

Committee: Local Access Forum

Date: 28 January 2014

Title of Report: Lon Las Cefni

Purpose of Report:

To advise members about the legal position regarding use of different categories of rights of way and the legal status and development of the Lon Las Cefni cycle route

Report by: Head of Service (Environment and Technical)

Action: For information

1.0 Introduction

At the last meeting there was discussion about possible horse access along Malltraeth Cob which led to a wider discussion on the rights of the public on different categories of highway.

Members requested a report to clarify the rights of the public and also information as to the legal status of Lon Las Cefni and its development.

2.0 Categories of highway

Status	Legal definition	Comments
Footpath	“A highway over which the public have a right of way on foot only, not being a footway”	
Footway (Pavement)	“A way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only”	Mobility scooters and powered wheelchairs can legally travel on footpaths and footways at a maximum of 4mph
Bridleway	“A highway over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway”	There is no common law right to cycle on a bridleway but Section 30 of the Countryside Act 1968 permits the riding of bicycles on public bridleways. The act says that it "shall not create any obligation to facilitate the use of the bridleway by cyclists". Thus the right to

		cycle exists even though it may be difficult to exercise on occasion. Cyclists using a bridleway are obliged to give way to other users on foot or horseback.
Restricted Byway	<p>“Restricted byway rights” means—</p> <p>(a) a right of way on foot,</p> <p>(b) a right of way on horseback or leading a horse, and</p> <p>(c) a right of way for vehicles other than mechanically propelled vehicles; and</p> <p>“restricted byway” means a highway over which the public have restricted byway rights, with or without a right to drive animals of any description along the highway, but no other rights of way.</p>	
Byway Open to All Traffic (BOAT)	“A highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used”	A byway is a type of carriageway. The test for a carriageway to be recorded on the Definitive Map and Statement as a BOAT relates to its character or type
Cycle track	“A way constituting or comprised in a highway, being a way over which the public have the following, but no other, rights of way, that is to say, a right of way on pedal cycles (other than pedal cycles which are motor vehicles within the meaning of the Road Traffic Act 1988 with or without a right of way on foot”	The term ‘cycle track’ is also often used in a loose sense to mean a way over which cyclists have a legal RoW with another class of users, such as a bridleway.
Carriageway	“A way constituting or comprised in a highway, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles”	

3.0 Lon Las Cefni – legal status

The maps at Appendices 1-3 show the route of the cycle track. The path sections have the following status;

Section	Location	Status	Surface	How legal status was attained
A - B	Bodffordd to Cefni Dam	Permissive	2m compacted dust path	
C - B	Pont Trefollwyn to Cefni Dam	Permissive	3m forest road	
B - D	Cefni Dam to Welsh Water land boundary	Permissive	2m compacted dust path	
D - E	Welsh Water boundary to Pandy	Statutory cycle-track	2m compacted dust path with concrete sections where path is prone to flooding	Dedication agreement made with landowner in 2006 for new highway & Part of the land was purchased by IACC
E - F	Pandy to Lon Rhosmeirch	Statutory cycle-track	Access road with wheel tracks surfaced in tarmacadam	Dedication agreement made with landowner in 2005 to create cycle-track on route of public footpath
E - G	Pandy through Dingle woodland	Statutory cycle-track	2m tarmacadam or concrete	Order made in 2010 under Cycle Tracks Act 1984 to convert public footpath to cycle -track
G - H	Adjacent Asda	Statutory cycle-track	Tarmacadam path within carriageway	New construction
H - I	Adjacent Industrial Estate	Statutory cycle-track	2m tarmacadam	Order made in 2002 under Cycle Tracks Act 1984 to convert public footpath to cycle -track
I - J	Llwyn Ednyfed section	Statutory cycle-track	2m tarmacadam	Order made in 2002 under Cycle Tracks Act 1984 to convert public footpath to cycle -track
J - K - L - M	Afon Ceint to Pont Marquis	Statutory cycle-track	2m tarmacadam	New construction, later adopted by IACC
M - N	Pont Marquis to Malltraeth cob	Carriageway	Tarmacadam	
N - O	Malltraeth cob	Statutory cycle-track	2m tarmacadam	Order made in 2002 under Cycle Tracks Act 1984 to convert public

Section	Location	Status	Surface	How legal status was attained
				footpath to cycle -track
O - P	Newborough Forest	Permissive	Forest roads / gravel paths	
P - Q	Newborough Forest to Newborough	Carriageway	Tarmacadam	

4.0 Lon Las Cefni – brief history of development

Lon Las Cefni was originally conceived in a report dated September 1998 by Sustrans for the Environment Agency. The report recommended the construction of a largely traffic-free route for walkers and cyclists between Newborough, Llangefni and Benllech exploiting the opportunity of using the existing Afon Cefni flood defences. The proposed Pentre Berw to Benllech link was not progressed but additional new routes at Llyn Cefni and a link between Llyn Cefni and Llangefni became part of the project. The route was officially opened in April 2007.

Work on the scheme commenced in 2002 when section H – I (Llangefni Industrial Estate) was converted from footpath to cycle track and was constructed as a 2m compacted dust path. This was funded by Isle of Anglesey County Council (IACC) and the path has since been tarmacked in stages as funding became available.

Section N – O (Malltraeth Cob) was converted from footpath to cycle track in 2002/03 and was originally constructed as a compacted dust path, funded through the Objective 1 Programme. The path was tarmacked by IACC in 2011 using Wales Coastal Path grant.

The permissive section along the shore of Llyn Cefni (A- B) was established in conjunction with Welsh Water and Forestry Commission between 2002 and 2005. This included major new structures to cross the railway and river by the dam, also new footway construction along part of the Bodffordd – Llangwyllog road and the B5111. The schemes were funded entirely through Transport Grant. The Forestry Commission subsequently undertook work themselves to create a new car park at the Bodffordd end and to improve an existing car park at Pont Trefollwyn.

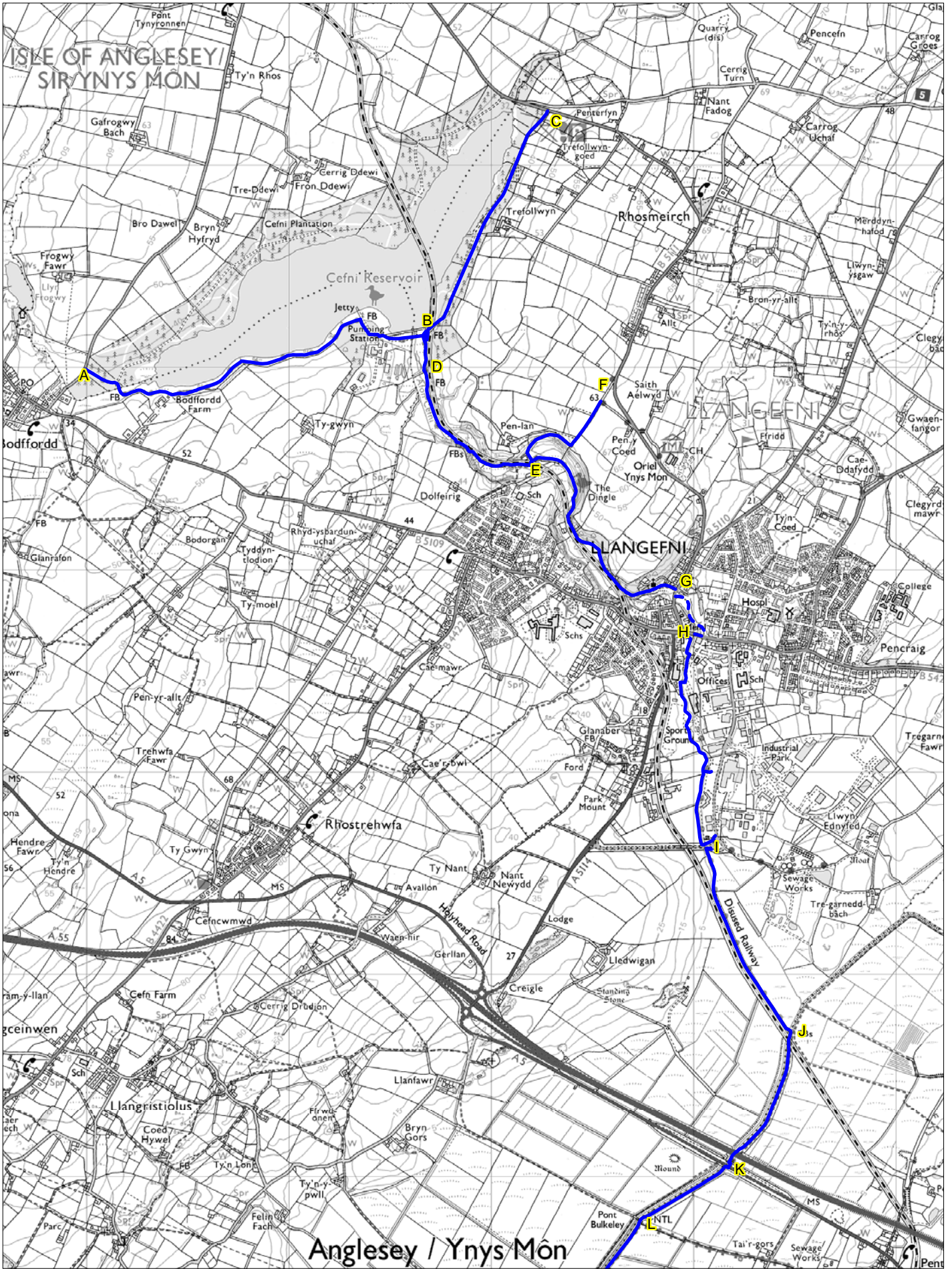
Sections B-D-E-G (Llyn Cefni – Llangefni) and E-F (Pandy – Lon Rhosmeirch) were constructed in 2005 and 2006 and were funded entirely through Transport Grant. Unsealed sections within the Dingle woodland were then tarmacked between 2011-13 using Regional Transport Plan and Sustainable Travel Centre funding.

Sections I – J- K – L (Llangefni Industrial Estate to Pont Marquis) were constructed in phases between 2004 and 2005 and were funded through the Objective 1 programme, apart from a section between Pont Bulkeley - Pont Mari Powell. After all the Objective 1 Project funds were used the Environment Agency completed this section in 2006 using their own funds. The work on these sections included strengthening of the Afon Cefni flood banks.

Sections I – J- K – L were originally constructed as compacted dust paths but they have been tarmacked in phases between 2009 and 2013 using the Council's revenue budget and Regional Transport Plan / Sustainable Travel Centre funding. As part of these works byways linking Pont Bulkeley with Pentre Berw and the A5 were also tarmacked.

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pp Head of Service (Environment and Technical)

15 January 2014



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MANYLION / DETAIL: LON LAS CEFNI

- Rhan oddi ar ffordd / Off-road section
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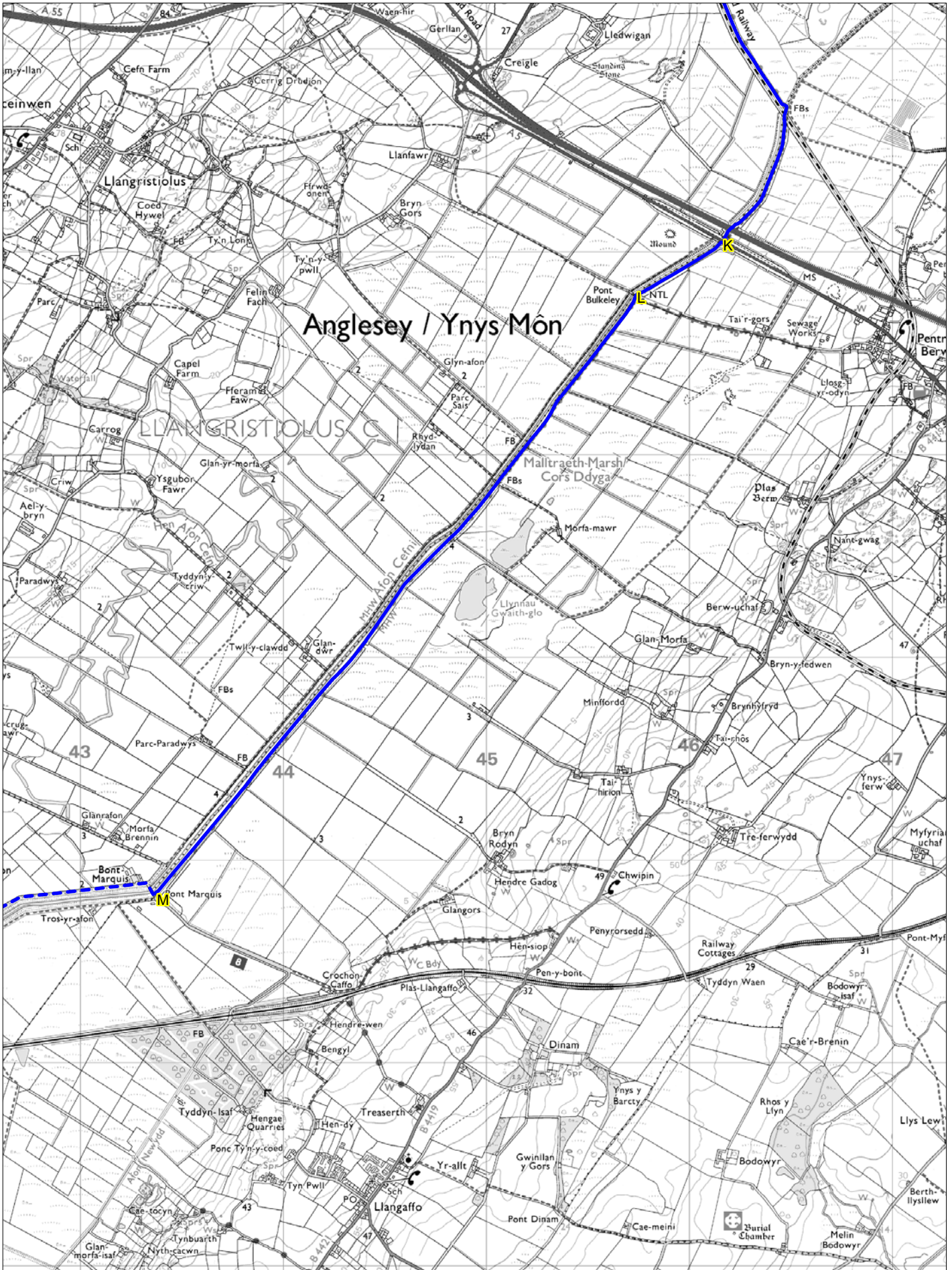
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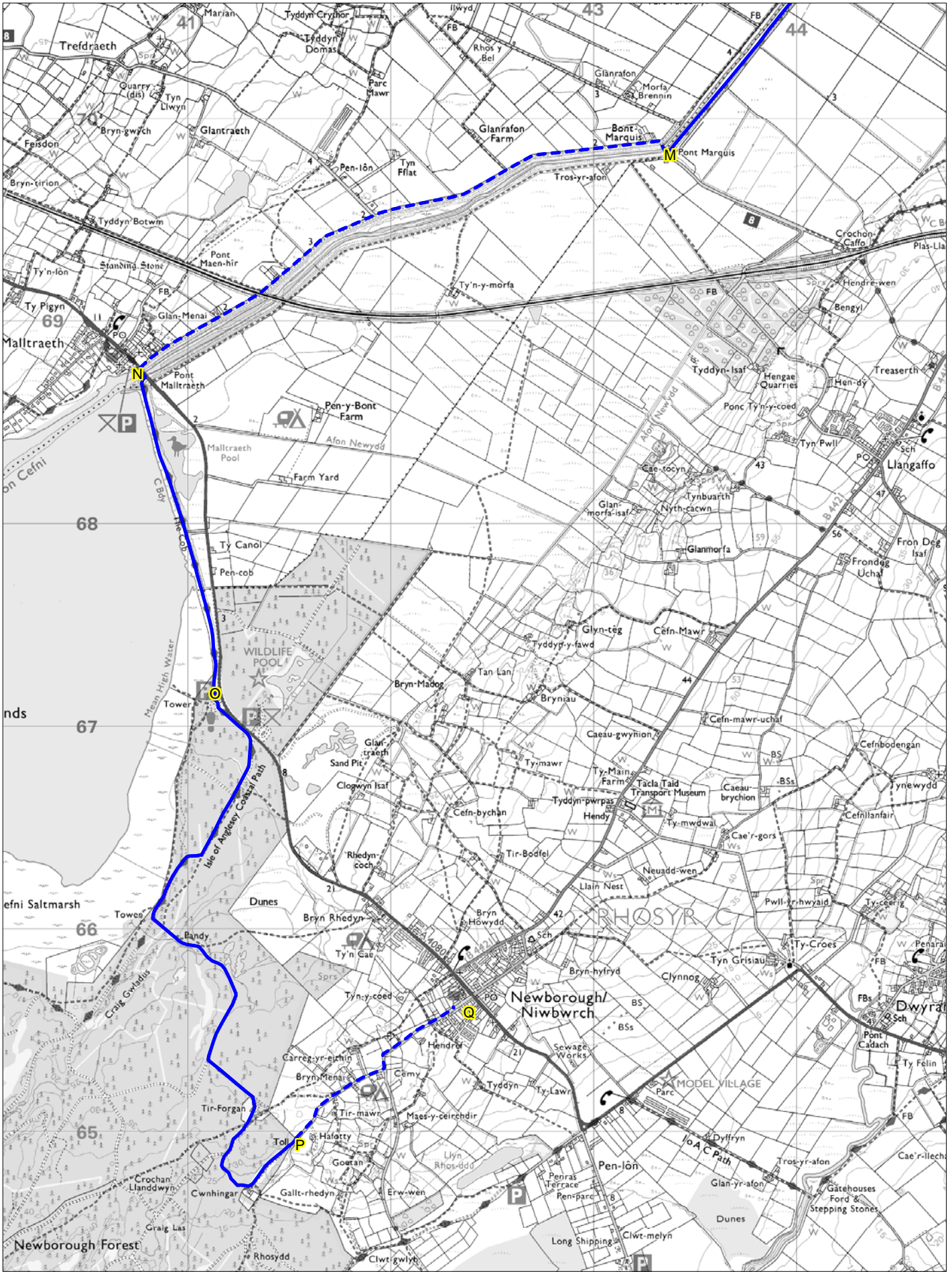
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