

VALE OF GLAMORGAN LOCAL ACCESS FORUM

Minutes of a meeting held on 26th April, 2023.

Present: I.A.N. Perry (Chair); S. Bain, S. Campbell, J. Cole, R. Exley, I. Fraser, K. Lucas, G. Thomas and Councillor E. Williams.

Also present: G. Davies (Secretary), A. Briscoombe, P. Chappell, D. Hunt, S. Pickering and S. Thomas (Vale of Glamorgan Council) and M. Miyata-Lee (Natural Resources Wales).

(a) Apologies for Absence -

These were received from W.A. Hennessy (Vice-Chair), I.R. Buckley, F. Coleman, L. Davies, S. Davies, S. Gaffney, S. McMillan and P. Walsh.

(b) Minutes –

AGREED – T H A T the minutes of the meeting held on 29th November, 2022 be approved as a correct record.

(c) Maintenance Reports –

D. Hunt provided an update on the maintenance work undertaken by the Rights of Way Team.

He referred to the Access Improvement Grant (AIG), which was funding provided by Welsh Government to all local authorities in Wales used to improve access to the rights of way network. A formular was used based on the extent of the network in each area against the area's population. For the Vale of Glamorgan, the AIG had been used for the following:

- The construction of a footpath in Dinas Powys relating to FP1 St. Andrews;
- To replace failed stiles and kissing gates around Ystrad Owen and Cowbridge;
- Repair a collapsed stone stile at Llanblethian; and
- For the construction of handrails and steps for footpath B1/62/1 in Barry.

It was noted that in relation to the Wales Coastal Path 20kms of vegetation had been cleared through two separate cuts in order to improve access to paths and corridors.

The Coastal Path had been realigned at Footpath 7 at Lavernock and the path had been rolled back at Footpath 6 close to St. Donats. In addition, the team had been out around Barry and Penarth replacing waymarking points and drainage and resurfacing work had been undertaken around Lavernock.

With regard to Rights of Way maintenance work, this included the installation of 40 kissing gates to replace existing stiles and installation of 15 two-in-one gates to replace failed stiles. In addition, 4 footbridges had been installed in order to replace dangerous structures. In total 35kms of vegetation had been cleared inland off paths in order to improve network access.

In relation to the work of volunteers, 75 path inspection reports had been undertaken by Vale Ways. Walk and clear inspections had also been undertaken by the Ramblers.

With regard to the installation of new signposts and waymarkers, the Forum was advised that the new pieces of furniture were more robust and could be seen from a longer way away.

A Forum Member referred to Rights of Way improvement priorities and queried how the public could be made aware of what the priorities were. In reply, Mr. A. Briscoe stated that this was a valid point as issues that had been resolved were not reported back.

The Chair commented that 2 in 1 gates could be problematic. In reply, Mr. A. Briscoe stated that the main issue was that some of these were not always in the right locations and in areas used by vehicles which could make the ground rutty. The locations of these would be considered in more detail for future installations.

AGREED – T H A T the maintenance report update be noted.

(d) Legal Orders and Evidential Modification Orders Updates –

S. Thomas provided an update of the Legal Orders and Evidential Modification Orders currently in the process of being completed.

S. Thomas advised that of 25 Legal Orders in total, 14 had been closed, with 8 fully closed with a Modification Order. 2 had gone to Legal for completion and would be closed very soon and there were 3 that had been subject to confirmation when they were completed or awaiting to be completed. In total there 11 still outstanding but most had been completed with a Legal Order.

With regard to Modification Orders, there were currently 8 cases to report on. 2 were dormant, 3 were under investigation, 1 was to be investigated, 1 was with PEDW as the decision had been appealed and 1 was in the process of being agreed.

In reply to a query regarding whether there were time limits for the completion to put in a new footpath, S. Thomas stated that it would depend on the reason for a footpath or if there was a case that there was an inaccuracy on the Definitive Map. Some cases were known to progress for years, but there was the legal process with appeals to PEDW which required that local authorities make a decision within 12 months of an application.

AGREED – T H A T the report be noted.

(e) Solar Farm Development in the Vale and Impact on Public Rights of Way –

Following a request by a Local Access Forum Member regarding solar farm developments in the Vale of Glamorgan and impact on the Public Rights of Way networks, the Public Rights of Way section had provided a brief synopsis of the current process. This was outlined within the agenda papers.

It was reported that the Public Rights of Way Section were contacted as part of the planning consultation process should any public right of way fall within a proposed development or within a reasonable margin of a development. The scale of the development would decide whether a planning application was made to the local authority or the Welsh Government.

Currently, the Public Rights of Way (PROW) Section were aware of four applications that were of a size requiring determination by the Welsh Govt. under the Development of National Significance (Procedure) (Wales) Order 2016. S. Thomas stated that at present the four cases of a solar farm currently at the application phase, related to Parc Dyffryn, East Aberthaw, Oaklands Farm and Parc Worlton north of Barry.

It was reported that whether the development was small or of national significance the PROW section would deal with it in the same way. The PROW position was to ensure no public right of way was lost, if a diversion was necessary for the new path would be as good if not better than the old path. The PROW section would negotiate to improve the PROW network, but the base line was that the section was required to accept a Town and Country Planning Act 1990 application to divert or extinguish a path if the application met the legal tests within Sections 257 and 258 of the Act. At this time, the section had not received any application to extinguish a path.

As provided within our application pack, the tests for a diversion application (sec.257) were (Before making an Order the Authority must be satisfied that):

- It was necessary to do so to enable development to be carried out in accordance with a granted planning permission.
- The disadvantage or loss likely to arise to members of the public or adjoining landowners had been weighed against the advantages of the proposed stopping or diversion.
- Regard had been had to the need for an alternative highway to be provided.
- The development affecting the route had not already been carried out
- The route shown in the order as the alternative route is not an existing Public Rights of Way.

The legislation did not provide an opportunity to require screening of a path for visual amenity value or wide verges to provide wildlife corridors, but the section had previously noted within a response that while recognising that screening did not relate directly to the continued availability of the footpath, the section would welcome the screening of the site from the footpath.

It was noted that the section may be contacted informally at an early stage to discuss the PROW network and previous contact had been held with members of the public that had picked up a proposed development from a Residents Information Pack.

From the point of view of the PROW network the development of solar farms could be very positive as they enabled the section to discuss and at times achieve an increase in the network and upgrade of existing routes, although the visual amenity value may be lessened.

The Forum discussed locations of other solar farms being proposed in the Vale of Glamorgan, including Llancarfan and Leckwith.

With regard to consultation for the East Aberthaw site, Mr. S. Pickering stated that the developer would have to go through the Planning application process via Welsh Government. That meant that there would have to be consultation with the PROW section.

AGREED – T H A T the contents of the update be noted.

(f) Network Accessibility Workshop –

The Local Access Forum adjourned in order to undertake a workshop event in order to consider the accessibility of the Public Rights of Way network. For this, three groups were created with the first group looking at the issues around accessibility from the perspective of land owners, the second group from the perspective of a user and the third group considering constraints for Local Authority Rights of Way officers.

AGREED – T H A T the feedback provided by the Local Access Forum be considered by the Public Rights of Way team.

(g) Grants Overview –

D. Hunt provided an overview of the grants available for the development and maintenance of the Public Rights of Way network.

This included over £62k from the Access Improvement Grant (AIG) in order to improve and maintain roadside waymarkers posts and discs to replace route furniture kits and to maintain pedestrian footbridges.

In addition, there was the Coastal Access Improvement Project (CAIP) for which the Council had been allocated over £39k in order to roll back Coastal Path 8 at St. Donats and in order to undertake annual maintenance and clearance work of the Wales Coastal Path.

AGREED – T H A T the update report be noted.

(h) Crop Enforcement –

D. Hunt provided a verbal update on the work undertaken by the Public Rights of Way team in relation to crop enforcement. He advised that there was a legal process for the Council to undertake when it came to ensuring that farmers provided appropriate access through crop fields. A key issue for the team was identification and so the Council relied on users of the network to make reports directly to the Rights of Way officers. Upon reporting, Public Rights of Way team officers would access the area and if the route was deemed to be blocked or crops were restricting access, then an Enforcement Letter would be sent to the land owners. On occasions, the Rights of Way team had had to undertake the required clearance work themselves although this was a risk as the precise width and locational maps was very precise. Usually the Rights of Way team would work with the land owners in order to find an appropriate solution.

AGREED – T H A T the update be noted.

(i) Rights of Way Improvement Plan -

D. Hunt provided a verbal update on the Council's new Rights of Way Improvement Plan. He stated that at the last meeting of the Local Access Forum the draft Rights of Way Improvement Plan was provided for consideration. The draft version had been updated and would now be sent to Cabinet for final approval sometime during June. Once agreed, the Plan would be published on the Council's website and would cover a period of ten years and would be monitored on an ongoing basis.

In regard to tracking of the Rights of Way Improvement Plan, it was noted that the Local Access Forum would receive updates on an annual basis.

AGREED – T H A T the Local Access Forum receive an annual update on the progress with the Council's Rights of Way Improvement Plan.