maintainable at public expense, and this includes public rights of way. The standard of maintenance is not set out in any Act of Parliament, but it has been considered by the courts. The main case was *R. v. High Halden*, (1859), where the court held that the highway authority of the day had a duty to maintain the highway to a standard which would allow the ordinary traffic of the neighbourhood to pass at all times of the year. Also, in the case of *Burgess v Northwich Local Board* (1880), the court held that the highway surveyors had a duty to repair the highway and keep it in repair so that it is “safe and fit” for the ordinary traffic. The highway authority has to determine the standard of maintenance which is appropriate in each case, and this is based on an historic perspective of the condition of the highway in question. Once a certain standard has been reached, the authority has to maintain that level in future.

There are also powers in the Highways Act, 1980, which enable the highway authority to improve highways, and these are set out in a number of specific sections of the Act. Under these provisions, the authority can undertake a wide range of improvements such as surfacing, altering levels, widening, providing rails and barriers etc. These powers are very useful and are often used where paths need to be upgraded as levels of use go up, or the nature of the traffic using the path changes. However, the highway authority should consider the matter carefully before undertaking improvement works on any path, because this will raise the standard of maintenance which must be met in future, in respect of that particular path.

Whilst it may seem easy to determine what work constitutes “maintenance” and what constitutes “improvement”, in practice there may be instances, particularly where surfacing or drainage is involved,

where the difference is not clear cut. Whilst every case will have to be judged on its merits, the following provides a general guide:

Maintenance

1. Clearance of vegetation which is growing on the surface of the path and interferes with the public right of passage

It is the duty of the highway authority to clear vegetation growing through the surface of the path if it impedes the public right of passage. It is the responsibility of the landowner to clear any crops other than grass which have been planted on the highway, and there are powers available to the highway authority to enforce that duty. (Note: landowners have a duty to clear cereal crops even though botanically they are classified as grasses).

It is also the responsibility of the landowner to clear any vegetation overhanging or encroaching onto the path.

2. Repair of an existing laid surface.

If the highway authority has surfaced a path previously it will have a duty to maintain that surface in future. It is not uncommon for paths recorded on the definitive map to have aggregate or tarmac surfaces, and in some instances wooden boardwalks have been provided over wet ground.

3. Clearance or repair of existing ditches or culverts where these are the responsibility of the highway authority.

Land drainage is basically the responsibility of the landowner. However, in practice, most ditches alongside the path, or culverts underneath it, will be the responsibility of the highway authority because they will either have been provided by the authority, or will have previously been maintained by it.

4. Erection of signposts where the path meets a metalled road.

The highway authority has a duty to erect a signpost wherever a path meets a metalled road.

The highway authority also has a duty to waymark paths anywhere along the route where it is considered that persons who are unfamiliar with the locality would have difficulty in finding the path. Waymarks can help considerably in reducing conflict by encouraging users to keep to the legal route.

5. Repair of existing bridges where they are the responsibility of the highway authority.

The legal responsibility for bridge maintenance is not always clear cut and, for example, bridges carrying rights of way over canals or railways are often the responsibility of the landowners in question. In many instances, however, the bridge will have been erected by the highway authority and maintenance of it will be the responsibility of that authority. In any event, the highway authority has duty to ensure that the surface of the path across a bridge is in a satisfactory condition, even if the structure of the bridge is in private ownership.

6. Repair of existing structures provided by the highway authority.

Where the highway authority has provided posts, barriers, guardrails or steps it will have a duty to repair them in future. Stiles and gates are primarily the responsibility of the landowner unless the authority has for some reason taken on responsibility for them.

Improvement

1. Erection of new stiles, gates, barriers and handrails.

The highway authority may choose to exercise its powers, provided by Sections 62 and 66 of the Highway Act 1980, to erect structures on the highway. These are primarily used in the interests of public safety, and examples include barriers to deter cyclists from using footpaths, and motorcycle barriers on bridleways which allow the passage of horse riders but not motorcycles. In using these powers, highway authorities have to ensure that any barriers they erect do not interfere with the enjoyment of the path by persons with mobility problems.

Guardrails may be erected where there is a dangerous change in level at the edge of the path, but such action needs to be considered carefully because these structures add to future maintenance commitments. As a general rule, guardrails should only be erected when a new change of level has occurred and a new hazard has been created, for example, by engineering works on adjoining land.

Although the responsibility for maintaining stiles and gates on footpaths and bridleways rests primarily with the landowner, there are circumstances where the highway authority may choose to fund the work itself as a path improvement. Under Section 146 of the Highways Act 1980, the highway authority has to fund at least a quarter of the cost of any necessary work, but it has the power to fund the full cost if it is considered appropriate. This occurs most commonly where gates or stiles

are being replaced as part of improvement schemes which are part funded by CCW grant aid.

2. Laying surfaces where none previously existed.

These powers are used primarily where the use of the path has increased and the highway authority can justify laying a hard path surface. The most common examples are paths on the urban fringe which have become more heavily used due to the expansion of residential areas, and they are also likely to be used by persons with mobility problems. Such paths may be surfaced with stone, tarmac or even concrete in appropriate circumstances, and where this has occurred the authority will be liable to maintain that surface in future. Other examples include the construction of new boardwalks over wet areas of land or on sand dunes, construction of steps or bridges where none previously existed.

Implementing the Rights of Way Maintenance and Improvement Programme.

Highway authorities have policies which determine priorities for maintenance and improvement work. Usually, maintenance works required in the interests of public safety are given the highest priority and after that they are prioritised on the known level of public usage. Improvement programmes are usually drawn up in conjunction with CCW according to jointly agreed priorities.

In carrying out its statutory duty of maintenance, and in exercising its powers of improvement, the highway authority has to ensure that the most cost-effective means are used to carry out the work. Many authorities use a variety of methods to undertake the work, including:

- Local authority wardens
- Small contractors
- Volunteers
- Landowners
- Direct Labour Force
- Community Councils

By using a combination of these options authorities can produce good quality work in a cost effective manner.

Monitoring of the Public Right of Way network

Gathering information on the condition of the network is one of the main problems facing highway authorities. With the advent of Performance

Indicators, authorities have to monitor a random 5% of the length of their PROW network each year, but most authorities do not have the resources to monitor the whole network on a routine basis.

Appendix 2: Stiles, Gates and Barriers on Public Rights of Way

The Legal Position in Practice – Some General Principles

This appendix provides background information on the legality of structures on public rights of way.

Introduction

The legal status of structures on public rights of way is often subject of dispute, and the highway authority does not always have a power to insist on the replacement of a structure. The notes below are intended to give some background to this aspect of rights of way management.

There are three circumstances under which structures on public right of way have a legal basis:

1. Historic sites.
2. With consent under Highways Act 1980, section 147
3. Structures erected, or approved by, the Highway Authority under the Highways Act, 1980, Section 66(3)

1. Historic Sites where a structure has existed since the path was first used.

These are gates and stiles which were in existence when the path was first registered following the National Parks and Access to the Countryside Act, 1949. In effect, public use of the path is subject to the limitation of passing through or over the structures. Ideally, they should have been recorded on the Written Statement which forms part of the Definitive Map, but unfortunately this was rarely done. Their historic status, however, can be ascertained through OS maps or other historic documentary evidence.

Points to note:

- a) If a stile or gate has been absent from an old boundary for more than 20 years, it can be concluded that the path has been re-dedicated without the limitation of having to use a gate or stile.
- b) If a landowner wishes to re-erect a structure after such a period, then consent of the highway authority would have to be obtained.

2. Structures on footpaths and bridleways , erected with consent under the Highways Act, 1980, Section 147

Section 147 empowers the highway authority to grant consent for stiles/gates on footpaths and gates on bridleways subject to the following:

- i) The structure is needed for the ingress or egress of animals,
- ii) The path crosses agricultural land, or land to be brought into agricultural use. It also applies to land used for forestry
- iii) Conditions can be attached with regard to maintenance and ease of use.
- iv) If conditions are not complied with, the highway authority can treat the structure as an obstruction and use its powers under Section 143 to secure its removal. Legal opinion is divided as to whether the authority has a power to revoke the consent.
- v) The applicant can be owner, occupier or lessee of the land.

Points to note:

- a) Section 147 cannot be used to grant consent for structures on footpaths and bridleways which are not on agricultural or forestry land.
- b) The structure should be strictly for the purposes of facilitating the ingress or egress of animals, not for any other agricultural activity.
- c) The authority will require the applicant to provide evidence of his or her status as owner, lessee or occupier of the land, and will also need an assurance that the structure, if approved, will not interfere with private access right enjoyed by other parties.
- d) The authority in considering applications under Section 147, will consult the parties and bodies recommended in the Rights of Way Review Committee Code of Practice. The highway authority can grant consent if it considers the agricultural case to be sound, even if objections have been received from the consultees. Objectors have no right to appeal against the decision.

- e) Similarly, applicants have no right of appeal against a refusal by the highway authority to grant consent under S147.
- f) Section 147 does not apply to byways. However, section 82 of the Highways Act, 1980, does allow for the construction of cattle grids with bypass gates on byways.

Section 69 of the CROW Act 2000 has amended Section 147 of the Highways Act 1980. Two new subsections, 2A and 2B, are added to Section 147 of the 1980 Act. Subsection 2A requires the highway authority to consider the needs of persons with mobility problems, and 2B indicates that the Government may issue guidance on the matters to be considered when exercising these powers. This guidance was issued in November 2006 and the authority will consider future applications in line with this guidance.

The CROW Act also amends subsection (5) of Section 147, so that it applies to land used for the keeping or breeding of horses as well as agricultural or forestry land.

Furthermore, the CROW Act adds a new Section 147ZA to the 1980 Act. The purpose of this Section is to allow authorities to make agreements with owners, occupiers or lessees for the alteration of existing structures to make them more suitable for people with mobility problems. Section 147ZA allows the authority to fund the cost of the alteration or share the costs with the owner, occupier or lessee. Where an agreement has been made in respect of a structure, any previous authorisation for the original structure is extinguished at an appropriate date.

3. **Structures on footpaths or bridleways erected or approved by the Highway Authority under Highways Act, 1980, Section 66(3)**

Section 66(3), as amended by Section 70 of the CROW Act, provides specific powers to erect barriers, posts rails or fences on public footpaths and bridleways.

These powers allow the highway authority to do the following:

- i) Erect barriers to prevent public motor vehicular access to footpaths and bridleways
- ii) Provide barriers to deter cyclists from using footpaths,
- iii) Erect barriers or handrails alongside highways for public safety,
- iv) Construct road humps.

Points to note:

- a) Barriers can be erected on footpaths and bridleways in order to deter illegal vehicular use or for safety purposes.
- b) If there are private vehicular rights over the footpath or bridleway, the highway authority cannot erect barriers to deter public vehicular use, unless those with private rights agree.
- c) The erection of new handrails or safety barriers alongside rights of way will only be considered in certain circumstances:
 - i) If a right of way has come into being with a natural hazard alongside it and no barriers or handrails have traditionally existed, then members of the public have accepted that use of the path is subject to the existence of that hazard.
 - ii) If the hazard becomes worse or a new one is created, the situation will have to be reassessed, and provision of a barrier may become necessary.
 - iii) If barriers or handrails already exist, or have previously existed along a path, the maintenance liability has already been created and failure to repair or replace them could lead to claims for compensation should accidents occur.

Appendix 3: Rights of way Improvement Plan Questionnaire

This questionnaire was used to assess public opinion at the assessment stage of the plan.

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

RIGHTS OF WAY IMPROVEMENT PLAN QUESTIONNAIRE

This survey is to help Neath Port Talbot County Borough Council put together a Rights of Way Improvement Plan to make it easier for walkers, cyclists, equestrians and appropriate motor vehicle users to enjoy the countryside.

Public Rights of Way include public footpaths and bridleways and byways open to all traffic.

Please complete and return in the freepost envelope provided.

1. Are you responding as (Please select main representation)

Resident of Neath Port Talbot County Borough	
Private Landowner (e.g. Farmer)	
Visitor to the area	
Other	
Interested group or other organisation	
Name of interested group or organisation	

2. Your home postcode

3. Age group (please tick relevant box)

15-24	
25-34	
35-54	
55-64	
Over 65	

4. Do you have any disability, which affects your use of Public Rights of Way (not roadside pavements)?

No	
Yes – mobility difficulty	
Yes – Sensory difficulty (sight, hearing, etc)	

5. How often do you use Public Rights of Way?

	In Neath Port Talbot area	Elsewhere
Everyday		
At least once a week		
Once a fortnight		
Once a month		
Less often		
Never		

6a For which of these purposes do you use Public Rights Of Way? (Tick all that apply)

	In Neath Port Talbot area	Elsewhere
Walking		
Running		
Cycling		
Horse Riding		
Horse drawn vehicle activities		
4x4 activities		
Motorcycle		

6b For what reason do you use Public Rights of Way? (Tick all that apply)

Leisure recreation	
Going to the school	
Going to the shops	
Going to work	
Other	

If other please state

.....

7. We would like your help in prioritising where to make improvements regarding Public Rights of Way.

Please tick to indicate which, if any, is a problem in your area.

W – WALKING
 R – RIDING
 C – CYCLING
 O - OTHER

	W	R	C	O
Routes are not way-marked enough				
Many Rights of Way are not recorded				
Too many stiles/barriers				
Routes are blocked				
Stiles/gates in poor condition				
Not enough information about routes				
Route information is difficult to use				
Not enough linkages and circular routes				
Routes are overgrown				
Path surface needs improving				

If other please specify

.....

- 8. Please list up to 3 things which you feel need improving, in order of importance to you (they can be those mentioned in question 7 or your own ideas)**

Most important improvement

.....
.....

2nd Priority

.....
.....
.....

3rd Priority

.....
.....
.....

- 9. What do you think are the best things about Public Rights Of Way in the Neath Port Talbot County Borough?**

.....
.....
.....
.....
.....

- 10a Do you use any forestry commission plantations for access?**

Yes	
No	

- 10b If yes, for what reason?**

Walking	
Horse Riding	
Pedal Cycling	

- 11. Do you use any other areas of woodland for access purposes within the Neath Port Talbot County Borough?**

Yes	
No	

12. **Do you use any rural cycle ways or disused railway lines?**

Yes	
No	

If so, for what purpose?

.....
.....
.....

13. **Do you use canal towpaths for walking or pedal cycling?**

Yes, both	
Yes, walking	
Yes, cycling	
Yes, other	
No	

14. **Do you use any land owned either by the woodland trust, or the wildlife trust, for access?**

Yes, both	
Yes, woodland trust	
Yes, wildlife trust	
No	

15. **Do you use any coastal land for recreation?**

Yes	
No	

If yes, for what purpose?

.....
.....
.....

16. **Do you use any areas of open mountain or moorland for access purposes?**

Yes	
No	

If yes, please state...

.....
.....

17. Do you use any country parks for recreation?

Yes	
No	

If so, for what purpose?

.....
.....
.....

18. Are there any comments you would like to make about access to the countryside within the Neath Port Talbot County Borough?

.....
.....
.....
.....
.....
.....

19. Would you be happy for the Countryside section to contact you, if necessary, for more details of your views?

If so, would you please put your name/address/telephone number/email address below.

.....
.....
.....
.....
.....
.....

THANK YOU