



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2023/24

**CLIMATE CHANGE, FRONTLINE SERVICES & PROSPERITY SCRUTINY
COMMITTEE**

PUBLIC RIGHTS OF WAY (PROW)

4 MARCH 2024

**REPORT OF THE DIRECTOR OF PROSPERITY AND DEVELOPMENT, IN
DISCUSSIONS WITH THE RELEVANT PORTFOLIO HOLDER COUNCILLOR
MARK NORRIS**

AUTHOR: Jason Bragg

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to update Members of the Climate Change, Frontline Services & Prosperity Scrutiny Committee on Public Rights of Way work within the County Borough.

2.0 RECOMMENDATIONS

It is recommended that Members:

- 2.1 Scrutinise the information contained in the report; and,
- 2.2 Consider whether they wish to scrutinise specific areas of Public Rights of Way work.

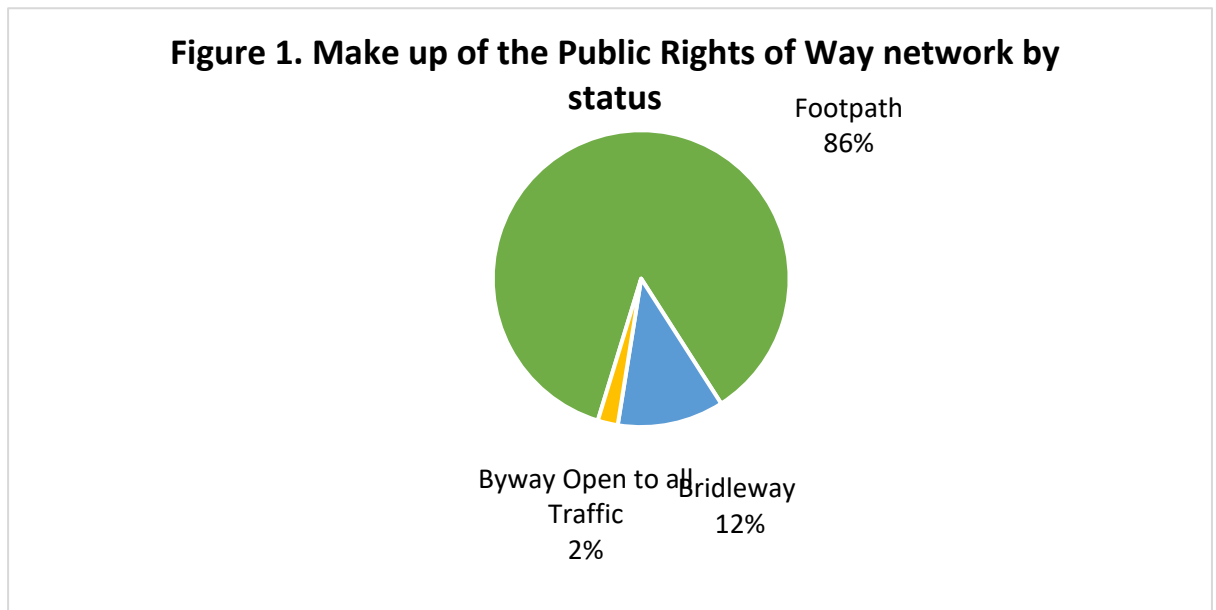
3.0 BACKGROUND

- 3.1 A Public Right of Way (PRoW) is a specific route registered on the Definitive Map and Statement under the National Parks and Access to the Countryside Act 1949. It is a path or way over which the public have the right to pass and re-pass.

3.2 There are three different statuses of PRoW present in the County Borough:

- Public footpaths that are for pedestrians only.
- Public bridleways that are for pedestrians, horse riders and cyclists.
- Byways open to all traffic (BOAT) that can be used by pedestrians, horse riders, cyclists and motor vehicles (but they must be taxed, insured, have a MoT and used by a licensed driver)

3.3 The PRoW network looked after by the Council consists of 758 kilometres of PRoW, and approximately 86% of that is public footpath.

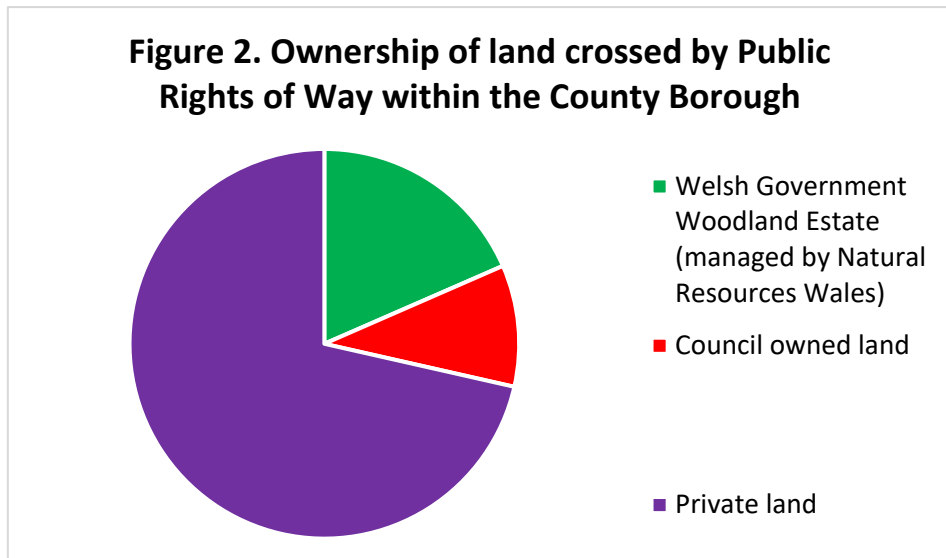


3.4 There are number of permissive paths in County Borough that are not PRoW, but instead a path (which are for walkers, horse riders, cyclists, or any combination) whose use by the public is allowed by the landowner.

3.5 The Council's interactive map shows PRoW recorded on the Definitive Map and Statement, in addition to any legal authorised changes to Public Rights of Way. It is available for the public to view online ([RCT CBC Maps](#)). It is intended to be used only for leisure purposes and is not suitable for checking the legality of PRoW lines.

3.6 It is worth noting that a significant proportion of PRoW cross privately-owned land and that both land owners and occupiers and the Council have a shared statutory responsibility to maintain Public Rights of Way as open, accessible, and safe for public use.

Figure 2. Ownership of land crossed by Public Rights of Way within the County Borough



- 3.7 PRow are a valuable public resource giving people access to the countryside, parks, open space, local shops. The popularity of the path network and its importance for physical and mental health was highlighted during the Council's consultation on the draft Rights of Way Improvement Plan in 2018, and more recently, during the COVID pandemic where we saw a huge increase in use.

OUT & ABOUT 2': THE RIGHTS OF WAY IMPROVEMENT PLAN (ROWIP)

- 3.8 The Council's ROWIP is a 10-year strategic document that sets out how the Council intends to work with others to help manage and improve the PRow network to make it more useful for the public. The current ROWIP, 'Out & About 2' has been drawn up in accordance with the Countryside and Rights of Way Act 2000 and takes account of guidance published by the Welsh Government. It was adopted by the Council in April 2019.

- 3.9 Monitoring meetings of the ROWIP are held periodically to report on the progress towards the objectives under the Statement of Action (section 5 of the ROWIP) and to consider the detail of the annual Delivery Plan.

PUBLIC RIGHTS OF WAY MAINTENANCE & MANAGEMENT SYSTEMS

- 3.10 In 2010, the Council commissioned Exegesis, a spatial data management company, to create a Countryside and Access Management System (CAMS) for the Council. CAMS is a complete database and map management system for PRow. As part of the project, the company undertook a full condition survey of the PRow network and produced a digital working copy of the Definitive Map. CAMS holds detailed path inventories, condition survey data, a record of legal changes, a record of maintenance issues, and it is used to generate practical work programmes. CAMS has been used to manage and maintain the PRow network since 2011 to help the Council fulfil its statutory obligations.

- 3.11 CAMS has become an increasing integral system in managing all remits of PRow work, in turn helping improve the accuracy of PRow data, the

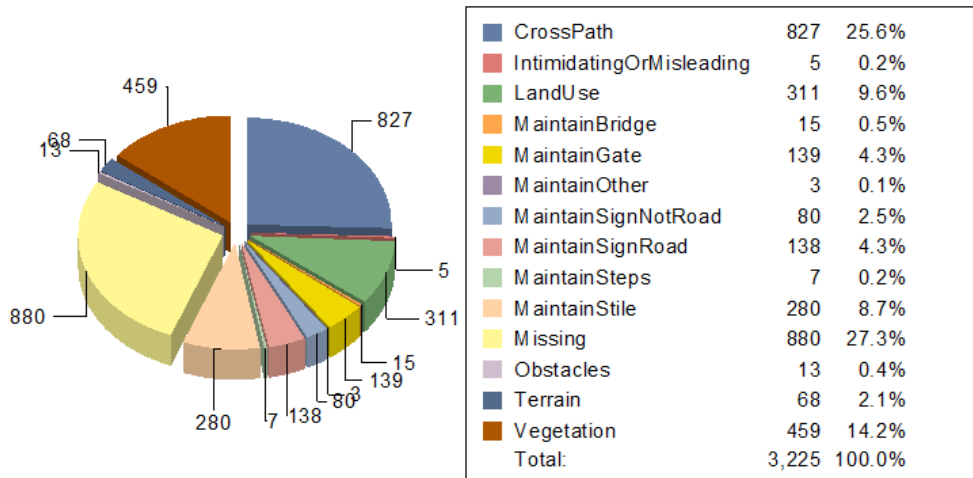
management and maintenance of the PRow network, to target improvements and resources, and to monitor progress.

- 3.12 The size of the PRow network in RCT is vast and significant resources would be required to keep up to date with all maintenance and enforcement issues. As such, there is currently a backlog of cases which are yet to be investigated and/or resolved. We have limited data on the usage and current condition of the full network and as such we rely on reports from the public, user groups and community councils and the findings from Officer investigations to develop practical work programmes which are then prioritised based on Health & Safety, public interest and benefit.
- 3.13 As can be seen from the data, a large proportion of obstructions relate to 'cross-path' and 'land use' issues. Many of these will be substantial (i.e. of considerable size, importance or worth and requiring major engineering works to remove or to reinstate public passage) and longstanding. In such a case, the land owner or occupier will have the opportunity to apply for the path to be diverted satisfactorily instead.
- 3.14 Many PRow cross privately-owned land, which can complicate maintenance as the ranger team and our contractors frequently need to arrange site access (to a potentially remote location) with a land owner or occupier in order to carry out essential maintenance or improvement works to a PRow. However, over the years, the Ranger Team has built longstanding relationships with many landowners and occupiers. Most works carried out on privately-owned land often requires landowner consent and is often the outcome of either enforcement action or the product of negotiations with landowners, which can be a timely process.
- 3.15 The Council continues to operate maintenance agreements with three community councils (Llanharan, Llantrisant and Pontyclun) to assist with the maintenance of footpaths in their areas. Additionally, the Council operates a delegated agreement with the Bannau Brycheiniog National Park Authority relating to our Public Rights of Way within the Park Authority area. The Park Authority is responsible for delivery of all Public Rights of Way functions until the agreement is terminated by either authority.

4.0 CURRENT POSITION/UPDATES

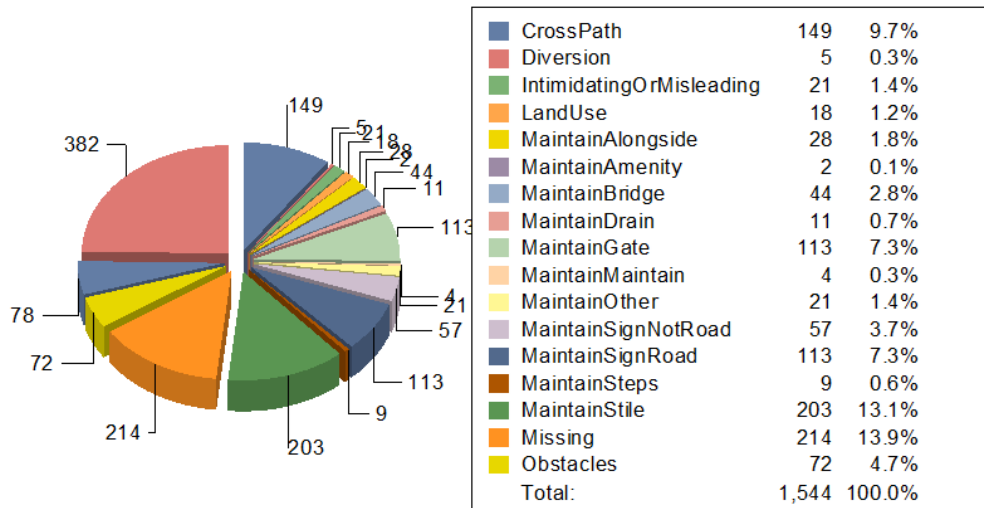
- 4.1 The Countryside Section has continued to invest in CAMS and receives external technical support to maintain and update it.
- 4.2 During the full condition survey carried out in 2010/11, 3225 issues were picked up and recorded on CAMS.

Figure 3. Issues type across the PRow network recorded from the full condition survey



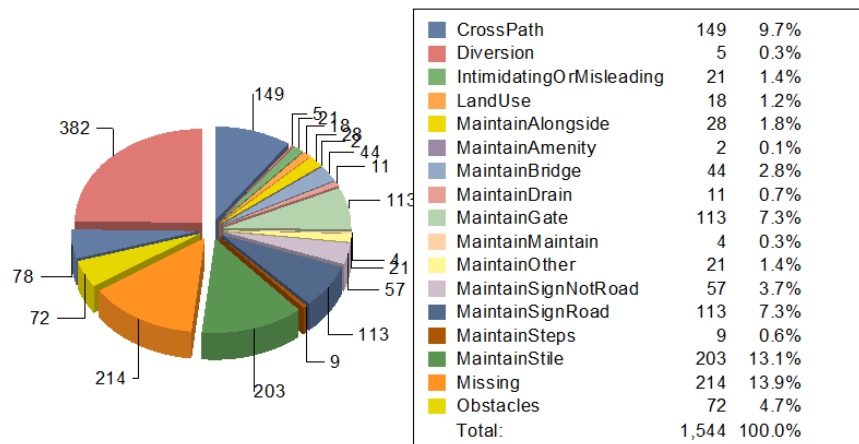
4.3 Since the completion of the survey in the summer of 2011, a further 1315 issues have been logged as of 01 January 2024.

Figure 4. Issues type across the PRow network added post survey

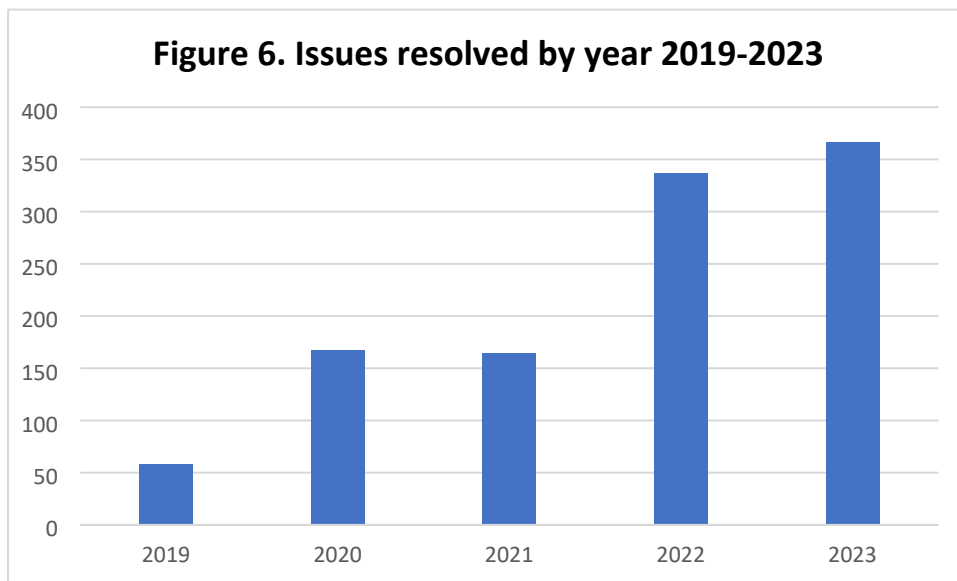


4.4 A total of 1,544 issues have been 'resolved' as of 01 January 2024.

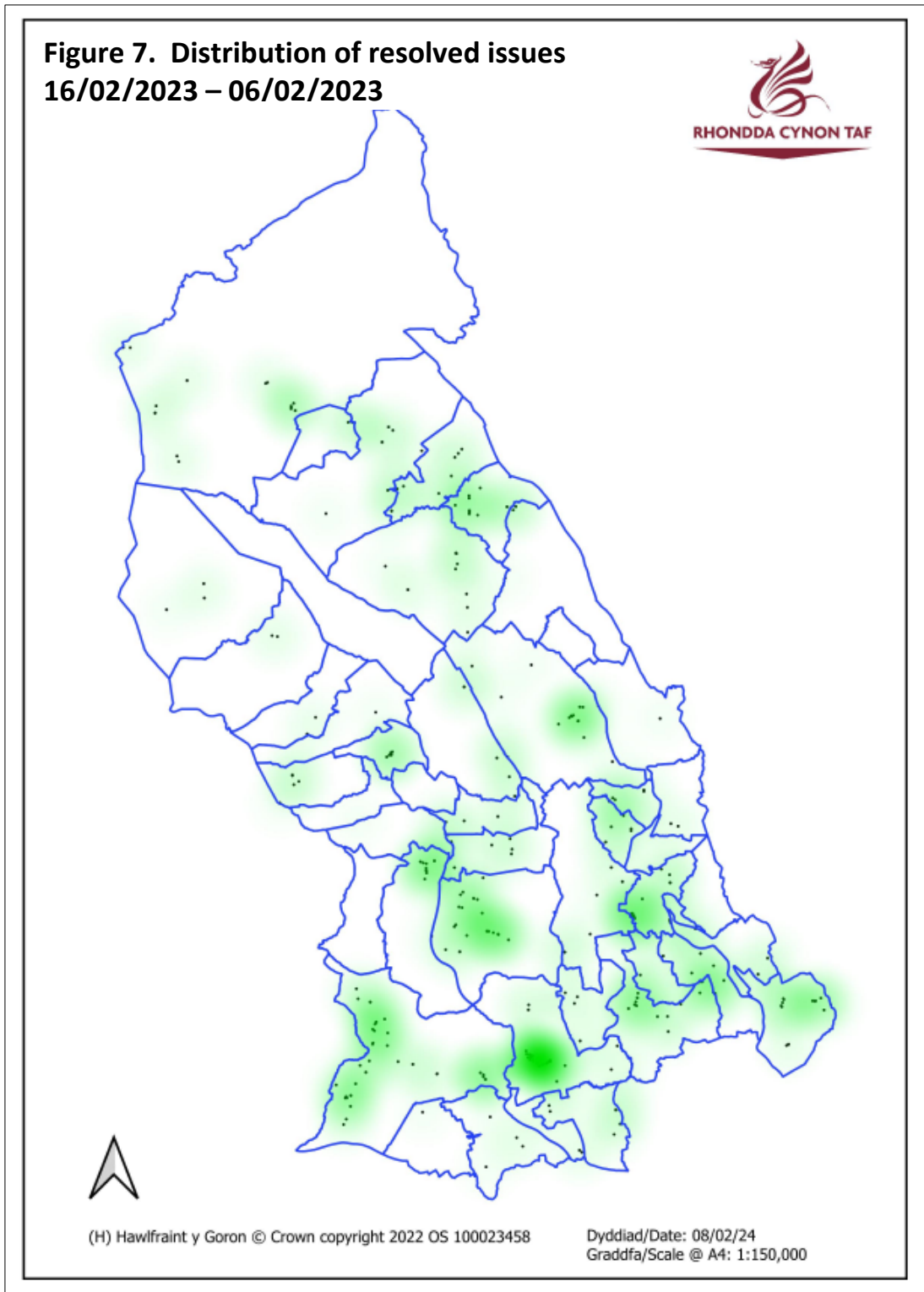
Figure 5. Resolved issues type across the PRow Network



4.5 A total of 366 CAMS issues were resolved in 2023, more than any previous year.



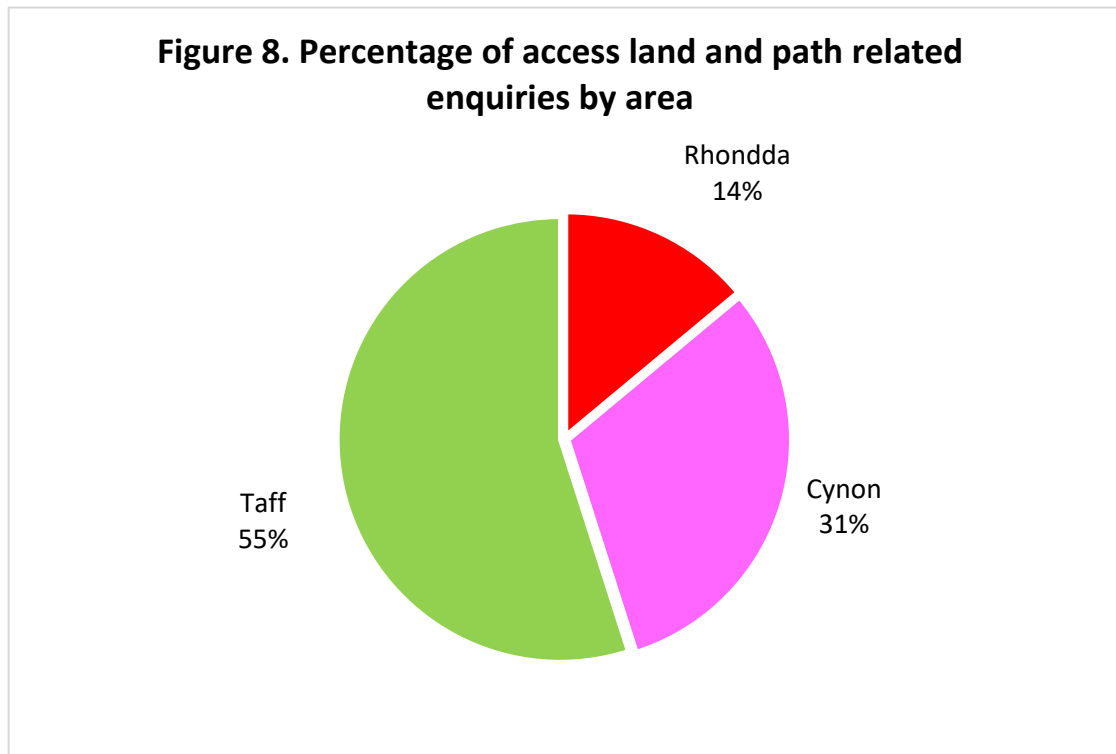
4.6 The heat map below (Figure 7) shows the geographic distribution of CAMS issues which were resolved between 16 February 2023 (the date of the previous Scrutiny Committee) and 06 February 2023.



VOLUME OF CUSTMER ENQUIRIES

- 4.7 In 2023, the Countryside Section investigated 389 customer enquiries. 293 related to PRow, alleged rights of way or access land and 56 related to permissive paths. (The figure stated only includes enquiries logged as CRMs on the Council's Customer Services management system.)

- 4.8 Over half of all access land and path related enquiries were generated from the Taf Ely area of RCT.



TEMPORARY TRAFFIC REGULATION ORDERS

- 4.9 A Temporary Traffic Regulation Order (TTRO) is a legal process used to implement temporary restrictions e.g. closure to a road, footway or a PRow in the interests of public safety. TTROs can be in place for one day up to 6 months for PRow, and extensions can be sought from Welsh Government. Also, the Council has the power to close a road, footway or a PRow with immediate effect for up to 5 or 21 days by way of Emergency Notice.
- 4.10 There are currently 21 closures in operation on the PRow network. In 2023, 15 TTROs and 6 emergency closures were processed, and 37 TTRO extensions were requested from Welsh Government.
- 4.11 10 closures alone are in connection with major infrastructure schemes, which has resulting in major disruption to the PRow network. Key community links affected by the A465 Heads of the Valleys widening works includes the Cynon Trail (using Footpaths 3 Penywaun and 23 Hirwaun) which is a designated Active Travel Route and part of the National Cycle Network. Significant railway infrastructure upgrades to transform the Core Valley Lines, such as works to install overhead line equipment and modify level crossings and bridges, has impacted to varying degrees, all PRow interactions with the railway.
- 4.12 Approval is being sought to increase the charge to applicants for processing TTRO applications to ensure the Council recovers advertisement costs and other costs associated with making of a TTRO.

DEFINITIVE MAP MODIFICATION ORDERS

- 4.13 The Wildlife and Countryside Act 1981 ('WCA 81') places a duty on the Council to keep the Definitive Map and Statement (DMS) under continuous review and to modify the records by the making of Definitive Map Modification orders (DMMOs).
- 4.14 A DMMO may be applied for by any person wishing to claim a new PRow, re-classify or delete an existing one. The Council maintains a register of duly made DMMO applications and deals with them in accordance with the Council's adopted Policy Guidelines for determining claims under section 53 of the Wildlife Countryside Act 1981. However, the duty to make a DMMO is sometimes not triggered by an application but is triggered by the discovery of evidence which when considered with all other available relevant evidence shows that an Order should be made.
- 4.15 There are currently 5 on-going DMMO cases. A summary of the live cases is shown in the tables below. The DMMO application cases have been prioritised under the adopted Policy Guidelines.

Figure 9. DMMO application cases

Reference	Location	Intended Effect	Status
A763/3/54	Pond Place/Morgan Row to Bleanant-y-groes Road, Cwmbach	PRow addition	Order made - Awaiting PEDW decision
A763/3/55	St John's Street, Aberdare	PRow addition	Decision yet to be made
A763/3/56	Footpath 21 Aberdare/The to Dare Valley Country Park	PRow addition	Investigation on-going

Figure 10. Non-application DMMO cases

Reference	Location	Intended Effect	Status
PON/111	Footpath 111 Pontypridd	PRow addition	Decided - Order to be made
ANT/341	Footpath 341 Llantrisant	PRow deletion (Part)	Decided - Order to be made

PUBLIC PATH ORDERS

- 4.16 The Council has discretionary powers to permanently divert or stop up Public Rights of Way (footpaths, bridleways and restricted byways other than byways open to all traffic) by a legal process known as a Public Path Order.
- 4.17 PPOs for planning purposes are made under the provision of the Town and Country Planning Act 1990. PPOs for any other purpose are made under the provisions of the Highways Act 1980.
- 4.18 Upon receipt of a complete application, the Council will consult with key stakeholders to gauge opinion on the proposal.
- 4.19 Before deciding to make an Order, the Council must be satisfied that the legal tests relevant to the particular type of Order can be satisfied. If an Order is made and objections are received and not withdrawn, the Council may decide to refer it to Planning and Environment Decision Wales for a final decision.
- 4.20 A summary of the current PPO cases is shown in the table below. This includes proposals from Transport for Wales/Amey Infrastructure Wales to stop up or divert 3 footpath level crossings along the Core Valley Lines due to the increased safety risks associated with the railway infrastructure upgrades /electrification.

Figure 10. PPO cases

Path Code	Intended Effect	Reason	Status
Footpath 94 Caerphilly (Portabello Level Crossing - CVL)	Railway Crossing Extinguishment	In the interests of the safety of those using or likely to use the crossing due to the electrification of the Core Valley Lines.	Opposed Order confirmed by PEDW.
Footpath 27 P- S-M	Diversion	In the interests of the landowner	Order confirmed
Footpath 21 Llanharan	Diversion	Residential Development	Order confirmed
Footpath 314 Llantrisant	Diversion	Residential development	Order made
Footpath 20 Llanharan (Trenos Level Crossing - South Wales Main Line)	Railway Crossing Diversion onto new multi-user bridge	In the interests of the safety of those using or likely to use the crossing	Decided – Order to be made
Footpath 48 Llantwit Fardre	Extinguishment (Part)	Residential Development	Decided – Order to be made

Footpath 22 Mountain Ash (Glenboi Level Crossing - CVL)	Railway Diversion Order onto new footbridge	In the interests of the safety of those using or likely to use the crossing due to the electrification of the Core Valley Lines.	Decided – Order to be made
Footpath 21 Mountain Ash (Bruce's Upper Level - CVL)	Railway Diversion Order onto new footbridge	In the interests of the safety of those using or likely to use the crossing due to the electrification of the Core Valley Lines.	Decision yet to be made
Footpath 9 Tylorstown	Diversion	Development – Tylorstown Tip Remediation	Decision yet to be made
Footpath 17 Llanharan	Extinguishment (Part)	No longer needed for public use	Decision yet to be made
Footpath 47 Pontypridd	Extinguishment (Part)	No longer needed for public use	Commence pre- order consultation
Footpath 223 Llantrisant	Diversion	Development	Applicant amending proposal

- 4.21 Consideration is being given to increase the charge to applicants, but this time in respect of PPO applications, to ensure the Council recovers advertisement costs and other costs related to the making of PPOs.

RHONNDA CYNON TAF LOCAL ACCESS FORUM (LAF)

- 4.22 Part I of the Countryside & Rights of Way Act 2000 (CROW Act) requires the Council to appoint a Local Access Forum to advise the Council, Natural Resources Wales and other bodies about making improvements to public access for outdoor recreation and sustainable travel in the Council's area. These bodies must, by law, have regard to relevant advice given by the Forum.
- 4.23 Following a recruitment drive in 2022/3, the Forum's sixth term began in March 2023; 5 full meetings of the Forum have taken place since.
- 4.24 The Forum meets at least twice-a-year, and the membership is balanced to reflect the concerns of local farmers and land managers, as well as the interests of recreational users in the countryside.
- 4.25 The Forum assists with the implementation of *'Out & About 2': The Rights of Way Improvement Plan for Rhondda Cynon Taf 2019-2029* and considers a wide range of issues and advises on improvements to public access for open air recreation and enjoyment in the Council's area, including PRow and the right of access to open country and registered common land. The Forum will

consider all forms of access, horse riding, cycling and off-road driving, and not just access on foot. The exact nature of this work is decided upon by the LAF itself, in agreement with the Council.

- 4.26 To date, the Forum's work has been focussed on their Annual Report and compiling a Directory of groups and organisations in the County Borough with the specific aim of improving physical health and wellbeing through outdoor recreation. The Forum will be mobilising to input into the revised Local Development Plan once the consultation on the preferred strategy opens.

PUBLIC RIGHTS OF WAY COUNCIL WEBPAGES

- 4.27 The new PRoW webpages have been launched on the Council website. A more user-friendly layout and updated content are intended to make it easier to find advice and information on PRoW and report issues.

PUBLIC RIGHTS OF WAY SEARCHES

- 4.28 During 2023, the Countryside Section dealt with 27 commercial search requests which are subject to a professional fee. These are in addition to the search requests processed via the Council's central Local Land Charges search system.

THE GREAT GLAMORGAN WAY PROJECT

- 4.29 Originally set up as the Green Trails project with the support of Welsh Government's Enabling Natural Resources and Well-being (ENRaW) Grant funding, the project has been rebranded the Great Glamorgan Way. It was developed by the Vale of Glamorgan in collaboration with Bridgend, Cardiff, Merthyr Tydfil and Rhondda Cynon Taf with the specific aim of expanding the bridleways of the South-Central Wales Region to create a new regional trail ideal for long distance mountain biking and horse riding. ENRaW funding for the project ended in June 2023 and no comparative alternative sources of funding has been identified to continue the project in County Borough. Nevertheless, a dedicated project team is still employed by the Vale of Glamorgan to roll out and promote the project across the five counties, and the Countryside Section continue to support the project where possible as it is considered a major asset for tourism and outdoor recreation within County Borough.

- 4.30 The new Great Glamorgan Way website has been launched in which it promotes several routes within the County Borough.

MAJOR INFRASTRUCTURE SCHEME UPDATES

- 4.31 Devil's Bridge replacement carrying Footpath 17 Llantwit Fardre was opened on 09 February 2024.



(Photograph supplied by Transport for Wales/Amey Infrastructure)

- 4.32 Penydarren Trampoad bridge carrying Footpath 35 Aberdare opened in October 2023 following its restoration. A4059 underpass which forms part of the same path was renovated as part of the scheme.



Tuesday, 17 October 2023
Rhondda Cynon Taff



Tuesday, 17 October 2023
Rhondda Cynon Taff

4.33 New multi-user bridge constructed over the new A465 road carrying the Cynon Trail and National Cycle Route 46 using Footpath 23 Hirwaun, opened in April 2023.



(Photograph supplied by Future Valleys Construction)

PUBLIC RIGHTS OF WAY IMPROVEMENTS

4.34 Examples of paths and sites which have been improved and made more accessible by the Countryside Section can be viewed on the [PRoW](#) webpages.

5.0 INVESTMENT STRATEGY

5.1 The Welsh Government has awarded the Council funding over three years to make access improvements to Public Rights of Way and open access land: £63,241 in 2022/23, £77,639 in 2023/24, and £77,639 in 2024/25.

5.2 An additional one-off £60,000 has been invested in Public Rights of Way infrastructure from Council capital funding. The budget is supporting the main Public Rights of Way revenue.

5.3 £42,000 was granted to the Council as part of the ENRaW grant funded Cwm Taf Nature Network project to make access improvements at specific Countryside Section managed sites before the expiration of the project in June 2023.

6.0 EQUALITY AND DIVERSITY IMPLICATIONS / SOCIO-ECONOMIC DUTY

6.1 The report is for information purposes as such there are no negative or adverse equality or diversity implications associated with this report.

7.0 CONSULTATION / INVOLVEMENT

7.1 There are no consultation implications aligned to this report.

8.0 WELSH LANGUAGE IMPLICATIONS

8.1 This report is for information purposes as such a Welsh Language Impact Assessment is not required.

9.0 FINANCIAL IMPLICATION(S)

9.1 There are no financial implications aligned to this report.

10.0 LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

10.1 There are no legal implications arising from this report.

11.1 LINKS TO THE COUNCIL'S CORPORATE PLAN / OTHER CORPORATE PRIORITIES/SIP

11.1. The well-being objectives set out in the Well-being of Future Generations Act 2015; the Council's Corporate Plan, and Out & About 2: The Rights of Way Improvement Plan for Rhondda Cynon Taf 2019-2029.

12.0 STRATEGIC OR RELEVANT TO ELECTORAL WARDS

12.1 The Public Rights of Way network is of strategic importance across the whole of RCT.

13.0 CONCLUSION

13.1 Members scrutinise the contents of the report and agree that further Public Rights of Way updates are provided on an annual basis.