

# **Powys Local Access Forum**

## **Annual report 2021\22**

### **Introduction**

This report covers the work undertaken by the Local Access Forum (LAF) from April 2021 until the end of December 2022. A new LAF is to be appointed in April 2023.

This report is a touch longer than normal and if readers are pressed for time it is suggested that the section on Final Reflections is the most important part of the report to look at.

### **Background**

Local authorities in Wales have a statutory duty to establish a LAF in their areas. Their main function is to give advice to the Council, National Resources Wales (NRW) and others on public access to land for open-air recreation and enjoyment, taking into account the needs of land management and the natural beauty of the area.

### **Membership**

Powys County Council (PCC) is the appointing Authority for the LAF. In undertaking this task it is required to ensure that the membership includes:

- users of local access land and local rights of way
- owners and occupiers of access land and land with rights of way
- other interests especially relevant to the area

The current membership is as follows

Graham Taylor (Chair)	Emyr Davies
Michael Brennan (Vice Chair)	Jill Kibble
Councillor Gareth Jones	John Rowlands
Annette Turner	Josie Pearson
Brian Jones	Katherine Shaw
Charles De Winton	Robert Hyde
Chris Ledbury	Toby Veall

There is a separate LAF for the Brecon Beacons National Park (BBNP).

### **Work during 2021/22**

The Coronavirus pandemic has continued to have a significant adverse impact on work to improve access in Powys. Whilst it appears that many more people are trying to improve their physical and mental health by

getting out into the countryside, sufficient resources have not been available to deal with the many problems they encounter when doing so.

The LAF has endeavoured to work in a different way through virtual meetings and email contact and has been able to offer advice on access matters to the relevant authorities. This has included:

Offering thanks and support to the Countryside Services (CS) Team in Powys County Council (PCC) for the work they have been able to do in very difficult circumstances to look after rights of way and access matters in Powys.

Advice to NRW on its draft Forest Resource Plans. The LAF has been keen to encourage NRW to make specific reference in their plans to improving rights of way and undertaking regular audits to make sure that they are all up to standard. The LAF has also commented on the importance of making sure that rights of way are taken into account when developing planting regimes.

Advice to PCC on the projects to be undertaken with the help of the Welsh Assembly Government (WAG), Access Improvement Grant (AIG).

Advice to PCC on their annual Work Plan. The LAF has continued to press the Council to give greater priority to improving signposting, waymarking and dealing with obstructions, many of which have been left unaddressed for many years.

Commenting on the continuing problem of motor vehicle use of the Monks Trod between Pont au Elan and the Ceredigion border. The LAF has been extremely frustrated with the Council's approach to this issue and strongly objected when it decided not to renew the temporary Traffic Regulation Order (TRO) which banned such use. The LAF marshalled the voices of other interested groups and did manage to get the Council to re-impose the ban but not before further damage had been done through motor vehicle use. The current position is that the LAF has now formally asked the Council to pursue a permanent TRO banning all motor vehicle use. A response is awaited.

Inputting to the Canals, Communities and Well-being programme.

Commenting on a breakdown of the 10,000 outstanding public reports of problems with rights of way. The LAF has expressed its serious concern that the list is growing year on year and has asked the Council for a plan on how it proposes to tackle the backlog.

Discussing with CS the frustrations felt by users of rights of way with the condition of some parts of the network and the difficulties in getting problems with obstructions and route finding addressed in a timely manner.

Reporting to the Planning, Taxi Licensing and Right of Way Committee (PTLRWC) on the parlous state of rights of way in Powys.

Encouraging the Council to ask Town and Community Councils to put forward their priorities for action and submit projects for external funding. The LAF is concerned about the lack of town and community council input; requests for the Council to (i) send all Town and Community Councils lists of outstanding problems in their areas and (ii) put forward projects for AIG funding have not yet been actioned.

Offering advice on the particular access issues faced by people with mobility issues.

Suggesting a review of the enforcement policy for rights of way.

Commenting on revisions for the developers and landholder guides on rights of way issues.

Discussing whether there are too many motor vehicle rallies affecting rights of way, being approved.

Requesting the Council not to make further reductions in the budget of CS in 2022/23 and 2023/24. This request was successful.

Commenting on the development of Active Travel maps. The LAF was keen to make sure that the new routes were suitably connected with the existing rights of way.

Commenting on the proposed Global Centre for Rail Excellence on Common Land (Nant Helen).

Pressing the Council to get a user friendly definitive map of rights of way on their website. The LAF was very pleased to see the map go on line in the latter half of 2022. The LAF is now pressing for the system to be developed to enable residents/visitors to use the map to report any problems they encounter when using rights of way.

Pressing the Council to continue funding for the Biodiversity Officer working on the Powys Nature Recovery Action Plan. This was successful and a new officer has recently been appointed.

Pressing the Council to develop a programme to discharge their statutory duty to erect signposts where rights of way meet a metalled

road. This remains a major frustration for the LAF although the Council has responded in part by obtaining some external funding for a limited programme to help improve signposting.

Expressing concern about the time being taken to resume volunteer working parties. This was a major frustration for the LAF and whilst the Council has listened, the situation remains. There are far too many volunteers keen and eager to work on maintaining and improving rights of way who are given limited opportunities to do so. A new arrangement for managing the volunteer programme has been announced and the LAF will be keeping this under careful review to see whether it is successful.

Offering support to CS in their efforts to find a solution to the issues at the Glasbury canoe launch point. Progress has been made but the problems remain.

Expressing concern about the long delay in resolving the outstanding access issue at Moelfre City. The LAF has been very frustrated by the Council's failure to agree the way forward on the access issue at Moelfre City. A report for the Cabinet Member was prepared in early 2021 but withdrawn and, despite repeated assurances that it would be ready soon, it has still not been finalised to enable a decision to be made. The LAF considers that this major delay in dealing with an obstruction, limiting access to the countryside, shows the Council failing in its statutory duty to 'assert and protect' rights of way.

Expressing concern about the long delay in opening up the blocked Devil's Gulch. Although this work is not the responsibility of the Council the LAF considers that the Council should have been firmer with Welsh Water to fix the problem. Thankfully the necessary remedial work has now started, over 4 years after the initial rock fall closed this popular national cycle route. The LAF has also expressed concern about the official diversion leading walkers, cyclists and horse riders along a busy tourist road without any of the mitigation measures that were initially promised.

Offering advice on plans to tackle the backlog of application for Public Path Orders. The LAF was not convinced that a 5 year moratorium was the best way forward. The Forum was pleased though that the Chair of the PTLRWC wrote to the relevant Welsh Government Minister about this seeking more resources and some rationalisation of the time consuming processes involved in making even the smallest change to rights of way and commons.

Submitting comments on the access issues in the Council's unsuccessful bid for Levelling Up Funding. It is regrettable that the LAF was not involved in the preparation of the bid and efforts to

comment on it were hampered by limited information being made available by the Council. It is not known whether the bid changed as a result of the LAF's comments.

Influencing the Council to submit a bid for Shared Prosperity Funding to start dealing with the problem of poor signposting and way marking. The bid was successful but the LAF are waiting to see the detail and are keen to see an ambitious multi-year programme that can have a major impact.

Offering assistance to the Mid Wales Growth Board in considering the access aspects of their growth programme.

Commenting on the Welsh Government's proposals for a Sustainable Farming Scheme. The LAF were keen to make it clear that payments to farmers should be dependent on them fulfilling their responsibilities for any rights of way on their land.

Encouraging the Council to make use of volunteers in desk based work.

### **Proposed work 2023/24**

It is not for the current LAF to determine the work programme for the new LAF to be appointed in April. The new LAF may however wish to look closely at the following issues:

A review of the CS Enforcement Policy.

Proposed volunteer handbook being prepared by CS.

The need for a significant improvement in the deployment of volunteers to work on rights of way.

Finalising the Landholders Rights of Way guide.

A review of the Guide on Rights of Way for planning applicants.

The WAG Access Reform Plans and their plans for supporting agriculture through the Sustainable farming scheme.

A review of the Rights of Way Work Plan 2022/23 and use for AIG funding.

Preparation of the Rights of Way Work Plan 2023/24 and use for AIG funding.

Forthcoming review of the Local Development Plan.

Global Centre for Rail Excellence rights of way issues.

NRW Forest Resource Plans

External funding opportunities for rights of way work.

Solutions to the Monk's Trod and Moelfre City issues.

Contributions from other parts of the Council, besides CS, to improving the rights of way network.

Efforts to ensure **users** of rights of way do so responsibly and that **landholders** discharge their responsibilities for rights of way.

Reducing the backlog of outstanding public reports of rights of way problems

Reviewing the criteria for deciding on the priority for dealing with public reports and the process for telling landholders about problems reported on their land.

Reviewing Rights of way work being funded from external sources and making sure that the management costs of successful programmes do not fall on the already stretched staffing resources within CS.

Removing barriers to accessing the countryside for sections of the population who do not currently make much use of it, e.g. those with mobility issues, residents living in areas of deprivation, etc.

## **Final Reflections**

As the term of office of the current LAF is coming to an end it is an opportune time to offer some thoughts on the Council's approach to discharging its statutory responsibilities for rights of way and access issues.

In October 2021 the LAF reported to the PTLRWC that "our network of rights of way is broken and no longer fit for purpose". In response the Committee wrote to the Portfolio Holder asking her to engage in work to create an action plan to fix our rights of way and transform the way we look after them. Such an Action Plan has not been prepared and this indicative of the approach taken by the Council over generations to pay little regard to preserving this wonderful asset on our doorsteps.

Over generations it is clear that the Council has paid lip service to its statutory responsibilities for rights of way and over the last 10 years or so has reduced the resources available to CS to the extent that it has virtually no mainstream resources at all for routine maintenance work. As a result,

based on the Council's own surveys, around two thirds of rights of way in Powys are in an unsatisfactory condition. Many are no longer evident on the ground and many more are obstructed. Frankly, the Council has failed in its statutory duty to 'assert and protect' rights of way in the area. As the LAF said to the PTLRWC in 2021 "if there was a government inspectorate for rights of way we would be in special measures".

As a result of the financial pressures faced by local authorities the Council is endeavouring to transform its services to fit the new funding envelope and the LAF is firmly of the view that should apply to rights of way work as well. It is not just about money but also the approach taken towards these issues. For too long the Council has not used its powers to make sure that landholders discharge their responsibilities for rights of way and this needs to change. The Council has also not been making best use of the many volunteers who are keen and eager to help in a variety of ways.

The LAF has welcomed the approach of the new administration of the Council to put green issues as an important issue to be addressed and I am sure the new LAF will be keen to offer advice on how best to fulfil the access aspects of this approach.

Work needs to start urgently on the transformation action plan requested in 2021. Stakeholders should be closely involved. Too often in recent times the Council has not consulted stakeholders like the LAF at an early enough stage to influence important access matters. The Council has also often kept such matters confidential and not provided sufficient information to enable the LAF to comment effectively. The LAF is expecting this will improve under the new Administration's policies of openness and early consultation with stakeholders.

### **Further Information**

There is a dedicated page on the PCC website to the work of the LAF - [Local Access Forum - Powys County Council](#)

This gives dates of future meetings and minutes from past meetings. The public are welcome to attend meetings. Arrangements for doing so should be made through CS by contacting [rights.of.way@powys.gov.uk](mailto:rights.of.way@powys.gov.uk)

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Chair, Powys LAF  
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