

Routes to the Future

**Draft Rights of Way Improvement Plan
2007 - 2017**

Blaenau Gwent County Borough Council



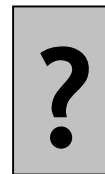
Foreword

This document is the Draft Rights of Way Improvement Plan for Blaenau Gwent.

As a draft document it does not represent the eventual Rights of Way Improvement Plan that will be adopted by Blaenau Gwent County Borough Council and its partners in 2007/8.

Attention has been given to the content of the report rather than its design. At this draft stage it is important that the content represents the considerable amount of work by a large group of people involved in its development and that the Action Statements reflect the aspirations of all users and non-users of the network involved in the process up to now.

Your comments are important. You will help shape the Rights of Way Improvement Plan.



Throughout the Plan you will be asked to respond to questions about its content.

A questionnaire is included in the back of the report which can be sent back using the freepost address. Please feel free to respond to those questions, fill in the questionnaire or make any other observations to:

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The closing date for comments is 14th June 2007.

Both Welsh and English versions of this report are available to download at www.blaenau-gwent.gov.uk

Executive Summary

The Blaenau Gwent Rights of Way Improvement Plan (ROWIP) has been produced to meet the requirements of the Countryside and Rights of Way Act 2000 (CROW). The ROWIP is required to contain an assessment of 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 and enjoyment, the accessibility of local rights of way to blind or partially sighted persons and others with mobility problems and the resources currently available and those that would be needed to meet people's future needs. In addition, in a County Borough with a high level of deprivation the Plan also looks at social exclusion.

The background to the Improvement Plan activity at Blaenau Gwent County Council is considered, including the support from the Countryside Council for Wales as Blaenau Gwent has been one of two Pilot Projects in Wales and how the County has undertaken work on the ROWIP. The ROWIP guidance provided by the Welsh Assembly Government (WAG) and the Countryside Council for Wales is described.

Existing management, maintenance and activities are reviewed including the provision of new cycle routes and the creation of Open Access land, also under the Countryside and Rights of Way Act 2000.

Rights of Way improvement and management is a small but important part of the overall activities of the Council and its partners. The policy context for the ROWIP is reviewed, and relevant documents and policies are described. A specific set of policies for the rights of way network, its management and improvement are proposed to bring together the many diverse policies spread across a myriad of documents.

Delivery of significant improvements to countryside access in Blaenau Gwent, together with improvements needed for better land utilisation, will also be critically dependant on working in partnership principally through the Local Access Forum.

Blaenau Gwent is a distinctive county borough typical of the South Wales Valleys coalfields having a landscape shaped by a long history of natural and human activity. As the heavy industries have gone the area is meeting a new challenge of finding both employment and focus as a community. The magnificent upland countryside and the network of small farms contain a wealth of natural, archaeological and historical heritage that can be accessed by visitors and locals alike.

It is bringing this access to life and connecting people with the countryside that is the challenge of the Draft Plan.

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1. The Vision

Blaenau Gwent County Borough Council is committed to developing, maintaining and improving the local rights of way network and access to the countryside for both local residents and visitors as part of its vision to make the county a better place to live and work.

The Rights of Way Improvement Plan will be the cornerstone to the future management, maintenance and improvement of the network for the next 10 years.

The vision that this Rights of Way Improvement Plan embodies is: -

- Access for All - the network should serve the current and future interests of all users equally
- Better provision for individuals and groups for whom the current network makes little sense or presents physical barriers to countryside access
- Maximising the use of the resource in the full knowledge that an accessible and well-maintained network contributes to the local economy, to health, to well being and to a better understanding of our natural and built heritage.
- Encourage new users especially the disabled, people with mobility problems and the young.
- Working in partnership - whilst recognising the statutory functions and responsibilities of the rights of way network we will work with a wide range of groups to ensure continued improvement and use of the resource.
- Setting priorities - by working in partnership with others the Council will seek to deliver best value through delivering improvements and carrying out maintenance in the most effective manner and to maximise the benefits of the network.

2. Introduction

2.1 Why are we preparing a Rights of Way Improvement Plan?

The Countryside and Rights of Way Act (2000) created, under Section 60, the requirement for highway authorities to produce a Rights of Way Improvement Plan. Putting this together has meant looking at how the path network meets both current and possible future needs.

The statutory guidance also states that the ROWIP itself should not contain site-specific assessments, but draw broader, generic conclusions, which are the focus of an “action statement” for the management of local public rights of way and for securing an improved network of paths. Individual specific projects are identified in the action statements for further development.

The process of developing this draft ROWIP has been informed by a number of factors, including the authority’s statutory duties and powers, the statutory ROWIP guidance, Countryside Council for Wales’s advice, and wide ranging consultations.

The Council was fortunate in being successful in bidding for resources from the Countryside Council for Wales in supporting pilot projects in Wales that would inform all local councils on the process of developing ROWIP’s. This support was provided from 2004 to the current draft stage. In particular CCW supported the user needs assessments, setting priorities workshops and an external audit of the Councils’ management of the network, though all aspects of the ROWIP process are part of the pilot project. The Council and its officers extend their thanks to CCW for their support and encouragement and to the consultants who have helped shape this ROWIP, Rural Resources Ltd., exeGesIS SDM Ltd. and George Keeping.

There has been a significant input from the Blaenau Gwent Local Access Forum, other statutory agencies and local voluntary organisations, user groups and individuals. A full list of acknowledgements is included in section 11.

2.2 How has this Plan been produced?

The CROW Act empowered the Welsh Assembly Government to issue guidelines on the information that highway authorities should consider in developing their ROWIP’s. This guidance was issued in December 2002 (see references) and this Draft Plan has been produced using the guidance.

The CROW Act requires a number of assessments to be carried out as part of the development of the ROWIP: -

- The strategic context for the management and improvement of local rights of way

- The condition of the existing rights of way network, its legal definition, publicity, management and protection
- The existing and likely future needs of different classes of users of local rights of way, the accessibility of local rights of way to blind or partially sighted people and others with mobility problems
- The identification of areas where provision for one or more class of user is considered to be deficient in the future and indicative of the scale of those deficiencies
- The specification of other shortcomings that have been shown by the review to exist
- The opportunities and priorities for the improvement of the existing network, its management and development
- The resources that are available and that are required to meet people's needs for local rights of way

In Blaenau Gwent the ROWIP process commenced in April 2004 with the submission for Pilot Project support to CCW.

Pilot Projects status meant that as well as additional resources to support the ROWIP process there was a much-foreshortened timescale. The deadline for all local authorities in Wales is to complete the ROWIP process by 2007.

The elements of the assessments were divided up as follows: -

Table 1- Elements of Assessment

Element	By whom
Rights of Way Condition Survey	BGCBC - Rights of Way and Access Manager
Definitive Map Review	BGCBC - Rights of Way and Access Manager
Policy and Strategy Review	BGCBC - Principal Project Officer - Environment
Users and Non User Needs Analysis - questionnaire and focus groups	Rural Resources Ltd
Publicity Review	BGCBC - Principal Project Officer - Environment
External Assessment of the management of Rights of Way	ExeGesIS SDM Ltd with George Keeping
Priorities for Action workshops	Rural Resources Ltd

These were phased over a two year period with full and summary reports being made available by CCW for all other authorities through their website and in seminars.

In particular the User Needs Analysis undertaken by Rural Resources Ltd consulted widely with the public, users and organisations.

Table 2 - Participation in ROWIP process

Consultation method/group	Number of Participants
Household survey	388
Walkers Discussion Group	18
Equestrians Discussion Group	10
Cyclists Discussion Group	6
Vehicle Users Discussion Group	7
LAF meeting	8
Disabled Key Informant Interviews	5
Non-users House to House Survey	24
Tredegar Youth Cafe	12
Setting priorities workshops	25
Total	503

Progress on the ROWIP has been reported to the Local Access Forum on a regular basis and the LAF has formed a focus group in the user needs analysis in 2004 and attended the priorities for action workshops in 2005.

At this Draft stage further wide ranging consultation is taking place with user groups, landowners, interested parties, neighbouring authorities and individuals.

2.3 Why is the ROWIP important?

For most council's the management of the right of way network is reactive, responding to issues and opportunities as they arise. This is largely due to the significant legislative requirement that rights of way officers' work to and a reflection of the generally low level of resources found in most authorities for the management of the network. The Countryside Council for Wales Rights of Way Condition Survey (2002) indicated that for the whole of Wales £26m was needed to bring the network up to a satisfactory condition and a further £8.37m as an annual maintenance budget. For Blaenau Gwent this would extrapolate as £234,600 for bringing the network up to standard and an annual maintenance budget of £75,600.

The ROWIP will address the specific requirements and resources needed for the management and improvement of the network for each local authority. It will, in effect, set a work programme for the next 10 years, which the Council, in partnership with others, will pursue in a pro-active manner. This is a fundamental shift in how things have been done and it is important that the priorities identified now in the ROWIP reflect the needs and aspirations of users, non-users and landowners accurately.

The network can serve many functions in the local community beyond simply rights of way in addressing tourism, heritage, economy, health, transport, sustainability and planning. These were all studied as part of the Policy and Strategy Review. For example, the Wales Tourist Board has estimated that

the path network contributes £548m to the economy of Wales through tourism alone. This equates to just under £5m/annum in Blaenau Gwent¹.

An accessible, well-promoted and well-managed network can make a significant contribution to the regeneration of Blaenau Gwent.

2.4 What resources are available now?

The Council employs a Rights of Way and Access Manager in the Regeneration Section of the Environment Directorate. He is managed by the Principal Project Officer - Environment who also has extensive knowledge of rights of way. There is also currently support for practical work on rights of way through the Landscape and Access Management Scheme (LAMS), which is in the same Regeneration Projects Section.

Blaenau Gwent has a network of approximately 300 kilometres of rights of way as well as 3,246 hectares of open access land declared under the CROW Act 2000 and 3,681 hectares of commons.

The annual budget for rights of way is £18,000, which includes running the statutory Local Access Forum, also required under the CROW legislation.

3. The Policy Context

3.1 The roles that PROW can fill

The management of the rights of way network is not only underpinned and driven by legislation but also by a raft of policies at both national and local levels. These policies seek to support the network in itself and to encourage greater and more responsible use of the system.

The Policy context reviewed the relevant policies covering rights of way and related areas of work and recommended where policies are required as part of the Rights of Way Improvement Plan.

In looking at existing policies it was clear that there are a number of succinct policy areas: -

1) Sustainability

The Welsh Assembly is unique in the UK in having a legal responsibility for sustainability as part of its functions. Clearly all the activities of the Assembly, its partners and the populace of Wales have an influence on sustainability. The rights of way network is no exception.

2) Health

With an increasing need to develop healthier lifestyles, the rights of way network offers a cheap, accessible opportunity for all to exercise.

¹ Assuming tourism spend is equal across the network.

The development of the 'Walk the way to health' project is a prime example of a project using the network to promote health.

3) Economic

The network can be seen as a generator of income through tourism, as an employer through management and as a traffic mode for walkers and cyclists.

4) Transport

The network is increasingly seen as an important provider of substitute transport modes to the car. In particular the promotion of the cycling network especially in urban areas through the Transport Grant is contributing to the availability of alternatives.

5) Rights of Way

The network itself is the very resource that allows all the accompanying policy areas and activities to be developed. It needs managing in its own right and in partnership with the legislation that seeks to protect it.

6) Tourism

Walkers, cyclists, pony trekkers and trail riders are important constituents of the tourism industry and need facilities to support their activities.

7) Heritage

Many rights of way represent old routes, parish boundaries and dram roads especially in an area dominated by industrial archaeology. In addition the rights of way network can connect people to areas of historical or archaeological interest.

8) Planning

The need for development often brings conflict with the retention of rights of way. With the creation of the Unitary Authorities in 1996 a greater potential for efficiency in the planning system was created with positive provision through the Unitary Development Plan process.

9) Monitoring and Performance

Clearly there is a need to make sure that Unitary Authorities are delivering meaningful results for the users of the network. The development of national and local Performance Indicators will ensure that services are delivered appropriately.

In reviewing all the policies and strategies concerned with the rights of way network it was clear that the production of the ROWIP represented a unique opportunity to bring together all the policies in one document for wide scale adoption and to plug some significant policy gaps.

3.2 The policies suggested for the ROWIP

These policies have been suggested for inclusion in the Rights of Way Improvement Plan and ultimately for adoption by Blaenau Gwent County Borough Council.

- 1. To keep the rights of way network open to all users.*
- 2. To provide improved access for people who are mobility or visually impaired.*
- 3. To improve the maintenance of rights of way network to a satisfactory standard.*
- 4. To make linkages in the rights of way network to create circular and linear routes for all users but particularly for horse riders, cyclists and trail riders.*
- 5. Where routes are developed for cycling, especially off road cycle routes, the needs of all other users will be taken into account.*
- 6. Promote the use of the public rights of way through improved information online, en route, in leaflets, in route guides and in press releases.*
- 7. To improve the provision of signs from metalled highways.*
- 8. To promote responsible use - action will be taken against those who damage the network and the network will be managed to reduce damage where it is occurring.*
- 9. To promote responsible stewardship - action will be taken to remove obstructions through legal action and enforcement to keep the network open.*
- 10. To keep the Definitive Map up to date and to undertake a “Lost Ways” project before the 2026 cut off.*
- 11. The Council will work with others in partnership to promote greater sustainable use of the network for example healthy living, heritage and tourism.*
- 12. Through all the above policies the Council will encourage greater use by people who currently do not access the network.*
- 13. The Council will seek to secure sufficient resources, both internally and externally, to manage and improve the rights of way network.*

14. *[If the public consultation and the LAF accept the idea of priority routes then the following policy will need to be included]*
The maintenance of priority routes will be to a higher standard than other non- priority routes. Priority routes will be determined by a combination of level of use and if the route is promoted.

Are these the right set of policies for rights of way?
Has anything or any group been ignored?



3.3 The role of the Local Access Forum

In addition to establishing the requirement to produce a ROWIP, the Countryside and Rights of Way Act 2000 also requires local authorities and national parks to establish Local Access Forums.

In Blaenau Gwent an Access Forum had been established at the time of the production of the Landscape and Countryside Strategy in 1996-7 and officers had maintained the Forum as an ad hoc group meeting on a quarterly basis to discuss issues relating to rights of way and access. The requirement of the Act meant that the new Access Forum would no longer be made up of representatives but constituted by individuals with a balance between landowners, users and others.

The purpose of the Local Access Forum described in the Act is “*the improvement of public access to land in that area for the purposes of open-air recreation and the enjoyment of the area, and as to such other matters as may be prescribed*”.

To date the Local Access Forum has been involved in the mapping of open access land, the development of the new countryside code, consultation on the roll out of sections of the CROW Act and the ROWIP process.

In the future the Local Access Forum will be the key body for monitoring progress with the ROWIP as well as dealing with closure notices for open access land.

3.4 The role of the Countryside Council for Wales

In order to assist the ROWIP work in Wales, CCW has supported pilot studies, which expand on the Welsh Assembly Government Guidance and provide ideas and methodologies for producing ROWIP's. The findings from the pilot studies are shown on the CCW website (<http://www.ccw.gov.uk>) and they have held a number of seminars and workshops to assist unitary authorities in the preparation of their ROWIP's. CCW are also an observer at Local Access Forum meetings.

4. The network

4.1 What are we dealing with?

Blaenau Gwent contains some 300 km. of rights of way as defined on the Definitive Map (see 4.3).

The Welsh Assembly Government Guidance on the assessment required that, “Local highway authorities should assess the condition of the local rights of way network. This will help to identify: -

- *The ease of use of the network and its availability to different types of users, including those with mobility problems*
- *The nature and scale of any problems with their rights of way*
- *Where improvements in the maintenance of local rights of way can increase the use and accessibility of routes: and*
- *The staff and financial resources required to properly maintain and improve the network for the benefit of the public*

In Blaenau Gwent only 5% of the network is surveyed on an annual basis and then solely for the needs of the Performance Indicator². The Council is grateful to the Ramblers Association who have carried out this work over the last few years.

It was decided to undertake a 100% condition survey of the network because of the size of both the network and the County Borough area, which will give an entirely true reflection of the state of the network and the resources needed to put the network into an acceptable condition and to maintain it into the future.

4.2 The current network

The county of Blaenau Gwent is crossed by a network of public footpaths, bridleways, carriageways mainly used as bridleways (CRB) carriageways mainly used as a footpath (CRF) and byways open to all traffic (BOAT) which allows residents and visitors to experience the beauty and peace of the countryside. All public rights of way are highways in law and are distinguished from other, all-purpose highways by the way they can be used.

- A footpath is a highway over which the public have rights of way only on foot.
- A bridleway is a highway over which there is a right of way on foot, riding or leading a horse or cycling.
- A byway open to all traffic (BOAT) is a right of way which is open to all types of users, (including use by horse drawn and motor vehicles)

² BV 178 - “The percentage of the total length of rights of way in the local authority area, that are easy to use by the general public.”

but which is used mainly for the purposes for which footpaths and bridleways are used.

- The term ‘Roads Used as Public Paths’ inevitably shortened to ‘RUPP’s’, was brought into use by the National Parks and Access to the Countryside Act 1949. Part IV dealt with the ‘ascertainment of footpaths, bridleways and certain other highways’ and Circular 81/50 of explained the procedures to be used in drawing up the survey. It included the instruction that a public carriage or cart road, or green lane on which the public had a right to use vehicles, but which was in fact mainly used as a footpath, should be marked CRF (Carriage Way mainly used as a Footpath), if it was mainly used as a bridleway, it was to be marked CRB (Carriage Road mainly used as a Bridleway).
- When section 47 of the Countryside and Rights of Way Act 2000 comes into force all RUPP’s will automatically become restricted byways.

The total length of each right of way in the County Borough is indicated in the table below.

Table 3 - Proportion of Rights of Way in Blaenau Gwent

Rights of Way by Length		
	Km	%
Footpath	204.794	68
Bridleway	54.372	18
CRB	35.518	12
CRF	3.651	1
BOAT	2.584	1

The distribution of the different sorts of rights of way across the County Borough is uneven as demonstrated in Table 4 below.

Table 4 - Distribution of routes in communities in Blaenau Gwent

	Footpath (Km)	%	Bridleway (Km)	%	CRB (Km)	%	CRF (Km)	%	BOAT (Km)	%
Abertillery	37.989	18.5	31.671	58	3.218	9	0	0	1.268	49
Beaufort	12.466	6	.424	1	4.046	11	1.235	34	0	0
Brynmawr	13.116	6.5	0	0	1.749	5	0	0	0	0
Cwm	26.279	13	0	0	6.890	20	0	0	0	0
Ebbw Vale	18.286	9	0	0	7.048	20	0	0	0	0
Llanhilleth	22.607	11	9.691	18	2.662	7	0	0	0	0
Nantyglo & Blaina	33.182	16	4.204	8	9.525	27	0	0	1.316	51
Tredegar	40.869	20	8.382	15	.380	1	2.416	66	0	0
Total	204.79 4		54.372		35.518		3.651		2.584	

4.3 The Definitive Map

The Definitive Map and Statement were introduced by the National Parks and Access to the Countryside Act 1949 (NPACA 1949). The County of Blaenau Gwent Definitive Map and accompanying statement form the legal record of the position and status of public rights of way in Blaenau Gwent. The legislation governing the compilation of these records and their review and amendment has altered since the coming into effect of that Act, principally by the Countryside Act 1968 (CA 1968) and the Wildlife and Countryside Act 1981 (WCA 1981). The Highways Act 1980 (HA1980), and the Countryside and Rights of Way Act 2000, which have had further fundamental effect on rights of ways management.

The Welsh Assembly Government Guidance states that, *“Scrutiny of the Definitive Map and statement, and its management, together with information and documents about any unrecorded rights of way and past requests for improvements to the network should allow a preliminary assessment to be made of the following areas of work:*

1. *Whether the Definitive Map and statement accurately records the highways that should be shown on it (including undecided cases that may modify the map);*
2. *The management and resources required for the maintenance of an accurate and up to date Definitive Map and statement (including any new requirements arising from the Act);*
3. *The extent to which routes and networks are available to different groups of users (particularly equestrians, walkers and cyclists);*
4. *Areas which are deficient in rights of way for all or particular groups;*

5. *Present modification orders and past and present requests for diversions, creations or extinguishments;*
6. *The extent of any unrecorded public rights of way including those that are likely to be affected by the provisions of sections 53 to 56 of the Act, and the work required to research and record them*
7. *Obvious inconsistencies or anomalies in relation to individual rights of way; and*
8. *For any part of their area that currently does not have a Definitive Map, local highway authorities will have to rely on such information as is available about the ways that are thought to be rights of way.*

Local highway authorities should look at the Definitive Map in conjunction with the wider highway network (including reference to the List of Streets), cycle tracks and permissive routes, including towpaths and routes through woodlands and forests. This overall assessment should help to highlight those rights of way that might be used in combination with other types of access, unsurfaced roads and other lightly trafficked minor highways. It should also assist in identifying those rights of way which may effectively be unusable or which put users at risk because they can be reached only along heavily trafficked roads without an adequate verge, footway or crossing.”

A review of the Definitive Map and Statement recorded eighty-seven errors and anomalies that were not the subject of formal applications to change the map and statement. Many of these anomalies (63) are the result of the transfer from the original Definitive Map to the digitised Definitive Map. For example routes were found to overlap one another or did not connect to other highways. These anomalies were resolved on the working copy of the Definitive Map. The remaining anomalies (24) should be investigated, and if relevant, Evidential Modification Orders made to correct the map and statement (see 4.4). Many of these result from the period before Local Government reorganisation in 1996, when rights of way were the responsibility of the former Gwent County Council and Blaenau Gwent County Borough Council was the planning authority.

Table 5 - Anomalies on the Definitive Map

Route	Status	Anomaly	Length (metres)
332/34/1	Footpath	Route goes through houses	209.02
333/46/1	Footpath	New Development Estate	233.15
337/25/1	Footpath	Land reclamation - playing field	236.58
338/55/1	Footpath	Land reclamation	385.65
338/32/1	Footpath	New Development	276.48
338/54/1	Footpath	Land reclamation	585.65
338/53/1	Footpath	Does not link with public highways at either end	201.12
332/34/2	Footpath	Route goes through houses	155.87
332/30/1	Footpath	Route goes through houses	399.21
332/29/2	Footpath	Route goes through houses	31.81
339/6CRF/1	CRB	New Development	380.45
332/29/1	Footpath	Route goes through houses	85.81
338/12/1	Footpath	Development	58.44
338/13/1	CRB	Development	204.80
338/31/2	Footpath	New Development	88.40
337/50/1	Footpath	Line on Map needs amending	133.04
333/53/1	CRB	New Development Estate (Now a Footpath)	160.67
337/54/1	CRB	Open Quarry	134.05
339/132/3	Bridleway	Land reclamation	276.17
338/26/1	CRB	Needs to be diverted	123.21
333/43A/1	CRB	A 467 Cutting a cross CRB no access	146.31
337/55/1	CRB	Woodland plantation	354.48
339/134/1	Bridleway	Land reclamation	1037.02
338/22/1	Bridleway	Housing development	201.80
332/34/1	Footpath	Route goes through houses	209.02
		TOTAL	6308.21
		Of which footpaths	3080.29
		Of which bridleways	1515.00
		Of which CRB's	1504.00

For some of the above anomalies there are up to 16 separate landowners that will have to be served with notices as developments have obstructed rights of way.

There are also cross boundary anomalies that are a result of the way in which the original Definitive Map was drawn up. Where rights of way meet the County Boundary their status often changes; for example a footpath in Blaenau Gwent can become a bridleway in Caerphilly.

Table 6 - Cross border anomalies

Status change	Number of Routes
Footpath to Bridleway	3
Bridleway to Footpath	3
End at County Boundary	
Footpath	1
Bridleway	1
CRB	1
TOTAL	9

4.4 Modifications to the Definitive Map

The Definitive Map and statement can only be updated by making modification orders, which legally alter the documents to show changes to the rights of way network, which have already taken place.

Anyone may apply to the highway authority for a Definitive Map modification order to add or delete a right of way from the Definitive Map and statement or to upgrade or downgrade one that is already shown, on the basis that there is evidence to support the claim being made.

On receipt of an application made in the prescribed form, the authority has twelve months in which to decide whether or not to make an order. If the authority does not meet this target the applicant may appeal to the Welsh Assembly Government against the authority's failure to determine the application. An application has to be supported by evidence, which may be documentary or user evidence, or a mixture of the two.

The introduction of the Wildlife and Countryside Act 1981 made some important changes concerning the preparation and revision of Definitive Maps. It became possible to amend the Definitive Map to delete paths where there was new evidence discovered by the authority or evidence not previously considered that there was no public right of way of the status shown on the Definitive Map.

One of the changes introduced by the Countryside Act 1968 was the provision for a special review to reclassify roads used as a public path (RUPP) so that they became footpaths, bridleways or byways open to all traffic (BOAT).

RUPP reclassifications i.e. Cart Road Footpaths (CRF's) and Cart Road Bridleways (CRB's) have not been undertaken in Blaenau Gwent pending the publication of regulations under the Countryside and Rights of Way Act 2000.

Modifications come in two forms:

Legal Event Modification Order (LEMO). If an order is made at the bequest of a landowner or the local authority to divert, extinguish or create a public right of way, a legal event modification order needs to be made to officially change the Definitive Map and statement. This is a process that is carried out after the change takes place on the ground and the order is certified.

Evidential Modification Orders (EMO). If, through user or documentary evidence, it can be shown that changes need to be made to the Definitive Map and statements, an EMO order can be made. These changes may involve a change of status, creation or deletion of a right of way. As EMO's are legal events in themselves, no further processes are required to update the Definitive Map and statements.

The Blaenau Gwent Definitive Map and statement was originally compiled in the 1950s, with the latest version being published by Gwent County Council on the 3rd August 1993. Since that time, no LEMO's have been made and the Definitive Map and Statement is therefore out of date. There is a backlog of 12 EMO's to be considered and made. The Blaenau Gwent Definitive Map and statement has been digitised and currently exists as a non-legal, working map and statement for the use of Rights Of Way and Access Manager.

The existence of an accurate legal record of public rights of way underpins the public's use of the network. Removal of the backlog of work is needed to ensure that the map and statement are accurate is therefore fundamental to the new pro-active direction for the rights of way service.

Outstanding orders

The potential range of outstanding orders includes the following:

- Evidential Modification Orders (EMO's) that modify the Definitive Map and Statement.
- RUPP re-classifications, previous legislation required RUPP's to be reclassified as bridleways unless otherwise shown to be byways or footpaths.
- CRF/CRB need to be re-classified as either a footpath, bridleway, or a restricted byway.
- Diversion & Extinguishment Orders.
- Creation Orders.

Table 7 - Outstanding Orders

Order Type	On File	Work Started
Evidential Modification Orders	4	5
RUPPs Reclassifications	0	
CRF Reclassifications	9	
CRB Reclassifications	92	
Diversion & Extinguishment Orders		1
Creation Orders		2

There are currently twelve outstanding EMO applications made to the Council alleging that rights of way not on the Definitive Map and statement should be added, or that rights of way, which are shown, are of the wrong status. With the introduction of the cut-off date of 2026 by the new CROW Act 2000 this will inevitably result in an increased number of new applications being made to the Council.

Each Modification Order can take a considerably variable length of time to resolve. In one (uncontested) instance the whole process was completed in

just four months whilst other unresolved and contested cases have been ‘on the books’ for up to 11 years.

It will be important to determine the level of staff resources needed to bring the Definitive Statement up to date in Section 6 - Making it Happen.

4.5 Legal

The Rights of Way and Access Manager has the support of a Principal Solicitor in the Legal Services Department in dealing with any matters that involve legislation. This will involve in advising on modification orders before they proceed to the Executive and dealing with prosecutions for obstruction, misleading signs, etc.

If matters progress beyond the serving of a notice by the Rights of Way and Access Manager support in preparing and conducting prosecutions is received from the Council’s legal section. The number of cases that proceed to this stage is low and in the event all cases have been settled out of court and this means that legal staff have been given little opportunity to develop expertise in this area of work. Existing capacity within the legal team is insufficient to allow this area of work to be developed further (e.g. to address the issue of old development related anomalies/obstructions). Rights of way work accounts for an estimated 5 - 10% of the Principal Solicitors workload.

4.6 Maintenance

The Council carried out its first ever condition survey of 100% of its network of public rights of way over the summer/winter of 2005. This shows that 68% of all rights of way were, at the time of the survey, in satisfactory condition and conversely that nearly a third of the network is not in a satisfactory condition. The data set collected during the full survey now means that the Council has an accurate and up to date picture of the path network and can make detailed and reasonable estimates of the resources needed to bring it into an acceptable condition and also to maintain it in that condition.

The survey also allowed a complete inventory of all infrastructure found on the network.

Table 8 - Infrastructure

Type of Infrastructure found			
Bridge Sleeper	8	Bridle Gate	11
Bridge Culvert	7	Field Gate	135
Bridge (<2m span)	4	Kissing Gate	41
Bridge (2 -5 m span)	6	Wicket Gate	24
Bridge (5m+ span)	9	Fingerpost / Waymark Roadside	78
Stile with step	188	Steps revetment	43
Stile with dog latch	54	Highway Barrier	21

Whilst the management of some of this infrastructure is the responsibility of landowners, the Council works in partnership with farmers and landowners often supplying stiles and gates in return for the labour to install them.

The annual maintenance cost can be calculated once the numbers of countryside furniture are known. An example of such analysis is illustrated in table below.

Table 9 - Repair and replacement costs of countryside furniture

Type	Longevity (years)	Repair	Replace
Fingerpost	12	£20.00	£40.00
Stile	12	£100.00	£160.00
Kissing gate	10	£160.00	£310.00
Gate	10	£97.00	£185.00
Bridge (<2m span)	10	£210.00	£810.00
Bridge (2 -5 m span)	12	£510.00	£2000.00
Bridge (5m span)	15	£1260.00	£5000.00
Steps	8	£60.00	£115.00

Using the data collected from the 100% condition survey and the tables above we can estimated the total budgets needed to bring the network up to a satisfactory standard and the level of annual maintenance funding needed to keep them at that standard. Additional items include the need to keep rights of way clear from obstruction by vegetation and the need to maintain the surface of the highway, which is the legal responsibility of the Council.

Table 10 - Cost of initial and continued investment to put the network into good condition

Item	Quantity	Put into 100% condition	Annual Maintenance cost
Furniture			
Fingerpost	615	£20,360	£2,240
Bridge Sleeper	8	£1,920	£160
Bridge Culvert	7	£1,050	£875
Bridge (<2m span)	4	£3,240	£324
Bridge (2 -5 m span)	6	£12,000	£1,000
Bridge (5m span)	9	£45,000	£3,000
Stile	121	£19,360	£3,720
Steps	9	£1,350	£806
Gate	31	£5,735	£2,608
Vegetation	36.037 km	£21,622	£21,622
Surface			
Urban (tarmac)	27.455 km	£274,550	£27,455
Natural	271.773 km	£69,998	£69,998
Total		£476,185	£106,353

Cost estimates are presented as like for like installation and do not reflect the needs of upgrading the network for blind or partially sighted persons and others with mobility problems. Very little guidance has yet been given to local authorities on the implications for rights of way work of the Disability Discrimination Act 1995.

Disabled people, parents with pushchairs and elderly people have limited mobility, which disadvantages them in exploring the countryside. Many people living in urban areas do not have the confidence, knowledge or experience of the countryside to visit it. When considering access for all this could involve the removal of any barriers such as stiles. Where this is not feasible, it may be the case that when stiles need repair, all other options, such as removal of the stile or provision of a gate, should be explored before repairing the stile.

With regard to complaints about the condition of public rights of way, these are logged and monitored, but are not linked to any priority system for paths. At present the level of complaints received from members of the public is felt to be manageable and steps are taken to keep the complainant informed on progress, or to give reasons why action may be delayed.

4.7 Obstructions

The condition survey also catalogued all the obstructions to the network which can have the effect of making paths either inconvenient to use or unusable. Typical obstructions are fences, hedges, vegetation, boggy or flooded sections, manure heaps, rubbish and un-bridged watercourses.

Table 11 - Obstructions

Obstruction	Total Issues Logged	Inconvenient	Unusable
Cross Path - Fence/ Wall/ Hedge/ Other	96	20	76
Misleading Sign	8	8	0
Land Use - Forestry/Other	17	2	15
Obstacles - Muck heap/ Rubbish/ Other	43	11	32
Path Surfaced/Metalled	14	14	0
Terrain - Waterlogged/ Rutted/ Other	22	13	9
Vegetation	143	91	52
Totals	343	159	184

Most of the Access issues in the authority can be addressed by the installation of gates or stiles, the removal of misleading signs and other obstructions, surfacing routes, etc. Estimates of cost of resolving these issues were taken from the Countryside Council for Wales Condition Survey 2002 with a 10% increase and are detailed in the table below. Some obstructions will require legal action in order to effect their removal.

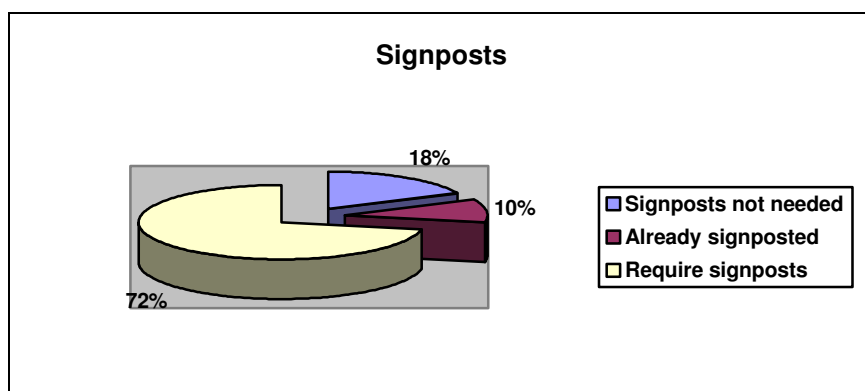
Table 12 - Cost of removing obstructions

Access Issues costs	Issues Logged	Cost per item/m	Total Costs
Cross Path - Fence/Wall/Hedge/Other	96	£160.00 item	£15,360.00
Misleading Sign	8	£35.00 item	£280.00
Obstacles - Muck heap/Rubbish/Other	43	£160.00 item	£6,880.00
Path - Surfaced/Metalled	14	£60.00 per m	£840.00
Terrain - Waterlogged/rutted/Other	6,413m	£23.00 per m	£158,240.00
Vegetation	29,780m	£0.60 per m	£17,868.00
TOTAL			£199,468.00

4.8 Signing and waymarking

The Highway Authority has a duty to signpost all public rights of way where it leaves or starts at metalled roads (Countryside Act 1968 section 27(2)). Therefore the total number of places where rights of way join a metalled road was calculated as 817 locations.

The survey results found that only 10% of these locations are currently signposted, and that a further 18% were well defined by the fact that where the path left a highway and the line of the path is clear that signage was not required. However, the remaining 72% of locations were missing signage giving a total of 590 fingerposts needed.



Once the right of way leaves the metalled highway there is no statutory responsibility for the Council to indicate the route. However one of the overwhelming views from all users of the network and from non-users that came forward as part of the User Needs Analysis is that waymarking routes would considerably assist people in accessing the network. Waymarking would also have the effect of reducing trespass for landowners. It has not been possible, at this stage of the ROWIP process, to estimate the extent and therefore cost of waymarking routes and of maintaining those waymarks. It would not be the policy of the Council to waymark routes in open country where such waymarks might cause visual intrusion. In view of the strength of opinion from the User Needs Analysis this is likely to be an area of high priority within the Action Statements.

4.9 Open access and urban commons

The Law of Property Act 1925 (section 193) created public rights of access to commons situated wholly or partly within a former borough or urban districts as they existed on 31st March 1974 and which are not subject to any other act, scheme or provisional order for the regulation of the land and any bylaw, regulation or order. These commons are typically referred to as ‘urban commons’.

The rights of public access over urban commons are for ‘*air and exercise*’. The courts have interpreted this to mean for walking and riding a horse. The Act specifically excludes camping, lighting fires and driving or pulling a vehicle (including a bicycle). There is no provision under this Act for removing public access rights in order to protect or enhance nature conservation.

Most of the common land on the ridges between the valleys in Blaenau Gwent is deemed as urban common due to its presence in former urban and urban district council areas. Urban Commons account for 3,681 hectares of land in Blaenau Gwent.

The Countryside and Rights of Way Act 2000 created ‘Open Access Land’ on land that is wholly or predominantly mountain, moor, heath or down that is also not registered common land. Such open access land can only be enjoyed on foot and it does not allow access on horse, cycle or motor vehicle. The land was mapped by the Countryside Council for Wales and after the publication of the initial maps, landowners and others were able to comment on areas that had been included or excluded. Further sets of maps were produced and landowners were able to lodge formal objections to the areas designated. These objections were considered at hearings and a final adjudication delivered. The open access land became available for public enjoyment on 28th May 2005 although landowners can close open access land for short periods of time and can apply for longer closures to the Local Access Forum.

Open Access Land accounts for 3,246 hectares in Blaenau Gwent largely attached to the existing common land.

The total area of Blaenau Gwent is 10,900 hectares so this ‘access’ land amounts to 63.5% of the total area.

5. What needs to be done?

5.1 For walkers

Walking is by far the most popular activity amongst the residents and visitors to Blaenau Gwent. Over 25% of respondents to the household survey conducted as part of the user needs analysis use footpaths on a daily basis

whilst most walkers prefer distances of less than four miles, although the more adventurous walker will cover up to 15 miles or more in a single trip.

With 68% of the rights of way network being footpaths and with all routes available to walkers, they might appear to be well served in terms of provision. Yet the backlog of maintenance means that many walkers are unable or have difficulty accessing the network. The top five factors generated through the user needs analysis which appear to make routes most unusable are:

- Overgrown vegetation
- Feeling unsafe
- Lack of knowledge about where paths are
- Lack of signposting / waymarking
- Lack of a firm surface

Similarly the top five factors, which appear to make routes inconvenient for walkers, are:

- Overgrown vegetation
- Lack of a firm surface
- Lack of signposting / waymarking
- Lack of suitable circular routes
- Roads and motor traffic

Walkers felt that the existing network is largely adequate but that it is let down by a lack of maintenance and waymarking. In particular:

- Because signage is poor, people don't know where the routes are
- There is sometimes a fingerpost at the start of a route but then no marking along the route- therefore people can't follow the route
- 'Interruptions' in a route are common e.g. a route appears to end and then starts up again further on (obviously, a route does not actually end on the ground but because the route is not clearly marked there is a loss of confidence on behalf of users as to where the route goes)
- Maintenance was the most significant barrier to use - this included overgrown vegetation, rubbish, condition of route surfaces, fallen trees, tipping and abandoned cars, poorly maintained stiles
- Obstructions along routes - particularly blocked or removed stiles; walkers also commented on the lack of stiles with built in dog gates
- Motorcyclists and off-roaders causing damage to the surface of paths

- Unpleasant and threatening landowners as a barrier to use
- Routes on maps do not always tie up on the ground - there are obvious discrepancies between what walkers see on a map and then what appears to happen on the ground

The things that walkers felt were most needed in terms of improving the adequacy of the network were:

- More circular routes - signed and advertised as such
- Need to link paths together - defragmentation
- More long distance routes

**Are you a walker?
Do you agree with the problems of using the
footpaths at the moment?
Are the priorities correct?**



5.2 For horse riders

In looking at the network in Section 4.1 earlier it was clear that the bridleway provision was fragmented and concentrated in certain communities.

It was not surprising that the participants in the discussion groups overwhelmingly felt that the bridleway network is not adequate within the Borough. Comments were made that: -

- In many cases equestrians do not actually know where designated routes are. Even experienced riders who had been riding in the area for many years use routes and tracks regularly but have no idea of their official designation.
- Simply not enough routes - routes that turn into footpaths are a real problem, which needs addressing by upgrading.
- Cycleways could be used but the gates are not usually suitable and are often locked.
- The obstruction of bridleways by locked gates.
- Specific mention has been made of a possible new bridleway from Brynmawr to Llanhilleth along the old railway line, which has never been implemented, and the possibility of new permissive bridleway routes across the Beaufort tips area.

- Overgrown vegetation along routes.
- Specifically mentioned, Abertillery Park - where there is a need to go through the park to access a bridleway on the other side.
- Boulders blocking routes - these are put in place to stop cars, motor bikes or fly tipping but end up stopping legitimate users too, particularly in the Ebbw Vale area.
- Damaged PROW caused by motorcycles and vehicles and the perception that police, when contacted by equestrians, do not respond

The things that equestrians felt were most needed in terms of improving the adequacy of the network were:

- That the fragmented nature of local bridleways, which caused a lack of potential circular routes, was the main problem

**Are you a horse rider?
Are these the problems you experience when riding
your horse?
Is the priority right?**



5.3 For cyclists

There are currently 12 Km of cycle route in the County Borough whilst cyclists have access to bridleways, CRB's, CRF's and BOAT's. For most of these routes the surface conditions deter all but the most adventurous of mountain bikers. The Council does have an out-of-date cycling strategy, which indicates the preference for developing the Heads of the Valleys regional cycling route and for local routes running along the spines of the three valleys. Funding for cycle routes is now largely aimed at urban areas where cycling is seen as a viable transport mode and leisure/tourism funding has become much more difficult to secure.

A Three Valleys mountain biking route has been developed independently of the Council but with some assistance from the Rights of Way and Access Manager.

The participants in the discussion group highlighted the following as issues: -

- Cyclists do not know which routes they can use or where they are. This makes commenting on the adequacy of the network difficult.

- There is a desire for short circular routes, which are clearly marked. Mention was made of the Sirhowy Valley Walk as a possible route, but participants felt that this was too long at 20 miles for most leisure cyclists. Six to seven mile routes were seen as a good average distance.
- It was pointed out that there should be a range of route distance options forming a well-marked network of routes along the head of the valleys with a route down into each valley with dissecting routes across the mountains for more adventurous riders.
- The lack of waymarking along available routes.
- Difficulties of access for bike users caused by fences across open areas and the Gliwern - Hafodynrys gas pipeline.
- Unpleasant landowners
- Motorcyclists/scramblers - both from an environmental and safety point of view
- For the general public 'neat little packages' of routes were required
- For family cycling, sites such as Bryn Bach Park should be the focus of improvements
- Participants commented on the availability of Forestry Commission land which was suitable for off-road cycling, and suggested the need to work with the Commission to open this up for cycling

Are you a cyclist?

Are cycle routes or mountain bike trails important to you?

Are the priorities right?



5.4 For motor users

For vehicle users most of the discussion group participants appeared to be relatively well aware of where routes are located. However there were a number of issues of concern: -

- Vehicle users felt that the main barrier to use as far as they were concerned was a general assumption against vehicle users, particularly by walkers even if, for example, a piece of land has a biannual open order on it. Legal riders are made to feel like criminals.
- Illegal scrambling makes life tough for responsible users.

- Police are often badly informed with regards to designations and legalities of use.
- A lack of signing and waymarking along routes.
- Gates are frequently in disrepair - to the point of collapsing if you try to open them.
- Gates are being reduced in size so that 4x4's can't get through.
- Green lanes often filled with rubbish by landowners.
- The fragmented nature of available routes making it virtually impossible to have a reasonable ride duration on legal off-road routes. There was general agreement that there are not sufficient RUPP's and BOAT's available within the Borough for most users.
- Routes also need to be better joined up so that vehicle users do not need to drive illegally between two legal routes.
- The need to differentiate between legal and non-legal trail bike riding. Vehicle users are keen to point out that they always try to ride legally and responsibly - for example they may ride a certain stretch of the network only once per month to avoid causing nuisance, whereas 'scramblers' may ride certain stretches or tracks over and over again within a short time causing an obvious nuisance to nearby residents.

For many motor vehicle users in the countryside Sections 66 and 67 of the Natural Environment and Rural Communities Bill, 2005 are of concern.

Section 66: Restriction on creation of new public rights of way

This section limits the creation of new public rights of way by use over a period of 20 years by any vehicle giving rise to a public right of way for mechanically propelled vehicles in the future. New public rights of way for mechanically propelled vehicles will be created only if they are expressly provided for or if they relate to a road intended to be used by mechanically propelled vehicles and constructed for that purpose under an enactment. *Subsection (2)* is intended to ensure that where there is illegal use of a way by mechanically propelled vehicles that use cannot give rise to "lower" public rights of way (such as footpath, bridleway or restricted byway rights).

Section 67: Ending of certain existing unrecorded public rights of way

This section extinguishes (subject to stated exceptions) unrecorded rights of way for mechanically propelled vehicles and prevents these rights being used to add new byways open to all traffic to the definitive map and statement for an area.

Some of the exceptions are set out in *subsection (2)*: -

- (a) existing rights of way for mechanically propelled vehicles are not extinguished if the main lawful use of the way for 5 years preceding commencement has been use for mechanically propelled vehicles.
- (b) unclassified and other minor roads are not brought within the scope of the extinguishment.
- (e) where rights were created by a qualifying period of use by mechanically propelled vehicles during a period prior to 1 December 1930, those vehicular rights are not extinguished.

Some more exceptions are set out in *subsection (3)* which relates to cases where an application to record a public right of way for mechanically propelled vehicles has already been lodged. All applications made under Part 3 of the 1981 Act lodged before 19 May 2005 will be preserved and dealt with under the old law. Where such applications have been lodged after the relevant date and have reached the stage of being determined by the surveying authority they will also be processed under the existing law, as will applications in situations where landowners need the public right of way for mechanically propelled vehicles in order to access their property. In addition, *subsection (5)* ensures that where an unrecorded public right of way for mechanically propelled vehicles is relied upon at the time of commencement to enable access to land to be obtained by a person with an interest in the land or by a lawful visitor to that land, that public right becomes a private right of way for mechanically propelled vehicles for the benefit of that land.

More recent concerns have been voiced by user groups concerning the intended removal of a time period for the establishment of vehicular rights and private access.

**Are you a trail rider or 4x4 driver?
Are these the problems you experience when riding or driving?
Are the priorities right?**



5.5 For people with mobility problems

The consideration of those people with mobility problems has been a factor in the process of replacing countryside furniture for the last three years and has received financial support from the Countryside Council for Wales. The problem for officers has been that they make judgements on what to install with little or no evidence of demand. In addition the surface of routes is an equal priority in terms of encouraging more use. The problems encountered by the consultants in organising a focus group continue to give cause for concern if scarce resources are to be effectively targeted at areas of greatest need. This needs to be addressed in the Statement of Action.

Disabled individuals and their representatives felt that the improvements that would be most beneficial to them are very much the same as for most

other users. Their remarks relate particularly to ease of access and knowing where to go.

In particular:

- Route furniture including stiles and gates - gates are preferable, kissing gates need to be wide enough for wheelchairs; stiles need to be well maintained e.g. not loose or broken.
- Maintenance of surfaces - for wheelchairs tarmac was required rather than gravel, which is often used, but otherwise a relatively even surface would suffice.
- Provision of route information and waymarking - information needs to be suitable for the user e.g. brail maps for the blind and partially sighted, and should be available in the places that they visit or through recognised groups. Waymarks need to be clear and positioned consistently so that disabled users can locate them (this particularly applies to partially sighted individuals).
- Guided walks and led trips, such as those organised by North Gwent Ramblers, would be helpful to enable disabled users to go where they couldn't go on their own.
- Disabled individuals and groups will use recognised sites, which are familiar to them and accessible rather than linear routes.

**Are these the problems you experience when trying to access rights of way?
How should the Council target its spending to improve access for the disabled?
What are the priorities?**



5.6 For non users

The things that non-users (and young people) suggested as potential improvements were very similar. As well as many of the things required by the other users such as better signage and waymarking so that they know where routes are, the main points were: -

- Things of interest to be placed along or at the end of routes
- Improvements to be focused on recognised sites e.g. Parc Bryn Bach Country Park

These points relate to the fact that both non-users and young people seem more comfortable with familiar sites and more formal recreational activities.

**If you don't use rights of way would trials based on Country Parks and Picnic Sites interest you?
Are there any other things that could be done to encourage you out into the countryside?**



5.7 Definitive Map and Lost Ways

As has been stated earlier (Section 4.3 & 4.4) the Definitive Map and Statement are now out-of date. In order to produce a new and correct definitive map it will be necessary to: -

- Correct the 24 anomalies on the map
- Serve LEMO's for all changes to the Map and Statement since 1993
- The reclassification of RUPP's and CRB's/CRF's
- 12 outstanding modification orders
- Correct the 9 cross border anomalies

Claims for new rights of way will continue to be made especially in the light of the 2026 cut off date created by the CROW Act.

The Countryside and Rights of Way Act makes provisions that will extinguish, in 2026, all footpaths and bridleways that were in existence before 1949 where they are not recorded by the cut-off date on the Definitive Map for public rights of way.

Any unrecorded higher rights that may apply to definitive footpaths, bridleways and restricted byways will also be extinguished. It will also not be possible to add byways open to all traffic (BOAT's) to the definitive map after that date, although public rights will not be extinguished.

The Countryside Council for Wales has carried out research into the extent of these routes, known as 'Lost Ways'. They found, among other things, that there might be 2,200 missing rights of way in Wales amounting to some 1600 kilometres. This represents a potential increase of 5% in the total length of the rights of way network.

5.8 Legal

The review of the management of the rights of way and access network noted the small proportion of time available to give legal advice and support to the Rights of Way and Access Manager. Examples exist elsewhere of Local Authorities working together to provide more legal support or to outsource specific areas of legal work.

In view of the increasing links with neighbouring authorities it is proposed to investigate the potential of working together and report those investigations to the Local Access Forum and the Executive.

5.9 Maintenance

The maintenance of the network is something that has clearly been of concern to all of the user groups and landowners. The completion of the 100% condition survey means that there is a very comprehensive and precise data set for the future management of the network in the future. The use of the LAMS team will assist in the short term in securing better management but a much more long term solution is required that will inevitably require resources.

5.10 Promotion, education, and awareness

Communicating effectively with the public about the opportunities for outdoor recreation is an important aspect of promoting the rights of way network. Choosing the right medium, selecting the target audience, being clear about what you are trying to say and achieve is part of an overall strategic approach to publicity and communication.

Like many other Unitary Authorities, Blaenau Gwent is not unusual in having adopted a haphazard and opportunistic approach to the promotion of its rights of way and access network. The Countryside Agencies Research Note (CRN 1, 1999) on communicating with the public the following methods were listed together with an indication of their use in Blaenau Gwent.

Table 13 - Publicity and promotion methods

	Raise awareness	Respond to interest	Encourage involvement	Local	National	Audience	Cost	Used in Blaenau Gwent?
Posters	✓			✓		S	££	No
On site e.g. signs		✓		✓		S	£££	Yes - limited
Leaflets		✓	✓	✓		M	£££	Yes
Publications	✓	✓		✓	✓	M	££	Yes - limited
Magazines	✓	✓	✓		✓	M	££	No
Local Newspapers	✓	✓		✓		M	£	Yes - limited
National Newspapers	✓				✓	L	£	No
Local Radio	✓	✓		✓		M	£	No
National Radio	✓				✓	L	£	No
Television	✓				✓	L	£	No
Video	✓	✓			✓	M	£££	No
Internet		✓	✓	✓	✓	M/L	££	Yes - limited
Events / Exhibitions	✓	✓	✓	✓		S	£££	No
Direct Mail	✓		✓		✓	L	£££	No
Personal contact	✓	✓	✓	✓		S	£££	Yes

Note - Audience - S = small, M = medium, H = high
 Cost - £ = low, ££ = medium, £££ = high

The unstructured approach to the publicity and promotion of countryside access must make the development of a Promotion and Marketing Plan a priority. This would: -

- Give direction, priority and timescales to promoting the network
- Address the need to promote the network across all users
- Use the most effective methods to reach the target audiences
- Create synergy with other areas of the Councils operations such as heritage, tourism, biodiversity and health
- Allow the development of a distinctive 'house' style
- Create a realistic assessment of the resources required
- Make better use of external funding
- Make use of currently ignored methods of communicating

5.11 Social exclusion

Working to enable social inclusion and 'access for all' is an important element of the Vision for Rights of Way in this Plan. The traditional barriers to enjoying the countryside, heritage and biodiversity can be often regarded as:

- Unemployment and poverty
- Lack of private transport
- Lack of information about what is available
- Lack of public transport or lack of confidence in the services provided
- Lack of confidence in an unfamiliar environment
- 'Not for me'
- Cultural reasons

The Council's PROW officer has had little experience or time to develop positive programmes to address these issues although the presence of initiatives such as Communities First and Development Trusts should be of assistance.

Any initiatives would need to be funded for a sustained period to give local people an opportunity to experience public rights of way, to develop confidence and to make the cultural change. The issue here is one of access to long term resources, typically staff and finance.

It is also important to recognise recent research, which shows that people do indeed value their local environment and use public rights of way, for walking to the shops, taking the dog for a walk, visiting the pub, enjoying nearby woods and local open spaces, none of which are designated nor special in a conventional sense. In developing policies for social inclusion, there is a need to find a way to understand what interests local people and determine what they really care for and value. Whilst there are ample opportunities for projects that engage local communities there is a need for dedicated staff time and resources over a long period of time to sustain social inclusion efforts which funding sources do not always recognise.

5.12 Partnership working

Local partnerships can be an effective vehicle to achieve the enhancement of the local environment. They offer:

- A means to establish better communications with local people and engender goodwill
- Access to funding sources
- Ensure long-term sustainability of the resource
- Galvanise voluntary effort
- Increase public awareness, commitment and action
- Make use of local skills, knowledge, expertise and contacts
- Gives people greater control over decisions about their environment and creates solutions, which reflect community need.

As with Social Exclusion, the PROW officer has had little experience or time to develop such partnerships, which inevitably take up scarce staff resources that are currently focussed on statutory responsibilities. If partnership working is to be developed then a realistic assessment needs to be made of the staff resources required to effectively manage both the statutory and community functions.

Voluntary and Community Involvement

The key issues identified for voluntary involvement and community participation are-

- Improve communication with Community Councils, Community Groups, etc.
- Adequate resources - financial and people
- Encourage, support and celebrate the work of volunteers through publicity, activities, events and grants
- Partnership working to achieve mutual goals
- Community groups can play an important part in the development of local/community access improvements but need to be 'managed'.

6. Making it happen - the Action Plans

For most people they want to know what the Council is intending to do over the next 10 years and the Action Plans are an important part of setting out what could be achieved.

Making it happen will not just involve staff in the Regeneration Projects Section but a lot of other sections and departments across the Council and with many outside individuals, organisations, authorities and agencies.

The Action Proposals are outlined below together with their costs in both money and staff resources. There are 39 Action Proposals in this Draft Rights

of Way Improvement Plan. These are grouped according to the Vision Statement in section 1, namely:

LEGAL	Action Proposals 1 - 5	Pages 35 - 36
MANAGING THE NETWORK	Action Proposals 6 - 11	Pages 36 - 39
ENCOURAGING USE AND USERS	Action Proposals 12 - 16	Pages 40 - 42
ACCESS FOR ALL	Action Proposals 17 - 22	Pages 42 - 44
MAXIMISING THE RESOURCE	Action Proposals 23 - 36	Pages 45 - 48
WORKING IN PARTNERSHIP	Action Proposals 37 - 39	Page 48 - 50

All the calculations of time and cost are for the whole life span of the Rights of Way Improvement Plan - 2007 - 2017. No account has been made in this draft for inflation or for increasing staff costs.

6.1 The Action Proposals

LEGAL

Action Proposal 1

Bring the Definitive Map up to date and keep it up to date

If the work falls to the Rights of Way and Access Manager (ROWAM) then these are the hours and costs involved.

Issue	Staff Time	Hours
Anomalies	ROWAM	2,100 hours
	Legal	630 hours
LEMO's	ROWAM	50 hours
	Legal	50 hours
Reclassification of RUPP's, CRB's & CRF's	ROWAM	200 hours
	Legal	200 hours
Outstanding Modification Orders (10)	ROWAM	900 hours
	Legal	75 hours
Annual Modification Orders (@ 5/annum)	ROWAM	450 hours
	Legal	38 hours
TOTALS	ROWAM Total	2,800 hours
	Legal Total	993 hours

Action Proposal 2

Employ a Definitive Map Officer

Blaenau Gwent now remains the only Unitary Authority in Wales with a single officer wholly covering the statutory Rights of Way function. The employment of a Definitive Map Officer would undertake nearly all of the duties outlined above at less cost as well as those in many other of the Action Points (e.g. Action Proposals 3, 6, 10, 12, 13, 15, 16, 18, 19, 20, 22, 24, 25, 38, 39, & 40) It may be possible to offset some or all of the employment costs through recycling modification order income.

Staff Time	Costs	Hours added
Definitive Map Officer	£308,700	18,885
Allowances	£ 15,000	

Action Proposal 3

Establish a scheme for the delegation of powers to officers where appropriate

This simply means submitting a report to the Executive of the Council to agree which powers are delegated to either the Executive Member, Senior Officers or the Rights of Way and Access Officer.

Issue	Hours
Staff time - ROWAM	50 hours
Staff Time - PPO- E	37 hours

A report would be prepared by April 2007.

Action Proposal 4

Provide secretarial services to the Local Access Forum

The existing arrangement is that the Rights of Way and Access Manager undertakes the duties in acting as the secretariat to the Local Access Forum including continues with the following implications for his time.

Issue	Staff Time	Hours
Staff Time	ROWAM	790 hours

Action Proposal 5

Investigate and report on the possibility of joint working and/or joint commissioning of legal work with neighbouring authorities.

The table on page 51 illustrates the amount of time needed from the legal services section in order to implement the ROWIP in full. This Action Proposal would allow discussion with neighbouring authorities to review the possibility of joint working to secure legal support. There would be revenue budget considerations and if carried through a legal agreement between the parties.

A report could be made to the Local Access Forum and the Executive by September 2007.

MANAGING THE NETWORK

Action Proposal 6

Establish a Ranger Service, possibly in collaboration with similarly under-resourced neighbouring local authorities to manage the network and to liaise with landowners and users.

Blaenau Gwent is now the only Unitary Authority in Wales that does not have a Ranger Service. Although the report³ by R. Elwyn Owen and Edward Holdaway for the Countryside Council for Wales recommended a Senior Ranger and 4 Rangers for the management of Open Access land **alone**, a more realistic minimum requirement would be for three rangers, one in a senior capacity.

Issue	Staff Time	Costs	Hours added	Total
Staff	Senior Ranger	£308,700	18,885	56,655
	2 x Rangers	£494,400	37,770	
	Allowances	£ 25,000		
Transport Costs		£101,000		

Action Proposal 7

Bring the whole network up to the required standard

The standard required is to meet the needs of users and landowners that the network should be open and easy to use and is set down in case law where the duty is stated as, “to keep the highway as dedicated to the public in such a state as to be safe and fit for ordinary traffic”. This was repeated in DoE Circular 3/1993⁴, “*The main consideration in determining the degree of maintenance for individual paths or ways is that they should serve the purpose for which they are primarily used and not that they should conform to an arbitrary standard of construction or maintenance. Generally speaking they should be capable of meeting the use that is normally made of them throughout the year. In addition whatever work is done should harmonize with the general appearance and character of the surroundings*”.

Issue	Staff Time	Costs	Hours
Staff Time	ROWOA		2,619 hours
	LAMS		5,000 hours
Furniture		£110,015	
Vegetation		£21,622	
Surface		£344,548	
	TOTAL	£476,185	7,619 hours

There have been two attempts to secure funding from the Councils’ capital funding in the last two years but without success.

Some of the funding could be derived from specific Project funding, for example in the Sirhowy Landscape Partnership Project or the Valley Walk Project in Brynmawr, but there are insufficient staff resources to generate and run enough projects for the use of this sort of funding to contribute significantly to the costs outlined above.

In addition there are problems of using external funding to meet the Councils statutory obligations. For example, funding from the Countryside Council for Wales and the Heritage Lottery Fund cannot be used for something that is the legal responsibility of the Council.

³ “The Role of Rangers/Wardens in implementing the new Right of Access to Open Countryside in Wales”, R. Elwyn Owen Associates & Edward Holdaway for the Countryside Council for Wales, February 2001.

⁴ Department of Environment Circular 2/1993: Public Rights of Way

Action Proposal 8

Maintain the network

In bringing the whole network up to the required standard there is clearly a need to maintain the network otherwise it will start to decline. The comments of the user groups concerning the lack of maintenance need to be heeded in the future.

Issue	Staff Time	Costs	Hours
Staff Time	ROWAM		20,850 hours
	LAMS		
Furniture		£127,130	
Vegetation		£216,220	
Surface		£974,530	
Obstructions		£50,000	
	TOTAL	£1,367,880	

The maintenance of the network would have to come from the revenue budget. As this is a statutory function of the local authority there is little scope for grant assistance from outside bodies.

There is also a need to plan for the long-term maintenance of the network rather than rely on short-term schemes such as LAMS even though those schemes can have a significant impact. Similar schemes run using funding from the Manpower Services in the 1980's had a profound impact on the network in other parts of the UK during their operation but this was negated when the funding dried up. The use of a Ranger Service to increase community and voluntary involvement over the long term is the only way to sustain an improved and improving network. (see Action Proposals 5, 36, 37 & 38)

Action Proposal 9

Remove all 343-recorded obstructions from the network

Some of these would require annual attention, such as vegetation whereas others would represent one off events e.g. removal of misleading signs. For some issues there will need to be legal action taken to effect their removal. This would have time implications for both the Rights of Way and Access Manager and Legal Support services especially if section 63 of the CROW Act 2000 or Section 56 of the Highways Act 1980 were to become more commonly used by the community to enforce the removal of obstructions.

Issue	Staff	Issues Logged	Cost	Total Cost	Hours
Staff Time	ROWAM				20,580 hours
	Legal				9,261 hours
Cross Path - Fence/Wall/Hedge/Other		96	@ £160.00	£15,360	
Misleading Sign		8	@ £35.00	£280	
Obstacles - Muck heap/Rubbish/Other		43	@ £160.00	£6,880	
Path - Surfaced/Metalled		14	@ £60.00/ m	£840	
Terrain - Waterlogged/rutted/Other		6,413m	@ £23.00/ m	£158,240	
Vegetation		29,780m	@ 0.60/ m	£17,868	
TOTAL				£199,468	

An allowance has been made in Action Proposal 7 for the continued removal of obstructions.

Action Proposal 10

Work with others to secure acceptable off road scramble/motor activity area(s) to reduce damage to rights of way and other open land.

The Rights of Way and Access Officer and the Principal Project Officer - Environment have been working with various landowners, the police, Anti-Social Behaviour Officers, planners and private sector companies to define an area or areas where such activities might take place. There are many considerations to be taken into account but the Council and the police are keen to see some sort of facility developed.

Issue	Staff Time	Hours
Staff Time	ROWAM	1500 hours
	PPO - E	250 hours

This proposal would work alongside Action Proposal 18 in seeking positive provision and Action Proposal 38 in trying to reduce the damage being caused to the countryside and rights of way by irresponsible and, in many instances, illegal use.

Action Proposal 11

Undertake a 20% survey of the network each year

As has been noted, for the purpose of the Performance Indicator only 5% of the network has been surveyed. ExeGesIS recommended undertaking a survey of 20% so that the whole network is surveyed every 5 years. This could tie in with greater community and voluntary participation under Action Proposal 36, later. Any volunteers would need to be trained and provided with the same kit as used by the Rights of Way and Access officer.

Issue	Staff Time	Hours	Costs
Staff Time	Total time to complete 20% coverage/annum over 10 years	2000 hours	
	ROWAM	200 hours	
Hardware and software ⁵			£30,000

ENCOURAGING USE AND USERS

Action Proposal 12

Make the Definitive Map accessible in all Libraries

It is currently proposed to make the existing out of date map available so this exercise would need repeating once the new Definitive Map was published.

Issue	Staff Time	Hours	Costs
Cost of printing/laminating, etc.			£8,000
Staff Time	ROWAM	100 hours	

Action Proposal 13

Produce a promotion and marketing plan for the network that meets the widest possible audience

The need for much more co-ordinated approach to the promotion and publicity of the network was recognised in the review of publicity. The Council needs to work corporately to achieve the maximum sustainable use of the network especially in meeting the wide range of roles that it can serve.

Issue	Staff Time	Hours	Costs
Staff Time	Principal Project Officer - Environment -	300 hours	
	ROWAM	300 hours	
	Corporate Communications	100 hours	
	European and Marketing Officer	100 hours	
	Tourism Officer	200 hours	
	Heritage Officer	150 hours	
	Active Living Co-ordinator	150 hours	
Publication costs			£2,000

⁵ Assumes two surveying units with equipment being replaced once

Action Proposal 14

Sign all the routes off the highway

In section 4.7 it was noted that 72% of locations were missing signage giving a total of 590 fingerposts needed at a cost of £20,360. Signs from the roadside will include the number of the right of way and where appropriate destination distances. Signs will only be installed on routes that are open and easy to follow. There seems little point in waymarking blocked routes.

Issue	Staff Time	Hours	Costs
Staff Time	ROWAM	950 hours	
Installation costs	LAMS, Rangers, users, volunteers (?)		£8,850
Design Costs			£1,000
Production Costs			£23,600

Action Proposal 15

Waymarking all routes not on open land

Giving people more confidence in using the network to gain access to the countryside has been self evident at both the user needs assessment and in setting the priorities workshops. The Council already has powers under the Countryside Act section 27 (4) to, "erect such signposts as may in the opinion of the Highway Authority be required to assist persons unfamiliar with the locality to follow the course of a footpath, bridleway or byway." The waymarking of routes would also require the consent of the landowner and this adds considerably to the time allocation for negotiation.

A full assessment of the likely costs of waymarking all routes once they leave a metalled highway has not yet been completed. It is likely to be considerably in excess of the cost of signing all the routes of the highway in Action Proposal 14.

Until the assessment is complete an estimate of £45,000 is being used.

In addition for both Action Proposal 14 and 15 it is proposed to use the colour coding system that has been used in England for some considerable time.

Routes on open land would not normally be marked unless they formed part of a trail or circuit. The Council is keen to not to affect the quality of the landscape in open country.

Issue	Staff Time	Hours	Costs
Staff Time	ROWAM	2500 hours	
Installation costs	LAMS, Rangers, users, volunteers (?)		£14,000
Design Costs			£1,000
Production Costs			£30,000

Action Proposal 16

Labelling countryside furniture

Where countryside furniture is provided, make sure that it's clearly labelled so that users/landowners can contact the Council if there are problems of maintenance. Many users are still unaware of whom to contact if they have problems with the network. Labelling could be a cost effective method of better managing the network in partnership with users.

Issue	Staff Time	Hours	Costs
Staff Time	ROWAM -	200 hours	
Installation costs	LAMS, Rangers, users, volunteers (?)		£7,500
Design Costs			£ 750
Production Costs			£5,000

ACCESS FOR ALL

Action Proposal 17

Establish horse-riding task and finish group to decide on locations for a minimum of three riding circuits

The need to make better sense of the fragmented bridleway and byway network was evident as part of the processes leading up to this Draft ROWIP. A considerable amount of effort, negotiation and investment will be needed in order to create links by agreement to establish horse-riding circuits.

Issue	Items	Staff Time	Hours	Costs
Staff Time		ROWAM	800 hours	
		PPO - E	200 hours	
Furniture				£3,000
Surfacing				£15,000
Waymarking				£2,500
Leaflet/Circuit Map	Design			£1,500
	Production			£3,000
	Renewal (every 5 years)			£3,000

Once created the circuits would need promotion and publicity in order to encourage use. This aspect should be covered in the Promotion and Publicity Plan in Action Proposal 12.

The circuits would also need regular checking by users and/or the local community as well as by Council officers for legal reasons.

Action Proposal 18

Establish cycling task and finish group to decide on locations for a minimum of three riding circuits

In much the same manner as for horse riders, the current network similarly disadvantages cyclists although independent work by a Member of the LAF and others has already produced some mountain bike circuits. We need to build on this and make sure they are both well maintained and promoted. It will be important to include the Forestry Commission in the group because of its significant land holding in Blaenau Gwent. There will also be a need to create links by agreement to establish the cycling circuits

Issue	Items	Staff Time	Hours	Costs
Staff Time		ROWOA	800 hours	
		PPO - E	200 hours	
Furniture				£3,000
Surfacing				£15,000
Waymarking				£2,500
Leaflet/Circuit Map	Design			£1,500
	Production			£3,000
	Renewal (every 5 years)			£3,000

Once created the circuits would need promotion and publicity in order to encourage use. This aspect should be covered in the Promotion and Publicity Plan in Action Proposal 12.

The circuits would also need regular checking by users and/or the local community as well as by Council officers for legal reasons.

Action Proposal 19

Establish motor vehicle task and finish group with adjacent authorities to determine the route of a trail or trails

As stated earlier, ROWIP's of themselves are not involved in site-specific issues. Through the user needs analysis and other representations we recognise the need to adopt a balanced approach to motor vehicle recreation in the countryside. Making positive provision where possible but balanced by enforcement against irresponsible use and damage.

The Group will identify trails for responsible use that will inevitably involve the negotiation and creation of links by agreement to establish motor vehicle trails.

Issue	Items	Staff Time	Hours	Costs
Staff Time		ROWAM	1000 hours	
		PPO - E	250 hours	
Furniture				£3,000
Surfacing				£15,000
Waymarking				£2,500
Leaflet/Circuit Map	Design			£1,500
	Production			£3,000
	Renewal (every 5 years)			£3,000

Once established the route would need checking on a regular basis preferably by users and Rangers.

Action Proposal 20

Work with the cycling officer and others, such as Sustrans⁶, to ensure that new cycle routes can accommodate disabled users and horse riders where applicable

The rate of increase of the total length of cycle route in Blaenau Gwent has been slow reflected by increasingly targeted funding for such route development as an alternative transport mode rather than recreational routes. The cycling officer is based in the Engineers Section and close liaison takes place in order to ensure the maximum benefit from any new schemes. The Action Proposal formalises this process and allows for the interests of horse riders and people with mobility problems to be considered as part of any new schemes.

Issue	Staff Time	Hours
Staff Time	ROWOA	200 hours
	PPO - E	300 hours

Action Proposal 21

Establish permanent Disability sub-group of the LAF to determine public investment in all access routes is needed.

The Council, the Countryside Council for Wales and Rural Resources were disappointed that organisations and individuals representing the interests of the disabled felt unable to support a Focus Group or attend the Priorities for Action workshops. The Local Access Forum has always had a member of the disabled community amongst its membership.

As resources are scarce, the Council and its partners need to be certain that the right infrastructure is being created in the right place.

A permanent sub group looking at these issues might be the way forward especially in securing external funding. It might also address some of the cultural problems that may prevent the disabled accessing the countryside.

It has been assumed that the group would meet on a bi-annual basis.

There may also be a need to create a more regional group with neighbouring authorities in Blaenau Gwent is unable to attract and sustain a distinct disability sub-group of the LAF.

Issue	Staff Time	Hours	Costs
Staff time	ROWAM	400 hours	
	PPO - E	300 hours	
Resources			£50,000*

* will include external funding

⁶ Sustrans is a sustainable transport charity, working on practical projects so people can choose to travel in ways that benefit their health and the environment.

Action Proposal 22

Provide route information and interpretation for disabled users.

One of the projects that the Disability sub group could tackle is the provision of information for users through the medium of Braille, talking books, etc.

Issue	Staff Time	Hours	Costs
Design of materials	ROWAM	50 hours	£2,000
Production and distribution	ROWAM, Rangers & volunteers	30 hours	£8,000
Secure resources	PPO - E	50 hours	

MAXIMISING THE RESOURCE

Action Proposal 23

Make the definitive map available online

By making the Definitive Map available online it would become much more accessible to users especially as the proportion of home computers increases and free access to the internet is provided in most libraries. The costs would vary depending on whether the map was internally or externally hosted.

External

Issue	Staff Time	Costs	Total
Staff time - set up	50 hours		£19,055
Consultancy - establishment		£1,545	
Consultancy - annual licence		£17,510	

Internal

Issue	Staff Time	Costs	Total
Cost of licence/software		£3,300	£12,720
Consultancy - establishment		£1,800	
Staff time - set up	50 hours		
Staff time - maintain	250 hours		
Consultancy - annual licence		£7,620	

Action Proposal 24

Improve and keep updated the rights of way and access section of the Blaenau Gwent Council website

The existing content of the rights of way and access section of the Councils website needs updating and continuous updating. This could be done in parallel with Action Proposal 23.

Issue	Staff	Time
Staff time - set up	ROWAM	100 hours
	IT Staff	
Staff time - maintain	ROWAM	360 hours
	IT Staff	

Action Proposal's 25 to 29 concern the creation of new walking circuits in areas not covered by existing leaflets. For each of the circuits it is proposed that: -

- Decide on route - community involvement
- Furniture/surface/waymarking considerations
- Design of leaflet - see Publicity and Promotion Strategy, house style, etc.
- Production and distribution - on Council website
- Checking route - community involvement/Rangers

For each network the resource and cost implications have been assumed to be broadly similar.

Issue	Staff	Time	Costs
Staff Time	ROWAM	200 hours	
Furniture			£2,000
Surfacing			£5,000
Waymarking			£2,000
Leaflet/Trail Map	Design		£1,500
	Production		£3,000
	Renewal (every 5 years)		£3,000

Action Proposal 25

Creation of walking circuits in Lower Sirhowy

This project could be funded through the Sirhowy Valley Landscape Partnership assuming that bids to the Heritage Lottery Fund and others are successful.

Action Proposal 26

Creation of walking circuits in Ebbw Vale and Cwm

Action Proposal 27

Creation of walking circuits in Brynmawr

This project could be funded through the Valley Walk project assuming bids for external funding are available and that the Council and Brecon Beacons National Park are able to provide some seed funding. The project could only commence after the completion of works to the Hafod Arch.

Action Proposal 28

Creation of walking circuits in Abertillery and Cwmtillery

Action Proposal 29

Creation of walking circuits in Aberbeeg, Llanhilleth and Soffrydd

Action Proposals 29 to 31 consider existing trails or circuits, many of which are very out of date. In looking afresh at these projects we need to decide if: -

- they still make sense, especially in the urban areas,
- meet the needs identified in the user needs assessment
- can circuits be created out of or as part of the linear trails?

Some of the longer distance routes will require us to work with neighbouring authorities.

For each of the circuits or trails under review it is proposed that: -

- Do the circuits still make sense?
- Revision of routes - features of interest for non/new users
- New circuits especially for long linear trails
- Update text
- Re-design leaflet - see Publicity and Promotion Strategy, house style, etc.
- Production and distribution
- Checking route - community involvement / Rangers

For each network the resource and cost implications have been assumed to be broadly similar.

Issue	Staff	Time	Costs
Staff Time	ROWOA	200 hours	
Furniture			£2,000
Surfacing			£5,000
Waymarking			£2,000
Leaflet/Trail Map	Design		£1,500
	Production		£3,000
	Renewal (every 5 years)		£3,000

Action Proposal 30

Consider the revision and republication of the ‘Discover’ leaflet series

The five original ‘Discover’ leaflets were produced shortly before the 1992 Garden Festival at Ebbw Vale and covered Ebbw Vale, Brynmawr, Tredegar, Nantyglo and Blaina and Abertillery.

Action Proposal 31

Re-publish the existing walk leaflet for Nantyglo and Blaina.

Action Proposal 32

Re-publish the existing walk leaflet for Tredegar.

Action Proposal 33

Consider the role of the three long distance walk routes⁷ and the Bryn Oer Tramroad Trail

Action Proposal 34

Establish family friendly cycling facilities at Parc Bryn Bach

Much work has been done at Parc Bryn Bach to encourage many different sorts of cycling such as BMX, cyclo-cross and road racing. A multi-departmental co-ordination group chaired by Culture & Recreation Manager is co-ordinating future proposals for Parc Bryn Bach. Progress needs to be reported widely (including the LAF) on any future initiatives at the park that involve cycling.

Issue	Staff Time	Hours
Staff time	PPO - E	100 hours

Action Proposal 35

Use Parc Bryn Bach and other well establish countryside sites as springboards to explore the wider countryside through trails with points of interest.

Making sites a priority in the development of circuits outlined in Action Proposals 24 - 32 would meet the requirements of new users of the rights of way network.

Action Proposal 36

Raise the profile of the rights of way network within the County Borough

The importance of the network needs to be recognised and understood both internally within the County Borough Council and externally with partners and the community. Much of this promotion would be covered in the Promotion and Marketing Plan (Action Proposal 12).

Regular reports on activity, including progress with the Rights of Way Improvement Plan, should be reported to the LAF and the Executive and, where appropriate, used as regular press releases.

Without an increased profile the ROWIP is unlikely to secure the resources required.

WORKING IN PARTNERSHIP

Action Proposal 37

Develop a voluntary support for the network

The use of volunteers in managing and caring for the network has been suggested as a way of supplementing and expanding upon the efforts of the

⁷ Sirhowy Valley, Rhymney Ridgeway and Ebbw Valley Walks

Council. As noted in Section 5.12 of this plan there is much that could be achieved through the use of volunteers. However experience elsewhere has shown that volunteers will need training, supervising, insuring and monitoring in order to be effective. The National Parks in Wales all have volunteer footpath wardens but these are managed by ranger services and are in known attractive areas of countryside. Nor can they replace the statutory requirements of a highways authority. It is suggested therefore that a pilot is conducted in an area first before being reviewed before further expansion.

Issue	Staff	Hours	Costs
Staff time	PPO - E	200 hours	
	ROWAM	600 hours	
Training			£2,000
Insurance			£2,000
Tools			£2,000

Action Proposal 38

Promote more community involvement in the management and development of the network possibly through Communities First, Local Development Trusts or a new independent trust.

As part of an agenda that seeks to work in greater co-operation with the communities that the Council serves, there does need to be a greater emphasis on the development of more community involvement in the improvement and management of the rights of way network. However, the fact that this is a 10-year plan indicates the desire for long-term solutions and improvements rather than short-term issue based projects, which struggle with issues of sustainability beyond the initial funding. As an example in the Vale of Glamorgan an independent trust, Valeways, was established to develop the network of rights of way and promote it to both locals and visitors. Like so many other project-based initiatives it is now struggling to secure funding beyond the initial 3-year project period despite the excellent work it has carried out.

The Council needs to find ways to work with communities that are within the capacity of the resources available to the Council, that add value to the work being carried out and do not divert scarce resources into managing projects rather than dealing with statutory obligations.

Issue	Staff	Hours
Staff time	PPO - E	250 hours
	ROWAM	750 hours

Action Proposal 39

Work with and encourage the police to reduce the impact of off road vehicles

Previous joint operations to implement Section 67 of the CROW Act 2000⁸ and other legislation between Gwent Police, the Forestry Commission, landowners and the Council have been conducted at weekends and bank holidays. These operations have been very successful when targeted at known hotspots. The calculations have assumed 5 operations a year. The presence of a Ranger Service (Action Proposal 5) and increased volunteer involvement (Action Proposal 36) would increase the effectiveness of such operations.

Issue	Staff Time	Hours	Costs
Staff time	PPO - E	200 hours	
	ROWAM	500 hours	
Signage			£2,000

⁸ Prohibits driving mechanically propelled vehicles elsewhere than on the road

Table 14 - Action Proposal Summary

Action proposals in bold lines are statutory responsibilities

	Page	ROWAM - hours	Legal - Hours	Capital Costs	Revenue Costs
Action Proposal 1	36	2,800	1,986	0	0
Action Proposal 2	36	50	0	0	£323,700
Action Proposal 3	36	-18,885	0	0	0
Action Proposal 4	37	790	0	0	0
Action Proposal 5	37	0	0	0	? *
Action Proposal 6	37	- 56,655	0	0	£904,125
Action Proposal 7	38	2,619	0	£454,563	£21,622
Action Proposal 8	39	20,850	0	£1,101,660	£266,220
Action Proposal 9	39	20,580	9,261	£199,468	0
Action Proposal 10	40	1,500	0	0	0
Action Proposal 11	40	200	0	£30,000	0
Action Proposal 12	41	100	0	0	£8,000
Action Proposal 13	41	300	0	0	£2,000
Action Proposal 14	42	950	0	0	£33,450
Action Proposal 15	42	2,500	0	0	£45,000
Action Proposal 16	43	200	0	0	£13,250
Action Proposal 17	44	800	75	0	£28,000
Action Proposal 18	44	800	75	0	£28,000
Action Proposal 19	44	1,000	100	0	£28,000
Action Proposal 20	45	200	0	0	0
Action Proposal 21	45	400	0	£50,000	0
Action Proposal 22	46	80	0	0	£10,000
Action Proposal 23	46	0	0	0	£12,720
Action Proposal 24	47	0	0	0	0
Action Proposal 25	47	200	0	£9,000	£7,500
Action Proposal 26	47	200	0	£9,000	£7,500
Action Proposal 27	47	200	0	£9,000	£7,500
Action Proposal 28	47	200	0	£9,000	£7,500
Action Proposal 29	47	200	0	£9,000	£7,500
Action Proposal 30	48	200	0	£9,000	£7,500
Action Proposal 31	48	200	0	£9,000	£7,500
Action Proposal 32	48	200	0	£9,000	£7,500
Action Proposal 33	49	0	0	£5,000	£5,000
Action Proposal 34	49	0	0	0**	0**
Action Proposal 35	49	0	0	0	0
Action Proposal 36	49	0	0	0	0
Action Proposal 37	49	200	0	0	£6,000
Action Proposal 38	50	250	0	0	0*
Action Proposal 39	51	500	0	0	0
TOTALS		58,749	11,497	£1,921,691	£1,789,087
Time available		17,020**	1,702		
Budget available				0	£180,000
Statutory requirements		48,589	11,247	£1,755,691	£321,292

* There would be revenue costs for a shared bought-in service.

** These proposals will require funds but they would be part of project bids to third parties.

*** This would increase to 35,905 hours if Action Proposal 3 is implemented and 92,560 hours if both Action Proposal 3 & 6 are implemented.

The current path

The annual revenue budget for rights of way is estimated as £18,000 and there is no capital budget allowance, which means that the backlog of network maintenance will continue to grow and not meet the needs of current and future users. The budget is matched against funds from CCW as part of the annual grant programme, but this limits the ability of the Council to deal with its statutory obligations, which CCW are unable to fund.

The Welsh Assembly Government currently makes an allocation of £31,000/annum for implementing the CROW Act of which £7,000 currently reaches the budget holder. Because the original allocation was both unhypothecated and announced after the Council had set its budget, the Council could now only allocate the full amount if it was drawn from other services. The Welsh Assembly Government is also unable to increase the overall level of funding to implement the CROW Act because some Councils chose not to use the whole amount of the allocation⁹.

The Wales Association of Technical Officers collects expenditure on rights of way on a voluntary basis and this data is reproduced in Table 15 below.

**Table 15 - Expenditure on Rights of Way by Unitary Authorities
2003 - 2004**

Unitary Authority	Expenditure per kilometre
Ceredigion	£45.71
Bridgend	£93.62
Neath Port Talbot	£98.80
Ynys Mon	£115.46
Vale of Glamorgan	£124.97
Conwy	£125.86
Blaenau Gwent	£140.65
Denbighshire	£175.75
Newport	£284.90
Torfaen	£436.63
CCW Estimate*	£400.00
Notes	
Data compiled by Don Davies, BGCBC from the HM16c returns of the Wales Association of Technical Officers	
Data includes staff costs	
*CCW estimate from the 2002 condition survey	

The Council has been able to draw additional resources into the improvement of the rights of way network through the development of projects. For example, a community led scheme for environmental improvements at Trefil has unlocked £31,000 of funds from the Aggregates Levy Sustainability Fund and the Welsh Development Agency for footpath improvements and trails. The funding for the whole project, which involved seven funding sources, took 7 months to put together and whilst

⁹ Letter from Gerry Quarrell, WAG dated 13 February 2003 to Clive Williams, Chair of the County Surveyors Society Countryside Working Group.

demonstrating the possibilities of external funding it improves less than 2% of the overall rights of way network.

A review of staff resources for rights of way work was commissioned by CCW and carried out by Rural Resources Ltd in association with Asken Ltd¹⁰. This surveyed all Unitary Authorities and National Parks in Wales and though only 11 of the 25 authorities responded. Blaenau Gwent is now the only authority to employ a single officer to deal with the statutory responsibility of rights of way in Wales.

The same review revealed that there was no clear relationship between the length of PROW and the number of staff employed. This was set out as the ratio of FTE to kilometre of PROW, which varied between Swansea at 1 member of staff to 86 kilometres of PROW to Denbighshire, which had 1 member of staff to 342 kilometres of PROW. The figure for Blaenau Gwent was 1 member of staff to 226 kilometres of PROW.

Similarly there was little relationship between the number of staff and the amount of Open Access land. This was measured in the number of hectares of open access land per member of staff and ranged from 176 hectares in Pembrokeshire to 3,246 hectares in Blaenau Gwent.

The following table illustrates the relationship of open access land and common land as a proportion of the total area for each unitary authority. Blaenau Gwent has the highest proportion of any Unitary Authority in Wales compounded by the fact that nearly all the common land is registered as urban common (see section 4.9 earlier).

¹⁰ Public Rights of Way Staff in Wales: An Assessment of Needs, Rural Resources Ltd with Asken Ltd., 2005.

Table 16 - Common Land and Open Access Land as a proportion of total area in Unitary Authorities in Wales

	Total	Unitary Authority Area**	Percentage open land/common land
Pembrokeshire	1,056	100,604	1.05%
Vale of Glamorgan	596	33,977	1.75%
Cardiff	309	14,948	2.07%
Powys	12,870	430,306	2.99%
Ynys Mon	2,306	74,891	3.08%
Flintshire	1,537	48,949	3.14%
Ceredigion	6,172	181,244	3.41%
Monmouthshire	3,340	73,655	4.53%
Newport	1,491	21,835	6.83%
Carmarthenshire	16,458	223,586	7.36%
Gwynedd	9,801	91,075	10.76%
Wrexham	5,605	50,377	11.13%
Conwy	9,404	75,568	12.44%
Swansea	6,172	42,123	14.65%
Denbighshire	15,701	84,630	18.55%
Caerphilly	5,628	27,758	20.28%
Bridgend	5,768	25,522	22.60%
Neath Port Talbot	12,870	45,193	28.48%
Torfaen	3,564	12,466	28.59%
Rhondda Cynon Taf	11,627	37,128	31.32%
Merthyr Tydfil	2,983	8,674	34.39%
Blaenau Gwent	4,455	10,542	42.26%

The high level route

What would be the implications of attempting to complete all the Action Proposals within the 10-year period of the Plan?

It would require a significant increase in resources, both financial and staff, in order to achieve all the Action Proposals. Such an increase is beyond the means of the Council, as it would require funds to be drawn from other service delivery areas. The amount of resources available for each service delivery area has been determined on a historical basis based on previous budgets, which were originally set on local government reorganisation in 1996. Until the production of the Draft ROWIP there has never been an assessment of the budgetary requirements needed to manage the network.

As mentioned earlier (page 54), it has been possible to attract funds into the development of the network but this has been a slow process due to the need to consistently dedicate staff resources to obtaining such external funding. Such funding could make a significant contribution to the non-statutory revenue and capital budgets especially if the funding was targeted at increasing the use of the network for tourism, transport, heritage, health or well being.

A middle path

The likelihood of raising £4m to fund the whole of the Plan is challenging and it might be more realistic to try and prioritise the actions to set a more realistic and achievable set of actions.

This would allow the Council and its partners to deliver on specific key projects whilst other Action Proposals would be delivered subsequently, either later on in the programme or in a subsequent programme. The Prioritising Action Workshops held in 2005 have helped shape the Action Proposals but there needs to be a greater and wider public involvement in what happens next.

7. The Next Stage

At the end of this Draft ROWIP is a questionnaire that will help the Council determine the course of action over the next ten years.

It is very important that as many people who are interested in access to the countryside complete the questionnaire and return it to us. If the issues you wish to raise are not on the questionnaire then do write to us with your comments or observations.

The deadline for the return of the questionnaires or comments is the 16th February 2007

8. Performance Indicators 2007 onwards

Mention has been made in the ROWIP of the current Performance Indicator - BV 178 (page 12).

BV 178			
Footpaths and Rights of Way Easy to Use by the Public			
Description	The percentage of the total length of rights of way in the local authority area, that are easy to use by the general public.		
Purpose/aim	To monitor the condition of rights of way, so as to increase the opportunities for access to, and improve enjoyment of, the countryside.		
Definition	<p>Authorities should use the CSS methodology as a benchmark standard, which is based on a minimum 5% random sample of <i>lengths</i> of rights of way.</p> <p>Easy to use means rights of way that are:</p> <ul style="list-style-type: none"> • Signposted where they leave the road in accordance with section 27 of the Countryside Act 1968 and to the extent necessary to allow users to follow the path; • Free from unlawful obstructions or other interference, (including overhanging vegetation) to the public's right of passage; • Surface and lawful barriers (e.g., stiles, gates) in good repair and to a standard necessary to enable the public to use the way without undue inconvenience. 		
Formula/ Worked E.g.	$N = (a / b) \times 100$ <p>Where: a = lengths of footways which are easy to use b = total length of footway</p>		
Measurement Period	Current Financial Year	Data Source (if external)	N/A
Return Format	%	Decimal Places	0
Target Setting	Local		
Scope	Metropolitan Authorities, Unitary Authorities, County Councils, London Boroughs where applicable, Common Council of the City of London, Council of the Isles of Scilly.		

from Best Value Performance Indicators 2005/2005, ODPM, February 2005

The Welsh Assembly Government has been working with other organisations to review the performance measurement framework. The new framework will allow the use of performance information that better serves local needs whilst retaining the ability to compare services across Wales. The latter will be covered by National Strategic Indicators and service specific core indicators.

A Countryside Management Reference Group has been created to advise on the indicators to be used for measuring performance beyond 2007.

The indicators under consideration are: -

1. Ease to use rights of way (as BV 178)
2. Promotion of rights of way (proportion of routes promoted as a %)
3. Promotion of all routes

4. Quality of Definitive Maps
5. Average easy to use rights of way based on a five-year average

In looking forward to implementing the ROWIP it will be important to bear in mind how these indicators will be used to measure the performance of the Local Authority. Indicators two and three go beyond the current statutory requirements currently applying to Councils.

9. Acronyms and Abbreviations

Acronym or Abbreviation	Stands for	Explanation
BHS	British Horse Society	Promote the interests of horse and pony breeding and to encourage the use and protection of horses and ponies
BOAT	Byway Open to All Traffic	See definition on page 13
BW	Bridlepath	See definition on page 13
CCW	Countryside Council for Wales	The Government's statutory adviser on sustaining natural beauty, wildlife and the opportunity for outdoor enjoyment in Wales and its inshore waters. The national wildlife conservation authority.
CRB	Carriage Road used as a bridleway	See definition on page 13
CRF	Carriage Road used as a footpath	See definition on page 13
CROW Act	Countryside and Rights of Way Act 2000	Created Open Access Land, Local Access Forums and the requirement to produce Rights of Way Improvement Plans amongst other legislation
EMO	Evidential Modification Order	An order needed where an existing right of way is changed or deleted - see page 17
FP	Footpath	See definition on page 12
FTE	Full Time Equivalent	Effectively one full time member of staff
LAF	Local Access Forum	Established under the Countryside and Rights of Way Act 2000
LARA	Land Access and Recreation Association	National forum for the principal groups in countryside motor sport and recreation assisting its members in a wide range of land access issues: policy, practice and problems
LEMO	Legal Event Modification Order	An order necessary to change the Definitive Map and Statement - see page 17
PROW	Public Right of Way	Any route shown on the Definitive Map held by the Council
RA	Ramblers Association	Charity working to promote walking and to improve conditions for all walkers
ROWIP	Right of Way Improvement Plan	An inclusive and comprehensive approach to delivering improvements to the rights of way network required under the CROW Act
RUPP	Road Used as a Public Path	See definition on page 13
TRF	Trail Riders Fellowship	Voluntary and non-competitive body for people who enjoy exploring 'green lanes' by motorcycle whose aim is to conserve our heritage of green lanes for everyone to enjoy
WAG	Welsh Assembly Government	The devolved government body that is responsible for most public expenditure in Wales, and has powers to make a wide range of secondary legislation
WTB	Wales Tourist Board	The National Organisation that promotes tourism to and in Wales - now part of WAG

10. References

The production of a Plan of this nature involves extensive research into a wide range of areas. The following publications have been referred to during the development of this Rights of Way Improvement Plan.

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