

REPORT OF ACCESS & RIGHTS OF WAY MANAGER

SUBJECT: PUBLIC RIGHTS OF WAY DELEGATION AGREEMENT

Purpose of Report

For information, to update Members on progress in seeking a formal variation of the Public Rights of Way Delegation Agreement with Pembrokeshire County Council.

Introduction/Background

Pembrokeshire County Council as the highway authority has a statutory responsibility for the maintenance of public rights of way (PROW) in Pembrokeshire, including the National Park. In June 1997, the National Park Authority concluded a legal agreement with Pembrokeshire County Council by which the Authority was delegated a range of functions, powers and duties in respect of public rights of way.

Under the terms of the Delegation Agreement the National Park Authority is liable for the maintenance and the legal management of the Coast Path (260km of PROW) and the additional network of 771km PROW in the National Park (1021 routes). Pembrokeshire County Council retains responsibility for 51 PROW routes (10.8km) in urban areas of the National Park and the Park Authority maintain 14 cross boundary routes from beyond the National Park boundary to the nearest road (6km). Together this total of 1031km PROW accounts for 44% of the county's network of PROW and arguably the most busy in terms of recreational usage.

The delegated powers have enabled the National park Authority to adopt a pro-active approach to managing public access to the countryside. When the National Park Authority took over responsibility for the network of public rights of way in 1997 58% were considered passable. The Park Authority has made good progress with 88% of the network accessible today and generally in a much improved condition. This network also forms the basis for 200 promoted walks.

Formal Variation of the Delegation Agreement

The terms of the Delegation Agreement make provision for it to be varied by agreement amongst the parties. In 2000 a formal variation was made to the Delegation Agreement and confirmed by correspondence between officers in order to make some minor alterations and correct mistakes. The National Park Authority resolved in 2009 to seek a further variation to the PROW Delegation Agreement and the Members' Scrutiny Review Group of PROW concluded in its report of 2012 that the Delegation Agreement should be varied in order to accord more closely with Park purposes. Following a number of meetings with Pembrokeshire County Council, the Authority has now presented the County Council with detailed proposals for the revision of Schedules Two & Three of the Delegation Agreement, which would form the variation as follows:

Schedule 2; Public rights of way in the National Park to be maintained by Pembrokeshire County Council. Currently 51 PROW are maintained by Pembrokeshire County Council in the National Park under the Delegation Agreement. These include PROW that predominantly experience utilitarian use rather than recreational use, often urban in character with hard surfaces. The revised schedule would total 70 (17.9km) PROW to be maintained by Pembrokeshire County Council. The additional routes include PROW that have been improved by the County Council to become cycle routes (so it formalises Pembrokeshire County Council's adoption). Public rights of way that have been reclassified to byways since the signing of the Delegation Agreement are also included, as these routes will now be required to be maintained for the passage of vehicular traffic and a number of byways in particular have become disproportionately costly to maintain. Given the County Council's resources in terms of funding and technical expertise it is more appropriate for the Council to maintain such routes (as was the original thinking when Schedule 2 was drawn up in 1996/7).

Schedule 3: Public rights of way crossing the boundary of the National Park to be maintained by the National Park Authority. Currently 18 PROW are maintained by the Park Authority, in part, outside the National Park boundary. The revised schedule would total 42 PROW (14 km) to be maintained by the National Park. These routes are countryside paths which are similar in character to the network maintained by the Park Authority. The adoption of these additional routes by the Authority would improve efficiency with one local authority responsible for maintaining a single route where it crosses the boundary and allow the National Park Authority to promote such routes in the knowledge that they are maintained to a satisfactory standard.

Members and officers of the National Park Authority are next due to meet Pembrokeshire County Council in early December with a view to concluding the variation to take effect on 1st April 2015.

Comparisons

PROW Delegation Agreements in Wales:

- The Brecon Beacons National Park Authority has similar, long standing legal agreements with its seven constituent local authorities to manage 2009km of PROW. It receives financial contributions from five local authorities as a condition of these agreements totalling £24,000 pa.
- Snowdonia National Park Authority only have an agreement with Conwy Borough Council to maintain a specified network of 380 km (excluding public rights of way on National Trust or Forestry Commission land) with a contribution from Conwy of up to £25,000 annually; there is no formal arrangement with other local authorities.

Options

In addition to the current course of action being pursued, the main options which officers have considered are as follows:

- a) Continue with the present Delegation Agreement unchanged.
- b) Prepare a new Agreement that varies the proportion of the PROW network for which the National Park Authority would be liable, for example a combination of the following options: maintenance of the Coast Path only; maintenance of the Coast Path and PROW linking directly to the Coast Path; maintenance of

the Coast Path, link paths and PROW forming promoted routes on the website.

- c) In addition to the above options, seek a financial contribution from Pembrokeshire County Council proportionate with the commitment of the National Park Authority in managing PROW.
- d) Terminate the Delegation Agreement and relinquish all management activities, relying on Pembrokeshire County Council to maintain the Coast Path and network of public rights of way in the National Park.

The Members' Scrutiny Review of PROW confirmed the need for the National Park Authority to continue an active involvement in the management of the network of PROW. An appraisal of these options has been undertaken and the variation of the current Delegation Agreement is deemed the most appropriate course of action.

Financial considerations

The Delegation Agreement does not provide for any financial contribution by the County Council to the work of the National Park Authority in managing public rights of way. No financial contribution was sought from Pembrokeshire County Council at that time or since, the Park Authority primarily wanted to secure the authority to improve and maintain the PROW network. The variation would relieve the National Park Authority of certain liabilities and make significant saving to be directed at continued maintenance and improvements of the National Park PROW network.

Risk considerations

The commitment to maintain a network of public rights of way presents the National Park Authority with the liability to keep the network in a state of reasonable repair. The Authority meets this responsibility by undertaking cyclic path inspections each year to identify remedial work and accordingly implements annual maintenance and improvements programmes. The variation would help to clarify roles and responsibilities in respect of the maintenance of cycleways in particular and other routes where hard surfaces and utilitarian usage entail the need for a higher standard of maintenance and a more frequent inspection regime.

Compliance

This proactive engagement in the management of PROW accords with the second statutory Park purpose to provide opportunities for access to the countryside of the National Park and assists in delivering the duty to foster the social and economic well being of communities. The Members' Scrutiny Review of PROW demonstrated close compliance of this function with the second Park purpose and associated duty. The management of PROW is also fundamental to the National Park Management Plan and specifically Outcome 2 of the Corporate Strategy. In addition it enables the National Park Authority to align its work closely to the agenda and policies of the Welsh Government.

Human Rights/Equality issues

The Authority has made great progress in adapting the network of public rights of way for use by people with mobility problems; promoting access opportunities for the less able and providing activities and events for voluntary organisations and socially excluded groups based on participation in public rights of way maintenance and improvements projects.

Biodiversity implications/Sustainability appraisal

The management of public rights of way can and does contribute to the LBAP; for example vegetation control on the Coast Path has been adapted to allow coastal flowers and plants to seed. There is scope for more integrated work to benefit nature conservation objectives. There is still great potential to develop PROW for active travel opportunities by maintaining and improving public rights of way for cyclists and walkers sustainable travel opportunities.

Welsh Language statement

The proposals comply with the requirements of the Authority's Welsh Language Policy.

Conclusion

The Delegation Agreement clearly needs updating to reflect the changes that have taken place since it was originally made. This revision is necessary to ensure that the National Park Authority's management of public rights of way closely accords with National Park purposes. The variation will also ensure that the Park Authority's commitment is within its capabilities in terms of its budgets, staffing levels, skills and technical expertise, machinery and equipment. It will enable the Authority to focus on the maintenance and improvements of public rights of way that provide the countryside and coastal access opportunities for the public to explore and enjoy the National Park.

Recommendation

That Members note the Report.

Background Documents

(Public Rights of Way Delegation Agreement 1997; Rights of Way Improvement Plan 2007-17; Report of Scrutiny Panel February 2012)

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