

**Minutes of the South Snowdonia Local Access Forum Meeting held on
Tuesday 12th December at 5.45 p.m
Y Ganolfan Gymunedol, Abergynolwyn**

Present – Members:

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|-------------------|-------------------------|
| Mr Aled Thomas | Cllr Dewi Owen |
| Mr Hedd Pugh | Cllr John Pughe Roberts |
| Mr Huw Roberts | Mr Alun Evans |
| Mr David Coleman | Mr Delwyn Evans |
| Mrs Gaynor Davies | Mr Alun Edwards |
| Mr Tim Faire | Mr Geraint Rowlands |

Officers / Observers:

| | |
|-------------------------|----------------------|
| Peter Rutherford (SNPA) | David P Jones (SNPA) |
| Rhian P Williams (SNPA) | |

HP welcomed all to the meeting this evening.

1. **Apologies**

| | |
|-------------------|--------------------------|
| Mr Emlyn Roberts | Cllr Eryl Jones Williams |
| Mrs Lesley Amison | |

2. **Declaration of Interest**

None

3. **Previous Minutes**

Approved

4. **Matters Arising**

i) Animal Welfare Bill – Latest

PR circulated a copy of Rob Taylor`s *precis* which he had circulated around the table. Unfortunately, RT could not be present this evening but had sent a written update which had been circulated this evening.

It was evident that the suspension of the Westminster Parliamentary Committee for the Animal Welfare Bill had been deeply frustrating for all the contributors. The Committee discussions had included the dog worrying issue. It would now be difficult to assess what the Westminster Government`s thinking is on this.

RT has offered to hopefully attend early next year for an update.

AE mentioned that the Minister had said that they were `committed to this area of work and will deliver before the general election` but there was only a short time before an election so it was unlikely that anything would happen until well after that. This was a severe disappointment to the sector.

PR mentioned that they were part of the NRW's code of conduct relating to dogs but he was not confident how the public would embrace this and it was only part of the solution. Without other methods of sanction such as fines etc then this would not become embedded in the public's mindset whilst in the countryside. There may be another attempt at another Private Members Bill.

AE mentioned that Ben Lake MP may attempt to out this in again.

ii) Rhyd yr Onnen – Cwrt Unclassified Road – Update

PR announced that many sections of this (Unclassified Road) was now in a very poor condition and impassable. One of the off roading groups had also served Gwynedd with a notice to maintain the track which meant that they had to now spend considerable monies to try to improve it. PR would monitor what was happening and liaise with Gwyned Highways and report back.

This situation was unfortunate as the off roading group GLASS had raised their own funds to pay for a helicopter lift and stone to address this issue. PR had arranged the helicopter lift and bags and safety but all had fallen apart due to various difficulties caused by other stakeholders. That money was now not available and given its condition the users had now served a formal notice to GC to repair this all of which had been avoidable. He showed photographs of the site and its condition. Most of the site is peat and without mass fill with stone it will not be possible to have long term solution.

The NP had negotiated a one-way system on this route – from Rhyd Yr Onnen to Cwrt (west to east) and most off roaders stuck to this and carried this information on their websites. It was unfortunate that some did not stick to these causing issues when two groups cannot pass each other leading to more damage to the track and sometimes the adjacent land.

Motorcyclists could access the route from any end this was not problematic.

Other work is also required on the Rhyd Yr Onnen side.

DC added that this would be expensive and it would be difficult to carry out at that location. Funding was tight at the best of times without spending on routes such as these UCR's rather than on normal A & B roads. Gwynedd had spent a large sum in the past on drainage to stop water supplied being compromised.

There some off roaders had tried to deliberately block culverts to create standing water.

GD concurred that a more permanent solution in such as stone fill is what is required.

(AE unfortunately there was a shortage of Romans!)

AE added that this route had now become difficult for walkers and required them to de tour. The current hole would swallow 2-3 vehicles. The visiting groups had made this poor situation worse by some who continue using it when it's in such a bad state of repair.

HP commented that perversely this became then a challenge for off roaders.

PR would inquire with GC Highways what the latest was on this proposed work and would report back but given its location and condition it was unlikely to happen until next spring.

iii) A guide for Campervans and Motorhome users.

PR stated that some members had noticed that they were not on the available camp site list. He had inquired about this and the list had been kept to those with known planning consent. He would make further inquires with the Officer when she returned in March from maternity leave to ascertain how any of these gaps could be addressed.

If people felt they should be on it then please could they come back to us and we will try to add them to the list.

DPJ commented that some sites existed pre 1951 and did not appear on the list.

HP recommended that this list would need to be reviewed.

PR would discuss this again with the Officer concerned.

5. Correspondence

None

6. Update on Traws Eryri – Kieren Foster

HP announced that due to the weblink being live it was decided that KF could give his presentation before the rest of proceedings.

KF thanked EN for the opportunity to update the members on this project.

He explained that this was a partnership initiative between UK and the NRW. They were keen to reinstate a culture of adventure rather than any adrenaline type of cycling activity. Cycling was one of the original open air recreational activities mentioned in the original Hobhouse Report¹ – which set the scene for all National Parks in the UK.

Many long-distance routes revolve around the ethos of adventure and exploring these areas by cycle and are recognised as being important for the Health & Well Being of the nation as mentioned in a speech by Robert Silken MP who introduced the National Parks Bill to Parliament in 1945 described them as -

“This is not just a Bill. It is a people’s charter – a people’s charter for the open air.”

¹ **The Hobhouse Report** by Sir Arthur Hobhouse, published in July 1947 to the Ministry of Town and Country Planning, proposed 52 conservation areas in England and Wales which included all proposed National Parks and Areas of Outstanding Natural Beauty. This was followed by the National Parks and Access to the Countryside Act 1949 which provided the framework for the establishment of all NP and AONB’s in the UK. *An original copy of the report and map is available for viewing in the National Park offices.*

This was indeed far sighted when by today there is so much emphasis on Health and Well-being.

The 1968 Countryside Act allowed the use of cycles on bridleways and became a legal right.

Working on similar projects they have encouraged routes to touch communities that can provide facilities and to allow some to take some economic benefit – typically the accommodation sector. Data does show that horse riding and cycling have a broader season. The Glover report 2019 (although specifically targeted to the English National parks) did mention that there was potential to allow and expand recreational access within the countryside for cycling and horse riding.

In terms of Traws Eryri they, as Cycling UK, have worked in partnership with Natural Resources Wales (NRW) who have links to other potential partners to further develop this route. Certainly Covid was a catalyst and an opportunity to consider a link between the trail hub centres.

The lack of progress on access reform following the Access Reform Groups (ARAG) discussions has proved to be a real challenge where simple changes could be made to legislation would enable creations and/or additions to the network bringing significant longer-term benefits for users on what are existing Rights of Way or in some cases CRoW access land.

They have some signed some permissive access agreements along its route but appreciated that there is a great deal more work to undertake to make further improvements. Several Definitive Map Modification Orders (DMMO`s) have been submitted to Gwynedd Council which are based on historical evidence. The process of assessing the route potential was focused on an extensive analysis of detailed maps and included existing RoW, NRW land, National Trust land and existing networks.

The route is 122 miles running start or finish from Conwy in the north to Machynlleth in the south touching base with places such as Betws Y Coed and other mountain biking trail centres such as Penmachno and Coed Y Brenin along the way.

Most of the route uses surfaced using byways, bridleways and restricted byways and forest tracks.

Another important factor was its element of sustainability – cycling by default is `car less` and meets all the criteria for notions of sustainable tourism and economy.

They have also looked at wider issues such as heritage, history and culture along its route and a guidebook will encompass these important elements. There is also a Welsh version of the route guide. They felt that creation of the route was very much in the spirit of creation of the National Parks and to understand and enjoy its special qualities and accessing this by cycle or horseback or walking meant this was done in a more sustainable way.

Analysing the route they have tried to braid various sections together, using existing Public Rights of Way and link up wherever possible including existing forest roads and

Sarn Helen, – although he appreciated that there were some missing linkages that they would be looking at.

By linking up to become one route he was confident that this would also help in reducing the number of cars on the road between points by taking advantage of this route and exploring the National Park by mountain bike or on horseback and walkers. In addition offering a diverse multiuser route such as Traws Eryri helps potentially to diversify its economic value.

He added that the rail network from Dovey Junction and Conwy valley had some way to go to be cycle friendly and offer cycle transport/storage but hopefully that would improve when the route became more widely known.

Linking existing cycle trail centres is also an important aspect to this project and how those links could or can be made using the existing PRoW network. There were no plan to create new surfaced routes but many sections were already rough surfaced already especially those within forestry areas.

Cycling UK has developed around 1000miles of routes over the last five years including King Alfreds Way to the Ridgway and additional links to the South Down Way and the North Downs amongst others.

Their partners on Traws Eryri were the NRW and its regional and local officers and also various individuals with considerable local knowledge. They were sensitive to certain locations and they would continue to explore the network to gain the best and legal routing. They had made a case for one or two legal claims on sections based on historic use and these were lodged with Gwynedd Council for their consideration. Hopefully, they would be successful.

HP thanked KF for his interesting presentation and invited questions from members.

AE asked if there was anything that the Forum could do to help towards solving those missing links given the Forums remit for enabling and promoting access improvements within the NP.

KF stated that it was disappointing that all the work and contributions by many individuals, authorities, groups and organisations during the Access Reform Groups (ARAG) workshops and discussions had not been actioned by WG and came to nothing. Enabling some of the recommendations made for changes to the legislation and procedures for Rights of Way would have helped to ease and speed up the processes where changes are required. As it stood currently some issues would take longer and subsequently be harder to solve.

PR thanked KF for his presentation. Although the NP was broadly supportive of TE it was apparent to the NP from the first communication from Cycling UK and the NRW that there are various legalities that need to be resolved along the route. He agreed that ARAG had been a great disappointment when the reforms were badly needed and the LAF's had also contributed to the ARAG discussions.

He stressed that whilst legal anomalies remain and the route is fully promoted then user expectations will remain high and may give rise to a false sense of access where they

may not exist and also give rise to problems with landowners experiencing people assuming those higher rights. It was still to be long process.

KF stated that he appreciated this situation and that the promoted sections were all legal and where not possible they were diverted onto a road or track. Those mapped routes are published and which do show the future routes.

HP asked if Cycling UK had any formal `contracts` with landowners on some of these sections.

KF stated that currently there was two signed 10yr agreements with landowners but there were alternative routes available if they ever fell away for any reasons.

TF mentioned that the fact that the route was targeted at mountain bikers rather than a family route.

KF commented that they felt that there was a balance to be struck here between those users and appreciated that parts of the route were not achievable by family type cycles but the market was for those who required a more challenging adventure. He noted that there was still great potential within the NP to create more longer distance family orientated cycle routes using old redundant railway lines.

JP asked if this was all on Public Rights of Way.

KF replied that it a great deal of the route used existing PRow although they appreciated that some sections currently required deviations.

HP thanked KF for his time and presentation.

7. Update on All Wales Coastal Path – Rhys G Roberts

RGR thanked the members for the opportunity to update them on the Gwynedd section of the All Wales Coastal Path (AWCP – 2007).

He informed the members that he was responsible for the All-Wales Coastal section within the Gwynedd area which amounted to 187 miles of pathway. From Llanfairfechan (the Gwynedd – Conwy boundary) in the north to Machynlleth in the south. It was an interesting to compare this with Offa's Dyke² - National Trail which was similar in length which ran the entire length of Wales.

This is grant funded on an annual basis by Welsh Government via the Natural Resources Wales (NRW) – he acknowledged that annual grants were difficult to plan for. These were in the region of £170k per annum which encompassed his role and the maintenance required for the Gwynedd section of the route. This is matched by GC with a coastal Wardens post.

² Offa's Dyke Path is a 177 mile (285 Km) long walking trail. It is named after, and often follows, the spectacular Dyke King Offa ordered to be constructed in the 8th century, to divide his Kingdom of Mercia from rival kingdoms in what is now Wales and runs from Chepstow in south Wales to Prestatyn in the north.

Maintenance is expensive and includes strimming and veg clearing amounts to some £40 k per annum. Here is a separate pot of monies to enable new sections to be developed. However when new sections are added to the RoW network this then adds to the overall maintenance budget. There was also an issue in that much of the original furniture (such as gate and way markers) that was installed in 2013 now required replacement which would incur further costs.

Last year they had been working on the proposed route through the Penrhyn estate on the outskirts of Bangor which had only just come to fruition and had taken several years to achieve. This is 3.2 km along the coast within the estate property. This also required subsequent surface works which were ongoing. This has taken some 7 years to achieve.

Additional maintenance works and replacements are now required along some of the original route including some of the first gates and bridges installed – this was time consuming and costly.

Some 20 miles of new paths have been created over the last 12 years after many discussions with a variety of landowners and tenants to create new Public Rights of Way.

They acknowledged that in some areas the path was sometimes not near the coast and they were looking at various options to improve this and they would be discussing their priorities with the NRW in the near future.

Some coastal sections had suffered from natural coastal erosion which means in some locations they must consider moving some routes further back inland. Seven sites are currently being monitored on a monthly basis where problems can appear overnight. They were obliged to discuss this with landowners when moving a line was under consideration. This issue was problematic as they must adhere to the usual legislative process which can be cumbersome. Pembroke NP have a roll back agreement system which makes the process easier, and they were looking at this model.

They also have a counter system, and they were more than happy to share any data with the LAF members.

PR thanked RR for all his efforts particularly in his recent achievements in Penrhyn. He asked if there had been any updates or changes to the AWCP following the review by Huw Iranca Davies AM in 2022 (on its 10-year anniversary). During that consultation both the NP LAF's and the Arfon Dwyfor LAF – jointly, had recommended that a coastal roll back system be adopted across Wales to make this process easier.

In the light of lack of progress in access reforms they were obliged to use the current legislation which was widely acknowledge by all to be time consuming, expensive, and bureaucratic and did not lend itself to making this coastal roll back process easy following storm damage.

They are currently looking at future works. This includes some potential changes to the existing lines in Llwyngwril, Harlech, Ynys, Tonfannau and Friog particularly those currently further from the coast.

They are currently on an annual funding scenario so is difficult to plan future developments. Other grants such as Areas of Outstanding Natural Beauty (AONB) were based on a 3 year cycle which would be useful.

HP asked if it was possible to arrange a site visit in their area to view some of the issues.

RR stated that this was possible and he would liaise with PR over this.

AE commented that it was interesting that RR had mentioned the difficulties they faced in creating new sections (Penrhyn Castle area for example) and also the fact that they were also creating new habitat corridors and asked for RR's opinion on this aspect of his work given the WG keenness for all landowners to increase their farm ecological diversity through the agricultural grant funding.

RR agreed that this aspect of all their roles was growing and was always easy to achieve. Typically some parts of Penrhyn and the foreshore will be screened with hedges and tree planting. Research showed that dogs were a particular distraction for wildlife and Traeth Lafan was a particularly important for over wintering and as a feeding area for coastal birds.

HJ asked if they were using more recycled plastic materials as more became available on the market.

RR mentioned that some of the oak furniture that they had installed only 10 years ago had fallen apart and they were looking to install anything suitable that would last a great deal longer – steel or plastic. There are examples of bridges being made entirely out of recycled plastic. But costs have risen considerably.

AE asked what the situation was on the Tonfannau bridge.

RR stated that the side panels were going to be taken out – some will need replacing, some sandblasted and repainted with the costs being shared between the contractor and Gwynedd. It was unfortunate that in this instance the funding arrangements timeframe for the bridge at the time did not allow for suitable contact retention³.

PR asked (through the Chair) if RR had had any discussions with Network Rail (NR) about a potential corridor in some areas in the Ffriog area.

RR commented that a brief had been sent to NR and this was now subject to a number of levels of `clearances` with NR which were required but was time consuming and lengthy. He hoped that he would get a formal response for the next financial year. They were very much in their hands.

³ **Definition:** Retention money refers to the sum of money **withheld by the employer** (typically the project owner or developer) from the contractor's payment until the completion of the construction project¹².

Purpose: The purpose of retention money is to **safeguard the employer** against any defective or non-conforming work by the contractor. It acts as a form of warranty, ensuring that if any issues arise during the defect's liability period, the contractor will address them according to the contract terms

HP thanked RR for his time and for presenting a very interesting update and hoped that the members can hear more later on in the year.

8. Recreation Strategy – Peter Rutherford

PR announced that this document was complete as a draft and was shortly to go out for consultation with stakeholders including the BMC, BHS, the NRW and Ramblers Cymru amongst others.

They had made some changes following a presentation to the National Park Authority who had recommended that we include Campervans and Motor homes and Wild Camping. This was now done. They would await further observations and comments from the various stakeholders to assess what further changes may be needed. This consultation period will be open until the end of December.

All LAF members will be sent a copy by email and he would welcome any additional comments or observations from members if they had noted any mistakes or missing information.

They had also broken down the cycling issue into separate components mountain biking, road cycling, family biking and now electric cycles. Use of such vehicles was an important new development which need to be added to the document.

HP added that they were a growing phenomenon and there were a considerable number of electric mountain bikes which do have the potential to cause some damage to land which are not public bridleway and this was a challenge.

PR agreed and that HP had made an important point and we (as the NP) would have to be prepared for this as well as other new trends in recreation.

AE mentioned that he had seen people exploring options for a route from north to south and adding in centres such as Coed Y Brenin was to everyone`s advantage.

PR added that as stated earlier the Traws Eryri did have some legal issues but it was doable and the NP would only support this if it was multi user.

Cllr DO asked who was liable in terms of insurance in such instances.

PR stated that there was a precedent in law – *volenti non fit injuria* – that is if you are undertaking any potentially dangerous activity such as climbing or horse riding then you do so at your own risk. *Unless where a landowner knows that something may be dangerous beforehand usually manmade (for example a dug hole, machinery or animals including dogs) that would fall under their Occupiers liability.* So that is the protection.

Within the document they had also split up the differing running type events – marathons, orienteering, fell running, triathlons etc. This contains information on each type and how the NP expects organisers to work and prepare for events in particular.

The off roading section had been split into two – recognised the rights of legal users and then how the NP would work with others to deal with illegal use.

AE commented that it was important to remember that whilst this was a recreation document - visitors and event participants should always be aware that the land that they are within is the part of a farm business.

HP thanked PR for presenting this update.

9. Traws Ranges formal access restriction

PR felt that this issue should still be raised with the Minister again about long term restrictions which are based on safety of the public. It made no sense that the NRW application for Traws had to come to the LAF every five years as the land was `dedicated` as access land in perpetuity.

Currently there is no mechanism within the CRoW Act to remove land when posed a danger to the public and was likely to remain so as in this case. This was an anomaly in the CRoW Act which required rectifying but could only be achieved by changes to the primary legislation. He would look at the original letter and put this into the next agenda and discuss this with LAF members with a view to sending an updated version.

10. Recommended Agenda Items for next meeting

- i) Recreation Strategy final version
- ii) Animal Welfare bill
- iii) Events Guidelines – review
- iv) Eryri Management Plan review.
- v) Warden Section update – south
- vi) PRow legislation

11. Any other business

- i) LAF Meeting dates for 2024 tba.
- ii) It may be necessary to call together a subgroup to discuss the Sustainable Farming Scheme (SFS). PR would invite the respective Chairs and Vice Chairs to attend on behalf of members with a view to making their views known. This will be for the access provisions only in line with the Forums remit.

12. Date of Next Meeting - 27th February 2024

Future dates to be advised.

HP thanked all for their attendance and contribution this evening.

