

<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>Report to:</b>	<b>County Council</b>
<b>Date:</b>	<b>25 September 2018</b>
<b>Subject:</b>	<b>Approval of new Rights of Way Improvement Plan (2018-2028) and revised public rights of way policies</b>
<b>Portfolio Holder(s):</b>	<b>Councillor Bob Parry</b>
<b>Head of Service Interim:</b>	<b>Huw Percy</b>
<b>Report Author:</b> Tel: E-mail:	<b>Arwel Evans</b> <b>2367</b> <a href="mailto:ageht@anglesey.gov.uk">ageht@anglesey.gov.uk</a>
<b>Local Members:</b>	<b>N/A</b>

<b>A –Recommendation/s and reason/s</b>
<p>To approve the new Rights of Way Improvement Plan (2018 – 2028) and revised public rights of way policies.</p> <p><b>Background</b></p> <p>A report was given to the Executive on 9<sup>th</sup> January 2017 advising that the authority’s first Right of Way Improvement Plan (RoWIP) was published in August 2008 and covers the period from 2008 to 2018. Thereafter it is a statutory requirement that the plan has to be reviewed and replaced. The report outlined the improvement plan review process, timetable and consultation arrangements.</p> <p><b>Initial Consultation and Public Participation</b></p> <p>Initial consultation on RoWIP review was undertaken between the end of March and end of May 2017, its purpose being to to inform people of the process and to invite contributions. Consultation included both statutory consultees identified in the Countryside and Rights of Way Act 2000 and non statutory consultees:</p> <ul style="list-style-type: none"> <li>• Town and Community Councils</li> <li>• Anglesey Joint AONB Advisory Committee</li> <li>• Anglesey Local Access Forum</li> <li>• Natural Resources Wales</li> <li>• Local Members</li> <li>• British Horse Society</li> <li>• Open Spaces Society</li> <li>• Ramblers Association</li> <li>• Byways &amp; Bridleways Trust</li> <li>• NFU</li> </ul>

- FUW
- Country Land and Business Association
- Sustrans
- Cycling UK
- National Trust
- Taran
- North Wales Advice and Advocacy
- The public (IACC website consultations)

Feedback was received predominantly by means of three online questionnaire surveys (public questionnaire, landowner questionnaire, Town & Community Councils questionnaire), with additional comments received by email and through social media. This feedback helped us to develop the new ROWIP.

### **Consultation on the draft RoWIP**

The [draft RoWIP](#) was published in May 2018. Consultation was undertaken by means of the County Council website, social media and email/ letter communication with the bodies contacted during the initial consultation phase. 12 weeks was allowed for representations in line with Welsh Government RoWIP guidance.

Response to this consultation was rather disappointing. A special meeting of the Ynys Môn Local Access Forum was held and useful feedback was received from the Local Access Forum, path user groups and other Council departments. This feedback has been considered and a few amendments are proposed to the draft RoWIP which are shown highlighted text in the document (**Appendix 1**).

In conjunction with RoWIP review the County Council has reviewed and updated our policies for public rights of way management (**Appendix 2**).

### **Action**

It is recommended that the Executive approves the new RoWIP and associated public rights of way management policies.

### **B – What other options did you consider and why did you reject them and/or opt for this option?**

Reviewing the ROWIP is a statutory requirement.

### **C – Why is this a decision for the Executive?**

Policy decision

### **CH – Is this decision consistent with policy approved by the full Council?**

Yes.

<b>D – Is this decision within the budget approved by the Council?</b>
Yes.

<b>DD – Who did you consult?</b>		<b>What did they say?</b>
1	<b>Chief Executive / Strategic Leadership Team (SLT)</b> (mandatory)	No observations
2	<b>Finance / Section 151</b> (mandatory)	No observations
3	<b>Legal / Monitoring Officer</b> (mandatory)	To be presented to the County Council.
4	<b>Human Resources (HR)</b>	
5	<b>Property</b>	
6	<b>Information Communication Technology (ICT)</b>	
7	<b>Scrutiny</b>	
8	<b>Local Members</b>	
9	<b>Any external bodies / other/s</b>	

<b>E – Risks and any mitigation (if relevant)</b>		
1	<b>Economic</b>	
2	<b>Anti-poverty</b>	
3	<b>Crime and Disorder</b>	
4	<b>Environmental</b>	
5	<b>Equalities</b>	
6	<b>Outcome Agreements</b>	
7	<b>Other</b>	

<b>F - Appendices:</b>
Appendix 1 – RoWIP 2018 – 2028 Appendix 2 – Public Rights of Way Management Policies 2018

<b>FF - Background papers (please contact the author of the Report for any further information):</b>



CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL

The Isle of Anglesey County Council

Rights of Way Improvement Plan 2  
(2018-2028)

*August 2018*



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<b>Acronym</b>	<b>Definition</b>
AT(W)A 2013	Active Travel (Wales) Act 2013
CA 1968	Countryside Act 1968
CRoW Act 2000	Countryside and Rights of Way Act 2000
DM&S	Definitive Map and Statement
DM&S	Definitive Map and Statement
DMMO	Definitive Map Modification Orders
E(W)A 2016	Environment (Wales) Act 2016
EA 2010	Equality Act 2010
HA 1980	Highways Act 1980
NPACA 1949	National Parks and Access to the Countryside Act 1949
PCA 1957	Parish Councils Act 1957
PRoW	Public Rights of Way
RoWIP	Rights of Way Improvement Plan
RTRA 1984	Road Traffic Regulation Act 1984
TaCCs	Town and Community Councils
TCPA 1990	Town and Country Planning Act 1990
WCA 1981	Wildlife and Countryside Act 1981
WFG(W)A 2015	Well-being of Future Generations (Wales) Act 2015



# **1. Introducing This Document**

## **1.1 Introducing RoWIP 2: Main Aims and Objectives**

Anglesey's First Rights of Way Improvement Plan was published by the Isle of Anglesey County Council in 2008. The RoWIP was a statutory requirement under Section 60(1) of the CRow Act 2000. The main purpose of the RoWIP was to adopt a strategic approach on the management and improvement of Anglesey's public rights of way (PRoW) network. The initial RoWIP assessed the extent to which:

- Anglesey's PRoW network met the present and likely future need of the public,
- The opportunities that the access network provides for open air-recreation,
- The accessibility of the network for disabled people including individuals who are blind/partially sighted or have mobility difficulties.

In 2018, Anglesey's initial RoWIP reaches the end of its 10 year time-frame, and as a consequence has undergone a statutory assessment and review. The Isle of Anglesey's Second Rights of Way Improvement Plan (ROWIP 2) has been produced in order to meet this statutory requirement. RoWIP 2 will remain in place for a 10 year period, up until 2028.

The main aims and objectives of RoWIP 2 are in line with the First RoWIP, which aims to strategically plan for improvements to Anglesey's PRoW network and to build upon the foundation and progress achieved by the First RoWIP. RoWIP 2 aims to strategically identify, prioritise and plan for improvements to Anglesey's PRoW network, in order to create an improved and a more inclusive and integrated rights of way network. In addition RoWIP 2 aims to meet the Welsh Government's aims of providing better provision for all types of users including: walkers, cyclists, equestrians and disabled people including individuals who are blind/partially sighted or have mobility difficulties. Additionally, RoWIP 2 will outline strategies, aims and objectives to holistically manage and improve the PRoW network to achieve wider social, environmental, and economic benefits to Anglesey and its people.

## **1.2 RoWIP 2 Purpose and Scope**

RoWIP 2 includes **3** statutory elements:

- The **Assessment**: outlining the adequacy and capacity of Anglesey's public rights of way network to deliver a wide range of aims and objectives.
- The **Statement of Action**: outlining strategies, aims and objectives for the management and improvement of the PRoW network to address the demands and needs identified in the assessment.
- The **Delivery Plan**: see 1.2.3

### **1.2.1 The Assessment:**

Welsh Government RoWIP Guidance specifies that these assessments should be made:

- The extent to which Anglesey's PRoW network meet the present and future needs of the public.

- The opportunities provided by the local PRow network for public enjoyment, exercise and other forms of open-air recreation (with emphasis on the provision of footpaths, cycle tracks, bridleways and restricted byways).
- The accessibility of Anglesey's PRow network to individuals who are blind/partially sighted or have mobility difficulties.
- An evaluation of the degree to which the previous RoWIP has been delivered.
- An evaluation of the present condition of the network and its record.
- Opportunities to contribute to Active Travel objectives.
- Opportunities to contribute to Well-being objectives.
- Opportunities to contribute to the delivery of other plans and priorities.

### 1.2.2 The Statement of Action

The Statement of Action forms an integral part and is the backbone of RoWIP 2. Statements of Actions are specific aims and objectives to strategically identify, prioritise and plan for improvements to Anglesey's PRow network, to:

- Effectively manage the PRow network.
- Secure an improved and more inclusive PRow network.

### 1.2.3 The Delivery Plan

Revised ROWIPs, unlike the original, must contain a Delivery Plan as an annex to the main document. Delivery Plans must be reviewed at intervals for the duration of the ROWIP period and must contain 3 components:

1. An evaluation of progress in delivering the ROWIP and previous action plans.
2. A review of policies for the management of PRow.
3. SMART work plans identifying and setting out the component tasks required to deliver the main aims of the Statement of Action for the better management and improvement of the network over the delivery period.

### 1.2.4 The Anglesey Local Access Forum

The Anglesey Local Access Forum (LAF) is an advisory body that was established in 2002 under Section 94 of the CRow Act 2000. LAF's are independent groups of volunteers that include landowners, farmers, local business owners and members of relevant organisations (e.g. Ynys Mon Ramblers, British Horse Society, NFU, FUW).

LAF's are statutory bodies advising and helping Councils regarding management and improving public access to the PRow network and to land, for the purposes of open-air recreation and enjoyment. Their role is primarily strategic and intended to achieve a consensus view taking into consideration the needs of both land-managers and access



users, statutory implications and wider environmental, social and economic factors to influence and develop plans, policies and broader decision making.

The LAF has played a key role in providing support and advising on the development of RoWIP 2 and will continue aiding during its implementation (2018-2028).

### 1.2.5 Strategic Environmental Assessment

The European Strategic Environmental Assessment (SEA) Directive EC 2001/42/EC requires that all new strategies are assessed for their environmental impact. This plan has undergone an appraisal process and it was felt that the RoWIP has no negative effect on the environment and quality of life for residents and visitors and in fact has many beneficial effects. As a result, a SEA was not considered to be necessary for this plan.

## 2. The Anglesey Context

### 2.1 Introducing Anglesey

The Isle of Anglesey covers a total area of just over 700 km and its diverse coastline stretches for 125 miles. Anglesey has a population of almost 70,000 people and, like many other parts of Wales, has an ageing population. Anglesey remains a stronghold for Welsh language and culture, as over half, 57.2%, of the island's population can speak Welsh. Apart from a few larger settlements such as Holyhead, Llangefni, and Amlwch, Anglesey is sparsely populated, with most of the island being rural, mostly consisting of smaller towns and villages, with vast areas of agricultural land.

Anglesey is famed for its natural beauty, attractive and diverse landscapes. A total of **221sq km** (1/3 of the island) of Anglesey's land is designated as an Area of Outstanding Natural Beauty (AONB). Anglesey's AONB is mainly a coastal designation (covering 95% of the coast) with miles of sandy beaches, sand dunes, cliffs, rocky coves, coastal heath, and saltmarshes. PRoW are a very important recreational resource in the AONB with 363KM (32.7%) of Anglesey's PRoW are located within it.

Within the AONB there are many rare and important habitats for species of plants and animals. Anglesey is significant for its flora, fauna, geology and archaeology. There are numerous locations of significance on the island that have been designated as Sites of Special Scientific Interest (SSSI), Special Protection Areas (SPA), Special Area of Conservation (SAC), Local Nature Reserves (LNR), and National Nature Reserves (NNR).

Anglesey is a very popular tourist destination, which attracts 1.63 million visitors each year that significantly benefits the local economy.

The most popular types of open-air recreation activities conducted on Anglesey by both residents and visitors include: walking, cycling, sailing, angling, bird/nature watching and windsurfing.

Launched in 2006, the popular Isle of Anglesey Coastal Path, (forming part of the Wales Coast Path launched in 2012) circumnavigates 130 miles around the entire perimeter of

Anglesey and lies almost entirely within the AONB. The Isle of Anglesey Coastal Path caters mainly for walkers, but some sections are accessible to other types of users. The coastal route connects with over 20 coastal towns and villages, enabling access to public transport, accommodation, shops, pubs and other facilities. The Isle of Anglesey Coastal Path continues to be an incredibly important asset for Anglesey's economy.

Anglesey has a dense network of PRoW that consist of Footpaths, Bridleways, Cycle routes, Restricted Byways and Byways Open to All Traffic (B.O.A.T). There are numerous promoted routes located across Anglesey that consist of both inland and coastal routes.

Anglesey's PRoW network provides a valuable recreational resource for our local communities and visitors alike. PRoW can offer a sustainable method of travel, contribute towards health and well-being initiatives and play a vital part in the economic development of Anglesey by encouraging tourism. PRoW are free to access and enjoy, which promotes social inclusion.

## **2.2 Introducing Anglesey's PRoW Network and Wider Access Opportunities**

PRoW's are highways over which the public have a legal right of passage. The majority of Anglesey is criss-crossed by a substantial network of PRoW.

<b>PRoW Category</b>	<b>Definition and Types of Users Permitted</b>
<b>Public Footpaths</b>	Provides users with a right of way on <b>foot</b> only. Any normal accompaniment (i.e. dogs under close control, pram or wheelchair) is also permitted.
<b>Public Bridleways</b>	Provides users with a right of way on <b>foot, horseback</b> (including the right to lead a horse), and <b>bicycles</b> (cyclists must give way to other users of bridleways).
<b>Cycle tracks/Cycleways</b>	These are routes specifically designated for <b>cyclists</b> and <b>pedestrians</b> . It is normally permitted to walk along cycle tracks (except when they are in or by the side of a made-up carriageway).
<b>Restricted Byways</b>	Provides a right of way for users on <b>foot, horseback</b> (including the right lead a horse), <b>bicycles</b> (cyclists must give way to other users of restricted byways), and users with <b>horse-drawn vehicles</b> . <i>Mechanically propelled vehicles are prohibited to be used on Restricted Byways.</i>
<b>Byways Open to All Traffic: (B.O.A.T's)</b>	Provides users with a right of way on <b>foot, horseback</b> (including the right lead a horse), <b>bicycles</b> and drive <b>any type of vehicle</b> (motorised or horse-drawn).

Anglesey's Wider Access Network:

Type of Public Access	Definition
<b>Permissive Paths</b>	Not official PRow and therefore do not possess the same legal status. But a landowner is willing to allow the public to use a route along their land.
<b>Access Land</b>	Access Land consists of <b>Open Country</b> and <b>registered Common Land</b> , which resulted from the CRow Act 2000. Access Land provides the public with a statutory right of access on foot for open-air recreation on mountain, moor, heath, down and registered common land.
<b>National Nature Reserves</b>	Were established to conserve and to allow people to study wildlife, habitats or geological features of special interest. All 4 of Anglesey's NNR's are open for the public to enjoy.
<b>Local Nature Reserves</b>	A statutory designation made under Section 21 of the National Parks and Access to the Countryside Act 1949, and amended by Schedule 11 of the Natural Environment and Rural Communities Act 2006, by principal local authorities
<b>Country Parks</b>	An area designated for people to visit and enjoy recreation in a countryside environment
<b>Village Greens</b>	A common open area within a village or other settlement. Traditionally, a village green was common grassland at the centre of a rural settlement used for grazing with a pond for watering cattle and other stock

Extent of Anglesey's PRow Network:

PRow Category	Length Total (km)
Footpath	1,076 (97.2%)
Bridleway	5.8 (0.5%)
Cycleway	15.4 (1.4%)
Restricted Byway	5.2 (0.5%)
Byway Open to All Traffic (B.O.A.T)	4.3 (0.4%)
<b>Total Length of PRow Network</b>	<b>1,107</b>

## **2.3 Strategies, Plans, Statutes and Guidance influencing the delivery of RoWIP 2**

### Policy Context

When carrying out the Assessment and formulating the Statement of Action, RoWIP 2 has regard to aims and objectives contained within other documents and plans published by the Isle of Anglesey County Council (in some cases in collaboration with other Local Authorities in North Wales), in related areas of work and certain policy areas, that overarch. These include broad subject areas such as: planning, resilient communities, health and wellbeing, education, recreation opportunities, tourism, managing the natural environment, improving the economy and sustainable development.

### Relevant Plans and Strategies considered within RoWIP 2 include:

- North Wales Joint Local Transport Plan 2015-2020
- Isle of Anglesey County Council Plan 2017-2022
- Anglesey and Gwynedd Joint Local Development Plan 2011-2026
- Isle of Anglesey County Council Cycling Strategy 2013
- The Isle of Anglesey Area of Outstanding Natural Beauty (AONB) Management Plan 2015–2020
- Isle of Anglesey County Council Bridleway Strategy 2004
- Anglesey Destination Management Plan 2016 – 2020
- Future Landscapes: Delivering for Wales 2017

### Relevant statutes considered within RoWIP 2:

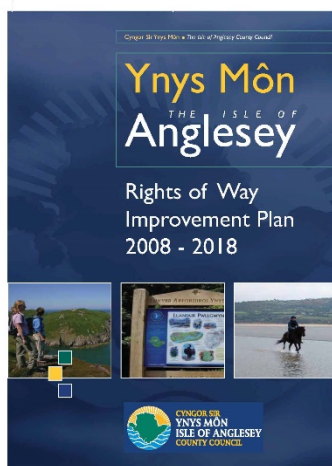
- The EA 2010
- The AT(W)A 2013
- The WFG(W)A 2015
- The E(W)A 2016
- The HA 1980
- The CRoW Act 2000
- WCA 1981
- TCPA 1990

### Relevant Guidance considered to formulate ROWIP 2:

- 'Guidance for Local Authorities on Rights of Way Improvement Plans' published by Welsh Government in 2016.
- 'Guidance for Local Authorities on Public Rights of Way' published by Welsh Government in 2016

### **3. Assessment of current provision, need and management**

#### **3.1 Evaluating the delivery and progress of Anglesey's First RoWIP**



Below are the key themes identified within Anglesey's [First RoWIP](#) Assessment and Statement of Action:

Key Themes Identified in ROWIP 1	Explanation
<b>Ease of use' of the PRow network</b>	Following an extensive condition survey (in 2005) the proportion of the PRow network classed as 'easy to use' was relatively low at <b>48%</b> . Identified the need to improve accessibility of the network.
<b>Public satisfaction levels on the network</b>	Despite the low 'ease of use' figure, following a public questionnaire analysis public satisfaction levels with regard to the PRow network was generally high.
<b>Importance of prioritisation of maintenance and improvement works</b>	Prioritising maintenance and improvement works to the PRow network was determined to be fundamental, given such an extensive network and limited resources
<b>Less abled access and encouraging use by non-participating individuals</b>	Upon evaluation, it was identified that more improvements to the network was required to provide more 'easy access routes'.
<b>Lack of bridleways in the network</b>	It was identified that a limited amount of progress had been achieved on improving provision for equestrians. RoWIP 1 aimed to increase the proportion of bridleways on the network and to implement aspects of the Isle of Anglesey County Council's Bridleways Strategy (2004).

<b>Lack of off-road cycling routes</b>	It was identified that the network offered little off-road cycling opportunities and that this issue needed to be addressed.
<b>Increase the proportion of circular routes</b>	It was identified that creating new circular routes was a high priority.
<b>Anglesey Coastal Path development</b>	It was identified that the development and improvement to the Anglesey Coastal Path should continue, to eventually achieve National Trail status.
<b>Definitive Map digitisation</b>	It was identified that priority should be given to complete work to digitise the map to conform to large scale OS mapping. This would allow the Council to publish a new consolidated Definitive Map and Statement and publish the map online.
<b>Install PRow management software</b>	To reinforce all PRow maintenance and improvement works.
<b>Promoting and publicising the network</b>	It was identified that improvements made to PRow and Anglesey's wider access network (i.e. Access Land) should be better promoted and the need to provide more information to the public thereon.

### Isle of Anglesey's First RoWIP Statement of Action

The Statement of Action in the first RoWIP had a total of **32** Actions under **6** PRow management themes:

<b>RoWIP 1 Main Management Themes</b>	<b>Number of Related Statements of Action</b>
<b>Maintenance</b> of the PRow network	9
<b>Improvements</b> to the PRow network	6
Creating a <b>Better Environment</b> (Environmental Good Practice)	6
Managing the <b>DM&amp;S</b>	3
<b>Health and Wellbeing</b> objectives	3
<b>Promoting</b> and <b>Publicising</b> the PRow network	5

The spreadsheet included at **Annex 2** provides full details on the progress and the extent to which the 32 Statements of Action in RoWIP 1 have been delivered.

It was identified that the most important Statements of Action not actioned/fully achieved are:

**Maintenance of the Network (M1): Route Prioritisation:** to date only 19% of individual routes have been given a priority grading. A decision is needed whether to continue with the current prioritising system or to formulate a new system.

**Maintenance of the Network (M2) Ease of Use:** although the Council had failed to reach

the target of 65% of routes being 'easy to use' by 2012 there has been a significant improvement, with 62.8% of routes passing the Ease of Use (BVPI) test in 2017. It is important that the upward trend in accessibility and ease of use of the network continues.

**Improvements to the Network (I4) Provision of Bridleways:** the target to establish 3 new off-road bridleways has not been achieved. Following public consultation as part of ROWIP 2, there is a clear demand for off-road horse-riding routes.

**Improvements to the Network (I6) Provide Easy Access Routes:** some progress achieved (i.e. tarmacking of Lon Las Cefni). However, the target to establish easy access routes within and around centres of population has not yet been actioned.

*These four Statements of Action remain relevant and are reflected within the Statement of Action and Delivery Plan 1 of RoWIP 2.*

### RoWIP Implementation Funding

The Isle of Anglesey County Council has received an annual RoWIP implementation grant from Natural Resources Wales (which replaced the Countryside Council for Wales in 2013) since 2008. The grant totals £346,000 to date. Details of the various projects on which the funding has been spent is provided in **Annex 2**. RoWIP implementation grant ended in 2017/18.

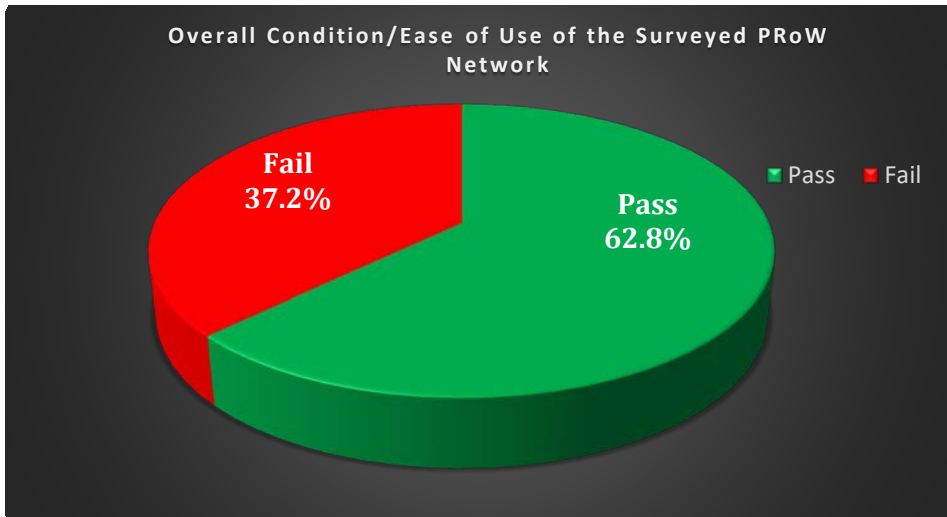
## **3.2 Assessment of public rights of way and wider access in Anglesey**

### **3.2.1 Assessment of the current condition, accessibility and ease of use of Anglesey's PRow network**

To fulfil this key assessment a condition survey of the PRow network was undertaken using the **Best Value Performance Indicator (BVPI)** methodology. To achieve this, a **7% (77 km)** sample of Anglesey's PRow network was surveyed, which was divided proportionally over the 40 Town and Community Council areas to be representative of the whole of Anglesey. Our PRow management software, 'Countryside Access Management System' (CAMS) was used to randomly select PRow to survey. Condition surveys were undertaken between January and May 2017 using a tablet computer and CAMS Mobile software.



## PRoW Condition Survey Results (2017)



Overall, **62.8%** of the PRoW sample 'passed' and met the BVPI 'Ease of Use' criteria (*listed below*).

**37.2%** of the PRoW sample 'failed' to meet (one or more) of the BVPI 'Ease of Use' criteria due to various issues encountered.

Condition of PRoW was assessed based on 7 BVPI criteria:

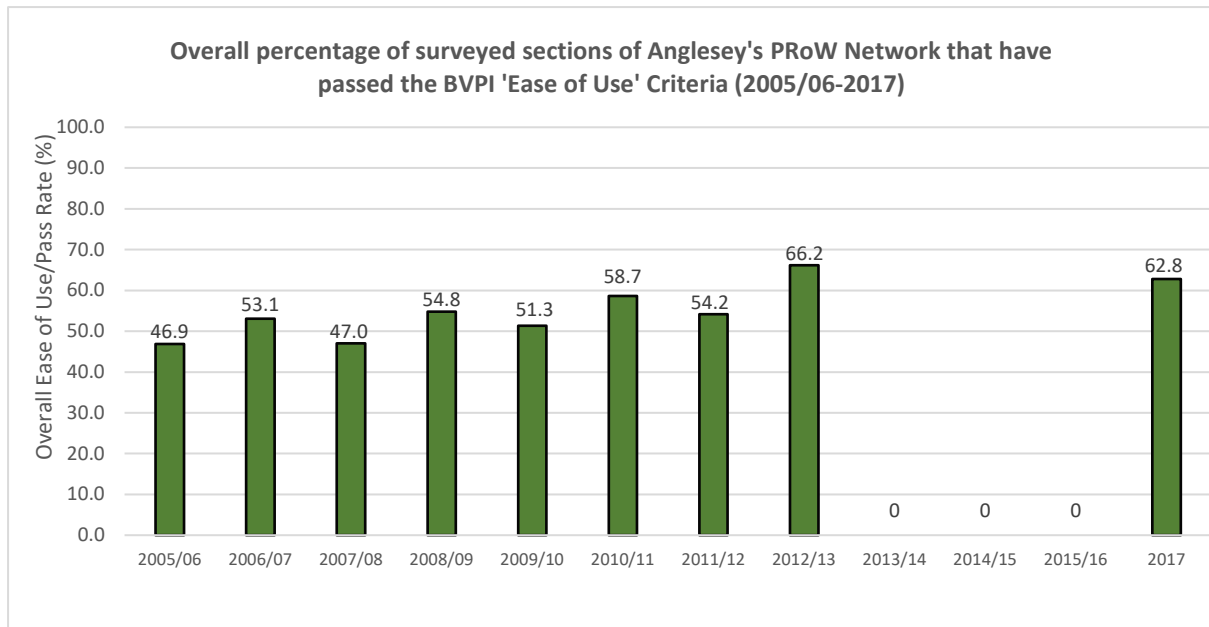
Assessed BVPI Ease of Use Criteria
1. Stiles and Gates
2. Signposting at Roadside
3. Obstructions
4. Ploughing and Cropping
5. Surface Condition
6. Bridges
7. Waymarking (along route)
*OVERALL* (Pass/Fail).

*Detailed results and analysis of the 2017 condition survey can be viewed in this [separate report](#).*

### Ease of use and accessibility of the network (survey results: 2005/06-2017):

- Between and including the financial years **2005/06** to **2012/13**, (including the most recent, in calendar year 2017) a minimum random sample of **5%** of Anglesey's PRoW network was surveyed using the BVPI 'Ease of Use' methodology.

- Surveys were not conducted in the financial years 2013/14, 2014/15, 2015/16 as it was no longer compulsory to do so (hence no data for those 3 years in the graph below).



Despite slight variances, the survey data over-time demonstrates a general upward trend in ease of use and accessibility. It important that this upward trend continues.

### **3.2.2 Anglesey's Definitive Map and Statement (DM&S)**

#### **What is the DM&S?**

The Definitive Map is a legal record and conclusive evidence of PRoW. It is without prejudice to routes that may currently be unrecorded/ not shown. The Definitive Map is accompanied by a Definitive Statement that describes in written form the routes shown on the Definitive Map. As a Surveying Authority, the Isle of Anglesey County Council is responsible for the management of the DM&S. The Council has a statutory duty under Section 53 of the WCA 1981 to keep the legal record of PRoW, the DM&S, up to date and under continuous review.

#### **Anglesey's DM&S**

The first DM&S for Anglesey was published in 1958 in accordance with the NPACA 1949, using information collected through a series of parish-based surveys. Its relevant date was 4 March 1954, i.e. the date of the draft map published 4 years earlier.

- The NPACA 1949 required periodic reviews of the DM&S. A review of Anglesey's DM&S was completed by the Isle of Anglesey County Council in 1969. (A review was also partially completed by Gwynedd County Council in the early 1980s).
- Since 28<sup>th</sup> February 1983, the DM&S is subject to a continuous review procedure whereby the Council has a duty to amend the map as soon as practical after legal events occur (i.e. orders to create, divert or extinguish paths, or creation agreements), and when evidence is discovered/ presented that the DM&S is incomplete or inaccurate.
- The WCA 1981 provides that Council's may, from time to time, consolidate the DM&S. The new DM&S must be given its own modern 'relevant date'. This process also allows publication of the map on up-to-date Ordnance Survey mapping background.
- The Council most recently consolidated Anglesey's DM&S in 2012 (its relevant date being 30 May 2012).
- It is identified that it will be beneficial to consolidate the DM&S at least every 10 years.

#### Viewing Anglesey's Definitive Map

- The interactive web version of the Definitive Map can be viewed on the Council's website at: <https://publicrightsofway.anglesey.gov.uk/web/standardmap.aspx>
- A working copy of the DM&S is available to view at the Isle of Anglesey County Council Offices in Llangefni (LL77 7TW).

#### Errors and anomalies within the DM&S

The method used in drafting the first DM&S in the 1950's resulted in a number of errors and anomalies. Some examples include:

1. Approximately **14** routes come to a 'dead-end' at current Town and Community Council boundaries.
2. Approximately **12** routes come to a 'dead-end' on a former parish boundary.
3. Miscellaneous 'anomalies' including suspected map drafting (human) errors, inconsistencies between the map and statement, routes recorded as footpaths when higher rights in fact exist.

#### Modifying the DM&S

To keep the DM&S under continuous review, changes to them are made through a legal process known as Definitive Map Modification Orders (DMMO's). DMMO's are made if the DM&S is proven to be incorrect or incomplete. The Council receives and processes applications for DMMO's, which involve adding unrecorded routes or altering the status or details for existing routes. DMMO proposals are made up of formal applications received from external persons/organisations (Schedule 14 applications) and proposals stemming from evidence uncovered by the Council (discovered evidence cases). It is important that DMMO applications contain strong and convincing factual evidence that include user evidence and/ or documentary evidence.

The Isle of Anglesey County Council currently has a backlog of approximately 70 DMMO applications/ proposals that require investigation and processing. This figure has been gradually increasing since 1996 and, on average, 6 new applications are received per year.

Anglesey's first RoWIP contained a prioritisation policy for managing DMMO cases. Despite this, the backlog of DMMO's is an increasing issue for the Council. In view of this a revised DMMO prioritisation policy is included within the 'Policies' section of the Delivery Plan (Appendix 3).

### The Council's records of limitations and conditions

Welsh Government's RoWIP Guidance requests a brief evaluation of the completeness of the Council's records of limitations and authorised structures on the PRow network, and the current processes for their authorisation.

A physical limitation or condition is a structure affecting use of a route such as a gate or stile located across the route. All boundary crossing structures (i.e. gates, kissing-gates, stiles) which existed when the route was dedicated as a PRow are lawful. All structures which existed at the relevant date of Anglesey's first DM&S (4 March 1954) are deemed to be lawful since this is our baseline. Additionally, in relation to routes created by user post-1954, structures which existed during the use period (normally a 20-year period) are lawful.

Additional structures which have been installed on the network after 4 March 1954 should have been officially authorised and licensed by the Council under Section 147 of the HA 1980. If they have not been officially authorised by the Council, they are unlawful and constitute an obstruction to the network.

Unfortunately, there is no complete record of historical structures on Anglesey. 60 Parish Survey maps were prepared between 1951 and 1954 and only 4 of these maps (parishes of Llannerchymedd, Llaneugrad, Llechcynfarwydd and Llanddeusant) have detailed annotations recording lawful structures. In some cases the Definitive Statements published in 1958 refers to structures and, where this occurs, it provides conclusive evidence of the legality of a structure.

There are approximately 5500 boundary crossing structures recorded within the PRow database and it impractical to go through them individually to determine lawfulness. Where a structure is suspected of being unlawful the Council will examine historical maps (and possibly old aerial photographs) to determine if a structure is lawful. The database is then updated on a case by case basis. Where an unlawful structure is found the Council will ask the landowner/ tenant to seek retrospective consent for it (see below) or remove it.

### The process of authorising new structures on the PRow network

New structures installed on footpaths and bridleways must be officially authorised by the Council under Section 147 of the HA 1980. This section allows landowners/ occupiers to apply to erect a new gate or stile on a path provided that the land is being used for agriculture, and that in order for this agriculture to be carried on efficiently, a structure is needed to control the ingress and egress of animals. Agricultural land includes land that is

being brought into use for agriculture, nurseries, land used for grazing and for forestry. This also includes land for the breeding and keeping of horses

The Council provides guidance notes and an application form relating to Section 147. When a licence has been granted for installation of a new structure, the new structure is recorded in the PRow database along with a copy of the licence.

There are times when the Council installs a barrier on a public footpath for the safety of the public users. This is justified through the HA 1980 section 66 if the Council has evidence that the public is at risk. The rights of private users also must be taken into account. Barriers which the Council installs itself pursuant to s66 are recorded in the PRow database.

*The Council's policies regarding managing structures on the PRow can be viewed in more detail within ['Policies'](#) section referred to in the Delivery Plan.*

### **3.2.3 Public Path Orders (PPOs)**

The Council has discretionary powers to alter the PRow network through legal procedures, referred to as Public Path Orders (PPO's). PPO's have the effect of diverting, extinguishing and creating footpaths, bridleways and restricted byways under various Sections of the HA 1980 and TCPA 1990. The Council has succeeded in keeping on top of applications for PPO's from external persons/ organisations and currently there is no backlog.

There are approximately **60** PPO's the Council would like to initiate itself for various reasons that would significantly benefit Anglesey's PRow network, for example to:

- Provide a significant positive impact on the network, (i.e. resolve a missing route link issue).
- Reduce maintenance costs, (i.e. where a diversion could save major expense in the long-term).
- Resolve long-term and substantial obstructions, (e.g. a residential property constructed on PRow).
- Formalise changes which occurred on the ground during old highway improvement schemes, where no Side Road Order (SRO) was made at the time.
- Rectify poorly designed SRO's (e.g. two SRO's made in the 1990's for the A55 contained several anomalous route changes which need to be rectified).

The first ROWIP contained a PPO prioritisation policy, which continues to be relevant and adequate and has been included within the policies section referred to in the Delivery Plan.

### **3.2.4 Current workings of the RoW Unit - Maintenance, Enforcement and Improvement**

#### **3.2.4.1 Maintenance/ Improvement**

The Council's PRow Unit comes under the umbrella of the Highways, Waste and Property department of the County Council. The unit is currently made up of a team of 5 officers and includes two officers dedicated to the maintenance and development of the coastal path.

It can be stated that currently the unit, except for the coastal path team work on a very reactive basis and are constantly 'firefighting' problems on the network. Most of these problems are passed through to the unit by users, landowners and through regular consultation with the local Ramblers Association group and TaCC's. Little proactive condition survey work is undertaken by staff, predominantly due to lack of time. The coastal path is the exception to the rule, as available external funding and staff resources have resulted in both proactive monitoring and enhancement work to the path, which is well above that seen on most other paths on the island.

TaCC's have no statutory duties for PRoW but they have these rights and powers which can significantly contribute to improve public enjoyment of Anglesey's PRoW Network:

Power	Act
To undertake maintenance of any footpath, bridleway or restricted byway	HA 1980, s43
To erect lighting on any footpath or bridleway	PCA 1957, s3
To erect notices on footpaths and bridleways warning of local dangers	RTRA 1984, s72
To erect seats and shelters in, or on any land abutting on any road/path within their area	PCA 1957, s1
To prosecute anyone who wilfully obstructs the free passage along any highway	HA 1980, s137
To prosecute if a footpath has been lawfully ploughed or disturbed, but not restored, or if any highway has been unlawfully ploughed or disturbed	HA 1980, s131A & s134
To prosecute an occupier who fails to ensure that crops do not inconvenience users of footpaths, bridleways and non-metalled carriageways	HA 1980, s137A
To insist to the highway authority that a particular footpath, bridleway or restricted byway should be signposted where it meets a metalled road.	CA 1968, s27
To create new highways by agreement with the landowner over land in their own and adjoining communities.	HA 1980, s30

At present approximately half of the 40 TaCC on Anglesey undertake some maintenance work on public paths in their areas, mostly routine strimming work and occasional small scale surface maintenance. This has steadily declined because two thirds of local councils undertook such work in 2000. The County Council offers payments to local councils to undertake this work, which can be reclaimed by the end of each financial year. Each council is allocated a budget based on the length of PRoW in their area, the average budget for each council being £1302 per year in 2017/18.

The table below provides information on claims from TaCC's since 2010:

Financial Year	% of available budget claimed	No of councils claiming (out of 40)	No of councils claiming their full allocation (out of 40)
2017/18	30.5%	22	9
2016/17	32.1%	17	6
2015/16	34.7%	22	7
2014/15	29.2%	18	6
2013/14	21.9%	15	6
2012/13	33.7%	24	5
2011/12	35.2%	21	4
2010/11	49.9%	23	8

Whilst the work done by TaCC's is valued it has to be stated that the quantity and quality of work varies substantially from area to area. Some councils take a keen interest in their PRoW and provide a good service in maintaining them. Others take a less proactive approach and at times is difficult to persuade them to provide better service. For example, the number of cuts per year varies between 1 and 3 dependant on the TaCC area. Additionally, most TaCC's tend to concentrate on well used paths close to settlements and more rural routes tend to be neglected.

Given that complaints about vegetation is one of the most common issues, it is considered that reviewing the current arrangement with TaCC's is desirable, with a view to supporting them to provide better service and increasing the number claiming.

### 3.2.4.2 Enforcement

Under Section 130 of the HA 1980 the Council has a duty to assert and protect the rights of the public to freely use and enjoy the PRoW network. Section 137 of the HA 1980 makes it unlawful for any person to 'wilfully' obstruct the free passage along a highway.

As indicated within the condition surveys (2005 to 2017) obstructions on the network have consistently been the most prevalent and extensive issue affecting ease of use and accessibility.

Enforcement action against landowners/ occupiers is carried out on a regular basis whereby the Council serves a notice under a section of the HA 1980 and, if the owner/ occupier fails to comply, the Council can carry out work and recover costs. It is considered that current arrangements in this regard are satisfactory. **However it would assist if a hierarchy of routes**



is established so that enforcement action is focused on the most important paths (see statement of action 1.)



However, in order to better protect the network in the future a more proactive approach needs to be adopted by the Council with regard to prosecution of landowners who obstruct or unlawfully interfere with the network. Since 2008 only 5 cases have been taken to the Magistrates Court.



A **'Prosecutions Working Practice' Policy** was formulated in ROWIP 1. The policy remains relevant and adequate however legal arrangements for the way the Council deals with

prosecutions needs to be reviewed. Prosecutions are currently handled through a system covering North Wales local authorities whereby Denbighshire Council appoints a solicitor from the Prosecution Team. This has proven to be ineffectual in certain cases as the appointed solicitor lacked highway law experience and failed to support the case with relevant case law references. This system needs to be reviewed as PRow staff lack confidence in it.

### 3.2.4.3 Working with Volunteers

Over recent years, Anglesey's PRow network has significantly benefited from improvement and maintenance works undertaken in partnership between the Council and the 'Silver Slashers', which is a volunteer group set up by the Anglesey branch of The Ramblers Association. This close and proactive partnership has facilitated regular maintenance and improvement works to be undertaken on the PRow network, for example:

- Installation of new or replacement boundary structures (such as stiles and gates),
- Replace existing structures with less restrictive types (contributing to the Council's **Least Restrictive Access Policy**).
- Clearance of vegetation.
- PRow surface improvements such as drainage works and the construction of boardwalks.
- Replace or repair footbridges.
- Assisting users to navigate through repairing and installing new signage and waymarkers.





## Improving a path at Malltraeth

©Andria Massey

Maintenance and improvement works by volunteers has been of invaluable importance to the Council in managing and improving the network, especially given the financial pressures and limited resources currently experienced. Since publication of Anglesey's first RoWIP this arrangement has significantly improved the standard and accessibility of numerous sections of PRow on Anglesey. Consequently, the Council will endeavour to maintain this partnership throughout the implementation of RoWIP 2.

### **3.2.5 Promoted Routes**

#### **Isle of Anglesey Coastal Path**

The Isle of Anglesey Coastal Path circumnavigates a distance of 130 miles around the entire perimeter of Anglesey, and falls almost entirely within a designated Area of Outstanding Natural Beauty (AONB). Anglesey's AONB includes 95% of Anglesey's coast. The route passes through varying landscapes that include a mixture of farmland, coastal heath, sand dunes, sandy beaches, salt-marshes, foreshores, cliffs, woodland, and Nature Reserves. The Anglesey Coastal Path forms part of the Wales Coastal Path, officially launched in 2012. The Wales Coastal Path is 870 miles long and follows or runs close to the entire coastline of Wales. The Wales Coast Path was developed by the Welsh Government in partnership with Natural Resources Wales, sixteen Local Authorities and two National Parks. The Anglesey

Coastal Path (and thus the Wales Coastal Path) has been a major economic success, and is a very important asset and contributor to the local economies of Wales and Anglesey, as it attracts many visitors. The Anglesey Coastal Path is also an important resource for local residents to enjoy more of Anglesey's stunning coastline and natural environment, as well providing many health and wellbeing benefits.

### **The Isle of Anglesey Coastal Path improvement projects**

Since publication of Anglesey's first RoWIP, major improvements have been undertaken on the Coastal Path. These include:

- i. New access where no path previously existed,
- ii. Improving accessibility and ease of use,
- iii. General improvements to enhance public experience and enjoyment.

To achieve these improvements a significant amount of capital has been invested in the path, acquired from:

- **Coastal Access Improvement Project (2007-2013)**  
A significant funding source for major improvements to the Coastal Path with overall spending in the region of **£1.8 million** within this period.
- **Maintenance Grant/ Welsh Coast Path Development Project (2014-present)**  
Majority of funding secured from Natural Resources Wales, and internal budget from the Council. Approximately **£500,000** has been invested on various Coastal Path improvement schemes since 2014.

### **Case Study: Aber Alaw improvement scheme**

A significant improvement scheme, completed in 2012. The scheme was implemented to connect the Valley and Llanfachraeth sections of the coastal path which were previously inaccessible (other than along busy public roads). This project involved a significant amount of investment and work, which included:

- Path Creation Order for the creation of a new route of 2.1 KM (including landowner compensation)
- Constructing a steel bridge spanning 32 metres,
- Over 5 km of fencing,
- Installation of approximately 12 new structures including gates, boardwalks, and small bridges.





### **Case Study: Llanddona coast improvement scheme**

- The most recent substantial improvement project that was completed in early 2018. It runs from Fedw Fawr to just west of Bwrdd Arthur.
- Involved relocating a section of the coastal path which was on a public road to a new path in close proximity to the coast.
- The new route was created through Creation Orders (Section 26 of the HA 1980) and Creation Agreements (Section 25 of the HA 1980).
- Overall spend: approximately £40,000.
- This improvement scheme has created a new 3 km easily navigable section of the Anglesey Coastal Path.
- This project will enhance and make it easier for more people to experience and enjoy Anglesey's coastline and natural environment.
- This improvement scheme will benefit the whole coastal path network.



### **Managing structures and improving accessibility**

Over recent years, the Council has gradually phased out and reduced the number of stiles on the Anglesey Coastal Path. There have been many successful examples where the Council has formed agreements with landowners (Section 147ZA: HA 1980) to replace stiles with less restrictive types of structures (i.e. kissing or pedestrian gates). To preserve the character of certain areas, where historical stone stiles are present, a kissing gate or pedestrian gate will usually be installed adjacent as opposed to removing the stile in order to preserve aesthetics. Following analysis of existing Coastal Path structures it was concluded that there are approximately **25** stiles present on the Anglesey's Coastal Path with no alternative passing means (i.e. by means of an adjacent gap or kissing/pedestrian gate). The Council, during implementation of RoWIP2, will formulate a work programme to remove more stiles from the Coastal Path, continuing to improve accessibility for less-able users and contribute to the Council's Least Restrictive Access Policy and the Wales Coastal Path Quality Standards.

#### **Additional accessibility improvements regularly undertaken on the Coastal Path:**

- **Design improvements** to structures to allow more manoeuvring space.
- **Construct boardwalks** to facilitate easier passage over waterlogged and muddy surfaces and use recycled plastic for their construction to increase their longevity.
- **Drainage and path surface improvements** to reduce the proportion of the Coastal Paths that are waterlogged and muddy.
- Consistent use of **high quality oak** for gates and signage.
- Adopt a proactive approach in monitoring and managing the Coastal Path through regular **condition surveys** (approximately every **18 months**) to maintain an up-to-date record of the current condition of the path and formulate a maintenance and improvement work programme.

### Other Promoted Routes on Anglesey:

There are numerous other long and short distance promoted routes located across Anglesey.

- Amlwch/Llaneilian Walks (1-6)
- South West Heritage Walks (Dwynwen, Llywelyn, Maelog, Menai, Rhosyr)
- Coastal Walks (Cemaes, Llanddona, Pentraeth, Rhoscolyn, Rhosneigr)
- Saints Circular Walks (Beuno, Cadog, Cawrdaf, Ceidio, Cwyfan, Cybi, Dona, Eilian, Elaeth, Iestyn, Nidan, Sannan, Seiriol, Gallgo)
- Archaeological Walks (Bryn Celli Ddu, Brynsiencyn-Llangaffo)
- 2 Lighthouses Walk
- Lon Las Cefni

To maintain Anglesey's promoted routes to an acceptable standard, regular inspections and surveys are required to be undertaken. For example Lon Las Cefni is inspected regularly (at least twice a year). However, a lack of resources has meant that other promoted routes are not inspected and surveyed as regularly as desired. Unfortunately, a lack of regular surveying has resulted in the deterioration in the condition of some of Anglesey's promoted routes.

### **3.2.6 Access Land**

Open Country (715 hectares)
Common Land (785 hectares)
National Nature Reserves (1,835 hectares)
Local Nature Reserves (55.7 hectares)
Country Parks (51.5 hectares)
Village Greens (25.4 hectares)

The table summarises the extent of CROW Act 2000 Access Land on Anglesey.

An interactive map showing designated Access Land can be viewed online on the Council's website.

<https://publicrightsofway.anglesey.gov.uk/web/standardmap.aspx>





#### Access Land accessibility issues:

A desktop assessment into the accessibility of Open Country and Common Land indicated that the vast majority thereof can be accessed from public roads or from PRoW's.

However, there are some exceptions that are require to be addressed:

- 2 areas of Access Land (Llaneilian 0.45Ha and Llanfaelog 1.17Ha) are 'inaccessible islands'
- 3 areas of Access Land (Cylch y Garn 7.71Ha, Trearddur 4.96Ha, and Llanfair-yn-Neubwll 37.18Ha) can only be accessed along permissive sections of the Anglesey Coastal Path.
- 1 area of Access Land (Llanfair yn Neubwll 4.45ha) can only be accessed by a private Ministry of Defence bridge

#### Improving Access Land accessibility

A more detailed assessment of Access Land accessibility is desirable, to formulate a comprehensive programme of improvement work. Potential improvements could include:

- Improve Access Land signage and markers at 'access points'
- Improve links to Access Land from existing PRoW.

- Provide more information to the public on Access Land and promote the benefits of using Anglesey's Access Land.

### **3.2.7 Permissive/ concessionary routes**

Permissive Paths are created when an agreement is formed between the Council and a landowner. They are created when a landowner is willing to allow people to use a route over their land, but not dedicate it as an official PRow. Permissive Paths therefore do not have the same legal rights as official PRow, The landowner may impose certain restrictions on the use of Permissive routes. Although Permissive routes are not official PRow they are a valuable asset to the PRow network, and improve access to Anglesey's PRow network and countryside, where there is no alternative PRow.

There are a total **25** recorded Permissive routes on Anglesey extending for approximately **19 KM**. Over 75% of Anglesey's Permissive routes are located on the Anglesey Coastal Path.

In the future the Council will endeavour to improve information on Permissive Routes and include them on the Council's interactive online mapping system.

### **3.2.8 Unclassified Roads**

Unsurfaced Unclassified County Roads (UCR's) ('White Roads' or 'Green Lanes') refer to an uncoloured 'road, drive or track' that are shown on OS Maps. These are non-tarmac routes maintainable by Anglesey County Council and may have motor vehicular rights. UCR's on Anglesey are not shown on the DMS but they are listed on the County Council's "List of Streets", which forms part of the Gazetteer of Anglesey roads. There are approximately 28 unsurfaced UCR's on Anglesey that extend for **12.8 KM**.

Approximately 6 of these routes are former carriageway alignments which have not been stopped-up when a new carriageway was built. As they are generally very short and serve no useful purpose they can be potentially stopped up under S116 of the HA 1980.

The other unsurfaced UCR's can potentially provide valuable routes for many types of users (e.g. equestrians) however, information on such routes is not well publicised. Ideally these should be added to the DMS as BOAT or Restricted Byway however the full DMMO procedure must be followed in each case. Inclusion of these routes on the Council's online mapping system would be a very beneficial resource.

### **3.2.9 Sustainable Transport objectives**

Anglesey's PRow network has significant potential to offer viable and sustainable modes of travel, through facilitating the use of non-motorised modes of transport as viable alternatives to motorised forms of transport. In order to achieve the network's greater potential, significant investment and strategic improvements are required on key aspects of the PRow network. RoWIP 2 aims to incorporate the priorities, aims and objectives for improving and

developing sustainable transport on Anglesey, which are outlined the **North Wales Joint Local Transport Plan (LTP) 2015-2020** and **Active Travel (Wales) Act 2013**.

The key issues that the LTP aims to address is:

- *“The lack of viable and affordable alternatives to the car to access key employment sites and other services”*
- *“Improve connections to key destinations and markets, enhance access to employment and services, increase levels of **walking** and **cycling**, bring improved safety and security and at the same time bring benefits and minimised impacts on the environment”.*

Within this LTP, North Wales’ Local Authorities aim to remove barriers to economic growth, prosperity and wellbeing by delivering safe, sustainable, affordable and effective transport networks.

Through effective planning, investing and implementing improvement measures to Anglesey’s PRoW network, the network could significantly contribute to:

- Encourage safer, healthier and sustainable travel modes by both local residents and visitors.
- Improved links and accessibility to key services and employment sites, with more opportunities available through improving existing infrastructure and creating more high quality off-road cycle routes, multi-user routes, footpaths provision, safe routes to school, travel planning to encourage more walking and cycling (Active Travel), for shorter commuter journeys.

Related Statutes/Documents:

- **AT(W)A 2013,**
- **The North Wales Joint Local Transport Plan 2015,**
- **The Isle of Anglesey County Council Cycling Strategy 2013.**
- 
- 

### **Economic and social benefits**

A well-managed, improved and a more integrated and accessible PRoW network can provide safer and more convenient access to key services and employment sites on Anglesey. The PRoW network offers a free of charge transport mode, for all people in society to use, and is key in reducing social inequalities and exclusion. This is especially important in more deprived communities on Anglesey where a significant proportion of the population cannot afford access to private motorised vehicles. These initiatives will improve the health and wellbeing of Anglesey’s population, through increasing opportunities for regular exercise, and link with key transport and health and wellbeing policy areas.

Related Statutes/Documents:

- **WFG(W)A 2015,**
- **EA 2010,**
- **The Anglesey and Gwynedd Joint Local Development 2011-2026,**
- **The Isle of Anglesey County Council Plan 2017-2022,**
- **The North Wales Joint Local Transport Plan 2015**

**Environmental benefits**

Environmental benefits of sustainable travel should be promoted to encourage more people to use Anglesey’s PRow network for their transportation needs through walking and cycling. More people in society participating in more sustainable journeys will contribute to environmental benefits through reducing pollution (carbon emissions) and traffic congestion by reducing the number of motorised vehicles on Anglesey’s roads. This initiative will contribute to minimising the negative impacts of motorised transport on the local and global environment.

Related Statutes/Documents:

- **E(W)A 2016**

**How Anglesey’s PRow Network can contribute to achieving the AT(W)A 2013 objectives**

One of the key assessments that the Council has undertaken for the purposes of RoWIP 2 is to identify and outline the opportunities Anglesey’s PRow network can contribute to Active Travel objectives, as outlined in the AT(W)A 2013. This Act aims to facilitate and increase the number of people who undertake Active Travel journeys.

The AT(W)A 2013 places a duty on the Council to **map, plan, promote, and improve** Active Travel routes within specified areas on Anglesey.

The Council will aim to secure:

- i.) new Active Travel routes,
- ii.) improvements to existing routes,
- iii.) promote Active Travel journeys.



Active Travel involves people taking journeys aimed for functional and utilitarian purposes (to places of work, schools, shops etc.) by means of walking and cycling as alternatives to motorised modes of transport (cars, buses etc.).

The North Wales Joint LTP 2015 indicates that a fairly high proportion of commuter trips that are less than **5 km** could potentially be undertaken by active travel modes. Anglesey County Council aims to increase levels of walking and cycling in designated areas of Anglesey for Active Travel purposes, given the many benefits it provides for individuals and wider society, and to meet the wider policy aims and objectives set out by the Welsh Government.

### Benefits of Active Travel include:

- Health and wellbeing benefits (through exercise and general healthy lifestyle choices),
- Economic benefits (contributing to tackling poverty, inequalities and social exclusion),
- Environmental benefits (reducing traffic and air pollution).

It is widely recognised that Anglesey's PRow network is an important recreational resource for both residents and visitors. However, the network is currently less valued as an asset and contributor to meeting sustainable transport objectives. Anglesey's PRow network certainly has an important contribution to make towards meeting the objectives of the AT(W)A 2013 and wider sustainable transport objectives. Anglesey's PRow network has considerable potential to create more opportunities to provide safer, sustainable, off-road Active Travel routes. Both short and long-term investment to improve Anglesey's PRow network is essential to increase the number of people using the network for Active Travel purposes.

### 'Existing Routes Maps'

Following a period of public consultation in 2016, the Council produced and submitted our **Existing Routes Maps** for designated areas in Anglesey. These maps contain on-road and off-road routes (including sections of PRow), for both walkers and cyclists, considered suitable to meet the requirements of the AT(W)A 2013 .

The 7 settlements designated by the Welsh Government are:

- Caergybi/Holyhead
- Y Fali/Valley
- Amlwch
- Benllech
- Porthaethwy/Menai Bridge (including Llandegfan)
- Llanfairpwllgwyngyll
- Llangefni

Existing Routes Maps for these areas have been approved by the Welsh Government and are available to [view](#) on the County Council's website.

### 'Integrated Network Maps'

Another requirement of the AT(W)A 2013 is for the Council to produce **Integrated Network Maps** for the 7 designated areas listed above. The draft Integrated Network Maps were sent for approval by the Welsh Government in November 2017. However they were not accepted at the first submission and must be resubmitted by August 2018.

Producing these maps provided a valuable opportunity to analyse and map sections of Anglesey's PRow network that are currently or potentially suitable (after specific improvements) to serve as high quality Active Travel routes.

Securing grants for such improvements would significantly benefit and increase the standard and accessibility of sections of Anglesey's PRow network.

Potential sources of funding for such improvements could be:

- The Local Transport Fund,
- Road Safety Capital Grant,
- Safe Routes in Communities Grant

### **3.3 Assessing user needs**

#### **3.3.1 Public consultation**

A vital aspect of RoWIP 2 is to assess the extent to which Anglesey's PRow network meets the **present** and **future** needs of the public. To fulfil this key assessment, consultation was conducted using 3 targeted online questionnaires. The Questionnaires provided an opportunity to obtain a broad and diverse range of views and opinions from the public and interested parties. This feedback has contributed to shape the aims and objectives of RoWIP 2.

The 3 questionnaires were:

- i) Public questionnaire
- ii) Landowner's questionnaire
- iii) Town and Community Council questionnaire

During the consultation stage members of the public and interested organisations were provided the opportunity to provide additional feedback to the Council through letters, email, telephone, and social media to further expand on issues and themes raised within the questionnaires.

A full and comprehensive report on the results and analysis of the questionnaires can be accessed [here](#).

#### **3.3.2 Disability and "Access for All"**

One of the statutory assessments required for RoWIP 2 is to assess the accessibility of Anglesey's PRow network for people with disabilities including people who are blind, partially sighted or have mobility difficulties (less-able users), and have due regard for the requirements of the EA 2010. This section assesses the needs of less-able users and outlines how key improvements can be made to Anglesey's PRow network, to improve accessibility for less-able users and those who currently do not participate in use of the network.

##### **The EA 2010:**

*"The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it's unlawful to treat someone" (<https://www.gov.uk/guidance/equality-act-2010-guidance>).*

The EA 2010 specifies a number of ‘**protected characteristics**’ that include:

- age,
- sex,
- disability,
- gender reassignment,
- marriage and civil partnership,
- pregnancy and maternity,
- race,
- religion or belief,
- sexual orientation.

The EA 2010 makes it unlawful to directly or indirectly discriminate against someone on the grounds of those ‘protected characteristics’. Section 149, of the EA 2010 introduces a ‘public sector equality duty’ requiring that in exercising its functions, authorities must have due regard for the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act.

### **“Easy Access Routes”: Improving the management of structures on the PRow network**

Appropriate management of structures on the PRow network is crucial in determining how accessible and ‘easy to use’ sections of the network is to certain types of users. Structures present on the network can prove to be significant barriers to certain types of users and deter some people within society from using and enjoying the PRow network. For example, stiles can prove to be very restrictive structures for many less-able users and kissing gates are less restrictive than stiles but may prove an obstacle for people using pushchairs or wheelchairs.

Structures can affect the accessibility of the PRow network for:

- i.) **Disabled people:** including those with limited mobility and/or sight impairments.
- ii.) those using **pushchairs**
- iii.) **Elderly** or very **young** individuals.

It is therefore vital to adopt a holistic approach and always consider the needs of less-able users when authorising new structures or when making improvements to the PRow network in order to reduce the physical barriers. This holistic approach to managing PRow will establish a more easily accessible and inclusive PRow network.

A fundamental aspect of managing structures on the PRow network is the implementation of the ‘**Least Restrictive Access Policy**’. This policy involves installing the least restrictive type of structure practically possible on the network when installing new, replacing existing structures or when making general improvements to the network:



The Council's Least Restrictive Access Policy Principles (Descending Order of Preference)	
1.) <b>Gap:</b> most favourable option, and the least restrictive type of structure	
2.) <b>Pedestrian Gate:</b> favourable type of structure, provides easy access to users	
3.) <b>Kissing Gate:</b> favourable, however some users may encounter difficulties using kissing gates, (such as wheelchair or pushchair users).	
4.) <b>Stile:</b> least favoured option, and is the most restrictive type of structure. Stiles will usually not be permitted on newly created PRow. A stile will only be installed on the network if all the other types of structures are not possible or practical to be installed, and if the Council has been unsuccessful to reach an agreement with a landowner.	

When implementing this Least Restrictive Access Policy, a balance is needed between meeting guidance and considering landowner's and occupier's requirements (such as stock proofing) as well as the historical significance of certain structures (old stone stiles/gates of a certain characteristic local design) present on the network.

An effective way of improving accessibility of the PRow network is to enter into agreements with landowners/ occupiers under **Section 147ZA** of the HA 1980. These types of agreements allows the Council to replace existing structures with less restrictive types, to improve accessibility for less-able users.

When a new structure is requested by a landowner/occupier under section 147 of the HA 1980 (see 3.2.2) the Council will only allow kissing and pedestrian gates to be installed to ensure good accessibility.

### Improving surfaces of PRow

As well as the appropriate management of structures on the network, improving the surfaces of PRow is also an important contribution to improve accessibility for all users, especially, less-able users. Section 62 of the HA 1980 gives the Council 'general power of improvement' in order to undertake improvements to the surfaces of any highway. Improvements made to the surfaces of PRow are vital as the type of surface and gradient can prove a major obstacle for less-able users.

The types of surface improvements that significantly benefit less-able users include:

- Widening (especially important for 'multi-user routes')
- Improving quality of the surface to provide firm, level surfaces (by tarmacking/concreting) that is well drained and free from mud.

Providing more easy access routes or stile-free routes on Anglesey, that are adequately surfaced, will create a more accessible and inclusive PRow network that will benefit all types of users.

### **Gradient analysis of the PRow network**

In 2017 a consultant was commissioned to undertake a gradient analysis of Anglesey's PRow network. This was undertaken by means of a desktop exercise using a Geographical Information System (GIS). The gradient data has been imported into our PRow database. Establishing the gradients of the network is important as having an adequately flat and shallow topography/surface will particularly benefit people who have limited mobility (particularly those dependant on a wheelchair), and those who are blind or partially sighted. Utilising this data, along with data on structures, will allow the identification of routes that are, or potentially (after improvements) suitable for less-able access and serve as high quality easy access routes.

The Council does not have a complete record of path surface types in our database therefore it is likely that additional surveys will be required before information on 'easy access routes' can be fully publicised.

### **3.3.3 Improving health and wellbeing**

There is overwhelming evidence from various sources of the significant benefits that the natural environment and regular physical exercise can provide for people's physical and mental health and wellbeing. According to the NHS Direct Wales [website](#), people who conduct regular physical activity have a lower risk of developing many chronic diseases, such as: heart disease, type 2 diabetes, strokes, and some cancers. Research also illustrates that regular physical activity can boost self-esteem, mood, sleep quality and energy levels, as well as reducing the risks of stress and depression.

A major health issue facing the UK, and indeed Wales, is the growing number of people who are overweight or obese, which is putting a significant amount of pressure on resources and services such as the NHS. [The National Survey for Wales \(2016-17\)](#) indicates that **59%** of adults (aged 16 and over) in Wales are either overweight or obese. Regular physical activity, such as walking and cycling, can help people who are overweight or obese reduce their weight, and reduce the risks of developing many health implications that being overweight or obese can cause.

Given the abundance of evidence emphasising the importance of regular physical activity on our physical and mental health and well-being, Anglesey's natural environment and PRow network, undoubtedly, has a significant role to play in providing such health and wellbeing opportunities and benefits. With investment and strategic improvements the PRow network has further potential to improve the quality of life, reduce health inequalities and create a more active and healthier society. More people walking and cycling instead of using private motorised transport will provide many environmental benefits, by reducing air pollution and congestion from motorised vehicles.

A well-managed, improved, better integrated and a more accessible PRow network is very likely to increase the number of people that will use the network to improve their personal health and wellbeing, and will contribute to achieve wider health and wellbeing goals. Such improvements are particularly important in more deprived communities on Anglesey, as the PRow network provides a free resource.

Increasing the number of **multi-user routes** that are accessible to all people including equestrians, cyclists, less-able users and non-users, is paramount to provide more opportunities to use the PRow network for health and wellbeing benefits.

RoWIP 2 endeavours to strategically achieve wider health and wellbeing goals and objectives in conjunction with other legislation and policies as specified within the 'Policy Context' Section of this document. Where possible, the Council will aim to safeguard, enhance and promote the PRow network in order to improve safety, accessibility, and to increase health, leisure, and wellbeing benefits for all people within society.

### **How RoWIP 2 links with wider health and wellbeing objectives?**

There are many wider health and wellbeing initiatives outlined and promoted by the Welsh and UK Governments, Local Authorities, national and local organisations and campaigns that aim to improve the nation's health and wellbeing. These aim to promote healthier lifestyles by getting more people to participate in regular physical activity, to achieve healthier and more resilient communities.

### **The Well-being of Future Generations (Wales) Act 2015**

RoWIP 2 aims to deliver aims and objectives, outlined in relevant legislation such as the **WFG(W)A 2015**. The Act aims to improve the social, economic, environmental and cultural well-being of Wales and to implement the principle of sustainable development. The Act places a duty on the Council to plan long-term, work more closely with people and communities and have a more holistic approach; to tackle issues such as climate change, poverty, health inequalities, lack of employment and economic growth. The Council aims to create a PRow network that provides equal opportunities for everyone, strengthen social cohesion and sustainably improve the health and wellbeing of current and future generations.

The WFG(W)A 2015 has put in place 7 'well-being goals' in order to address these issues:

- A **prosperous** Wales
- A **resilient** Wales
- A **healthier** Wales
- A more **equal** Wales
- A Wales of **cohesive communities**
- A Wales of **vibrant culture** and **thriving Welsh language**
- A **globally responsible** Wales

The WFG(W)A 2015 established statutory Public Service Boards (PSBs) which replaced the voluntary Local Service Boards in each local authority area. Each board has a duty to:

- assess the state of economic, social, environmental and cultural well-being in its area
- set objectives that are designed to maximise the PSBs contribution to the well-being goals.

Each PSB must prepare and publish a plan setting out its objectives and the steps it will take to meet them. This is called a Local Well-being Plan. It must say:

- why the PSB feels their objectives will contribute within their local area to achieving the well being goals
- how it has had regard to the assessment of Local Well-being in setting its objectives and steps to take

Anglesey and Gwynedd's Local Well-being plan can be found at <https://www.llesiantgwyneddaron.org/en/>

#### The Isle of Anglesey County Council Plan (2017-2022)

This Plan aims to create communities on Anglesey that are “*healthy, thriving and prosperous*”. RoWIP 2 aims to contribute towards these aims.

#### **Let's Walk Cymru**

Let's Walk Cymru is a walking programme that extends throughout the whole of Wales. The programme is run by Ramblers Cymru and is funded through a grant from the Welsh Government. The programme is aimed to make the population of Wales healthier and more active through regular walking. Their [website](#) allows Anglesey's residents and visitors to search for local walks, and download and print information and maps of various selected routes. Anglesey's residents and visitors can arrange the walks themselves or join an organised group/guided walks that run on a regular basis across Anglesey. Anglesey's PRow network forms an integral part of this walking programme.

#### **Change4Life (Wales)**

**Change4Life** is a national health campaign in England and Wales. In Wales it is supported by the Welsh Government, aimed at providing valuable advice and support to Wales' population to improve their health and wellbeing.

One of the main initiatives spanning from the campaign is **Walk4Life** which promotes the benefits of regular walking to improve personal health and wellbeing. The Council recognises that the PRow network has a vital role to play in achieving the aims outlined in such campaigns. Indeed, the Wales Coast Path (and Anglesey Coastal Path) is actively promoted on the Change4Life [website](#) as means of improving health and wellbeing by participating in regular exercise.

### **Anglesey Health Alliance**

The Anglesey Health Alliance aims to improve the health and quality of life of Anglesey's population. The Anglesey Health Alliance is led by the Council in order to take corporate responsibility for cohesion of its own services and drawing upon the contributions of the NHS and others including community and school nursing services, local drug and alcohol teams, community regeneration partnerships, local county voluntary councils and members of local crime prevention/community safety schemes, in support of coherent and comprehensive programmes of health improving activity. The Anglesey Health Alliance should facilitate local multidisciplinary working across all public health functions. The PRow network can contribute towards meeting some of the Health Alliance objectives.

The Alliance is funded by the Welsh Government and includes representatives from:

- Several Departments within the Council
- Medrwn Môn
- Anglesey Local Health Board
- North West Wales NHS Trust
- Anglesey Community Health Council
- The Legal Services Commission
- North Wales Fire and Rescue Service

The Council will endeavour to increase promotion of the health and wellbeing benefits of Anglesey's PRow network. A better quality, more accessible and better connected PRow, along with a strengthened partnership and collaboration between the Council and relevant institutions and organisations will contribute towards a more active, healthier and equal society.

### **3.3.4 Addressing the Lack of Bridleways on Anglesey**

In 2004 the Isle of Anglesey County Council produced a [Bridleways Strategy](#). The purpose of this strategy was to provide an overview of the current state of the bridleway network on Anglesey and to provide a basis for a systematic approach to improving bridleway and horse riding provision throughout the island, in accordance with Isle of Anglesey County Council objectives.

The implementation of this strategy sought to:

- In the medium term, the development and implementation of three circular bridleway routes by 2006; and,
- In the long term, the development of an island-wide network of riding routes.

Three distinct areas of work were identified that need to be undertaken if a network of riding routes is to be established. These were:

- Historical Research
- A Quiet Roads project, and
- The Creation of New Routes

Due to lack of resources, little progress has been achieved in meeting the aims and objectives of the Strategy on improving the provision for horse riders on Anglesey.

There has been a modest increase in the proportion of the PRow network that equestrians can use since the first RoWIP was published. The length of Bridleways, Restricted Byways and Byways Open to All Traffic recorded on the DMS has risen from **6.6 KM** in 2004 to **15.3 KM** in 2018. This increase was mostly a consequence of DMMO's done on the basis of historical research and one creation agreement.

The objectives of the 2004 strategy remain relevant and important and are reflected in the new Statement of Action.

### **3.3.5 Communicating PRow and access information**

The way people access information about Anglesey's PRow network and wider access opportunities has improved considerably since publication of Anglesey's first ROWIP. Modern technologies and online solutions have been key to achieving this. Since 2012, one of the major ways access information is provided to the public is through an interactive online mapping system at <https://publicrightsofway.anglesey.gov.uk/web/standardmap.aspx> This facility allows the public to view PRow and cycle track alignments on up to date Ordnance Survey mapping, obtain route numbers and status, view the types of structures on each route (stiles, gates, bridges, etc.) and also view mapped Access Land.

In February 2018, the Council's interactive website was upgraded to be more compatible with smartphones and tablets (including a GPS facility). It also added a printing from template facility, and introduced a means for the public to report issues encountered on Anglesey's PRow network (including viewing and updating information on existing issues recorded in the database).

If feasible, the Council will endeavour to develop the online interactive site further in the future to include information on promoted routes, other linear access types (permissive routes, unsurfaced county roads), and information on route accessibility and 'easy access routes'. By adding additional layers of information on factors such as surface types, gradients and widths will allow less-able users to identify suitable routes for them to use.

In addition to further development of the interactive mapping website it is considered that there is a need to further improve available textual information relating to PRow on our website. The subjects identified are:

Subject	Issue
PRow policies	These need to be collected together, published online and regularly updated

Application forms and guidance notes for Public Path Orders, Definitive Map Modification Orders, Temporary Closure Orders	They are not currently available online but are emailed on request. Making them available online would benefit all.
Registers of Definitive Map Modification Order applications, applications for Public Path Orders, depositions under s31(6) HA 1980	It is a statutory requirement to publish these registers online, but Anglesey's have not been updated for about 7 years

## **4. Statement of Action**

### **4.1 Overview**

The Statement of Action outlines the Council's broad strategic commitments towards meeting the needs and developing opportunities identified within the assessments. RoWIP guidance suggests that only sufficiently long term and strategic goals should be included which are unlikely to become obsolete in the 10-year term of the ROWIP.

Shorter term or medium-term commitments need to be included in Delivery Plans which will be an annex to the ROWIP (see 4.3 below).

### **4.2 The Statement of Action**

No	Action	Aims and objectives
SoA1	Improve PRow Management systems	<ul style="list-style-type: none"> <li>• Establish a hierarchy of routes so that our resources can be targeted where they are most likely to meet the public's needs.</li> <li>• Prioritise Definitive Map Modification Order cases according to revised policy</li> <li>• Increase the number and improve the way we deal with prosecutions for obstruction/ unlawful interference</li> <li>• Improving path strimming arrangements by reviewing the</li> </ul>



No	Action	Aims and objectives
		<p>current system with Town and Community Councils</p> <ul style="list-style-type: none"> <li>• Encourage local communities and volunteers to get involved in routine maintenance and management of paths</li> </ul>
SoA2	Improve condition of PRow and wider access network	<ul style="list-style-type: none"> <li>• Increase the proportion of the network which is easy to use</li> <li>• Improve accessibility of Access Land by improving route connections thereto and improving 'access points' where necessary</li> </ul>
SoA3	Improve opportunities for equestrian access	<ul style="list-style-type: none"> <li>• Increase length of bridleways, restricted byways and BOATS on the DM&amp;S as a proportion of the whole PRow network</li> <li>• Establish equestrian circular routes</li> </ul>
SoA4	Continue to support development of Anglesey Coastal Path	<ul style="list-style-type: none"> <li>• Carry out continuous improvements so that trail meets Wales Coast Path standards</li> <li>• Where feasible, reduce on-road sections and provide a more 'coastal' route</li> </ul>
SoA5	Improve dissemination of information about Anglesey's PRow and its wider access Network.	<ul style="list-style-type: none"> <li>• Further development of the Council's interactive mapping system to include promoted routes, circular routes, unsurfaced county roads, permissive routes and easy access routes.</li> <li>• Improve other information on website including publication of PRow policies, various application</li> </ul>

No	Action	Aims and objectives
		forms and statutory registers (required under CROW Act 2000).
SoA6	Implement Active Travel (Wales) Act 2013 and sustainable transport objectives	<ul style="list-style-type: none"> <li>● Carry out improvements to PRow in the 7 designated areas of Anglesey identified on Integrated Routes Map in order to meet these objectives.</li> <li>● Promote Anglesey's PRow network as a viable means of sustainable transport to reduce dependency on private motorised forms of transport and promote environmental benefits.</li> </ul>
SoA7	Provide more 'Easy Access Routes' to assist less-able users and strategically improve and promote the PRow network to provide health and wellbeing benefits to members of the public.	<ul style="list-style-type: none"> <li>● To assist people with mobility problems</li> <li>● To identify, prioritise, and strategically plan for improvements to the PRow network that will improve the health and wellbeing of Anglesey's residents.</li> <li>● Promote the health and wellbeing benefits of Anglesey's PRow network.</li> </ul>

### **4.3 Arrangements for Delivery Plans**

Delivery Plans must contain these components:

1. An evaluation of progress in delivering the ROWIP and previous action plans (not applicable for the 1st Delivery Plan of ROWIP2)
2. A review of policies for the management of PRow.

3. SMART (Specific, Measurable, Agreed, Realistic, Time based) work plans identifying and setting out the component tasks required to deliver the main aims of the Statement of Action for the better management and improvement of the network over the delivery period.

The first Delivery Plan can be found at Annex 3 and covers the period 2018/19 - 2021/22.

It is intended that Delivery Plans are reviewed and renewed at intervals of 3 to 4 years, in consultation with the Anglesey Local Access Forum. It is proposed to report to the LAF on progress at yearly intervals. The ROWIP and Delivery Plans will be published on the Council website.

## Annex 1 – List of Consultees

- Town and Community Councils
- Isle of Anglesey County Council Elected Members (Councillors)
- Anglesey Local Access Forum Members
- Natural Resources Wales
- Ynys Môn Ramblers
- The British Horse Society
- Open Spaces Society
- The Byways and Bridleways Trust
- Cycling UK
- Sustrans Cymru
- National Trust
- Farmers' Union of Wales (FUW)
- Country Land and Business Association (CLA)
- Taran
- North Wales Advice and Advocacy
- NFU Cymru
- NFU Mutual
- British Mountaineering Council (BMC)

## Annex 2: Evaluation of Delivery of previous RoWIP and RoWIP grant expenditure

### Progress on the ROWIP1 Statement of Action 2008-2018

Ref	Action	Target date	Progress as at February 2018
M1	Process of prioritisation of paths to be undertaken through on-going consultation with informed stakeholders. Maintenance of these rights of way to then take priority over lesser used paths	2012	A few community council areas have been considered by a sub-group of the LAF. Path links were assigned a priori ranking of "Highest priority", "Medium Priority", "Low Priority" or "Little or no utility". 559 of 2948 path links (19%) were graded. The process was not completed due to the high workload involved.
M2	Maintenance of public rights of way to reach an interim figure of 65% of all paths open and accessible by 2012.	2012	<p>2005/06 – 46.9% of PRow were classed as 'easy to use'            2006/07 – 53.1% of PRow were classed as 'easy to use'            2007/08 – 47.0% of PRow were classed as 'easy to use'            2008/09 - 54.8% of PRow were classed as 'easy to use'            2009/10 – 51.3% of PRow were classed as 'easy to use'            2010/11 – 58.7% of PRow were classed as 'easy to use'            2011/12 – 58.7% of PRow were classed as 'easy to use'            2012/13 – 66.2% of PRow were classed as 'easy to use'            2013/14, 2014-15, 2015-16- no surveys undertaken            2017 calendar year – 62.8% of PRow were classed as 'easy to use'</p> <p>Although the 65% target by 2012 was not achieved there has been an appreciable improvement in the percentage of paths passing the ease of use test.</p>
M3	Ongoing maintenance to be continued along the remainder of the public rights of way network	Continuous	This is being done but action point is not measurable
M4	New standards to be implemented in relation to footpath furniture and its installation	Continuous	British Standard BS 5709:2001 'Gaps, gates and stiles —Specification' is followed in most cases. Producing a standards document with set-up dimensions and construction/ installation instructions for the most common types of structures would also be beneficial
M5	Inspections to be undertaken upon completion of all path works to ensure the standards have been adhered to by all contractors.	Continuous	This is being done in all cases
M6	Initiate a study as to the potential effectiveness of funding landowners/tenants directly to undertake management and upkeep of paths on their land.	2009	Not actioned
M7	'By All Reasonable Means' guidance should be taken into account when undertaking all path works, and whenever possible paths should be made as easy to use as possible.	Continuous	Guidance currently not followed in all cases and staff training on the subject needs to be arranged.
M8	General inspections to rise from 5% random sample per annum to 7.5-10% per annum	Continuous	7.5% random sample inspection of RoW undertaken annually between 2008/09 and 2012/13. After this, it was no longer mandatory to submit an annual RoW Performance Indicator figure to Welsh Government. Because of this, and staff cuts in the RoW Section, it is now not possible to undertake an annual sample inspection.

Ref	Action	Target date	Progress as at February 2018
M9	Installation of path management software	2009	'Countryside Access Management System' (CAMS) software was installed in 2009 and is available to all RoW staff. A version of the same software running on tablet computers used in the field was also purchased in 2014.
I1	The coastal path's development into a nationally important trail to be given priority and sufficient funding and staffing to be made available to reach this goal.	Continuous	Provisional funding secured up to 2022 as part of the Wales Coast Path project. A Wales Coastal Path Regional Officer (North) employed by NRW started in April 2017 and the post is secure until at least 2022.
I2	Improvement work to be carried out on the entire length of the Two Lighthouses Walk, with easy access provision taking priority.	2018	Some improvements carried out with ROWIP grant in 2008/09 but further work is required, especially in terms of easy access provision.
I3	Improvement and promotion of 10 new circular walks linking the coastal path to historical, cultural, geological and ecological interest. These should wherever possible link into centres of population.	2018	5 new Heritage Walks established in SW Anglesey in 2009 (Dwynwen, Llewod, Maelog, Menai, Rhosyr). Also Archaeological themed walk established in Brynsiencyn/ Llangaffo in 2010
I4	Creation of 3 new circular off road horse riding routes centring upon areas already popular with horse riding, and with the infrastructure in place to enable a sustainable product.	2012	Not actioned
15	Undertake a scoping exercise to ascertain potential new off road cycling routes. This should as a prerequisite include potential for use of cycle routes by horses.	2009	Not actioned
I6	Council will work to provide more accessible easy access routes especially in and around centres of population. Lowest Welsh Index of Multiple Deprivation (WIMD) areas to be targeted as priority.	2018	WIMD not yet targeted. Lowest WMID wards are :- Tudur, Maeshyfyrd (Llangefni) Morawelon, London Road, Holyhead Town, Porthyfelin, Kingsland (Holyhead) Amlwch Port Bryngwran,
BE1	Build partnerships with conservation organisations, thus creating an environment of consistent and mutually beneficial thinking.	Continuous	Partnerships already exist but could be developed further
BE2	The council will become a proactive member of groups developing the link between access and conservation i.e. Heathland Strategy and Landscape Scale Projects	Continuous	This is happening
BE3	All new literature and interpretation to give a strong message both about Countryside Code and environmental awareness.	Continuous	This is being done
BE4	Standards to be adhered to with regard to use of sustainable path furniture, and a greater emphasis to be placed on aesthetics of works undertaken.	Continuous	Standards not yet documented. Could be written in conjunction with action point M4.
BE5	Initiate a study as to the potential to develop a coastal habitat improvement project, where the coastal zone is	2009	Study not initiated however the Anglesey Grazing Animals Partnership (AGAP) was established in 2008. AGAP is a local grazing scheme working to link land of wildlife and

Ref	Action	Target date	Progress as at February 2018
	looked at alongside access with regard to improving habitats		conservation interest with graziers and farmers who can supply suitable grazing stock for the benefit of the wildlife, the landscape and the cultural heritage of Ynys Môn. It has introduced and supported grazing on 16 sites (many of these are coastal) across Anglesey totalling over 300 hectares.
BE6	Produce a Travel Plan for travel within the AONB centring upon the use of the Coastal Path – Travel Plan to assess creating a viable sustainable transport system within the AONB	2009	Not actioned
DM1	Completion of work already commenced to refine and validate the digitised definitive map. This dataset will be the basis of the new consolidated definitive map	2009	Completed in 2009
DM2	To consolidate the Definitive Map & Statement	2009	Completed in 2012
DM3	To investigate the feasibility of contracting out historical research work to reduce the backlog of definitive map orders	2009	Several consultants approached for prices in 2009. Conclusion that it is not economic to contract out research work.
H1	ROW Unit to actively liaise with health groups, thus creating an environment where each lead partner is aware of developments and desires.	Continuous	Not being done at present however Leisure Department has active links with health groups
H2	Investigate ways in which assistance can be given to those members of the community who cannot access the countryside to appreciate the health and social benefits and enjoyment the rights of way network can bring.	2018	Not actioned
H3	Development of an 'Urban Walks' programme centring on LSOA (Lower Layer Super Output Area) urban areas and their hinterland to be undertaken. Links to Gwynedd CC Urban Walks in Bangor area	2012	'Step out' programme (part of 'Walking the Way to Health' initiative) is currently operating in, Llangefni, Amlwch, Valley, Gaerwen, Llanfairpwll, Brynsiencyn, Benllech, Holyhead, Llangoed/ Beaumaris, Rhosneigr.
P1	Resource and promote the Isle of Anglesey Coastal Path to attract new locals and visitors, thus allowing the path to reach its potential both as a National Trail, and with regard to its economic, social, and health benefits	Continuous	Provisional funding secured up to 2022 as part of the Wales Coast Path project. A Wales Coastal Path Regional Officer (North) employed by NRW started in April 2017 and the post is secure until at least 2022.
P2	Promote current and future circular / linear routes through local press, walking magazines, and the internet, thus expanding the potential for Anglesey being recognised as a walking destination by a wider market than currently seen	2018	Circular routes are currently promoted on <a href="http://www.visitanglesey.co.uk">www.visitanglesey.co.uk</a> Promoted routes can also be shown on interactive map in future (see P5)
P3	Actively support community groups and other organisations to produce information on routes in and	Continuous	Many leaflets already created by Menter Môn with input by the Council, e.g. Menter Mechell (3 walks), Llanfairpwll, Pentre Berw (2 walks), Menai Bridge (2 walks),



Ref	Action	Target date	Progress as at February 2018
	around their towns and villages		Caergeiliog (Madam Wen trail).
P4	Department to take an active role in promoting walking, cycling and horse riding and their associated routes within the council, and to lobby departments involved in tourism to promote routes as a priority with regard to future publications and advertising	Continuous	This is being done but perhaps could be done on a more active basis.
P5	Department to complete and continually update 'Complete Access Map' service which is to be available on-line, and indicates where access is available including all access land, permissive access and nature reserves as well as the rights of way network. This is to be continually updated to indicate if paths are open and usable or at the time impassable.	2010	Interactive map showing public rights of way and access land published at <a href="http://publicrightsofway.anglesey.gov.uk/">http://publicrightsofway.anglesey.gov.uk/</a> since 2011. Website upgraded February 2018 so that it is compatible with smartphones and tablets, also to have more features such as print templates, facility for public to record issues.

## ROWIP Grant Expenditure since 2008

Year	Action	Grant spend per action	Grant Offer	Claimed	Underspend
2008/9	Improvement of the "Two Lighthouses walk"	£16,932.00			
	Improvement of x13 Saint Walks	£17,310.67			
		<b>£34,242.67</b>	<b>£42,028.00</b>	<b>£34,242.67</b>	<b>£7,785.33</b>
2009/10	Opening 17 KM PRoW	£18,405.57			
	Llyn Coron paths improvement/ reinstatement	£5,593.49			
	Pont Mari Powell - new footbridge	£21,670.93			
		<b>£45,669.99</b>	<b>£45,670.00</b>	<b>£45,669.99</b>	<b>£0.01</b>
2010/11	Reinstating 5 KM PRoW at Mechell	£3,435.15			
	Reinstating 5 KM PRoW at Cors Goch	£21,936.84			
	Reinstating 8 KM PRoW at Pentre Berw	£1,232.50			
	Lon y Mynydd (Pentraeth) - reinstatement	£4,232.00			
	PRoW Roadside signage	£4,228.65			
	Lon Goed, Llangaffo- improvements	£2,649.44			
	FP19 Rhosmeirch - reinstatement & drainage	£2,240.00			
	Llyn Maelog - surface improvements	£1,100.00			
	FP24 Pentraeth - surfacing	£4,327.05			
		<b>£45,381.63</b>	<b>£45,670.00</b>	<b>£45,381.63</b>	<b>£288.37</b>
2011/12	CAMS Web work	£12,111.83			
	Purchase of hardware/ software for surveys	£7,317.45			
	PRoW Roadside signage	£7,370.60			
	Wygr Valley, Cemaes- footbridges	£12,876.00			
	Llandegfan path improvements	£3,800.00			
		<b>£43,475.88</b>	<b>£43,702.00</b>	<b>£43,475.88</b>	<b>£226.12</b>
2012/13	100KM PRoW survey	£6,736.50			
	CAMS Web & custom reports	£7,716.78			
	Path 16 Pentre Berw- Footbridge	£6,033.47			

	FP5 Porthaethwy - drainage & surfacing	£6,300.00			
	Surfacing of Lon Copr, Penysarn	£1,912.25			
	Materials for boardwalk- FP2 Cors Bodeilio	£10,318.00			
	FPs 13 & 14 Beaumaris - surfacing	£4,685.00			
		<b>£43,702.00</b>	<b>£43,702.00</b>	<b>£43,702.00</b>	<b>£0.00</b>
2013/14	FP28 Llangristiolus - erection of footbridge	£3,251.94			
	Purchase of gates for volunteer work	£6,549.00			
	Bridleway 39 Llanddona - drainage & surfacing	£8,859.18			
	FP18 Llandegfan - drainage	£5,031.98			
	PROW Roadside signage	£5,072.90			
	Production of custom report in Cams	£1,088.00			
	FP65 Marianglas - reinstatement	£1,020.00			
	Improvement work on Saints Walks	£1,860.00			
		<b>£32,733.00</b>	<b>£32,733.00</b>	<b>£32,733.00</b>	<b>£0.00</b>
2014/15	FP28 Llangristiolus - erection of footbridge	£5,220.21			
	FP9 Rhoscolyn - drainage & surface improvement	£3,685.00			
	FP84 Cylch y Garn - surfacing	£2,220.00			
	FP33 Llanfihangel Esceifiog - 2 footbridges	£2,680.00			
	Purchase of gates for volunteer work	£9,030.69			
	FP 57 & 59 Amlwch - surfacing & drainage	£1,440.00			
	PROW Roadside signage	£3,128.30			
	FP12 Valley - diversion & path reinstatement	£4,652.80			
	FP 3 & 4 Moelfre - clearance & drainage	£1,528.00			
		<b>£33,585.00</b>	<b>£33,585.00</b>	<b>£33,585.00</b>	<b>£0.00</b>
2015/16	FP17 Llanidan - footbridge	£12,000.00			
	FP 1 & 2 Llanfachraeth - surfacing	£8,000.00			
	FP14 Holyhead - surfacing	£8,385.00			
	FP 17 Llanfairpwll/ 16 Porthaethwy - tree thinning & siding	£5,200.00			
		<b>£33,585.00</b>	<b>£33,585.00</b>	<b>£33,585.00</b>	<b>£0.00</b>

2016/17	FP5 Llanddyfnan - erection of footbridge	£17,212.32			
	FP59 Llangristiolus - erection of footbridge & gates	£2,760.80			
	FP19 Llangoed - surfacing & ditching	£3,510.00			
	FP30 Trearddur - construct replacement flight of	£1,650.00			
	PROW Roadside signage	£2,165.41			
	FP28 Llangristiolus - erection of footbridge	£6,286.47			
		<b>£33,585.00</b>	<b>£33,585.00</b>	<b>£33,585.00</b>	<b>£0.00</b>
2017/18					
	FP27 Llanddyfnan - erection of footbridge	£14,100.47			
	Upgrade of Cams web software	£2,987.44			
	Undertake gradient analysis of PROW	£588.00			
	Purchase of materials for volunteer work	£8,373.60			
	Coed Cynol, Porthaethwy - replacement steps & walkway	£6,467.09			
		<b>£32,517.00</b>	<b>£32,517.00</b>	<b>£32,517.00</b>	<b>£0.00</b>
		<b>Totals 2000/9 - present</b>	<b>£386,777.00</b>	<b>£345,960.17</b>	<b>£8,299.83</b>

<b>ROWIP Grant Expenditure since 2008</b>					
<b>Year</b>	<b>Action</b>	<b>Grant spend per action</b>	<b>Grant Offer</b>	<b>Claimed</b>	<b>Underspend</b>
2008/9	Improvement of the "Two Lighthouses walk"	£16,932.00			
	Improvement of x13 Saint Walks	£17,310.67			
		<b>£34,242.67</b>	<b>£42,028.00</b>	<b>£34,242.67</b>	<b>£7,785.33</b>
2009/10	Opening 17 KM PRoW	£18,405.57			
	Llyn Coron paths improvement/ reinstatement	£5,593.49			
	Pont Mari Powell - new footbridge	£21,670.93			
		<b>£45,669.99</b>	<b>£45,670.00</b>	<b>£45,669.99</b>	<b>£0.01</b>
2010/11	Reinstating 5 KM PRoW at Mechell	£3,435.15			
	Reinstating 5 KM PRoW at Cors Goch	£21,936.84			
	Reinstating 8 KM PRoW at Pentre Berw	£1,232.50			
	Lon y Mynydd (Pentraeth) - reinstatement	£4,232.00			
	PRoW Roadside signage	£4,228.65			
	Lon Goed, Llangaffo- improvements	£2,649.44			
	FP19 Rhosmeirch - reinstatement & drainage	£2,240.00			
	Llyn Maelog - surface improvements	£1,100.00			
	FP24 Pentraeth - surfacing	£4,327.05			
		<b>£45,381.63</b>	<b>£45,670.00</b>	<b>£45,381.63</b>	<b>£288.37</b>
2011/12	CAMS Web work	£12,111.83			
	Purchase of hardware/ software for surveys	£7,317.45			
	PRoW Roadside signage	£7,370.60			
	Wygr Valley, Cemaes- footbridges	£12,876.00			
	Llandegfan path improvements	£3,800.00			
		<b>£43,475.88</b>	<b>£43,702.00</b>	<b>£43,475.88</b>	<b>£226.12</b>
2012/13	100KM PRoW survey	£6,736.50			
	CAMS Web & custom reports	£7,716.78			
	Path 16 Pentre Berw- Footbridge	£6,033.47			

	FP5 Porthaethwy - drainage & surfacing	£6,300.00			
	Surfacing of Lon Copr, Penysarn	£1,912.25			
	Materials for boardwalk- FP2 Cors Bodeilio	£10,318.00			
	FPS 13 & 14 Beaumaris - surfacing	£4,685.00			
		<b>£43,702.00</b>	<b>£43,702.00</b>	<b>£43,702.00</b>	<b>£0.00</b>
2013/14	FP28 Llangristiolus - erection of footbridge	£3,251.94			
	Purchase of gates for volunteer work	£6,549.00			
	Bridleway 39 Llanddona - drainage & surfacing	£8,859.18			
	FP18 Llandegfan - drainage	£5,031.98			
	PROW Roadside signage	£5,072.90			
	Production of custom report in Cams	£1,088.00			
	FP65 Marianglas - reinstatement	£1,020.00			
	Improvement work on Saints Walks	£1,860.00			
		<b>£32,733.00</b>	<b>£32,733.00</b>	<b>£32,733.00</b>	<b>£0.00</b>
2014/15	FP28 Llangristiolus - erection of footbridge	£5,220.21			
	FP9 Rhoscolyn - drainage & surface improvement	£3,685.00			
	FP84 Cylch y Garn - surfacing	£2,220.00			
	FP33 Llanfihangel Esceifiog - 2 footbridges	£2,680.00			
	Purchase of gates for volunteer work	£9,030.69			
	FP 57 & 59 Amlwch - surfacing & drainage	£1,440.00			
	PROW Roadside signage	£3,128.30			
	FP12 Valley - diversion & path reinstatement	£4,652.80			
	FP 3 & 4 Moelfre - clearance & drainage	£1,528.00			
		<b>£33,585.00</b>	<b>£33,585.00</b>	<b>£33,585.00</b>	<b>£0.00</b>
2015/16	FP17 Llanidan - footbridge	£12,000.00			
	FP 1 & 2 Llanfachraeth - surfacing	£8,000.00			
	FP14 Holyhead - surfacing	£8,385.00			
	FP 17 Llanfairpwll/ 16 Porthaethwy - tree thinning &	£5,200.00			
		<b>£33,585.00</b>	<b>£33,585.00</b>	<b>£33,585.00</b>	<b>£0.00</b>

2016/17	FP5 Llanddyfnan - erection of footbridge	£17,212.32			
	FP59 Llangristiolus - erection of footbridge & gates	£2,760.80			
	FP19 Llangoed - surfacing & ditching	£3,510.00			
	FP30 Trearddur - construct replacement flight of ste	£1,650.00			
	PROW Roadside signage	£2,165.41			
	FP28 Llangristiolus - erection of footbridge	£6,286.47			
		<b>£33,585.00</b>	<b>£33,585.00</b>	<b>£33,585.00</b>	<b>£0.00</b>
2017/18					
(Provisional)	FP27 Llanddyfnan - erection of footbridge	£9,000.00			
	Upgrade of Cams web software	£2,482.00			
	Undertake gradient analysis of PROW	£588.00			
	Purchase of materials for volunteer work	£11,000.00			
	PROW Roadside signage	£2,447.00			
	Coed Cynol, Porthaethwy - replacement steps & wa	£7,000.00			
		<b>£32,517.00</b>	<b>£32,517.00</b>		
		<b>Totals 2000/9 - present</b>	<b>£386,777.00</b>	<b>£345,960.17</b>	<b>£8,299.83</b>



## Annex 3 - Delivery Plan For 2018/19 - 2021/22

### 1. A review of policies for the management of PRow

PRow policies on the management of rights of way have been reviewed, updated and published on our [website](#)

### 2. Work Plans

No	Output description	Measuring, monitoring and reporting on progress	Resources required and availability	Who will deliver and key partners	Relates to Statement of Action objective(s) number	Timetable
1	Establish a hierarchy of routes so that resources can be targeted at where they are most likely to meet the public's needs	LAF to receive yearly update	Approximately 10 weeks of PRow officer time plus budget of £4K	PRow officer with assistance from external Geographical Information System (GIS) contractor. LAF, user groups, community councils and Destination Anglesey Partnership to be consulted	SoA1	Draft hierarchy produced by the end of 2019/20.  Final hierarchy by mid-2020/21
2	Prioritise Definitive Map Modification cases in accordance with revised policy	LAF to receive yearly update	Approximately 4 weeks of Definitive Map Officer time and 1 week of PRow officer time	DM Officer PRow Officer	SoA1	By June 2019
3	Review routine path strimming arrangements with Community Councils with a view to improve the	LAF to receive end of year update	Approximately 4 weeks of PRow Officer time	PRow Officer, Community & Town Councils	SoA1 SoA2	By end of 2021/22

No	Output description	Measuring, monitoring and reporting on progress	Resources required and availability	Who will deliver and key partners	Relates to Statement of Action objective(s) number	Timetable
	service					
4	Review of arrangements for prosecution of landowners/ occupiers for wilful obstruction of PRow and public nuisance	LAF to receive end of year update	Approximately 1 week of PRow Officer time and 2 days of Legal Services Section time	PRow Officer, Senior Management (Highways), Head of Legal Services, Denbighshire Council Legal Services	SoA1	By end of 2018/19
5	Establish 1 circular bridleway route after consultation with equestrians and landowners/ occupiers	LAF to receive end of year update	Approximately 4 weeks of PRow Officer time. Budget of £5K, possibly from Partneriaeth Tirlun Ynys Cybi Project	PRow Officer, BHS, landowners/ occupiers, Partneriaeth Tirlun Ynys Cybi Project Officer	SoA3	By end of 2021/22
6	Process Definitive Map Modification Orders to record 6 unsurfaced Unclassified County Roads on DMS	LAF to receive end of year update	Approximately 12 weeks of DM Officer time	Definitive Map Officer	SoA3	By end of 2021/22
7	Carry out assessment to establish areas where the Anglesey Coast Path could provide a more 'coastal' route.	LAF to receive end of year updates	Approximately 4 weeks of Coastal Path Officer time	Coastal Path Officer / NRW Regional Officer	SoA4	By end of 2019/20
8	Remove 10 stiles on the	LAF to receive	Approximately 4	Coastal Path Officer /		By December 2020

No	Output description	Measuring, monitoring and reporting on progress	Resources required and availability	Who will deliver and key partners	Relates to Statement of Action objective(s) number	Timetable
	Coastal Path route and provide gap, gate or kissing-gate in their place	yearly update	weeks of Coastal Path Officer & Technician time Budget of £6k from annual maintenance budget	Coastal Path Technician	SoA2 SoA4 SoA7	
9	Improvement and promotion of 10 routes linking the Coastal Path to sites of interest and/or centres of population with easy access provision where suitable	LAF to receive yearly update	Approximately 6 weeks of Coastal Path Officer time and budget of £10k from annual maintenance budget	Coastal Path Officer. Consultation with IaCC Destination function	SoA4 SoA7	By end of 2019/20
10	Improve PRow information on IACC website by adding: <ul style="list-style-type: none"> <li>Registers of Definitive Map Modification Order (DMMO) applications</li> <li>Register of Public Path Order (PPO) applications</li> <li>Register of depositions under S31(6) Highways Act 1980</li> <li>Downloadable guidance and application forms for</li> </ul>	LAF to receive end of year updates	Approximately 4 weeks of Definitive Map Officer time and 3 weeks of PRow officer time	DM Officer PRow Officer Council IT Section	SoA5	By end of 2019/20

No	Output description	Measuring, monitoring and reporting on progress	Resources required and availability	Who will deliver and key partners	Relates to Statement of Action objective(s) number	Timetable
	DMMO & PPO applications, application for temporary path closure/diversion					
11	<p>Active Travel (Wales) Act 2013 objectives:</p> <ul style="list-style-type: none"> <li>• Integrated Network Map (INM) to be resubmitted to Welsh Government</li> <li>• Review and audit PRow on Active Travel INM</li> </ul>	LAF to receive end of year updates	<p>Approximately 3 weeks of PRow Officer time.  Approximately 4 weeks of Active Travel Officer Time  Budget of £10K</p>	<p>Active Travel Officer  PRow Officer  External consultant</p>	SoA6	<p>August 2018</p> <p>By end of 2019/20</p>



# Public Rights of Way Management Policies

January 2018

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**Acronyms used within the Document:**

<b>Acronym</b>	<b>Definition</b>
PRoW	Public Rights of Way
RoWIP	Rights of Way Improvement Plan
DMS	Definitive Map and Statement
HA 1980	Highways Act 1980
CRoW Act 2000	Countryside and Rights of Way Act 2000
NPACA 1949	National Parks and Access to the Countryside Act 1949
WCA 1981	Wildlife and Countryside Act 1981
TCPA 1990	Town and Country Planning Act 1990
EA 2010	Equality Act 2010
AA 1971	Animals Act 1971
HSWA 1974	Health and Safety at Work Act 1974
RTRA 1984	Road Traffic Regulation Act 1984
RTA 1988	Road Traffic Act 1988
BOATs	Byways Open to All Traffic
CA 1968	Countryside Act 1968

## **1 Maintenance and Improvement of the PRow Network**

PRow maintenance responsibilities are divided between the Isle of Anglesey County Council and landowners/ occupiers on which a PRow crosses. PRow maintenance is undertaken by a combination of the Council's PRow Staff, external contractors, community councils and by volunteers.

**The Isle of Anglesey County Council's** main PRow maintenance responsibilities include:

- Surface maintenance.
- Signage and waymarking.
- In most cases, repair, replace, and construct bridges over natural watercourses, (there may be a shared maintenance responsibility where a bridge is also used by a landowner or occupier of land for private vehicular access).
- Provide a financial contribution towards the repair and replacement of PRow structures (such as gates and stiles).
- Clearance of seasonal surface vegetation growth (i.e. strimming contracts).
- Major clearance of overgrown routes and fallen trees (if responsibility falls on the Council itself, or if the Council feels that these works are necessary).
- Ensure that the PRow network is kept free from obstructions and undertake necessary enforcement action against those who 'wilfully' obstruct a PRow to promptly remove the obstruction(s).
- Consider the needs of all types of users, including less-able users (including those with mobility difficulties and sight impairments) and implement the Least Restrictive Access Policy.
- Implement Traffic Regulation Orders (TRO's) when required.

The **Landowner's/Occupier's** main PRow maintenance responsibilities include:

- Ensure that all stiles, gates and other boundary crossings are maintained to a safe and acceptable standard.
- Obtain official authorisation by the Council before erecting new structures such as stiles and gates on footpaths and bridleways.
- Cut back encroaching vegetation such as hedges, overhanging vegetation, and fallen trees that are growing or have fallen onto PRow from their land.
- Ensure that they do not wilfully obstruct the PRow crossing their land and the route is kept free from obstructions.
- Reinstate ploughed cross field footpaths and bridleways to the statutory widths and time limits, and under no circumstance plough footpaths or bridleways that are enclosed and/or running along a field edge.
- Ensure that the definitive line of a route (on the ground) is kept clear of crops (other than grass) and are maintained to the statutory minimum widths always.
- Ensure that any animal known to have dangerous characteristics is not kept on land crossed by a PRow
- Ensure that no misleading or intimidating signs are placed on or near a PRow that may deter users.

## **1.1 Signposting and Waymarking**

Under **Section 27** of the **CA 1968**, the Isle of Anglesey County Council has a duty to signpost all PRow where they leave a metalled road. The Council can be relieved of this obligation at certain locations if it considers a sign to be unnecessary and if a representative of the local Town/Community Council agrees.

Section 27 of the CA1968, also requires waymarkers to be placed at points along a route where it is considered necessary to help people to navigate a route. The Council has a general power to erect and maintain signposts/waymarkers along PRow, where considered necessary.

<b>Type of PRow</b>	<b>Correct Colour of Waymarker</b>
Footpaths	Yellow
Bridleways	Blue
Restricted Byways	Plum
BOATs	Red

In the following circumstances higher than usual levels of signposting and/or waymarking may be appropriate:

- The Isle of Anglesey Coastal Path has specific standards of signing and waymarking.
- Other promoted routes.
- The Isle of Anglesey County Council will consider requests for bespoke signing or waymarking for certain routes.

### **Unauthorised and/or Misleading Signs and Notices**

Under **Section 57** of the **NPACA 1949** and **Section 132** of the **HA 1980**, it is an offence (without lawful authority) for any person to paint, inscribe or affix any picture, letter, sign or any other mark on or near a PRow that contains false and/or misleading information that is likely to deter the users of PRow. The Isle of Anglesey County Council has the power to request the removal of such signs and notices. Failure to comply, the Council may take direct action against the person in question through various enforcement action procedures (*Page 8*).

## **1.2 Bridges**

Most bridges over natural water courses and forming part of the PRow network are provided, owned and maintained by the Council. Under **Section 91** of the **HA 1980** the Council has powers to construct a bridge to carry a highway (including PRow) maintainable at public expense. Additionally, **Section 92** of the **HA 1980** provides the Council with power to reconstruct a bridge forming part of the PRow network either at the same site, or at a new site within **200 yards** of the original location. Where a privately maintainable bridge carries a PRow, the Council, will at its discretion contribute towards the cost of any justifiable repair or replacement. Contributions to the cost would not usually exceed **5%** for a footpath and **10%** for a bridleway. Bridges which carry a restricted byway or BOAT would normally be

maintained by the Council to ensure that these bridges are safe and suitable for the types of traffic expected to use them (i.e. bicycles, motorised vehicles).

### **1.3 Boundary structures (Gaps, Gates, Stiles and Accessibility)**

**Section 146** of the **HA 1980** places a duty on landowners/occupiers to ensure that every stile, gate (or other similar structures) along a footpath, bridleway, or restricted byway is maintained in a safe condition and in a good state of repair to prevent “unreasonable interference” to those using a footpath, bridleway and restricted byway.

The Council’s duty only extends to ensuring that the landowner complies with this obligation and to provide a grant of **25%** towards the cost of repairing or replacing such structures. The Council has a discretionary power to extend this grant and will, under normal circumstances, provide the materials at no cost to the landowner in lieu of a 25% contribution.

In instances when an existing item of furniture is due for replacement, or when a new item of furniture is being installed, the Council, will endeavour to implement the ‘Least Restrictive Access Policy’ with regard to furniture, whereby:

1. A **gap** is the most favourable option of furniture, as it is the least restrictive type.
2. Where a gap is not a plausible option, a **field** or **pedestrian gate** will then be considered. (On a bridleway a gate is the only alternative to a gap, and the latches must be possible to operate from horseback).
3. If a field or pedestrian gate is not a possible option, then the Council will aim to install a **kissing gate**.
4. If installing a kissing gate is not possible, and all the other options have been considered, a **stile** will be installed. A **stile** is the least favoured option by the Council as it is the most restrictive type of furniture. A stile will only be installed if all the other types of furniture (discussed above) are not possible or practical to be installed. Generally, a stile will not be permitted to be installed when a new section of PRoW is being created.

Some aspects which will be considered when applying the Least Restrictive Access Policy:

- Requirements of landowners (such as stock proofing),
- Local distinctiveness and historical significance of some structures, such as a historical stone stiles or bespoke pedestrian/kissing gates.

#### **The needs of people with mobility issues and other disabilities (less-able users)**

**Section 69** of **CRoW 2000** introduced new **Section 147ZA** to the **HA 1980** providing the Council with powers to enter into agreements with landowners or occupiers of land to undertake work and/or replace structures/furniture present on footpaths and bridleways, with a less restrictive types to make it more convenient for less-able users. Where Section 147ZA agreements are made, the Council will usually conduct the work at no expense to the landowner.

The **EA 2010** places a duty on the Council to consider the needs of those with mobility difficulties/visual impairments (less-able users). The requirements outlined within the EA 2010 are particularly relevant when managing and authorising structures on the PRoW network. The type of furniture/structure on the PRoW network can be a significant barrier

detering certain people from using the network. For example, a stile can be a significant obstacle for those who have mobility difficulties and a stile or a kissing gate can be a major obstacle for those who are dependent on a wheelchair. The Council will endeavour to make reasonable adjustments and pursue current best practise to reduce physical barriers on the PRow Network.

#### **1.4 Managing PRow Surfaces**

As a Highway Authority, the Isle of Anglesey County Council, under **Section 41** of the **HA 1980**, has a duty to maintain highways maintainable at public expense. Consequently, the Council has a duty to maintain the surfaces of most PRow. The standard of maintenance required by law will depend upon the type of highway and the kind of traffic normally expected to use it. There are no statutory surfacing standards of PRow. However, the Council has a statutory duty to ensure that the surfaces of PRow are maintained, so that they are safe and suitable for public use.

The Council's powers extend further to improve PRow surfaces as specified within the Welsh Government Document: 'Guidance for Local Authorities on Public Rights of Way' (2016). The types of improvements to the surfaces the Council undertake include:

- Levelling
- Metalling
- Planting and levelling out verges
- Improve drainage
- Replace fords or stepping stones with bridges
- Carrying out works or placing structures for the purposes of enhancing amenity or providing a public service

**Section 62** of the **HA 1980** gives the Council "general power of improvement" in order to improve the surfaces of PRow. Improvements made by the Council to PRow surfaces, especially metalling and levelling, also contributes to meeting requirements outlined within the **CRoW 2000** and the **EA 2010**, by making the network more accessible and easier to use.

#### **Maintenance of PRow Surfaces where there is shared public/private use**

On Anglesey, a substantial proportion of the PRow network is coexistent with accommodation lanes to private properties (such as farms), that often have private vehicular rights (rights of access). In order to manage this issue, the Council has adopted a policy whereby if a public footpath or bridleway is maintainable at public expense and is in coexistence with a route that have private vehicular rights, the Council may consider making a contribution towards the costs of maintenance of the surface of such routes to the extent required for the acceptable standard required for the PRow. The contribution sum may vary occasionally according to circumstances. However, the contribution from the Council will not normally exceed **10%** of the cost. Normally, the landowners or occupiers will be expected to arrange the maintenance work themselves and request a financial contribution from the Council thereafter.

### **1.4 Tree and Vegetation Management**

**Section 294** of the HA 1980 allows the Council to apply to the Magistrates Court for an order authorising entry to examine premises to determine whether any hedge, tree or shrub is dead, diseased, damaged or insecurely rooted, that could pose a risk to users of PRow network.

**Section 154** of the HA 1980 relates to the management of hedges, trees or shrubs in relation to highways. Section 154(1) and (4) concerns the cutting back of trees or overhanging branches. Section 154(1) enables the Council to require landowners or occupiers whose trees, shrubs or hedges affecting the highway network (including PRow) by causing danger, obstruction, or interfere with the passage of vehicles, pedestrians or horse riders, to lop or cut the encroaching vegetation to remove the cause of danger, obstruction and/or interference.

The Council may serve a notice on landowners or occupiers, giving them a maximum of **14 days** to cut or remove the encroaching vegetation. If the landowner or occupier of land fails to comply with the terms outlined within the 14-day notice period, the Council has the power and authority to conduct the work itself (as required by the notice). The Council may also recover the cost reasonably incurred of conducting the works from the landowner or occupier (person in default).

If the landowner or occupier is aggrieved by the requirement under subsection (1) or (2) of Section 154 of the HA 1980 (as discussed above) and disagrees with the conditions outlined within the notice served by the Council may make an appeal to the Magistrates Court.

Additionally, **Section 65** of the **CRoW 2000** extends Section 154 of the HA 1980 further, by requiring overhanging vegetation that is endangering or obstructing the use and passage of equestrians on carriageways and bridleways to be cut back to an acceptable height.

### **Fallen Trees**

If a PRow is obstructed by a fallen tree, responsibility for its removal/clearance depends on where the tree is rooted. In the case of a tree rooted within the highway boundary (a "highway tree") the Council will clear the obstruction as soon as reasonably practical. Where a tree has fallen on to the highway (PRow) from adjoining land, the Council has power to serve notice on the owner of the tree, pursuant to **Section 149** of the **HA 1980**. If the tree is not cleared within the time specified in the notice, the Council may make a complaint to the Magistrates Court for a removal and Disposal Order under this section. If the Council considers that the tree is dangerous to users of the route and has reasonable grounds for considering that the tree ought to be removed without the delay involved in giving notice or obtaining a removal and disposal order from a Magistrates' Court under this section, it may remove the tree forthwith. The Council may recover any expenses reasonably incurred by the authority in removing it from the owner of the tree.

## **2 Protecting the Network: Management of Obstructions and Enforcement**

Under Section 130 of the HA 1980, the Council has a duty to ensure that PRow are kept free from obstructions. Managing obstructions on Anglesey's PRow network is a major challenge for the Council.

**Section 137** of the HA 1980 states that:

*“If a person without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway he is guilty of an offence and liable to a fine...”*

Examples of the types of obstructions encountered on the PRow network include:

- Fences, electric fences, barbed wire, walls, and hedges placed across a PRow,
- Encroaching vegetation (side or overhanging vegetation growth),
- Deposited materials causing an obstruction,
- Building(s) constructed on the definitive line of a PRow,
- Padlocked gates,
- Intimidation (from other PRow users and/or landowners or occupiers),
- Intimidating/misleading signs and notices,
- Dangerous animals,
- Ploughing/disturbance of PRow surfaces that do not comply with the Council's ploughing policies (*Page 10*).
- Crops growing on or encroaching onto the definitive line of PRow (*Page 10*).
- Structures that have been placed on PRow's, that have not been officially authorised by the Council under Section 147 of the HA 1980.

### **Enforcement Action to Remove Obstructions**

When the Council is aware of an obstruction, it will aim to follow a fair and robust process to remove it, as effectively and efficiently as possible. Multiple sections of legislation, mainly the HA 1980, provides the Council with considerable powers to remove obstructions.

Usually, the first protocol the Council will undertake to secure removal of an obstruction (depending on severity and extent), is to consult verbally and/or send a letter to the landowner/occupier, explaining the offence and requesting removal. Depending the nature and extent of the obstruction, a period of **7 – 28 days** is usually given for removal.

After the timeframe for removing the obstruction has been reached/exceeded a staff member from the Council's Highways Department will inspect the site to determine whether the obstruction has been removed. If the obstruction has been fully removed, thus resolving the issue, the Council will take no further action.

However, if the initial action has failed to resolve the obstruction the Council will take enforcement action to remove the obstruction. At this stage the Council will serve an **enforcement notice** requiring the offender to remove the obstruction within a specified statutory time limit (usually within 1 month). If the offender has not removed the obstruction within the statutory timeframe, the Council have the power under the HA 1980 (i.e. Section 143), to undertake direct action by removing the obstruction itself and recover the costs incurred from the offender.

In some cases, the Council will consider that it is more appropriate to deal with an obstruction by means of **prosecution** in the Magistrates Court. If a person/company is found guilty of an offence the Court can issue a fine and/or order the offender to remove the obstruction. The Council has adopted a Prosecutions Working Practice document which guides decisions on court proceedings (*see Appendix*).

Where the obstruction is substantial (such as a building/ dwelling) situated on the definitive line of a PRow, it is often very costly and impractical to remove. Alternatively, a



landowner/occupier may (by their own accord) to apply for diverting the obstructed PRow by means of a Public Path Order (*page 17*).

## **Specific types of nuisance or obstruction**

### **2.1 Ploughing**

Footpaths and bridleways running along a field edge, or that are enclosed, are not permitted to be ploughed under any circumstance. Additionally, restricted byways and BOATs are not permitted to be ploughed under any circumstance. However, landowners or occupiers, under **Section 134** of the HA 1980 are permitted to plough (disturb) the surface the land if a footpath or bridleway runs **across** a field. The surface must be reinstated within the 'statutory time limits', which is **14 days** beginning from when the surface is first disturbed, and then **24 hours** for any subsequent disturbances to the surface. After the path/way has been reinstated it must be convenient to use and restored to the minimum width requirements outlined within **Schedule 12A** of the HA 1980, which are:

Type of PRow	Statutory Minimum Widths (metres)
Footpath (Cross-field)	1.0
Bridleway (Cross-field)	2.0
Footpath (Field-edge/headland)	1.5
Bridleway (Field-edge/headland)	3.0
Restricted byways and BOATs	3.0

Landowners or occupiers are committing an offence if they fail to reinstate the surface of the PRow by the statutory timeframes. Where such an offence is known to the Council, action will be undertaken to reinstate the path/way to a reasonable standard, by serving an enforcement notice which allows the Council to undertake work itself after the notice period elapses and recover the costs incurred from the landowner or occupier. In addition, prosecution in the Magistrates Court is an option, especially in the case of repeated offending.

### **2.2 Cropping**

As specified in **Section 137A** of the HA 1980, if a crop (other than grass) that has been sown or planted on land crossed by a PRow, the landowner or occupier responsible has a duty to ensure that it causes no inconvenience to users of the PRow. They must ensure that the definitive line of the route is kept clear of crops and maintained to the statutory minimum widths set out in **Schedule 12A** of the HA 1980.

Type of PRow	Statutory Minimum Widths (metres)
Footpath (Cross-field)	1.0
Bridleway (Cross-field)	2.0
Footpath (Field-edge/headland)	1.5
Bridleway (Field-edge/headland)	3.0
Restricted byways and BOATs	3.0

Landowners or occupiers are committing an offence if they fail to keep PRow clear of crops. Where such an offence is known to the Council action will be undertaken to clear the path/way by serving an enforcement notice which allows the Council to undertake work itself after the notice period elapses and recover the costs incurred from the landowner or occupier. In addition, prosecution in the Magistrates Court is an option, especially in the case of repeated offending.

### **2.3 Electric Fences**

Electric fencing is increasingly being used by landowners and occupiers, consequently electric fencing is increasingly being used near or across PRow. Given the potential for electric fencing to affect ease of use of a PRow, and possibly endanger the users of the network, the Council has adopted the following policies to manage electric fencing.

#### **Electric fencing placed across a PRow**

- An electric fence erected across a PRow unlawfully and without a safe means of crossing it is an offence, and an obstruction. It could pose a significant risk of an electric shock to users of the PRow. In such instances the Council will undertake enforcement action to remove the obstruction.
- The Council **will not** permit an electric fence to be erected across bridleways, restricted byways and BOATs under any circumstance, and is an offence if a person does so.
- If an electric fence is needed across a footpath on a **permanent basis** the Council will allow it if there is existing authority to maintain a gate or stile at the point in question. The electric fence should be appropriately insulated adjacent the gate/ stile so that for PRow users can pass without risk of harm.
- If a landowner/occupier wishes to install an electric fence on a permanent basis where there is no existing authority for a stile/ gate, they must apply to the Council for the new structure to be authorised under Section 147 of the HA 1980 (*Page 16*)
- On a **temporary basis**, and only for agricultural purposes, the Council will allow landowners/occupiers to erect a **single strand** of electric fencing across a footpath. However, the Council will require landowners/occupiers to take adhere to these requirements:
  - ✓ To notify the Council well in advance.
  - ✓ Agreement is reached on a specific and reasonable timeframe for when electric fencing is required. The landowner/occupier must ensure that the electric fence is removed by the agreed deadline, otherwise it would constitute an obstruction to the PRow.
  - ✓ For the duration of when the temporary electric fencing is in place, the landowner/occupier must take all the necessary precautions to ensure that the electric fence is safe to cross without difficulty or harm to users.
  - ✓ At the point where the electric fence crosses a footpath there must be a means of breaking the current, (by means of an expandable barrier gate with an insulated handle which can be safely released and placed back)
  - ✓ Hazard warning signs should be clearly visible at the point of crossing, to notify users of the footpath that the fence is electrified.

If a landowner or occupier fails to comply with this policy the Council will consider the electric fence as an obstruction and will take the appropriate enforcement action to remove it.

### Electric fencing placed **alongside** a PRoW

Usually, the Council will allow landowners/occupiers to place an electric fence alongside a PRoW. However, they must comply with the following policy:

- Consideration must be given to public safety always.
- Electric fences running alongside a footpath must be placed at a minimum of **2 metres** away from the edge of the path.
- Electric fences running alongside every other type of PRoW must be placed at a minimum of **4 metres** away from the edge.
- An electric fence placed alongside a PRoW must be adequately signed with hazard warning signs, at sufficient intervals, clearly notifying the user that the fence is electrified.

Consideration should be given by landowners/occupiers to the potential risk an electrified fence placed alongside a PRoW may pose to certain users. For example, it could pose a significant amount of danger to a horse rider if a horse was to touch an electric fence, as it could cause the horse to jolt and unseat a horse rider, possibly resulting in a significant injury.

Landowners/occupiers should be aware that if any user of the PRoW network is harmed by an electric fence placed on their land, they are liable for any harm caused. Therefore, it is important that they adhere to the Council's policy and guidance on electric fencing always, to reduce the risks posed.

## **2.4 Animals**

If an animal causes injury to a user of a PRoW, then it is the owner of the animal that is held responsible and is liable for any damages caused by that animal, as specified within the **AA 1971**. If a person who owns an animal which they know has dangerous tendencies and the likelihood of causing injury, should avoid keeping the animal whereby PRoW users can meet it. Should an incident occur and if a person is injured by an animal then its owner could be prosecuted under the **HSWA 1974** and could be sued for damages under the AA 1971.

In cases where Council is alerted to such incidents involving an animal, it may contact the appropriate landowner/occupier to remind them of liabilities, and where practically possible to agree on measures to reduce the risk of PRoW users being injured by animals in the future.

### ***Cattle and Bulls***

Bulls must not be kept 'at large' in a field crossed by a PRoW and would constitute an offence under **Section 59** of the WCA 1981. However, there are exceptions to this rule being that:

- The bull does not exceed the age of 10 months,

- The bull is not of a recognised dairy breed (Ayrshire, British Friesian, British Holstein, Dairy Shorthorn, Guernsey, Jersey and Kerry)
- Is accompanied by cows or heifers.

### ***Dogs***

If a dog does not intimidate users of the PRoW and poses no threat, a dog is permitted to be kept where a PRoW crosses (e.g a yard).

However, if a dog prevents the free use of a PRoW, by behaving in a threatening and aggressive manner (growling and exposing teeth) and frighten and intimidate users, this makes it a public nuisance under common law and is an offence and an obstruction to the PRoW.

People are permitted to take their dogs with them when using the PRoW network. However, there is no statutory duty placed on the Council or landowners/occupiers to make specific provisions for dog walkers. When users exercise their dogs on PRoW's they should act responsibly, including:

- Keeping dogs on a lead or under close control (always),
- Ensure that their dog does not wander off the definitive line of the path/way (as this could be classed as trespassing),
- Cleaning up dog mess.

For more information, seek the advice contained within the Countryside Code: <https://naturalresources.wales/media/1369/the-countryside-code.pdf> and within the 'Dog Walking Code': <http://naturalresources.wales/media/4862/the-dog-walking-code.pdf>

### ***Horses***

People keeping horses in fields where there is a PRoW crossing should ensure that the horse does not endanger, cause harm or intimate users, and should have due regard for Section 2 of the AA 1971.

With regards to horse riders, it is an offence for a horse to be ridden on a public footpath and would be considered as trespass against the landowner (unless prior permission is granted by the landowner). Horses and are only permitted to be ridden on bridleways, restricted byways, and BOATs.

## **3 Definitive Map Modification Orders (DMMO's)**

As a Surveying Authority, the Isle of Anglesey County Council is responsible for the management of the DMS. The Council has a statutory duty under **Section 53** of the **WCA 1981** to keep the legal record of Anglesey's PRoW (DMS) up-to-date and under **continuous review**. Section 53 requires the Council to modify the DMS by the means of DMMO's where PRoW's are shown to be incorrect or incomplete. It is also the duty of the Council to make this information available to the public, and a working copy the DMS is available for viewing at the Isle of Anglesey County Council Offices in Llangefni. An electronic Definitive Map is

available on the Council's website:

<https://publicrightsofway.anglesey.gov.uk/standardmap.aspx>

### Processing DMMO's

To keep the DMS under continuous review, changes to them are made through a legal process known as DMMO. These Orders are made if the DMS is proven to be incorrect or incomplete. DMMO's may be initiated by the Council itself, or through an external application to the Council. This application can be made by an individual or an organisation by presenting evidence to show there is an error or omission in the legal record. The most important aspect of a DMMO application is the necessity of strong and convincing factual **evidence**. There are two main types of evidence which applicants should seek to include when making an application:

- Evidence of **use** (User Evidence)
- **Documentary** evidence (such as historical maps and records).

The Council may occasionally make DMMOs that are not resultant of a DMMO application, itself, to correct errors that have been identified within the DMS.

Within 28 days of the receipt of a valid application, the Council will record it in its CAMS (Countryside Access Management System) software. The Council is required to keep and maintain a public register of DMMO applications (Section 53B of the WCA 1981). The public register will be published on the County Council's website.

The Council's **Definitive Map Officer** will:

- Process the DMMO applications in various stages,
- Consider the evidence provided and, in most cases, conduct further research.
- Reach a decision and determine whether an order is to be made or not.

If the Order is made by the Council, it will be publicised and published in a local newspaper and notices will be displayed on-site. The landowner(s)/occupier(s) affected by the Order, and the relevant Town/Community Councils will be served a copy of the Order. There will be a minimum period of **6 weeks (42 days)** for any representations or an objection to be made. If the Order receives no representations or objections within the 6-week period, then the Order will be confirmed by the Council.

However, if representations are received the Council will analyse the representations given and will contact the person(s) in question to clarify their stance for the Council to determine whether it is an objection or not. If the representations provided are not objections, then the Order will be confirmed by the Council. However, if an objection has been received within the 6-week period then the matter will be referred to the **Planning Inspectorate**, where an inspector will consider whether to confirm, amend or refuse the Order.

Where the Council decides there is insufficient evidence to support making a DMMO the applicant has a right of appeal to the decision to the Planning Inspectorate. An appeal must be made within 28 days of the date on the decision letter, or 12 months after submission of the application the council hasn't made a decision.

Processing these applications will be conducted in accordance with the most recent guidance provided by the Welsh Government, within the document: '**Guidance for Local Authorities on Public Rights of Way' (October 2016)**.

#### The Council's DMMO Prioritisation Policy

From the time the Council has received a DMMO application it should be processed and determined within a timeframe of **12 months**. However, due to the complexity of researching some applications, and with limited staffing resources there is currently a large backlog of DMMO applications to be processed. In attempt to overcome this issue, the Council has created a **prioritisation** policy of to make the best use of limited staffing resources.

Applications (both new and those yet to be processed) will be prioritised (ranked) according to the criteria set out below to make the best use of limited Council resources and to provide the greatest improvement to Anglesey's PRow network.

Criterion	Summary
Secretary of State's direction	Applicable following successful appeal to the Secretary of State under Sch. 14 S.3(2) to the Wildlife and Countryside Act 1981
Early determination required	Where the position/status is required to be ascertained prior to legal action taking place or for any other valid Council reason that requires the determination being expedited
Obstructed route	Whether a route is obstructed, either recently or long-term
Alternative route	Whether there is an alternative route and whether this is suitable and safe for the relevant class of users
Development threat	Whether a route is threatened with imminent or likely development
User Evidence	Whether there is a risk of loss of key witnesses or whether evidence is accessible documentary evidence
Connectivity	Whether the route is a critical connection, new path or provides a duplicate path or no enhancement
Level of use	Whether use is frequent by many people or infrequent by few people
Changes on ground	Whether there is a change of route/new route, removal of structures/obstructions or no physical change on the ground
(For deletions / downgradings only)	Would remove a well-used/critical route or where a route has valid security/privacy considerations or would remove a route over arable farmland

Each criterion is weighted with a bias towards the enhancement and development of the public rights of way network. This bias applies **only** to the order in which applications are processed: each application will be impartially determined on the evidence available at the time of determination.

Once an application is accepted as being "duly made" it will be assigned a file reference and ranked. The ranked application will be added to the list of pending applications held within the public Section 53B Register. Changes in circumstances of applications and the submission of new applications may change rankings thus promoting or demoting existing applications.

The Council will process duly made applications in order of the ranked priority at the time the case is started. Cases started before the onset of the new prioritisation scheme will continue to be processed in parallel with ranked applications.

#### **4 Authorisation of limitations/ conditions and their recording**

A physical limitation or condition is a structure affecting use of a route such as a gate or stile located across the route. All boundary crossing structures (i.e. gates, kissing-gates, stiles) which existed when the route was dedicated as a PRoW are lawful. All structures which existed when Anglesey's First DMS was published (1958) are deemed to be lawful since this is our baseline. Additionally, in relation to routes created by user post-1958, structures which existed during the use period (normally a 20-year period) are lawful.

There is no complete record of historical structures on Anglesey. In a few cases the Definitive Statements published in 1958 refers to structures and, where this occurs, it provides conclusive evidence of the legality of a structure. 4 out of 60 Parish Survey maps prepared between 1951-1954 have detailed annotations recording lawful structures and this provides useful and strong evidence of the legality of a structure.

There are approximately 5500 boundary crossing structures recorded in the rights of way database and it is impractical to go through them individually to determine lawfulness. Where a structure is suspected of being unlawful the Council will examine historical maps (and possibly old aerial photographs) to determine if a structure is lawful. The database is then updated on a case by case basis. Where an unlawful structure is found the Council will ask the landowner/ tenant to seek retrospective consent for it (see below) or remove it.

New structures installed on footpaths and bridleways must be officially authorised by the Council under **Section 147 of the HA 1980**. This section allows landowners/ occupiers to apply to erect a new gate or stile on a footpath or bridleway provided that the land is being used for agriculture, and that for this agriculture to be carried on efficiently, a structure is needed to control the ingress and egress of animals. Agricultural land includes land that is being brought into use for agriculture, nurseries, land used for grazing and for forestry. This also includes land for the breeding and keeping of horses

The Council provides guidance notes and an application form relating to Section 147. When a licence has been granted for installation of a new structure, the new structure is recorded in the PRoW database along with a copy of the licence.

**Section 66** of the **HA 1980** provides the Council with powers to provide and maintain barriers, rails and/or fences on the PRoW network, for the purposes of safety for users. Furthermore, under **Section 115B** of the **HA 1980** the Council has the power to place structures on, in, or over a highway (including PRoW) for the purposes of enhancing the amenity of a highway, its immediate surroundings or providing a service for the benefit of the public.

Some examples of these types of structures include:

- Benches
- Bollards
- Bins
- Information Panels
- Handrails

Any barrier installed by the Council pursuant to s66 will be recorded in the rights of way database.

## **5 Public Path Orders (PPO's)**

The Council has powers to alter PRoW's recorded on the DMS, through various legal procedures, referred to as **PPOs**. The making of a PPO is a **discretionary power** as opposed to a statutory duty. PPOs have the effect of **diverting, extinguishing** and **creating** footpaths, bridleways and restricted byways under various sections of the **HA 1980 and TCPA 1990**. The HA 1980 also allows the Council to make applications to the Magistrates Court to alter BOATs.

<b>Types of PPO</b>	<b>Legislation</b>
<b>Diversion:</b> Before making the Order, the Council needs to be satisfied that the diversion of a footpath, bridleway or restricted byway is in the interests of the landowner/occupier (crossed by a PRoW) or of the public. For the PPO to be confirmed the Council (or Secretary of State) must be satisfied that the diversion is not substantially less convenient to the public a result of the diversion and regard is given to the effect of the diversion on public enjoyment of the path as a whole. Also, regard must be given to the effect on the land crossed by the existing path and to be crossed by the new one.	HA 1980; Section 119
<b>Extinguishment:</b> Before making such an Order the Council needs to be satisfied that the footpath, bridleway or restricted byway concerned is no longer required for public use. This type of PPO occurs on a very <b>infrequent</b> basis, as they are generally not supported by the Council. They often prove very problematic to confirm, given the difficulty to justify whether a PRoW is currently or in the future no longer required for public use.	HA 1980; Section 118
<b>Create: (Creation Agreement)</b> The Council may enter into an agreement for the <b>dedication</b> of a footpath, bridleway or restricted byway. The Council will require anyone dedicating a new path or way by means of a creation agreement to demonstrate that they have the authority to do so, usually by means of supplying proof of ownership of the land in question. A monetary payment may be given to a landowner if an agreement is formed.	HA 1980; Section 25
<b>Create: (Creation Order)</b> The Council can make these Orders where it appears that a footpath, bridleway, or restricted byway is required for public use. These Orders are made if the Council feels that it would benefit a substantial section of the public. A financial contribution is usually payable to the landowner.	HA 1980; Section 26



<p><b>Diversion/ Closure:</b> If a footpath, bridleway or restricted byway is affected by development (which has planning consent) and needs to be diverted or extinguished to allow the development to take place an order may be made. It is important for developers not to assume that a PPO will certainly be confirmed because of planning permission being granted.</p> <p>Where the line of the right of way is to be built over or the land over which the right of way runs is otherwise so directly required for operational or implementation purposes, an order will usually be made. In other cases, all material facts will need to be taken into consideration and the Council will endeavour to give the word “necessary” its ordinary and natural meaning (viz: needful or requisite). The important factor is that the closure or diversion must be required to enable the development authorised by the planning permission to be carried out. This need will be balanced against highway considerations such as convenience, safety, type and scale of user in deciding whether to make or confirm the relevant order.</p> <p>A guidance document published by IOACC, “<b>Development and Public Rights of Way</b>” is available to developers</p>	TCPA 1990; Section 257
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#### Making a PPO application

PPO guidance and application forms are currently available upon request from the Council. Details of fees are included in the relevant guidance.

#### Processing and confirming PPOs

When processing PPOs the Council will do so in accordance to the guidance provided by the Welsh Government, in the document: ‘**Guidance for Local Authorities on Public Rights of Way**’- October 2016.

PPO applications and proposals will be prioritised based on 7 principles:

- Where public safety could be substantially improved.
- Where an application has been made pursuant to the Town & Country Planning Act 1990 to enable a development to proceed.
- Where the proposal is presently included in a council plan or strategy, e.g. a ROWIP action or Wales Coast Path proposal.
- Where the processing of an order would save the significant costs in other Rights of Way functions.
- According to level of use.
- Where the processing of an order could result in a significant positive impact on the network.
- In order of date of receipt.

## **6 Traffic Regulation Orders (TRO's)**

The **RTRA 1984** gives power to the Council to impose Traffic Regulation Orders (TRO's). Particularly relevant sections of this Act are **Sections 1, 14** and **16**. TRO's may be **permanent, temporary**, or **experimental**, and may be used to control any type of traffic on any type of highway including all types of PRoW. Temporary TRO's can be implemented for a period of up to 6 months.

Before closing a PRoW by means of a TRO, the Council will explore the practicality of implementing all other available options before fully implementing the TRO.

One of these possible alternatives would be to implement a system of **Voluntary Restraint (VR)**, if for example it becomes evident that a PRoW is at risk of, or currently suffering damage because of the type of traffic using it ('traffic' also refer to pedestrians and equestrians). VR allows a more flexible approach to be adopted, as it may be implemented as an experiment to seek whether the issues can be resolved without enforcing a full TRO. One drawback of VR is the fact it has no legal force and relies on users of the PRoW to act responsibly. However, a VR could, for example, target types of users and/or at specified times of the year when certain types of users and/or weather/seasons are known to cause certain issues.

The Council will implement a temporary or a permanent TRO to close/restrict a PRoW:

- If the safety of other PRoW users is evidently at risk, and if a PRoW has become dangerous to use (i.e. failure of a structure, the underlying or supporting ground has become unstable or there has been damage caused to the surface).
- If the extent (or likelihood) of physical damage to the PRoW is significant, a TRO is considered necessary to prevent the issue from occurring and re-occurring, and to prevent further damage.
- If a **temporary** TRO is necessary to allow maintenance works on PRoW's, (such as surface repairs) to be conducted.
- If a **temporary** TRO is necessary to prevent danger to persons using a PRoW for reasons not associated with the route surface or structures (e.g. a dangerous building alongside)

## **7 Authorising Events on PRoW**

User organisations sometimes wish to hold events on PRoW's, such as:

- Organised sponsored walks,
- Cross-country running challenges.

These types of events are generally permitted to be held on the PRoW network if they do not have a detrimental impact on the network or on its users.

Promotion of or participation in a race or trial of speed between motor vehicles on any public highway is an offence (s12 RTA 1988). Promotion of or participation in a trial other than a race or trial of speed on a carriageway is an offence unless the trial is authorised by the Secretary of State under regulations. Promotion of or participation in a trial between motor vehicles on a footpath, bridleway or restricted byway is an offence unless the trial is

authorised by the highway authority and the consent of the owner obtained in writing (s33 RTA 1988). Even if authorised and (where required) the owner has given consent, an offence is still committed if the vehicle is driven without due care and attention or without reasonable consideration of other users.

This procedure must be followed for all events authorised under s33 RTA 1988:

- 1) The organiser must apply to the Council at least 2 months in advance including details event such as:
  - Type, nature, date and time of the event,
  - Map of the proposed route,
  - Estimated number of participants.
  
- 2) The Council will analyse the information provided by the event organisers and reach a decision. If the Council is satisfied by the information provided by the organisers, has no objections, and the landowner has granted permission, the event can be authorised by the Council (subject to conditions).
  
- 3) However, if concerns are raised, (i.e. parts of the PRow are unsuitable, may become damaged, or may pose dangers/conflicts with PRow users), the Council may require the proposed route of the event to be altered, otherwise authorisation will not be granted for the event to take place.

When an event is authorised, standard conditions must be adhered to:

- The Council will be indemnified by the organisers against any claims or damages that may arise in consequence in authorising the event,
- The event organiser must have their own public liability insurance,
- Any damage to the public highway (including PRow), as result of the event will be met or made good to the satisfaction of the Council at the expense of the organisers.
- Details of the intention to hold the event and the route, will be notified to the Chief Constable, North Wales Police, before the date on which the event is to be held.
- The organisers will be required to take appropriate steps to secure the safety, preserve the amenity and minimise inconvenience to members of the public because of the event.
- The event must be well marshalled especially at crossing points, and the event must be well signed to notify and protect other users of the PRow that are not participating in the event.

## **8 The Anglesey Local Access Forum (LAF)**

The Anglesey LAF is an advisory body and was established because of the requirements of **Section 94** of the **CRoW Act 2000**. As required by regulations, membership of Anglesey's LAF includes a diversity and balance of individuals with a range of different knowledge and interests. LAF members mainly consist of:

- Landowners,
- Farmers,
- Local business owners
- Members of relevant organisations (i.e. Ynys Mon Ramblers, British Horse Society, NFU, FUW, etc.)

A diverse group of members allows the Council to be advised on a wide spectrum of issues regarding public access to land and the PRoW network. LAF members are appointed for 3 years and are eligible for reappointment after each 3-year term.

Meetings take place at least 3 times a year.

The main aims of Anglesey's LAF are to:

- Provide advice and assistance to the Isle of Anglesey County Council on matters such as Anglesey's countryside, access to land and to make the PRoW network more accessible and enjoyable to people, for the purposes of open air recreation,
- Have a strategic role in focusing on issues specifically to Anglesey and adopting a proactive approach,
- Improve cooperation between the Council and other interested groups.
- Assist with matters regarding the creation of RoWIPs.

The Council will consider and, wherever possible, implement the views of the LAF when managing Anglesey's PRoW network and Access Land.

## **Appendix: Prosecutions Working Practice**

Isle of Anglesey County Council as highway authority has a duty to assert and protect the rights of the public to the use of any highway for which it is the highway authority. The Rights of Way Unit is responsible for ensuring that this duty is met in relation to the public rights of way within the County.

The Unit aims to carry out its duties in an equitable, practical and consistent manner. To achieve this the principles of the following have been adopted:

- The Crown Prosecution Service Code for Crown Prosecutors  
(Amended October 2000)
- Home Office guidelines on the cautioning of offenders
- The European Convention on Human Rights and the Human Rights Act 1998

Prior to any formal investigation the Unit will discuss general issues, specific compliance failures or problems with anyone experiencing difficulties in relation to public rights of way and advise as far as possible to assist with compliance.

The decision to prosecute represents a serious step and will only be taken once an investigation has been undertaken. Each case is unique and as far as the law allows the Unit will take account of the individual circumstances of each case and consider it on its own facts and merits.

The Investigating Officer, usually the Senior Engineer – Public Rights of Way, will provide the alleged offender with an opportunity to discuss the circumstances of the offence in a formal interview.

Once enquiries are completed the Investigating Officer will submit a case report to a senior manager, the Deciding Officer, who is independent of the investigation for a decision whether to institute legal proceedings. The Deciding Officer will be the Chief Engineer (Maintenance) or the Head of Service -Highways. Before deciding whether to institute legal proceedings consideration will be given by the Deciding Officer to the Crown Prosecution Service Code for Crown Prosecutors and other relevant codes.

The decision to institute proceedings will be taken in accordance with the County Council's current Constitution and officer's scheme of delegation and is subject to agreement by the Legal Services Manager.

The Deciding Officer will have to be satisfied there is sufficient evidence to provide a realistic prospect of conviction against each defendant on each charge, the "Evidential Test". A 'realistic prospect of conviction' requires that a bench of magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged. To this end the Deciding Officer will look at all the available evidence, reliability of witnesses, supporting documentation and any other matters relating to the investigation.

If the Evidential Test is satisfied the Deciding Officer will look at whether it is in the public interest to proceed with the prosecution, the "Public Interest Test". In deciding if the public interest is served by a prosecution the Deciding Officer will balance factors for and against the prosecution carefully, fairly and impartially. Some factors may increase the justification to prosecute whereas others may mitigate against such action.

If it is the decision of the Deciding Officer that a prosecution does not satisfy the Public Interest Test consideration should be given to administering a formal caution.

Below are some of the factors to be taken into consideration although this list is not exhaustive and, as such, each case is to be taken strictly on its own individual merits.

Factors in favour of prosecution:

- The alleged offender has been convicted, cautioned or subject to enforcement action on a previous occasion for a similar offence
- The alleged offender acted wilfully or negligently
- The outcome of a prosecution might serve an important informative purpose or establish a legal precedent
- There are grounds to believe that the offence is likely to be continued or repeated, for example by a history or recurring conduct
- The offence is not appropriate for resolution by other means of enforcement
- The alleged offender has refused to resolve the issue
- The alleged offender has been advised or warned on previous occasions in relation to this offence or similar matters which did not result in enforcement or court action
- The offence is of a serious nature
- The offence can only be addressed through the Magistrates Court

Factors that would mitigate prosecution:

- The offence was minor in nature and because of a general mistake or misunderstanding which did not involve significant harm to the public
- The age of the alleged offender, e.g. a youth at the time of the offence or elderly
- The alleged offender was at the time of the offence suffering from significant mental or physical ill-health which contributed to the commission of the offence and the offence was neither serious nor likely to be repeated
- The alleged offender resolved the issue prior to the intervention of an Investigating Officer
- There has been a long delay between the commission of the offence and any potential court action, unless either the:
  1. Offence is serious
  2. Delay has been caused by the defendant
  3. Offence has only recently come to light or
  4. Complexity of the offence meant that there has been a long investigation.