

# Rights of Way Improvement Plan

October 2008



**Flintshire County Council**  
Environment Directorate  
Highways and Transportation Regulatory Services  
County Hall  
Mold  
Flintshire  
CH7 6NF





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## Foreword

The Public Rights of Way Network is a priceless national asset providing the principal means of access to the countryside for all classes of users to enjoy recreational and physical activities, thus contributing to the health and wellbeing of the nation. This network also makes an important contribution to accessibility within towns and communities.

Within Flintshire there are sections of the Rights of Way network that have become, over the years, unavailable for public use. Many attempts have been made to resolve some of the issues but the process has usually been fraught with difficulty, the lack of available resources to deal with these issues being one of the main barriers. The Rights of Way Improvement Plan aims to secure improvements to the management, maintenance, protection and recording of the network, to ensure that it becomes more open and accessible to the public. Increased publicity will make the public aware of some of the achievements that have taken place over recent years and the opportunities Rights of Way can provide.

The success of the Rights of Way Improvement Plan will depend on the commitment of significant additional resources to address the existing problems and to secure the future stability of the management of the Rights of Way network. The Rights of Way Improvement Plan will therefore be seen as not just a mechanism for planning aspirations, but as a tool to secure additional resources from both inside and outside of the Council to improve the quality of the Rights of Way infrastructure over the next 10 years.



A handwritten signature in black ink that reads "Tony Sharps".

Tony Sharps  
Deputy Leader and Environment Portfolio



A handwritten signature in black ink that reads "Carl Longland".

Carl Longland  
Environment Director

## Executive Summary

The Network Condition Assessment identified that there is an estimated shortfall of £97,000 per annum just to maintain the network at its current standard (i.e. 38% of paths being easy to use). In addition to this a further £167,000 per annum, over 10 years, will be needed to bring the network up to an acceptable standard. At the moment, the County Council is not in a position to commit these additional funds.

The annual investment required for rights of way in Flintshire per year, over the next five years, is estimated as £269,351 or £ 255 per km. (Paragraph 4.5 Statement of Action)

The County Council will need to commit more resources (both in terms of additional staff and finances) to ensure that the definitive map is 'fit for purpose'. This will involve removing the backlog of all outstanding definitive map modification orders to enable the County Council to prepare a new map using the latest technology. Efficiency will be improved through the extension of the computerised GIS and database to ensure greater accessibility to records. (Tasks 2.1 – 2.5 Statement of Action)

The County Council will also review how the various elements (i.e. the Countryside Service, the Rights of Way Inspectors and the County Hall Rights of Way Team) involved in the management of the Public Rights of Way operate. In particular, it will consider how improvements in overall performance may be achieved. (Task 1.1 Statement of Action)

The partnership-working element of rights of way work will be developed further (Task 4.1 Statement of Action).

A programme of improving accessibility to the network will be developed. The County Council will pursue sources of funding to progress this. It will also develop a programme of extending opportunities for equestrians and cyclists (through the provision of additional bridleways and cycle tracks) throughout the County. (Task 4.4 Statement of Action).

The County Council has already received funding from the Countryside Council for Wales (CCW) to improve and develop access to Flintshire's coast. It will continue to develop and implement this programme to provide greater opportunities for the public to gain access to this valuable resource. (Task 4.7 Statement of Action).

A full set of policies and procedures will be published by the County Council for the management and protection of the public rights of way network (Task 1.2 Statement of Action).

The backlog of obstructions (in other words the number of reported obstructions that have not been removed) needs to be addressed, so that in future all problems will be resolved within set timescales. Having a system of regular inspections in place and increasing the provision of signs and waymarks will be a priority. Improvements to the condition of the network will be measured through an annual performance indicator. (Tasks 3.1 – 3.7 Statement of Action).

Finally, the County Council will publicise its achievements through the publication of an annual report. It will also use every opportunity to give greater publicity to the excellent work it has carried out over the years, so that the public is more aware of its successes. This

could reduce the cost of maintaining the network by making the public aware of its existence, thereby encouraging greater use. (Task 4.7 Statement of Action).

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## 1.0 | Introduction to Flintshire

Flintshire is a Welsh border county with a countryside and coast enriched by a fascinating past. Its lush agricultural landscape is the north-eastern gateway to Wales. The south-west of the county is bounded by the Clwydian Range which forms a distinct boundary with Denbighshire. Similarly, the tidal estuary of the River Dee forms a clear boundary with Wirral Metropolitan Borough. Cheshire lies to the east of the County and Wrexham to the south.

Flintshire sits in an enviable location, being within a one hour drive of Snowdonia National Park to the west of the County and Liverpool and Manchester via the A55 and A550 trunk roads to the east of the County. These roads also provide easy access to the national motorway system. The main London-Holyhead rail route traverses the County and has a daily direct rail link from Flint to Cardiff, with a more regular service to Holyhead, Chester and either Manchester or Crewe and onward to London.



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The area is rich in natural resources that have been exploited since Roman times and has supported local heavy industry for hundreds of years. Flintshire was traditionally an industrial economy, with coal, steel and textiles forming the mainstay of the local economy. During the

early 1980s much of this heavy industry was lost (with the exception of aircraft manufacturing at Broughton), giving way to new industries such as paper manufacture, food processing, packaging, automotive products and ICT and the development of small and medium size enterprises continues to grow. Flintshire is now one of the most important manufacturing centres in the UK and has an unemployment rate below the UK average. The County has become an economically vibrant and prosperous place to live and work with a total population of 148,594 within its 438sq. km.

Apart from the urbanised strip along the Dee estuary, the county is mainly rural with small towns and villages. There are several areas of natural beauty within the county, including the environmentally sensitive area along the Clwydian Range AONB, the RAMSAR wetland site and the Special Protection Area in the Dee estuary. The County contains many areas important for wildlife such as rivers, streams, hedgerows and small deciduous woodlands that act as corridors and stepping stones, and are vital for migration and the dispersal of species throughout the County. Flintshire's mining heritage has created the ideal breeding habitats for Great crested newts and, as such, populations of this nationally rare amphibian are strong in many areas across the County.

Flintshire is remarkably rich in historical remains, a haunting reminder of the frontier country it was for centuries. The Iron Age hillforts of Penycloddiau and Moel y Gaer dominate the skyline of the Clwydians and Halkyn Mountain and take us back to the Roman occupation. The remains of Offa's Dyke (which gives its name to the National Trail) and Wat's Dyke, once massive earth banks and ditches constructed by the Saxons in the 8th century to mark the Welsh boundary, are today treasured monuments. (The Wat's Dyke Way - promoted route follows the route of Wat's Dyke using public footpaths and quiet country lanes from close to the Powys/Shropshire border to Basingwerk Abbey, near Holywell.) Flintshire's castles ruins, which were built during the ongoing power struggle between the Welsh princes and Norman kings, are today key landmark features.

Flintshire's spiritual presence exists in one of the most renowned of all British holy wells. St Winefride's healing spring is one of the 'Seven Wonders of Wales' and was once one of the most revered places of Christian pilgrimage in Europe. Throughout the Middle Ages, pilgrims came to it in search of cures or fulfilment of vows, among them King Henry V, who walked from Shrewsbury to give thanks for his victory at Agincourt. The picturesque village churches and chapels bear testament to the key role religion played in everyday life. Spectacular finds have been unearthed revealing Flintshire's sacred past, such as the unique gold ceremonial cape of beaten gold, found on the skeleton of a man buried beneath the cairn called Bryn-yr-Ellyllon (The Hill of the Spectre) near Mold, thought to date from around 2,000 BC. Another unique find, dating about a thousand years later, is a beautifully worked gold-inlaid boat-bowl, believed to represent a Phoenician ship and to have originated in southern Spain, was discovered in Caergwrlle on the site of a lake where it is thought to have been "sacrificed" as an offering to the water-gods.

A North Wales visitor survey undertaken in 2003 revealed that the most appreciated aspect of Flintshire was the scenery and the views, followed by the countryside, hills, peace, quiet and easy access into the County. In 2006 the tourism industry contributed approximately £153 million to the economy and supported 2,855 jobs making it a key driver for the social, economic and environmental development of the region.



## 1.1 | The Public Rights of Way Network

All public rights of way are highways in law, a defined route over which the public have a right of way.

**Public footpath:** a highway over which there is a right of way on foot only, other than such a highway at the side of a public road.



*Public Bridleway No. 39, Connah's Quay  
(NGR 3300 3688)*

**Public bridleway:** a highway over which there is a right of way on foot, on horseback or to lead a horse with or without the right to drive animals of any description along the highway. Cyclists also have the right to use public bridleways, but they must give way to pedestrians and horse-riders.

**Byway open to all traffic:** a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used.

**Restricted Byway:** a highway over which there is a right of way on foot, on horseback or to lead a horse, and a right of way for vehicles other than mechanically-propelled vehicles.

Public rights of way are signposted according to their relevant category. For instance, public footpaths are signed 'Public Footpath' or by the symbol of a walker. A Public Bridleway is signed as such or by a horse-rider symbol. They are also waymarked in different colours: public footpaths in yellow, public bridleways in blue, byways-open-to-all-traffic in red and restricted byways in purple.

Category of Highway	Length (km)
Public Footpath	938.5
Public Bridleway	106.5
Byway-open-to-all-traffic	11.2

*Table 1. Length of Public Rights of Way in Flintshire*

Public rights of way represent a major public asset and are protected by law. The local highway authority has a duty to ensure that they are kept open, available, and properly maintained at all times.

In Flintshire there are 1056.2 km of public rights of way (Table 1). These comprise public footpaths, public bridleways and byways open to all traffic (BOATs). There are no restricted byways in the County because all of the former roads used as a public path (RUPPs) were reclassified by Clwyd County Council as either public bridleways, byways open to all traffic, or public footpaths during a special review of the definitive map under the 1968 Countryside Act.

## 2.0 | Strategic Overview and Policy Documents

One of the purposes of the ROWIP is to assist in management-planning and bidding for funding (internal and external). It is therefore important to identify the links between the ROWIP and various other strategies and plans for the area. It is also important to acknowledge the links, not only to ensure a holistic way of working within the Council but also to maximise the potential funding for projects. Plans with strong links to the ROWIP are discussed below.

### 2.1 | What is a ROWIP?

The Rights of Way Improvement Plan (ROWIP) is a strategic document that will help the Authority to manage its rights of way network. The Plan sets out how Flintshire County Council intends to deliver improvements to the rights of way network and improve the management of the Rights of Way service.

### 2.2 | Why a ROWIP is required?

Section 60 of the Countryside and Rights of Way (CROW) Act 2000 requires all Local Highway Authorities to produce Rights of Way Improvement Plans (ROWIP) for their areas. The legislation is further supported by Statutory Guidance issued by the Welsh Assembly Government. ROWIPs are required to contain the main elements of:

1. An Assessment of the network; and
2. a Statement of Action.

The Assessment of the network should include:

- ▶ The strategic context within which the ROWIP is set;
- ▶ An assessment of the current condition of the network;
- ▶ The state of the Definitive Map;
- ▶ The extent of promotion and publicity in the County;
- ▶ Provision for people with disabilities;
- ▶ The identification of gaps in current network provision;
- ▶ The needs of users; and
- ▶ Opportunities for improvement.

The Statement of Action (section 4 of this document) is to be based upon the information gathered from the Assessments listed above. This part of the ROWIP must also set out the Council's proposals for action to improve the network over the 10-year life of the ROWIP.

Sections 60(3) and (4) of the CROW Act require the Authority to assess, review and if necessary amend their ROWIP within ten years of first publication and then again at intervals of not more than 10 years.

## **2.3 | Associated Policy Documents**

### **2.3.1 | Sustainable Development**

The National Assembly's consultation document, A Sustainable Wales, sets out how the Assembly plans to meet its statutory obligation to promote sustainable development. The Wales Spatial Plan looks to provide a national framework structured around the themes of 'Building Sustainable Communities', 'Promoting a Sustainable Economy', 'Valuing our Environment', 'Achieving Sustainable Accessibility' and 'Respecting Distinctiveness'. A Better Wales looks at discharging the responsibilities of the Countryside Council for Wales (CCW) in a way that makes a positive contribution to sustainable development, and describes the natural environment of Wales that the CCW would like to see in 10 years' time.

The ROWIP will assist in the delivery of sustainable development principles, primarily by developing a free recreational resource that is open to all ages and abilities for a variety of activities and improving its accessibility to all. The ROWIP should also influence and aid promotion of health and encourage participation (see Task 4.6 Action Plan).

### **2.3.2 | Planning**

Rights of way and access issues are considered under several chapters of the Draft Unitary Development Plan (UDP). When considering landscape and nature conservation (Chapters 7 and 8) the plan highlights the need to protect areas of open countryside from development and retain the network of open spaces and recreational facilities.

The plan recognises that tourism is an area of economic activity (Chapter 16), which is underdeveloped within the county, and proposes to encourage tourism development based on outdoor activities/small-scale rural tourism.

Walking is recognised as a mode of transport in its own right, with benefits for children who walk to school and the financial savings made by families who adopt walking as an alternative to the car (Chapter 10). The need to safeguard the public rights of way network against loss as a result of development is also discussed, including the need to adapt, change or develop the network in some circumstances (Chapter 10).

The growth in cycling in recent years is also recognised, both as a leisure activity, and as an important part of an integrated transport system. Development of the cycle network will involve the creation of utility trips and links to rural sections of the cycle network. Opportunities for trips using more than one mode of transport will also be developed, for example cycle/train journeys (Chapter 10).

### **2.3.3 | Transport**

The Transport Framework for Wales was developed through consultation with Transport Authorities and providers. Its aim is to develop a co-ordinated and sustainable transport system, which delivers the infrastructure and services needed in Wales. Accessibility, efficiency, environmental integration and safety are the key drivers within the strategy, all of which can be met to some degree through the ROWIP.

The Walking and Cycling Strategy for Wales contains a detailed action plan, maximising the opportunities afforded by walking and cycling, particularly as viable and attractive options for short journeys. The document highlights the importance of travel choices in relation to health, environment and the economy. Walking, cycling and horse-riding are discussed as both utility and leisure activities.

All local authorities in Wales were required to produce a Local Transport Plan (LTP). The LTP is a strategic document for delivering a sustained, integrated and environmentally-friendly transport system over a 5-year period. The current LTP will be replaced by a Regional Transport Plan (RTP) for North Wales. The equivalent of an LTP for each authority may still need to be produced in order to establish a regional plan, which is envisaged to be in place by March 2009. Welsh Assembly guidance expects local authorities to, at least partially, integrate the ROWIP into the LTP. This is envisaged to establish clearer links and an appreciation of shared aims whilst ensuring that the role of the rights of way network, in achieving objectives, is fully recognised.

The shared objectives of the ROWIP and LTP/RTP include tackling congestion, accessibility, safer routes to school, safer roads, improving air quality and quality of life.

#### **2.3.4 | Tourism, Recreation and Economy**

The Walking and Cycling Strategy for Wales states that “rural rights of way, whether footpaths, bridleways or other routes, are at the heart of opportunities for rural tourism and so are essential for the economy of rural Wales”.

Three key documents, produced for the Welsh Tourist Board, listed below, aim to provide separate strategic frameworks for developing and marketing walking, cycling and equestrian tourism in Wales. The Strategies include a detailed analysis of each of the tourism markets, highlighting the current position and the demand in Wales.

- ▶ *A Walking Tourism Strategy for Wales Best Foot Forward*, a document specific to walking and its development as a tourism product found that “Walking Tourism offers considerable economic benefits to Wales”.
- ▶ *A Cycling Tourism Strategy for Wales—Moving up a Gear* and
- ▶ *A Riding Tourism Strategy for Wales - Saddling Up For Success* provide similar justification for the development of cycling and equestrian tourism.

The Sport and Active Recreation Strategy (Climbing Higher), published by the Welsh Assembly Government, sets out an action plan to increase sport and recreation in Wales. Looking at inclusion, participation, and the provision and promotion of a range of activities, the strategy sets a number of targets that are relevant to the ROWIP.

The Clwydian Range AONB Management Plan, published by Denbighshire County Council in 2004, aims to set out a long-term vision for the AONB focusing upon achievable outcomes.

#### **2.3.5 | Environment, Health and Communities**

The Securing Good Health for the Whole Population report, published by HM Treasury, takes a strategic look at the state of the population’s health. On a local level, health issues are

primarily addressed through the initiatives discussed above, which aim to increase participation in leisure and physical activity.

A carefully planned and implemented ROWIP offers a significant opportunity to help deliver wider objectives both at a national and local level. Many existing documents rely on improvement to the public rights of way network, and some even set targets for improvements.

However, none look at the overall management of the network, or how improvements are to be achieved. The ROWIP not only fills this gap, but takes a holistic view of the needs of the network and provides a framework for delivery of the overarching objectives that await its development.

## **2.4 | Methodology**

Guidance produced by the Welsh Assembly Government is clear about the processes to be followed in the production of the ROWIP. There should be two clear stages, the assessments and the statement of action.

The assessments carried out by Flintshire County Council were extensive and diverse ranging from a desk-based study of reports, policies and procedures to public questionnaires and meetings, a sample condition survey of the rights of way network and liaison with the Local Access Forum

### **2.4.1 | Desktop Studies**

Within the local authority, and Wales as a whole, there are numerous policies and strategies in place, or being written, which relate to rights of way. Some may be directly linked such as the Local Transport Plan and others may be connected in more general terms such as policies relating to health and exercise. The range of policies relating to rights of way and access shows how important a well maintained network is, and how the benefits are much wider than sometimes perceived. A review of all current policies was undertaken and many important links identified.

A desk-based assessment was also undertaken to determine the current state of the Definitive Map and Statement and the likely extent of unrecorded public rights of way in the County. This included a mapping comparison exercise between modern and 19th Century Ordnance Survey maps. It revealed that there were more unrecorded public rights of way and a greater number of rights of way that were not accorded their correct status than had previously been realised. However, it did not reveal the full extent of the problem and additional work would be required to do so.

### **2.4.2 | Network Survey**

The Wales Rights of Way Condition Survey 2002 concluded that public rights of way in Wales are generally in poor condition. The surveys carried out in 2002 took a random sample of paths from each authority area and used these to derive a "Total Wales" figure. The sample taken from Flintshire, using random grid squares, accounted for 11.7% of the network. The condition of the local network was assessed against the results of the 'Wales

Rights of Way Condition Survey 2002' to allow comparison between the local and national situation.

Surveys were carried out in Flintshire over a two-week period in October 2006 on a 10% random selection of paths following the methodology prescribed for Best Value Performance Indicator 178. The indicator is a measure of the ease of use of local rights of way. Easy to use means:

- ▶ Routes are signposted or waymarked where they leave the road and waymarked to the extent necessary to allow users to follow the path
- ▶ Routes are free from unlawful obstructions and other interference
- ▶ The surface and lawful barriers (e.g. stiles, gates) are in good repair

### **2.4.3 | Public Consultation**

Questionnaires were sent out to target audiences (user groups etc), who, along with the general public, were also invited to attend focus groups, and take part in the initial consultation for the Rights of Way Improvement Plan.

### **2.4.4 | Focus Group Sessions**

The focus group sessions aimed to cover a range of topics. The discussion was lead to some extent, but each group differed, allowing for the topics that attendees wished to focus on, to be discussed more thoroughly. These included:

- ▶ Current awareness of the rights of way network
- ▶ Current adequacy of the rights of way network
- ▶ Current condition of the rights of way network
- ▶ Improvements needed to overcome the inadequacies
- ▶ Barriers to use
- ▶ Issues around shared use
- ▶ Landowner interest in current use and future network developments

A number of groups were proposed and if people felt that they belonged to more than one group, as many do, they were asked to attend the group that they felt would represent their main interest, or needs. Owing to lack of interest, only three groups (i.e. walking; horse-riding and disabled access) took place in the end, but the proposed groups were:

- ▶ Walking
- ▶ Horse-Riding
- ▶ Cycling and Mountain Biking
- ▶ Landowners
- ▶ Motorised Users
- ▶ Disabled access

## 2.4.6 | Questionnaires

The rights of way network is important to many people for exercise, sport and general recreation, as well as being vital for journeys to school, work and the shops. It is increasingly important with the development of environmentally-friendly forms of transport, and initiatives such as safer routes to school. Whilst developing the rights of way network and producing the Rights of Way Improvement Plan, consideration of the actual needs and desires of network users was very important.

In order to obtain some feedback from those who use the Flintshire rights of way network a questionnaire was sent out asking about the perceived state of the network, what people thought about some aspects of managing rights of way, how suitable the network is for use by the various user groups and how this could be improved. Of the 1314 questionnaires sent out, 242 were returned, giving a return rate of 18.4%

### Occupations of questionnaire participants

Occupation	% of Participants
Retired	45
Other	12
No Answer	9
Education	7
Medical or Social Care	6
Council or Government worker	4
Homemaker	4
Administration	4
Engineering	2
Manager or Director	2
Own Business	2
Volunteer worker	1
Science	1
Finance	1

Further information on the questionnaire may be obtained from the County Council's Rights of Way Section based at County Hall in Mold.

## 2.4.7 | Assessments Reports

The Welsh Assembly Government guidance gave details of subjects that should be considered in the production of a Rights of Way Improvement Plan. Using these general subject headings a series of assessments were undertaken, and a series of Assessment Reports produced. The aim of these reports was to fully investigate each aspect of the rights of way network, gather information from a wide base of resources, and maximise the public and user input to the ROWIP process. The Assessment Reports written were:

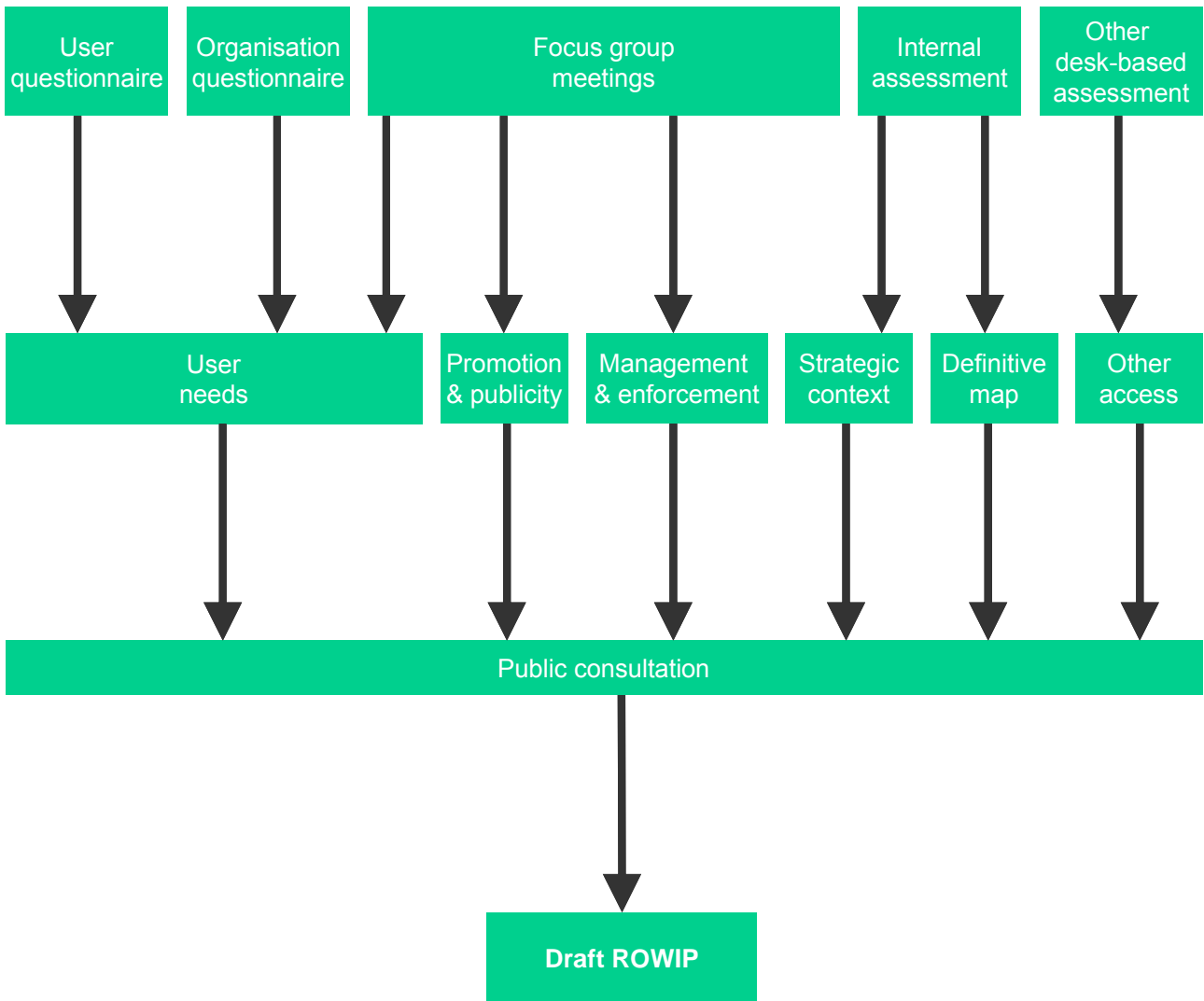
- ▶ Strategic Context
- ▶ Network Condition Assessment
- ▶ User Needs Assessment
- ▶ Needs of People with Disabilities
- ▶ Other Access Provision
- ▶ Publicity and Promotion
- ▶ Definitive Map Assessment
- ▶ Management and Enforcement

All of those who expressed an interest were advised of the availability of the reports. They were advised of the Assessments via a letter that was sent to all community/town councils, all County Councillors and representatives of user groups such as the Ramblers and the British Horse Society. Printed copies were also available if desired. All of the statutory consultees, user groups and communities were naturally involved in the process as well.

Consultation on these reports provided an opportunity to obtain further feedback from interested parties, about how their information had been used, before the production of the Draft ROWIP: a further opportunity to fill in any gaps which may have occurred in the information and most importantly get feedback from the people who live in or enjoy spending time in Flintshire about the development of their rights of way network. The time that the reports were available varied depending on when they were produced, but the minimum timescale was one month. Further information on the Assessment Reports may be obtained from the County Council's Rights of Way Section based at County Hall in Mold.



## The ROWIP process



## 3.0 | Assessments

### 3.1 | Rights of Way Team and Management

#### 3.1.1 | Duties and responsibilities

The Council, in its role as both highway and surveying authority, has a number of functions. Some of these are statutory duties such as the recording, maintenance and protection of public rights of way. In order to carry out these duties and effectively manage the network the Council has a whole range of powers.

Duties include:

- ▶ the preparation and continuous review of the definitive map and statement;
- ▶ the maintenance of all publicly-maintainable public rights of way;
- ▶ the requirement to assert and protect the rights of the public to enjoy any highway;
- ▶ the preparation and maintenance of registers of applications for diversion, extinguishment and modification orders and of Section 31(6) depositions;
- ▶ the production of a ROWIP in consultation with the Flintshire Local Access Forum and CCW.

#### 3.1.2 | Powers Include

- ▶ the creation of public rights of way;
- ▶ the making of an order to close or divert a public footpath or bridleway to enable development to be carried out under the Town and County Planning Act 1990;
- ▶ the making of an order to close or divert a public right of way under the Highways Act 1980, sections 118 and 119 respectively.
- ▶ making an application to the Magistrates' Court to stop-up or divert any public highway including public rights of way.

#### 3.1.3 | Resources

The Council currently has an annual budget of £102,000 for rights of way maintenance, plus a further budget of £10,000 for processing Definitive Map Orders and authority-sponsored public path orders.

The Flintshire ROWIP, as is the case of many others, identifies the need for additional funding in order to meet even the minimum standards required (i.e. compliance with statutory duties) on the network. The Network Condition Assessment identified that there is an estimated shortfall of £97,000 per annum just to maintain the network at its current standard (i.e. 38% of paths being easy to use). In addition to this a further £167,000 per annum, over 10 years, will be needed to bring the network up to an acceptable standard. At the moment, the County Council is not in a position to commit these additional funds.

As well as using the ROWIP as a bidding-document to obtain additional internal funding, it may be used to attract external funding for specific projects. Even the task of applying for funding can take up a significant amount of staff time, but if this is possible the outcome may well compensate for the staff time and cost invested in making applications.

If additional funding is not available, serious consideration could be given to the re-allocation of existing resources from within the County Council's own budget.

### **3.1.4 | Staffing**

The Network Condition Assessment report concluded that, based on a random 10% survey of the network, there were in the region of 2840 outstanding maintenance tasks on the path network. It is to be noted that these figures compare unfavourably with the Best Value Performance Indicator (BVPI) figures that the County Council submits to the National Assembly for Wales on an annual basis. As it is not possible to state which figures are correct (i.e. the BVPI figures or the ones that were used for this ROWIP) a comprehensive condition survey will be carried out over the whole network to provide detailed costings for its improvement.

In addition to the ongoing enforcement requirements there is also a backlog of issues to be tackled. The Network Condition Assessment gave details of the number of tasks and the estimated time to resolve these issues. Additional resources will be required to improve the management of the rights of way network.

There are currently only eight full time members of staff undertaking all the Council's rights of way functions (six in the Rights of way Team and two Rights of Way Inspectors) and due to the sheer volume of work it is not surprising that, despite all their best efforts, the County Council is failing to comply with its statutory duties.

The definitive map assessment report also identifies additional staffing requirements.

#### **Departmental Duties and Responsibilities**

The rights of way functions of the Authority are split into three principal areas. The Rights of Way Team deal with the legal aspects of rights of way management, including definitive map work, public path orders and enforcement. Rights of Way Inspectors, within the Neighbourhood Services Department are responsible for maintenance, with assistance from volunteer groups; and the Countryside Service manages a number of sites in the county, as well as promoting and publicising walks, rides and access to the countryside.

#### **The Rights of Way Team**

There are eight members of staff dealing with rights of way, as shown in figures one and two below, all based in the Environment and Regeneration Directorate, where the Rights of Way Team is based. Figure 1 shows the structure of the Rights of Way Team within Highways Regulatory Services.

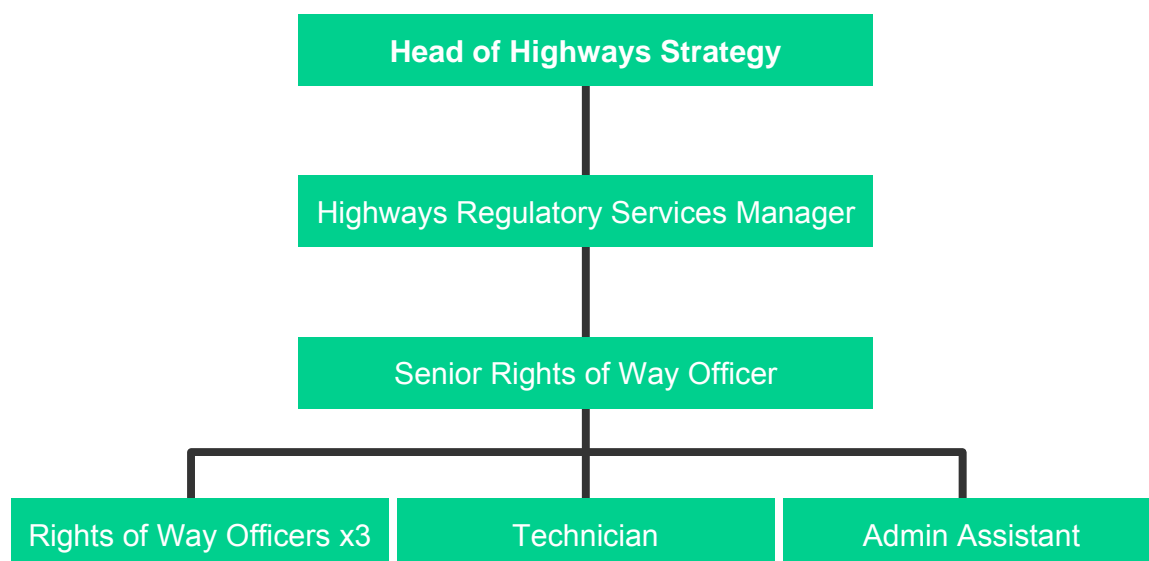


Figure 1: Structure of Rights of Way Team within Highways Regulatory Services

### 3.1.5 | Neighbourhood Services

In addition to the Public Rights of Way Team there are, within the Neighbourhood Services Department, two Rights of Way Inspectors who look after the day-to-day practical maintenance of the public rights of way network.

### 3.1.6 | The Countryside Service

The statutory Rights of Way functions of the Council and the non-statutory work of the Countryside Service are closely linked, particularly with regard to promoted routes. Developing a closer working relationship between these teams would benefit both rights of way and conservation interests. The work done on reserves and parks and the coast is very important to access in Flintshire. Joint working between the teams may open up opportunities for funding as well as sharing knowledge and expertise. Recently, the Countryside Service has obtained funds from CCW to develop the All Wales Coastal Path. This work is being carried out in conjunction with staff from both the Neighbourhood Services and from the Rights of Way Team.

### 3.1.7 | Other Involvement

Other Directorates are also involved in some elements of rights of way work. For example, the County Legal and Democratic Services Officer has authority to take legal proceedings on behalf of the Council under any enactments, regulations, orders or by-laws under which the Council is permitted to prosecute or enforce. In the case of Definitive Map Modification Orders, Public Path Orders and applications to the Magistrates' Court for the stopping up or diversion of highways authority is delegated to the County Legal and Democratic Services Officer and the Director of Environment and Regeneration in consultation with the relevant local and executive members.

### 3.1.8 | Partnership Working & Volunteers

In the past the County Council has placed reliance on the work of volunteers for the maintenance of gates and stiles. Some work is also undertaken under the Tir Gofal Scheme (see 3. 42). The AONB Wardening Service based in Denbighshire, but operating both sides of the border, also carries out selected improvement work on public rights of way within the AONB in Flintshire. They also maintain the Offa’s Dyke National Trail within Denbighshire and the small sections in Flintshire as well.

Community/town councils could play a significant role in the management of public rights of way within their locality. This might include monitoring, reporting problems and carrying out routine maintenance such as removing overgrowth, and clearing litter. They could consider appointing wardens to act as a link between the town/community councillors and the County Council and could also play a pivotal role in suggesting improvements to rights of way that would be of benefit to locals.

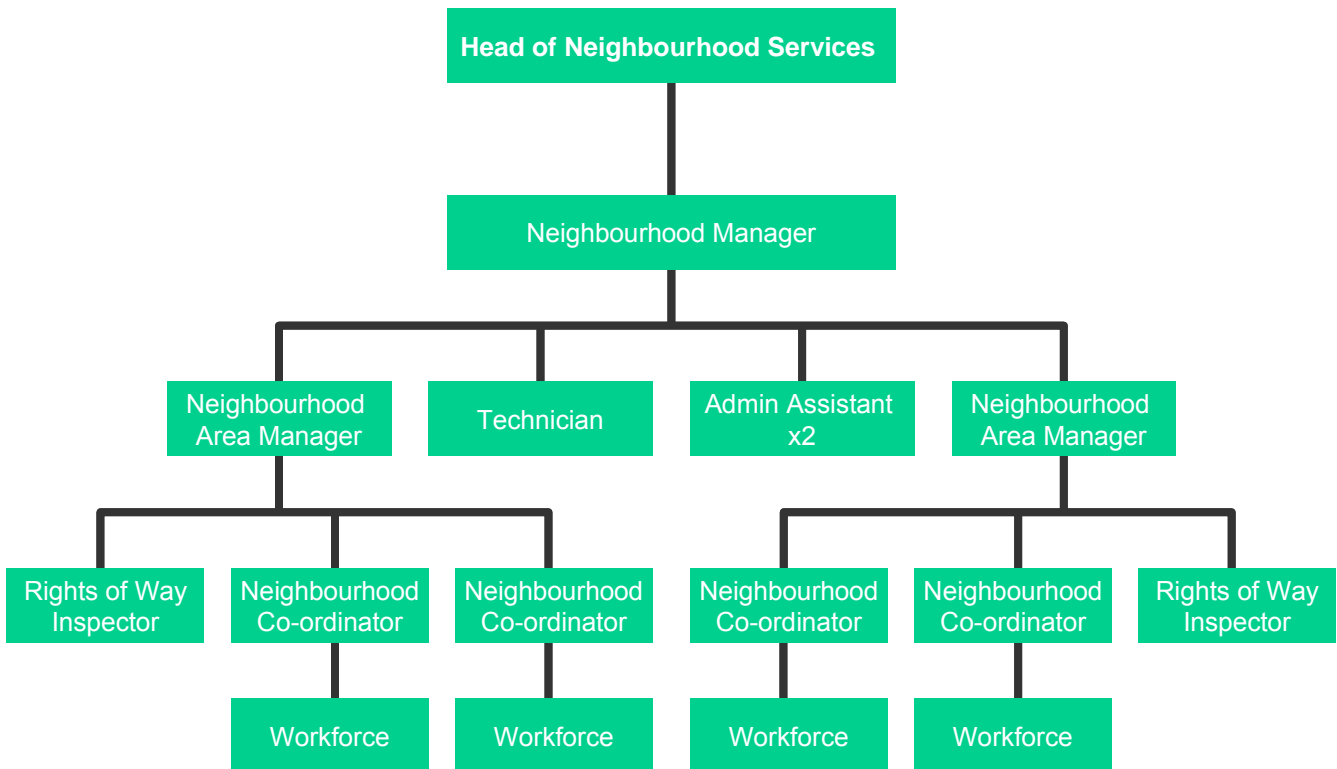


Figure 2: Structure within Neighbourhood services.

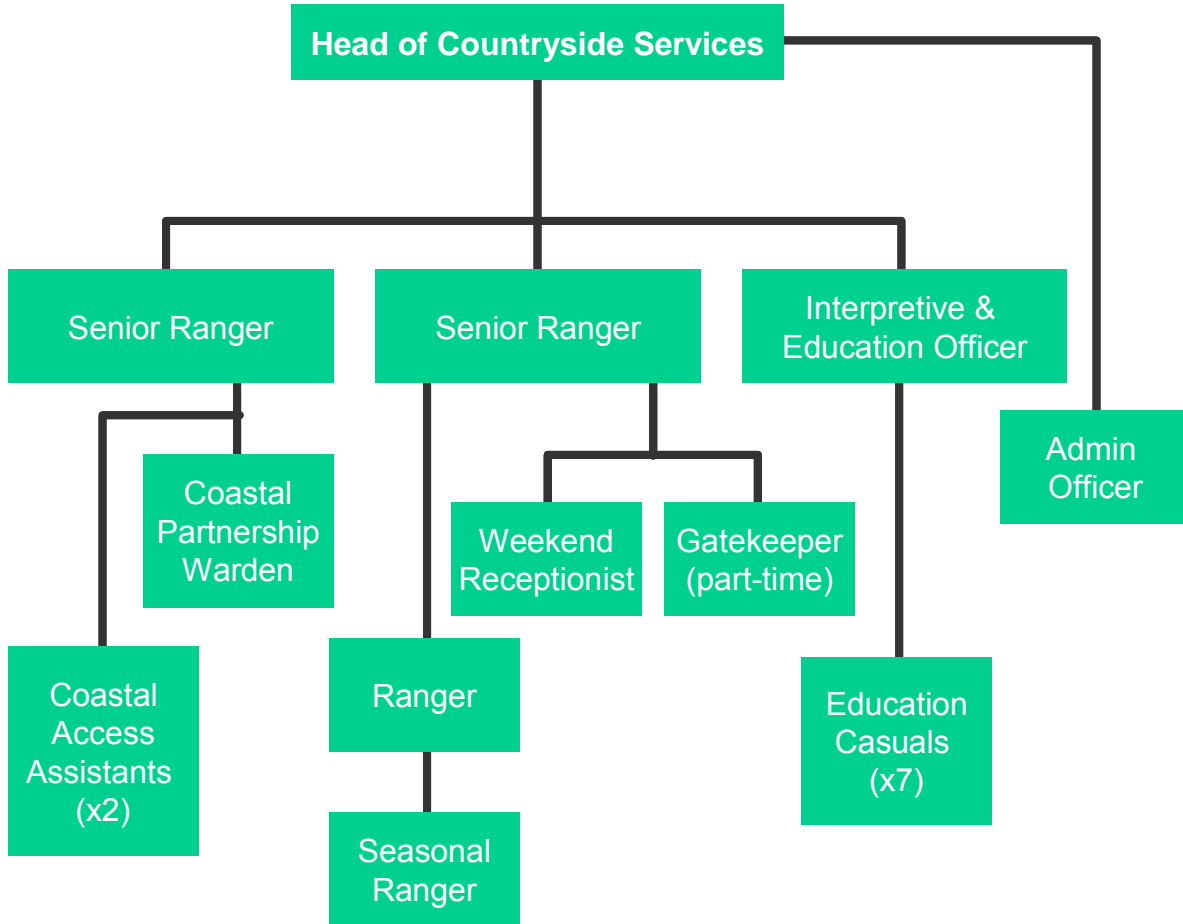


Figure 3: Structure of Countryside Services

## 3.2 | Statutory Duties

### 3.2.1 | Signposting and Waymarking



*Public Footpath No. 15 Buckley (NGR 3292 3648)*

The highway authority is required to signpost all rights of way where they leave a metalled road. The sign must indicate the status of the right of way, i.e. whether it is a footpath, bridleway etc. Signs may also include a destination and/ or a distance.

Authorities are also required to place signs, such as waymarkers, at other locations where they consider it necessary to assist people that are unfamiliar with the locality.

### 3.2.2 | Furniture

The law requires stiles and gates on footpaths and bridleways to be maintained by the landowner in a safe and usable condition, unless an agreement to the contrary exists. Landowners are entitled to claim at least 25% of the maintenance of stiles and gates from the highway authority. However, many authorities either provide materials in lieu of this contribution or extend funding to 100% by doing the work themselves. This is the case in

Flintshire, where stile kits are provided free of charge, but the landowner is normally expected to install them.

If an owner/occupier of land wishes to install additional stiles and gates they must apply for permission to do so. The highway authority can only grant such permission if the gate or stile is on land in use for agriculture, forestry or the keeping of horses, and necessary in order to prevent ingress or egress of animals. To erect a gate or stile without this authority may constitute a criminal offence.

### **3.2.3 | Obstructions**

The law requires the highway authority to ensure that the highway is clear of all unlawful obstructions and encroachments. In many cases a problem can be resolved with a simple request to the landowner to remove the obstruction. However, where co-operation is not forthcoming the authority has a wide range of powers to secure the removal of the obstruction, and recover any costs incurred in doing so. The authority may also prosecute in instances of non-compliance.

### **3.2.4 | Surfaces**

Highway authorities are responsible for the maintenance of the surface of public rights of way and for most bridges. Clearance of surface vegetation is the responsibility of the highway authority. Landowners are responsible for vegetation growing in from the sides or above.

## **3.3 | Current Network Condition**

### **3.3.1 | RoWIP Network Condition Survey**

A partial (10% - 188 paths) survey of the network was undertaken based upon a randomly selected sample of routes. The surveys were undertaken in accordance with the methodology prescribed for Best Value Performance Indicator 178. The indicator is a measure of the ease of use of local rights of way, and should allow effective comparison with neighbouring authorities. Easy to use means:

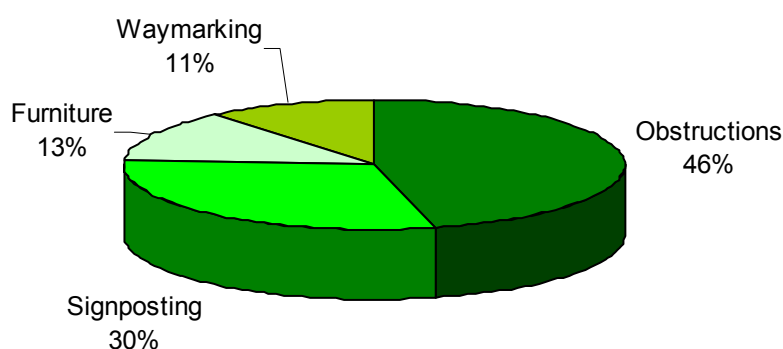
Routes are signposted or waymarked where they leave the road and waymarked to the extent necessary to allow users to follow the path;

- ▶ Routes are free from unlawful obstructions and other interference; and
- ▶ The surface and lawful barriers (e.g. stiles, gates) are in good repair.
- ▶ The surveys were carried out over a two-week period in October 2006.

### **3.3.2 | Findings**

A total of 188 paths were surveyed, of which only 73 were entirely free from problems, thus suggesting that only 38% of the total length of paths within the Flintshire County Council area are easy to use. Table 1 below identifies the main problems affecting the network.





From the 10% random sample, 284 problems were recorded. The most commonly encountered type of problem was an obstruction (46%) followed closely by poor signposting (41%). Figure 2 shows the types of obstructions encountered on the 10% random survey

Table 1: Problems affecting the network

Type of Obstruction	Number	Percentage
Fence	42	32
Undergrowth	14	11
Barrier	9	7
Tree	9	7
Overgrowth (localised)	9	7
Tied Up Gates	9	7
Surface	6	5
Locked gates	6	5
Overgrowth (sides)	6	5
Crops	5	4
Buildings	5	4
Steep Slope	2	2
Plantation	1	1
Misleading signs	1	1
Ditch	1	1
Wall	1	1
<b>TOTAL</b>	<b>126</b>	<b>100</b>

The most common type of obstruction encountered were fences across paths, without proper crossing provision (32%); and, vegetation around stiles, growing in from the sides and on the surface of a path, so as to obstruct or render them inconvenient to use (23%). Issues such as misleading signs and missing bridges were less common.

Signposting and waymarking was generally quite poor, accounting for over a third of the problems affecting the ease of use of paths, including 86 road signs missing, or in need of replacement, and 31 locations were recorded as being unclear and in need of waymarking or additional signposting.

Path furniture, such as barriers and gates, were found to be in reasonable condition, and whilst a high proportion of stiles and gates required some attention, few needed complete replacement. One bridge was found to be missing, rendering the path unusable. In total only 37 items were identified as needing attention or replacement.

Figure 2: Type of Obstruction

### **3.3.4 | Performance Indicators and Monitoring**

Work on rights of way in Flintshire, in common with many, if not most, other authorities in Wales, is very much reactive. There is no set inspection routine other than the yearly best value performance indicator surveys, so most of the work arises from complaints from third parties.

Complaints about rights of way are either simply recorded in a book stating the date received, the date resolved and a date of reply; or recorded on the CAMS (Countryside Access Management System) – a computerised management system for mapping, monitoring and recording work on rights of way. At the moment, it is on one computer with only one operating licence. However, the County Council will be purchasing an updated version of CAMS with more than one licence so that it may be used both by the Rights of Way Team in County Hall and by the Rights of Way Inspectors based in Halkyn. It is anticipated that the migration of the definitive map to a digital version will be completed within two years of its purchase.

Regular inspections could aid the authority in taking a proactive approach to managing the rights of way network, by actively seeking out problems and providing a regular presence on the network. In undertaking regular inspections an authority can plead the statutory defence provided by Section 58 of the Highways Act (1980) when faced with a claim for damages.

### **3.3.5 | Comparison with Best Value Performance Indicator returns**

The random 10% survey undertaken as part of the ROWIP assessment was carried out in accordance with the detailed survey methodology defined for the calculation of the BVPI for Rights of Way - Percentage of paths “that are “Easy to Use”. This allowed detailed analysis of the findings and resulted in a finding of 38% of paths meeting the “Easy to Use” criteria.

Consideration of the data collected by Flintshire Council, for the compilation of their BVPI returns revealed that whilst they had collected their data using the same methodology, they had used the simplified method of data recording, meaning that detailed data analysis was not possible.

The 2005/06 performance indicators report that Flintshire County Council submitted a return of 67% of its public rights of way meeting the “Easy to Use” criteria, ranking it fourth in Wales, following Merthyr Tydfil (90.49%); Blaenau Gwent (84.33%); and Caerphilly (80.46). The overall figure for the whole of Wales was 41%.

There is clearly a significant difference (29 percentage points) between the ROWIP survey assessment returns (38%) and those submitted for the BVPI (67%) despite the use of the same methodology. This could be explained by the fact that the paths chosen for the ROWIP survey were not representative of the network as a whole or that the sample size and survey methodology are not reliable. There is also some degree of subjectivity to the whole survey process.

### 3.3.6 | Comparison with the 2002 Welsh National Condition Survey

The 2006 10% random survey results compare well with those found for the Flintshire County Council area in the Welsh Rights of Way Condition Survey in 2002. Between 2002 and 2006 the provision of signs where paths leave a road has improved by 8 percentage points, with an estimated 70% of all paths being signed. This is well above the national average in the 2002 report of 39%. The overall condition of path furniture also appears to have improved by 8 percentage points to 91% compared to the national average of 83% (2002).

Infrastructure	Flintshire 2006	Flintshire 2002	All Wales 2002
Signposts	70%	62%	39%
Path			
Furniture	91%	83%	83%

Figure 3. Infrastructure in Good Repair

The types of obstructions recorded during the 2006 surveys are similar to those reported in the 2002 report. Field boundaries (in particular fences) were the most common type of obstruction recorded in both surveys.

### 3.3.7 | The availability of the network to different types of users, including those with mobility problems

The assessment found that 56% of paths surveyed within urban areas had natural and sometimes slightly uneven surfaces. The upgrading of the surface condition of such routes, combined with the removal or modification of barriers, could significantly increase the accessibility of many urban routes for people with a wide range of disabilities, the elderly and mothers with pushchairs. Hard surfacing would also ensure these routes are usable all year round.

Accessibility in rural areas could be significantly improved by adopting a “least restrictive” approach throughout the network. Many access points and structures could be improved by removing unnecessary structures and barriers, replacing stiles with gates and by adopting recommended specifications for structures. The assessment found that 91% of the stiles on the paths surveyed were single step structures, often without hand posts and with high steps or top rails. Furthermore, gates were commonly found to be tied to posts rather than properly hung, meaning they had to be picked up, to be opened and closed, rather than swinging freely. Kissing gates were often narrow.

### 3.3.8 | Current State of Definitive Map & Statement

The definitive map assessment reveals that there is a large backlog of work in almost all aspects (with the exception of third-party applications to modify the definitive map and statement under schedule 14 to the 1981 Wildlife & Countryside Act). This has been addressed through the appointment of a part time Public Rights of Way and Conveyancing Legal Officer in the County Financial Legal and Democratic Services Directorate, part of whose duties are dedicated to public rights of way. Given the scale of the backlog, however, additional resources will be required to significantly reduce or remove this altogether. At the very least this should mean a dedicated full time Legal Officer, an additional three members

of staff to process definitive map modification and public path orders and an Enforcement Officer.

The current definitive map is based upon an Ordnance Survey base map that in many instances is over 40 years old. This hampers the Council's Officers in making effective use of the information.

### **3.3.9 | Definitive Map Order Work**

In 2004 the Council identified a backlog of 174 legal events for which modification orders are required. The Council has not made a more recent estimate of the numbers, but it is considered that the figure is unlikely to have altered considerably since that time. There is no schedule of legal events. The Council made a start on this work but encountered difficulties with the quality of the original orders.

The Council has 14 outstanding Definitive Map Modification Order applications. It has also identified a further 144 anomalies that require investigation and determination.

### **3.3.10 | Public Path Order Work**

There are 12 Public Path Order applications outstanding. Additional to the formal applications from other parties, the Council has identified 67 cases where it considers paths may need to be diverted or extinguished (e.g. because of longstanding obstructions such as houses built over the line of the path).

## **3.4 | Other Access Provision**

### **3.4.1 | Open Access Land**

Since May 2005 walkers have been able to enjoy access on foot to many of the upland areas in Wales that were declared to be open access land and all registered common land under the Countryside and Rights of Way Act 2000. Most of the open access land in Flintshire is well connected by public rights of way. There are also a number of areas where the open access land borders a town or village with facilities such as shops or cafes.

### **3.4.2 | Access with Agri-Environment Schemes**

Tir Gofal, a whole farm scheme run by the Welsh Assembly Government, aims to protect the landscape, cultural features and associated wildlife on agricultural land. As well as receiving funding to manage a whole farm in accordance with Tir Gofal guidelines, there can be additional funding for training, capital works or the creation of permissive access. Access may be new linear routes, new area-based permissive access or access to an area for educational purposes. Anyone entering the Tir Gofal scheme must comply with all their legal responsibilities relating to public rights of way that cross the land covered by the agreement. This includes keeping them free from obstruction and reinstating them within the statutory timescale after ploughing. The Tir Gofal Scheme makes a valuable contribution to countryside access. However, all access provision is by agreement and is of a temporary nature.

There are currently four farms in Flintshire that allow educational access. This access is not measured by length or volume, but the landowner must have a minimum of six visits per year to qualify for payment.

Type of Access	Area (ha)	Length (m)
Access for Education	-	-
Access Areas	18.87	-
Access for people with disabilities	-	370
Bridle paths and Cycle paths	-	1300
Footpaths	-	4830
<b>TOTAL</b>	<b>18.87</b>	<b>6500</b>

Figure 4. Lengths and Areas of Permissive Access under Tir Gofal in 2006

### 3.4.3 | Private Permissive Paths

There may be a number of private permissive paths throughout the County. However, there is no formal record of them. Such paths have no legal status, but there are often agreements set up with a landowner or organisation to allow access. This often occurs where a short stretch of land provides a vital link in a route or a popular short cut. As with the permissive access given under the Tir Gofal Scheme there is always the possibility that the landowner may withdraw permission for access.

### 3.4.4 | Coastal Access

The Wales Coastal Access Improvement Programme (WCAIP) has been developed to improve access to the coast both for local communities and visitors, primarily through improvements to local paths. It is intended to connect existing trails to create a coastal path spanning the entire shoreline of Wales. The Countryside Council for Wales (CCW) is administering the national programme with each local authority developing its own local programmes.

This project will provide a valuable opportunity to raise the profile of the coastal zone around the Dee Estuary, which is a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC).

### 3.4.5 | Cycling Routes

Route 5 of the National Cycle Network opened in June 2000 and runs from the Cheshire border through Flintshire, for a distance of 52km, to Prestatyn. This includes 13 kilometres of traffic-free cycle path. In recent years the profile of cycling in Flintshire has increased with a dramatic increase in both utility and recreational cycling.

### **3.4.6 | Access in Parks and Nature Reserves**

There are a number of nature reserves and parks throughout Flintshire. Access to these is gained via a combination of public rights of way and permissive paths, which enable the public to explore some of the most attractive parts of the County. They include:

- ▶ Wepre Park;
- ▶ Greenfield Valley Heritage Park
- ▶ Nant y Ffrith
- ▶ Waun-y-Llyn Country Park
- ▶ Loggerheads Country Park
- ▶ Moel Fammau Country Park
- ▶ Gathering Ground Wood and Llwyni Pond Local Nature Reserve
- ▶ Gronant and Talacre Dunes SSSI
- ▶ Moel Findeg

## 4.0 | Flintshire Statement of Action

### 4.1 | Management of the Network

A priority of the ROWIP will be the development, adoption and promotion of a set of enforcement policies and procedures.

The lack of funding for rights of way maintenance is seen as a major issue for the Council and it is essential that increased revenue budget provision or an annual capital sum for improvement works is sought. If additional resources are not forthcoming, consideration could be given to the re-allocation of existing resources from within the County Council's overall budget.

The partnership-working element of rights of way work will be developed further including working with other internal departments, town and community councils, the Forestry Commission and the Woodland Trust etc to formulate action plans, improve local maintenance regimes and pursue maintenance agreements with landowning organisations. Flintshire will also look at innovative sources of funding such as lottery bodies and charitable trusts to see if there is any scope for using these to improve the rights of way network.

To ensure that standards on the network improve, the highway authority will consider introducing a more rigorous inspection regime.

### 4.2 | Management

It is imperative that management practices are examined closely to identify any cost-savings or areas that could be improved with minimal investment. Clear policies and procedures will protect the officers as well as helping all involved to be aware of what is expected. Once a solid framework is in place then all other work can be planned around this.

As with many local authorities, Flintshire would benefit from finding ways of increasing the communication and joint working between all departments working on Rights of Way. Consideration could also be given to joint working with other local authorities.

It is also imperative that an effective management and monitoring system be set up and used by all those involved in rights of way work. A simple system could be set up in house. The important factor is not so much what system is set up, but that it is used to accurately record all information, and monitored on a regular basis to ensure progress is being made, and allow a strategic overview to be taken.

Although there is no imminent increase in funding for rights of way work, it should not be ruled out in the future and staff and supporters should work to demonstrate how essential additional such funding is. With this in mind, it is even more important to give particular attention to the possibilities of external funding. This may be an additional benefit of working in partnership with some groups or charities.

Ways of making the current funding go further should be considered, such as increasing the involvement of the community councils either informally or by formal maintenance

agreements. The authority should also actively seek out possible partners for joint working and funding.

Whilst it is unlikely that the authority will be able to fund the required increase in staffing, the network remains in a poor condition and requires significant investment in order to realise its true potential in supporting local tourism and economy.

Flintshire already successfully uses volunteers for work on rights of way. This should be developed by seeking additional volunteer work opportunities and the use of more groups.

### **4.3 | Improving the Network**

While this document intends to set out how the Council proposes to improve the rights of way network, it is important to first look at the current problems that restrict use of the network. Much of the work undertaken in the first few years of this cycle of the ROWIP will have to focus on bringing the network up to an acceptable standard, whilst making plans for improvements proposed for future years.

The ability to use or enjoy a number of paths is spoiled by a lack of maintenance, particularly in the case of paths that become easily overgrown or encroached by hedges. It would seem that people see some areas as being well maintained but others neglected. Although it is acknowledged that there is not a huge amount of funding available for work on rights of way, numerous comments suggested that the current level of maintenance was not sufficient to keep the network in good condition and that additional work was needed. As time and money are an issue the prioritisation system identified by a sub-group of the Flintshire Local Access Forum will have an important role to play in the management of public rights of way in Flintshire.

The rights of way network in Flintshire is seen as a valuable resource for all residents and visitors for healthy living, transport, day-to-day living, recreation and tourism. There are very strong feelings that it should be looked after properly and developed. The current level of maintenance is seen as inadequate and some parts of the network are in a poor condition.

It is apparent from the responses to the user needs assessments that the rights of way network, in its present condition, does not meet all the needs of the public. It is also apparent from the Focus Group sessions that, even if improvements to the network as envisaged in this ROWIP occur, that those needs will still not be met.

The County Council will therefore consider how to improve the existing situation by working with user organisations to identify gaps in the network, for example where the upgrading of a public footpath to a public bridleway might provide greater opportunities for horse-riders to enjoy a circular route that would not involve the use of vehicular highways. The use of disused railway lines will also be explored as a potential benefit for horse-riders, cyclists and pedestrians. The County Council will consider how those rights of way severed by the A55 Trunk Road may best be addressed. It will also consider making improvements to the network to make it more accessible for all to use. The Local Access Forum will play a key role in the ROWIP's implementation.

Rights of way that have been improved for the public must be appropriately promoted and publicised.



## 4.4 | Signage

A well signposted and well-maintained network of rights of way will encourage people to return. Therefore, maintenance and improvements on the ground are as important as literature when promoting the network.

It is important that whilst going to the expense of installing signs and waymarkers, the condition of the right of way is also considered and, if not adequate, dealt with at the same time.

## 4.5 | Clear Obstructions and Improve Enforcement

Obstruction of the network, whether accidental or deliberate, is an ongoing problem that needs to be addressed. There are also seasonal problems with paths that have been ploughed and not restored within the time limit and subsequently planted with crops that prevent public access.

Recent survey data suggests some improvement in network condition since the publication of the Wales Rights of Way Condition Survey report, raising the standard, in some areas, well above the national average reported for Wales in 2002. However, the network remains in a poor condition with only 38% of the path length easy to use. Only a third of paths surveyed were found to be entirely free from problems affecting the paths ease of use.

Obstructions account for almost half the overall problems affecting paths. The main type of problem encountered was a fence across a path, closely followed by poor signposting and vegetation management.

If the cost of the required works was spread across a five year period and added to the annual maintenance cost, the annual investment required for rights of way in Flintshire (per year, over the next five years) is estimated as £269,351.02 or £255.07 per km. This figure is based on the condition survey organised by the consultant who carried out the Assessments.

## 4.6 | Definitive Map

The main aim of the ROWIP with regard to Definitive Map work is to ensure that policies and procedures are written that reflect the current good practices and those practices put in place to ensure future quality of service. There are a number of other aims and tasks relating to the management of the Definitive Map, which will be beneficial through the first cycle of the ROWIP. Necessary actions include:

- ▶ preparing a Statement of Priorities for Definitive Map review;
- ▶ determining the outstanding applications for Definitive Map Modification Orders.
- ▶ having a programme in place to remove the backlog of legal event modification orders
- ▶ reviewing the outstanding anomalies to determine whether there is a case for a Definitive Map Modification Order to be made.

### Legal Event Modification Orders

Outstanding legal events will be identified and listed. The appropriate legal event modification orders will then be made to incorporate them into the definitive map. Once completed, the

Council will make future legal event modification orders at appropriate intervals so as to avoid a future backlog of this work.

**Quality of the base Ordnance Survey mapping and the definitive statements**

The Council plans, in the mid to long term, to migrate the Definitive Map to a new, up-to-date Ordnance Survey base using a digital system.

**Public Path Order Work**

The backlog of public path order applications will be reviewed (given the age of the oldest applications) and prioritised.

**Authority-promoted orders**

The Council will review all cases where it is proposed to make a public path order to resolve an obstruction or other anomaly and determine if this is the only possible solution.

The Authority will develop an appropriate and robust enforcement policy and take action to ensure that rights of way are not in future built on. It will adopt a firm attitude to enforcement where development is commenced before the path order process is concluded. There will be improved liaison between the Rights of Way and Development Control (Planning) Sections to ensure that rights of way are properly taken into account when planning applications affecting them are received.

## 4.7 | Improve Accessibility



*Public Footpath No. 48 Buckley (NGR 3276 3632)*

The Disability Discrimination Act (1995) makes it illegal to discriminate against disabled people. Discrimination is treating a disabled person less favourably than someone else for a reason relating to a person's disability where the treatment cannot be justified. The Disability Discrimination Act (DDA) requires service providers to make reasonable adjustments to its policies and procedures for a disabled person. An authority failing to do so may be guilty of discrimination. Local authorities are classed as service providers under the Disability Discrimination Act (1995).

Accessibility is a key issue and it is recognised that it is essential to make the rights of way network accessible to as many people as possible. The replacement of stiles with gates wherever possible would be of benefit to many people. In Flintshire, there is a lack of areas that are accessible for those with disabilities, and in particular those with mobility problems. Whilst recognising that the development of inclusive access areas is expensive it is very important.

Accessibility must be assessed in its widest sense, to include the needs of users with physical, sensory or intellectual impairments and mental health problems. Older people also experience many of the same barriers as those with disabilities, yet may not class themselves as disabled. A high proportion of people experience temporary impairment such as broken bones or sprains. All of these situations need to be considered when planning improvements or maintenance.

Where physical works are required to improve accessibility, funding is often an issue for many authorities. Works of such a positive nature often fall outside the statutory boundaries of the highway authority, and may therefore attract funding from local organisations, businesses and funding organisations.

Considering the needs of the less able can bring positive benefit for all users, for example paths that are made suitable for wheelchairs will also benefit a number of other users such as people with pushchairs. Paths improved to the highest specification may also reduce annual maintenance costs.

When considering structures on public rights of way the Authority will work to the principle of 'least restrictive access'. This will encourage anyone installing or repairing a structure to consider if it needs to be there at all, or if it is the most appropriate structure, the least restrictive option being a gap. If a gate is required for stock control purposes then the design should be carefully considered taking into account the rights that a way carries.

#### **4.8 | The Development of bridleways and a cycle network.**

People are becoming more and more aware of the need to live a healthy lifestyle and take regular exercise. The rights of way network provides a place for people to walk, run, ride and cycle. Some parts of the network are also valuable as part of the local transport system, especially links to public transport and cycle routes.

#### **4.9 | Link up and develop the bridleway network**

The need for a linked up bridleway network has been highlighted, with people wanting circular routes and safe off road riding. Old disused railway lines were cited as one possible area for development into bridleways, an example of which is the proposal to convert the disused Mold to Saltney Junction railway line as footpath/cycleway, to encourage public use for commuting and leisure. The development of bridleways and multi-user routes would be of benefit to many users and should be considered wherever possible and appropriate.

#### **4.10 | Off Road Motor vehicles**

Apart from the vehicular highway network, motorised users are entitled to use the 11.2 km of byways open to all traffic within the County. There are isolated instances of illegal use of public footpaths and bridleways by motor vehicles, in particular motorbikes. The County Council would encourage such users to collaborate to identify alternatives to footpaths and bridleways to carry out their activities.

#### **4.11 | Publicity and Promotion**

It is easy to become distracted by the negative aspects of rights of way management, such as obstructions and broken furniture, and forget how important and valuable the promotion of the network can be. Not only will good publicity and promotion affect the perception of local residents, it will also attract visitors and revenue to the area.

Publicity and promotion may be split into categories: firstly, the promotion of the paths or particular routes, (such as the Wat's Dyke Way and other community/town council promoted paths and the Walks for Health initiative); and, secondly, the promotion of the work or the

authority. The Countryside Service currently has numerous high profile methods of publicity such as booklets and information through the web site. This is informative, up to date and gives the County a good image.

Good publicity and promotion are essential in ensuring the Council's work on rights of way is noticed and valued.

## 5.0 | Statement of Action – Task Format

To break down the various elements of the Council's targets for improving its Rights of Way functions, and the network as a whole, a Task Format has been adopted for inclusion in the Statement of Action.

### Definition

An explanation of the Task

### Existing Situation

Identifies the current situation and highlights the work that needs to be undertaken in order to complete the 'Task' and secure 'Improvements'

### Programme of Action

Defines the methods and timescales, utilising existing resources and having regard to other constraints, for achieving completion of the Task

### Performance Indicator

Defines the way in which progress within the Task will be monitored.

The following Task Themes are included on the following pages:

- ▶ **Task 1:** General
- ▶ **Task 2:** Definitive Map and other legal orders
- ▶ **Task 3:** Network Management
- ▶ **Task 4:** Other Access opportunities and promotion of the network

## 5.1 | Task 1 - General

- ▶ **Task 1.1:** Rights of Way Management
- ▶ **Task 1.2:** Policies and Procedures to be devised
- ▶ **Task 1.3:** All 'Requests for Action' from Customers are properly recorded and dealt with within defined timescales.

### Task 1.1 | Rights of Way Management

The County Council will review how the various elements involved in the management of the Public Rights of Way operate. In particular, it will consider how improvements in overall performance may be achieved.

### Task 1.2 | Policies and Procedures

#### Definition

In addition to being a valuable recreational asset, the public rights of way network is a system of public highways. The public have a legal right to use public rights of way and this right must not be unlawfully interfered with. The Council has a duty to assert and protect public rights of way and has access to a range of powers which can be used to assist in the fulfilment of this duty.

#### Existing Situation

The Council does not have any formally adopted policies and procedures for the management and protection of the rights of way network. This may result in inconsistencies in the manner in which problems are dealt with.

In order to ensure all customers receive a reasonable and consistent service the Council will adopt a range of policies and procedures. These will be used to ensure the effective management of the public rights of way network. The policies and procedures will cover issues such as how the authority will deal with non-compliance with legislation, such as failure to reinstate public paths after ploughing; obstructions and crops blocking paths. The formal adoption of policies and procedures will also result in a more cost-effective way of working and therefore offer best value to customers.

#### Programme of Action

The development of formal policies and procedures will be a lengthy process involving wide consultation. This will have a bearing on many other areas of improvement and so must be given a high priority.

In view of the size of this task policies and procedures will be initially developed for a few key areas of work. Some important areas that would benefit from being among the first to have procedures written would be:

- ▶ Stile and gate maintenance and authorisation
- ▶ Complaints procedure
- ▶ Enforcement

### **Performance Indicator**

A full set of policies and procedures to be in place in the first five years of the ROWIP. Policies on stile and gate authorisation and on enforcement to be a priority and to be adopted within two years of the ROWIP's publication.

### **Task 1.3 | All 'Requests for Action' from Customers dealt with within defined timescales.**

#### **Definition**

A 'Request for Action (RFA) is any contact with the Public Rights of Way unit from a customer, either internal or external to the Council, which results in the generation of work. RFA are therefore the first part of the customer service element of public rights of way management.

#### **Existing Situation**

Work on rights of way in Flintshire is very much reactive. There is no set inspection routine other than the yearly best value performance indicator surveys and the regime of bridge inspections, so most of the work arises from complaints from third parties. There are high levels of complaints received about footpaths in comparison to the rest of highways. These often come in surges that, with a small team, are difficult to manage.

Complaints about rights of way are currently recorded in a book stating the date received, the date resolved and a date of reply. Complaints are also logged on the CAMS computerised management system for mapping, monitoring and recording work on rights of way. However, it is on one computer with only one operating licence. Reports are generated from this to pass on to maintenance staff but this is not using the system to its full potential.

#### **Programme of Action**

It is imperative that RFA are dealt with in a fair and efficient manner. Guidelines stating how all communication should be recorded, and giving time limits for response, inspection and actions will ensure consistency. As there are many officers who deal with right of way, then a computerised and accessible recording system would be of benefit, particularly if this could be accessed by all those who may receive RFA.

### **Performance Indicator**

Percentage of Requests for Action dealt with in accordance with agreed timescales.



## 5.2 | Task 2 - Definitive Map and other Legal Orders

- ▶ **Task 2.1:** Produce a Statement of Priorities
- ▶ **Task 2.2:** Remove backlog of applications to modify the Definitive Map and Statement and new applications determined within defined time scales.
- ▶ **Task 2.3:** Remove the backlog of legal Events requiring orders to be made and Process further legal Event Orders within a defined timescale.
- ▶ **Task 2.4:** Review Outstanding Definitive Map Anomalies
- ▶ **Task 2.5:** Process Public Path Orders

### Task 2.1 | Produce a Statement of Priorities

#### Definition

Applicants for Definitive Map Modification Orders (DMMOs) have various rights to appeal throughout the process. For instance, if the application has not been determined within 12 months of its submission, there is a right to request that the Welsh Assembly direct the Surveying Authority to determine an application within a specified time period. The Welsh Assembly acknowledges the amount of work faced by some authorities and has previously advised that they will take into account any published “Statement of Priorities” when considering such appeals.

#### Existing Situation

The Council has a significant backlog of work relating to the Definitive Map, but has no published Statement of Priorities. In view of competing demands for resources in this area, the Council needs to prioritise its work, and publish these priorities. If it does not, external bodies may impose deadlines and targets upon the Authority.

#### Programme of Action

A Statement of Priorities will be produced and circulated for consultation by May 2009. Once the consultation exercise has been completed member approval will be sought. No additional resources are required to complete this task.

#### Performance Indicator

Statement of Priorities adopted by October 2009, and then reviewed on an annual basis.

### Task 2.2 | Remove backlog of applications to modify the Definitive Map and Statement and new applications determined within defined timescales.

#### Definition

Applications for Definitive Map Modification Orders (DMMO) may be received to add unrecorded paths to delete ways that were added to the map in error, to remove / amend the alignments of ways that are incorrectly recorded on the definitive map and statement or to change any particulars in the statement. All applications should be determined within 12

months of the date of their receipt. If they are not, the applicant has a right to request the Welsh Assembly to direct the Council to determine the application within a specific timescale.

### **Existing Situation**

The Council currently has 14 outstanding applications for Definitive Map Modification Orders and does not always determine applications within 12 months of receipt. Applications do not “go away” and must be formally determined, even if this is outside the one-year period.

### **Programme of Action**

If the outstanding backlog of applications was to be cleared, it would be possible that any future applications could be determined within 12 months of receipt.

Consideration will be given to appointing a specialist Definitive Map Officer to undertake this and other related work.

### **Performance Indicator**

- ▶ Number of DMMO applications received per annum
- ▶ Percentage of DMMO applications determined within 12 months of receipt.
- ▶ Number of outstanding DMMO applications
- ▶ Appointment of three Definitive Map/ Public Path Order Officers

## **Task 2.3 | Remove the backlog of legal event modification orders within a defined timescale**

### **Definition**

Public Path Orders (PPOs) make changes to the network. Every time a change is made, by way of a PPO, it is also necessary to amend the Definitive Map and Statement using a separate legal order process. These Orders are known as Legal Event Modification Orders (LEMOs). This is primarily an administrative process with no opportunities for the lodging of objections etc. because each legal event will itself have already been tested and have been open to objections through the PPO process.

### **Existing Situation**

A 2004 report prepared by the Council identified a backlog of 174 legal events for which modification orders are required. The Council has not made a more recent estimate of the numbers, but it is considered that the figure is unlikely to have altered considerably since 2004. There is no schedule of legal events. The Council made a start on legal event modification order work but encountered difficulties with the quality of the original orders (i.e. the public path and other orders that are themselves the ‘legal event’), especially the older ones.

### **Programme of Action**

Outstanding legal events need to be identified and the appropriate legal event modification orders made to incorporate them into the definitive map. Once completed the Council needs

to set up a system to make any further legal event modification orders at appropriate intervals so that in future substantial backlogs will not arise.

The authority needs to make progress on removing the backlog of this work with a view to its complete removal, or solutions to difficult cases in place, within the next five years.

### **Performance Indicator**

No. of outstanding legal event modification orders by 2012 (should be close to zero)

All future Legal Event Modification Orders to be made within one month of Legal Event (e.g. public path order) coming into force.

## **Task 2.4 | Review Outstanding Definitive Map Anomalies**

### **Definition**

The Council has a duty to amend the Definitive Map and Statement upon the discovery of evidence that suggests such alterations are required. Such amendments are made using Definitive Map Modification Orders (DMMO). Anomalies may arise as a result of the Council undertaking other aspects of its public rights of way management functions, such as maintenance and enforcement work. These problems need to be investigated as thoroughly as applications for DMMOs, but are not governed by the same timescale.

### **Existing Situation**

The Council maintains a schedule of matters that they regard as Definitive Map anomalies. This schedule contains 99 cases that require further investigation. These cases mainly relate to instances where paths change status for no apparent reason or have missing links, thus rendering sections of cul-de-sac path, on the Definitive Map, if not on the ground. It is likely that additional cases will be identified as time goes by, especially if work on opening-up the network is accelerated.

Currently, little or no work is undertaken to reduce the number of outstanding Definitive Map anomalies.

### **Programme of Action**

With current resources, it may be possible to investigate, and bring to a conclusion, an average of three Definitive Map anomalies per annum. Therefore over the ten-year period of this Plan approximately a third of currently known anomalies should be resolved.

Additional staff resources will be required if this is to be improved upon.

### **Performance Indicator**

Percentage of paths, by length, that are free from Definitive Map anomalies.

## Task 2.5 - Process Public Path Orders

### Definition

Most Public Path Orders are made using the provisions contained within the Highways Act, 1980 or the Town and Country Planning Act, 1990. These pieces of legislation set down specific criteria that must be met before the change can be implemented. If there is a dispute over a proposed change, the Order may be referred to the Welsh Assembly, which may determine the matter by way of a Public Inquiry.

There is no statutory duty to make public path orders. Some costs relating to the processing of applications and subsequent Orders may be recharged to Applicants. The average cost of such Orders is thought to be in the region of £2000.

### Existing Situation

There are 12 Public Path Order applications outstanding, dating from 1992 onwards . Eleven are for diversion orders under section 119 of the Highways Act, 1980 and one for a diversion order under the Town and Country Planning Act 1990. In addition to the formal applications from other parties, the Council has identified 67 cases where it considers paths may need to be diverted or extinguished.

### Programme of Action

All cases identified by the Authority will be reviewed, with a view to identifying whether an alternative solution is available (e.g. enforcement action), and prioritised. A programme of work will be drawn up based upon these priorities.

Additional budgetary resources will be sought to deal with the cases where public path orders are the only viable solution (e.g. where a path has been built on by a dwelling).

### Performance Indicator

- ▶ Number of outstanding applications for Public Path Orders
- ▶ Number of other matters requiring a Public Path Order

### 5.3 | Task 3 - Network Management



*Public Footpath No. 2 Buckley (NGR 3270 3663)*

- ▶ **Task 3.1:** All Public rights of Way correctly signposted where they leave a metalled road.
- ▶ **Task 3.2:** Waymarks or signposts are provided over and above the requirement to sign paths of metalled roads.
- ▶ **Task 3.3:** The surface of every public right of way to be in proper repair, reasonably safe, suitable for expected use.
- ▶ **Task 3.4:** All bridges maintained in a safe condition and future problems resolved within defined timescales.
- ▶ **Task 3.5:** All problems involving path furniture (gates and stiles) to be resolved within set timescales
- ▶ **Task 3.6:** Address the backlog of obstructions and remove all misleading notices and other hindrances or impediments to use. Future cases will then be resolved within defined timescales.
- ▶ **Task 3.7:** To have a system of regular inspection of rights of way in place.

## Task 3.1 | All Public rights of Way correctly signposted where they leave a metalled road.

### Definition

Section 27 of the Countryside Act, 1968 (as amended) requires Highway Authorities to install and maintain a signpost wherever a right of way leaves a metalled road. These signs must indicate the status of the way, and may also include details of destinations and distances.

Signing paths where they leave a road may be a statutory requirement, but it also has many benefits. It helps people to locate the start of a path or to make them aware of the existence of a path, which in turn helps promote usage and builds on user confidence. Information on destination and distance may also help encourage modal shift for short journeys.



*Public Footpath No. 6D Mostyn (formerly Whitford)  
(NGR 3160 3789)*

### Existing Situation

The type and design of signposts varies across the Council's area. This is because of periodic changes in signposting practices over time. In addition to installing signposts at locations where they do not already exist, a maintenance programme is required to replace those signs that are in poor condition.

Overall, poor signage accounts for over a third of the problems affecting the ease of use of paths. During the 10% survey 86 road signs were identified as missing or in need of replacement. This would suggest a need for approximately 900 signs.

### Programme of Action

The marking of rights of way where it leaves a metalled road is considered particularly important.

A yearly programme of sign installation will be carried out, the exact number of signs per annum to be determined.

### Performance indicator

Percentage of the network signposted where paths leave a metalled road.

## **Task 3.2 | Waymarks or signposts are provided over and above the requirement to sign paths off metalled roads.**

### **Definition**

In addition to signpost all public rights of way where they meet a metalled road, the Council is also obliged to erect such signs (i.e. waymarking), as it considers necessary to assist with navigation along a route.

As promoted routes are designed to attract and encourage users unfamiliar with the locality, clear waymarking is essential to ensure that such visitors to the countryside enjoy their walk or ride. Effective waymarking can also help prevent misunderstandings or unintentional trespass onto private land.

### **Existing Situation**

There is little information about the extent of waymarking, which has been undertaken in the past, although the condition survey suggests at least 300 sites requiring additional or improved signage.

### **Programme of Action**

The waymarking of public rights of way is a very time consuming process and will be given a lower priority than some of the other work identified such as the removal of obstructions. However, when new stiles, gates etc are installed, or obstructions removed, any necessary waymarking will be undertaken at the time.

Waymarking of promoted routes will be given priority over other public paths.

In the first five years of the ROWIP the Council will endeavour to reach an acceptable level of waymarking. It is essential when considering waymarking to first take into consideration the condition of the path. Any issues which would make the path unusable or dangerous shall be dealt with prior to adding waymarkers.

### **Performance Indicator**

Percentage of paths that meet the 'easy to use' criteria in the BVPI methodology in respect of waymarking.

### **Task 3.3 | The surface of every public right of way to be in proper repair, reasonably safe and suitable for expected use.**

#### **Definition**

The Council is normally responsible for the maintenance of the surface of public rights of way, including the removal of vegetation growing on them. The level of maintenance necessary on individual paths depends upon the extent and nature of its use and the season of the year.

One problem faced by the Council is the breadth of its maintenance obligations. Paths range in character from virtually maintenance free field paths, to heavily used routes through villages etc, where a high standard of maintenance is expected.

The vast majority of public rights of way are highways maintainable at the public expense and should therefore be recorded on both the definitive map and statement and the list of streets.

#### **Existing Situation**

The main problem with this task is the clearance of seasonal vegetation. Under current working practices a selection of paths are on an annual strimming schedule and any others are cleared as a response to individual requests. Paths are sometimes added to the schedule as they are cleared.

Surfaces of paths in urban and urban fringe areas could also be upgraded. The assessment found that 56% of paths surveyed within urban areas had natural and sometimes slightly uneven surfaces. The upgrade of such routes combined with the removal or modification of barriers could significantly increase the accessibility of many urban routes for people with a wide range of disabilities, the elderly and mothers with pushchairs. Hard surfacing could also ensure these routes are usable all year round.

#### **Programme of Action**

The annual maintenance programme will be updated to ensure that all public paths identified as requiring regular clearance are cleared on a regular basis. In order to save costs, consideration will be given to prioritising vegetation clearance, with more important paths receiving additional cuts to those lower priority paths.

A proactive programme needs to be drawn up to undertake work on path surfaces, particularly in areas of higher population.

#### **Performance Indicator**

Length of paths cleared of seasonal vegetation per annum.

Percentage of paths that meet the 'easy to use' criteria in the BVPI methodology. in respect of surface condition.



### **Task 3.4 | All bridges maintained in a safe condition and future problems resolved within defined timescales.**

#### **Definition**

The highway authority is normally responsible for bridges crossing natural features such as rivers and streams. Bridges over man-made features, such as drainage ditches etc may be maintainable by the landowner.

#### **Existing Situation**

There are approximately 160 footbridges within Flintshire, of which it is estimated that 80 (or 50%), require work of some description on them and a further 37 require monitoring .

#### **Programme of Action**

The County will continue its biannual inspection programme, where problems are identified and work prioritised.

#### **Performance Indicator**

Percentage of bridges that are in a satisfactory condition within ten years of the ROWIP's publication.

### **Task 3.5 | All approved and necessary path furniture (stiles and gates etc) to be in place, maintained in a safe and convenient condition and future problems resolved within defined timescales**



*Public Footpath No. 39 Flint - Wat's Dyke Way (NGR 3215 3725)*

#### **Definition**

Landowners are responsible for the maintenance of any gate, stile or other similar structure on a public right of way. These structures must be maintained in a safe condition in order to prevent unreasonable interference with the rights of the user. A landowner is entitled to claim a minimum of 25% of the cost of such maintenance, in recognition of the dual function of the structure for stock control and public access.

#### **Existing Situation**

Of those structures currently in place, many did not satisfy the requirements of the British Standard, and would therefore benefit from improvement, replacement or complete removal. In addition it is estimated that 90 gates and 250 stiles currently need replacing. It is further estimated that a similar number of structures will require attention on an annual basis

#### **Programme of Action**

When undertaking work on path furniture the Council will adopt a policy of the “least restrictive option” and seek the removal of barriers to access in preference to their continued existence.

#### **Performance indicator**

Percentage of Path Furniture that is easy to use.

## **Task 3.6 | Address the backlog of obstructions and remove all misleading notices and other hindrances or impediments to use. Future cases will then be resolved within defined timescales.**

### **Definition**

The Highway Authority has duties to assert and protect the rights of the public to enjoy any highway and to remove any unlawful obstructions. The law also provides wide-ranging powers to enable the Council to carry out these duties. These include taking direct action, followed by the recovery of costs and powers of prosecution.

### **Existing Situation**

Recent survey data suggests some improvement in network condition since the publication of the Wales Rights of Way Condition Survey report (2002). However, the network remains in a poor condition with only 38% of paths being 'easy to use'. Only a third of paths surveyed were found to be entirely free from problems affecting the paths ease of use.

Obstructions account for almost half the overall problems affecting paths. The main type of problem encountered was a fence across a path.

### **Programme of Action**

As identified previously, there is a need for an effective enforcement policy and procedure. This will be drafted and implemented within two years of the ROWIP's publication

A programme of enforcement action will be implemented within the three years of this plan, with default action being taken where co-operation is not forthcoming. A dedicated Enforcement Officer will be appointed to carry out these duties.

Consideration will be given to seeking criminal proceedings against repeat offenders.

Maximum publicity will be sought to publicise successful actions.

### **Performance Indicator**

- ▶ Appointment of Enforcement Officer
- ▶ The percentage of paths clear of obstructions.

### **Task 3.7 | To have a system of regular inspection of rights of Way and a comprehensive monitoring system of work done and requested.**

#### **Definition**

Regular inspections of the network will assist the authority in taking a proactive approach to managing the rights of way network, by actively seeking out problems and providing a regular presence on the network. In undertaking regular inspections an authority can plead the statutory defence provided by Section 58 of the Highways Act (1980) when faced with a claim for damages.

#### **Existing Situation**

No regular regime of inspecting the rights of way network is undertaken. Current inspections relate directly to complaints. This does not meet any inspection requirements for the statutory defence against claims.

#### **Programme of Action**

A programme of regular inspection, for insurance purposes, is only likely to be possible if there is a substantial staffing increase, though it may be appropriate to enter into agreements with community/ town councils and other volunteers such as the Ramblers to survey a particular route once a year. It would be essential for any such system to be properly quality-controlled.

The Council's insurers are to be consulted in relation to this matter and any likely risks.

#### **Performance Indicator**

Length of public rights of way inspected per annum.

## 5.4 | Task 4 - Other Access Opportunities & Promotion of the Network

- ▶ **Task 4.1:** To Improve and Develop Access to the Coast
- ▶ **Task 4.2:** Improve Equestrian Access
- ▶ **Task 4.3:** Improve Cycle Access
- ▶ **Task 4.4:** To Improve Accessibility for All, where possible
- ▶ **Task 4.5:** To improve and extend the network
- ▶ **Task 4.6:** Guided and Promoted Walks etc
- ▶ **Task 4.7:** Annual Report

### Task 4.1 | To Improve and develop access to the coast

#### Definition

The Countryside Council for Wales (CCW) is administering the national Wales Coastal Access Improvement Programme (WCAIP) with each local authority developing its own local programmes. This Programme has been developed to improve access to the coast both for local communities and visitors, primarily through improvements to local paths, with the intention of connecting existing trails to create an excellent coastal path spanning the entire shoreline of Wales.

#### Existing Situation

Various groups have an interest in this area, including conservation groups and businesses, and many have welcomed the proposed improvement initiative. Actual works to be carried out are still subject to approval by CCW, but the Flintshire project outline includes developing a long term framework for partnership management of the coastal zone; targeting key links which provide access to the coast as well as creating linear routes from communities and improving access for those with prams or wheelchairs. Public rights of way leading to the coastal edge are to be targeted as is publicity and the promotion of the Dee estuary as a valuable asset.

#### Programme of Action

Following funding from CCW the authority has a plan for the work it intends to do as part of the WCAIP and has already begun this work.

#### Performance Indicator

None.

## Task 4.2 | Improve Equestrian Access

### Definition

In many areas the public rights of way network predominantly comprises public footpaths with only a limited number of, usually, widely-separated bridleways and byways open to all traffic. The equestrian network can then be further supplemented by the network of minor vehicular highways.

### Existing Situation

The equestrian network is currently fragmented. There are even fewer opportunities for carriage driving using the rights of way network.

### Programme of Action

The Council will work with equestrian user groups such as the British Horse Society, landowners and the Local Access Forums to identify current provision with a view to securing greater off-road opportunities for horse-riders and carriage drivers within Flintshire. This may include the use of disused railway lines and the possible development of quiet lanes. A number of gates on bridleways need improving to make them accessible for horse-riders. A survey will be carried out to establish the extent of the problem and to identify which routes need to be improved.

### Performance Indicator

No. of gates installed on bridleways per annum to make them more accessible to horse-riders and pedestrians.

Length of new public bridleway and restricted byway created per annum.

## Task 4.3 | Improve Cycle Access

### Definition

In recent years, developments to facilitate the growth in cycling and mountain biking, both as a recreational activity, largely aimed at increasing tourism and as method of sustainable transport, have been substantial. Access to riversides, coastal stretches and forests has vastly improved.

### Existing Situation

Route 5 of the National Cycle Network opened in June 2000 and stretches for 52km from the Cheshire border, through Flintshire to Prestatyn. This includes 13 kilometres of traffic-free cycle paths. In recent years the profile of cycling in Flintshire has increased with a dramatic increase in both utility and recreational cycling.

The Dee Coastal Path is currently under construction. The Coastal Path is to be a 3 metre wide off road walking and cycling route aimed at both leisure and utility use. Of the 55 km

route between Prestatyn and Chester and on to the Wirral, 16km is now complete. The sections completed so far are:

- ▶ From Shotton to Chester on the North bank of River Dee;
- ▶ From the A548 at Aber Road to Dee Cottages in Flint;
- ▶ A link into Deeside Industrial Park (Toyota Link), which is now partially completed.

### Programme of Action

Future plans hope to provide links from National Cycle Route 5 into town centres and to railway stations. The route has proved extremely popular with walkers and cyclists. There is also a clear and identified need to provide links from the main routes to populated areas and stations. The Council will work with organisations such as Sustrans and landowners to provide new links.

### Performance Indicator

No. and length of new dedicated cycle routes opened per annum.

## Task 4.4 | To Improve Accessibility for All



*Public Footpath No. 39 Flint - Wat's Dyke Way (NGR 3215 3725)*

### Definition

The Disability Discrimination Act (1995) makes it illegal to discriminate against disabled people. Discrimination is treating a disabled person less favourably than someone else for a reason relating to a person's disability where the treatment cannot be justified. The Disability Discrimination Act (DDA) requires service providers to make reasonable adjustments to their policies and procedures for a disabled person. An authority failing to do so may be guilty of discrimination. Local authorities are classed as service providers under the Disability Discrimination Act (1995).

The Countryside and Rights of Way Act 2000 amends section 147 of the Highways Act (1980) for local authorities to have regard for people with mobility problems when authorising structures such as stiles and gates on public footpaths and bridleways.

The Act further allows an authority to enter into agreements with landowners to improve structures upon rights of way to benefit disabled people.

### **Existing Situation**

A number of issues were raised during a local focus group session on making rights of way more accessible. It was noted that only one site, Wepre Park, offers suitable access for a day trip for people with disabilities, particularly those who are wheelchair bound. Many of the routes available within the park are linear and users would benefit from circular links.

Generally it was felt that the accessibility of the network as a whole was quite poor. Stiles and steps were perceived as major problems for many people. The quality of surfaces was also discussed, the group feeling that better drainage could make a significant difference for all users of paths during winter months.

Whilst the group agreed that the majority of people with disabilities could use stiles, the design of such structures within Flintshire was a problem. Handrails or posts beside stiles were proposed as a small-scale improvement with the potential to make a significant difference for many users. The adoption of a standard design was also proposed.

Good quality information on routes was also highlighted as a problem. Detailed information and maps, where appropriate, were proposed.

### **Programme of Action**

Improving accessibility must start with a comprehensive audit of the existing network and of the publicity and promotional literature available. The views of users with sight and mobility problems will be sought as part of this process. The audit will help to identify, plan and prioritise work. There are likely to be many existing access opportunities and the County Council will do more to raise awareness of these opportunities by publicising them.

Considering the needs of the less able can bring positive benefit for all users, for example paths that are made suitable for wheelchairs will also benefit a number of other users such as people with pushchairs and walkers accompanied by dogs. The improvement of paths in urban areas could provide opportunities for healthy walks. Paths improved to the highest specification may also reduce annual maintenance costs.

### **Performance Indicator**

A Plan drawn up for a programme of improvement to selected paths by 2010

A percentage of paths should be examined each year in addition to the BVPI surveys to assess their suitability for all access use.



## **Task 4.5 | Improving and extending the network**

### **Definition**

Although there is already an extensive network of public rights of way, in particular public footpaths, there are certain gaps in the network, which if removed, would provide opportunities for circular routes. A particular concern is those paths severed by the A55 Trunk Road. (i.e. public rights of way that terminate each side of the A55 with the only provision for crossing at-grade). There may also be opportunities to develop circular walks from Offa's Dyke National Trail within Flintshire.

### **Existing Situation**

There are gaps in the rights of way network, which may prevent the public from using the network to its full potential.

### **Programme of Action**

In conjunction with the Local Access Forum and relevant landowners the County Council will identify where there are significant problems and establish the best means of resolving these, taking into consideration the availability of funds to implement any improvements. Rights of Way will be taken into consideration whenever future improvements to the A55 occur. There will also be opportunities for further analysis of the network provision through any annual work-programme.

### **Performance Indicator**

A plan prepared within ten years of the ROWIP's publication identifying solutions to specific problems, such as lack of provision for different users of the rights of way network.

## **Task 4.6 | Guided and Promoted Walks etc**

### **Definition**

It is essential that rights of way and the work of the highway authority are appropriately promoted and publicised. Good information can improve the public's understanding and appreciation of the countryside. Attractive leaflets and posters are a prime way of advertising walks events or attracting people to an area.

Promotion and publicity must be appropriate to the needs of users and take into consideration all types of user.

### **Existing Situation**

Promotional literature and onsite information are provided to a high standard and cover most areas within the county. For example, the Walkabout Flintshire project instigated as part of the Walking the Way to Health initiative, which aims to improve people's health and well being by promoting regular brisk walking, by providing a programme of free led short weekly

walks and longer walks around the Flintshire area, primarily using the public rights of way network.

Leaflet and literature provision is very much directed toward walking. an example of good practice including Rural Walks in Flintshire produced by Flintshire's Countryside Service in collaboration with the Ramblers and CCW. Little information exists on cycling, mountain biking, and horse-riding or on opportunities for disabled, blind or partially sighted people. Staff were also missing key opportunities to promote their work.

The Council's website contains a wealth of information and links to literature promoting Flintshire's countryside. Opportunities for improvement include providing specific information on rights of way or the rights of way service, information on the rights of way team, promoting its work, information on rights and responsibilities on public rights of way, links to walking, cycling and riding pages and specific contacts.

### **Programme of Action**

Opportunities to improve promotion and publicity include:

- ▶ Review of current provision of publicity material for its suitability
- ▶ Provision of more information on rights of way and associated costs
- ▶ Seek advice form the Local Access Forum on any new information
- ▶ Provision of information on access land
- ▶ Provision of site maps for countryside sites and walks
- ▶ Use of more pictures/ images and maps
- ▶ Use of the website to promote 'a walk of the month'
- ▶ 'On-line' facilities to report a problem directly to rights of way staff

The Council will seek to develop and promote its rights of way functions and countryside access wherever possible. It is, however, recognised that this is not a statutory function of the Council and it may have to take a lower priority than other statutory work.

### **Performance Indicator**

None

## **Task 4.7 | Annual Report**

### **Definition**

Internal promotion is an area that is often neglected, and as a result, rights of way work is overlooked, unappreciated and often under-resourced. As a function, rights of way hold the potential to reflect the Council in a good light with a stream of success stories and positive press attention. Annual reports can help raise the profile of rights of way work both internally and externally. Reports not only identify successes but also identify and raise awareness of deficiencies in resources, bringing them to the attention of those who can make changes. It is also necessary to develop a suitable 'vehicle' to provide the public with an annual update on progress towards the implementation of tasks contained within the Rights of Way Improvement Plan.

### **Existing Situation**

The Council currently does not produce any form of annual report on the work it undertakes on public rights of way.

### **Programme of Action**

The County Council will produce an annual report for circulation to all interested parties. The report will include articles on specific projects and achievements as well as report on overall progress towards the completion of Tasks set out within the Rights of Way Improvement Plan. This will include associated milestones, targets and timetables for action, which are not included within this document.

### **Performance Indicator**

A report published by a specific date each year outlining progress on the targets and performance indicators identified in the ROWIP.