

**Minutes of the South Snowdonia Local Access Forum Meeting
held on Tuesday 21st March 2023 at 5.45 p.m
At Plas Coch Hotel, Y Bala**

Present – Members:

Mr Hedd Pugh (Chair)	Mr Eryl Jones Williams
Mrs Gaynor Davies	Mr Alun Edwards
Mrs Lesley Amison	Mr Emlyn Roberts
Mr David Coleman	Mr Delwyn Evans
Mr Aled Thomas	

Officers / Observers:

Peter Rutherford (SNPA)	David P Jones (SNPA)
Rhian P Williams (SNPA)	Adam Daniel (SNPA)
Gwyn Evans (GC)	

HP welcomed everyone to this evening's meeting

1. Apologies

Mr Alun Evans	Mr Geraint Rowlands
Mr Ashley Charwood	Cllr Dewi Owen
Molly Lovatt (NRW)	Cllr John Pughe Roberts

2. Declaration of Interest

None

3. Previous Minutes

Approved

4. Matters Arising

i) SNPA Draft Recreation Strategy - Update

PR explained that this document was now complete in its last draft form and had been to Management Team and had now gone for translation and was due to go before the Performance & Resources Committee in July. Once this was done it would be circulated to stakeholders which would include the LAF` for their observations.

He thought this a frank and fair document which recognised a changing world in terms of recreation and all the activities that this encompassed. He stressed that it was required to be closely aligned to the Eryri Management Plan and the `special qualities` of the NP and that activities needed to be sustainable.

The LAF members had seen a previous draft text document and he had received numerous useful observations from some.

HP asked that although seen as a document for visitors did it contain elements that addressed the local communities and their recreational activities.

PR stated that the new document encompassed all users and was not targeted specifically at visitors – although they were the majority they had not used those descriptions to enable this to be an all-embracing document. The term communities appeared frequently within it. It was also important to recognise the effects of Covid on recreation and how patterns had changed.

DE noted that there was a photo that showed a person crossing a stile and asked if this was current.

PR stated that DE had made a very valid point. The document had specifically mentioned that our objective was to be as inclusive as possible and there was an emphasis on both the Miles Without Stiles and `least restrictive options` philosophy and the NP will strive toward this end. It was noteworthy that *all UK National Parks have adopted this philosophy*. However, it must be appreciated that in some instances particularly in poor terrain typically in the uplands there were some locations where ladder or step over`s were the only option. Boundaries could be also problematic and kissing gates may be preferable. Backtracking (to 1951) on older type furniture presented a significant challenge to Officers in the field.

When landowners asked for replacements this provided an opportunity to have a discussion to explain our position and explore the potential to provide a new gate instead of a stile.

One of the major prompts for this was the opportunities that the All-Wales Coastal path presented where traditionally Network Rail crossing were all stiles on flat areas which were clearly not easy to use and many now had been replaced for gates.

Working together with Gwynedd Council they had already made significant changes to some routes and replaced all stiles with gates – the Bala area was an example and was now happening throughout the NP.

GD commented that in some instances there were traditional type stone stiles and that without a post above they could be difficult to negotiate.

HP added that they were difficult to see from any distance and the temptation was then for walkers to go over a wall instead and potentially causing damage.

PR replied that few of these had posts but acknowledged that they could be difficult to see and find without a map. They were keen to keep as many historical features such as stone stiles in place.

DE added that if any changes were to be considered then the Equalities Act did say `as far as practicable` and there was not legal requirement to replace each and every piece of furniture only that it be a consideration and to assess what was possible or not.

ER added that in some instances these were very historic features which had been installed when the walls were built and providing some information on these that may be interesting to the public.

PR commented that they had rebuilt some in Rowen and in the Nantlle area in the past and would not ignore them but acknowledged they were not easy use if you had any form of disability.

GLE (GC) confirmed that they left traditional stone stiles in place and installed gates or stiles alongside given their historical significance but did require landowners consent.

ER asked what definition they had used for `sustainability` within the document.

PR stated that this was important point and that they had adopted the UN World Tourism Organisation definition for sustainable tourism.

“Tourism that takes full account of its current and future economic, social and environmental impacts, addressing the needs of visitors, the industry, the environment and host communities”

United Nations World Tourism Organisation (UNWTO)

Within the document it was the `activity statements` that are important and that all activities had been broken down into separate components, Dogs, walking, events by type, rock climbing and bouldering, cycling and all its differing elements, fishing, access to water, disabled routes, and others.

PR showed some photos from the document including the disabled Trampler vehicle.

ER asked who had priority on a bridleway.

PR mentioned that under the Countryside Act (1968) cycles could use bridleways, but the Act specifically stated that cyclists must give way to horse riders and pedestrians - it was unfortunate that sometimes cyclists were unaware of their legal responsibilities.

It also addressed the access to water issue – although no legal rights exist for statutory access to inland water in Wales or England. The document made reference to the fact that if any future legislation emerges from Welsh Government on this issue then it would be prudent for the NP to be prepared for this.

It was important that events in particular occurred without issue. As well as a vector for people to enjoy the countryside they were also an important economic driver. Most competitors brought some support along, and this all created significant demand in terms of bed nights. Certainly, anecdotal information indicated that the recent additional recreational resources such Go Below, the Surf Centre and the Zip wires had encouraged longer stays.

EJW commented that he had witnessed significant changes in these trends in recent years and that was not an easy job for the NP and Gwynedd to manage.

PR stated that this was very much a team and interagency effort, but in terms of events he found that the positives far outweigh the negatives and professional companies and organisers wanted to `do the right thing`. It was the much smaller charitable events who were sometimes problematic.

The outdoor education section has also seen significant changes in terms of provision – by today there were significantly less local authority managed outdoor educational centres operating within the NP. Some were now privately operated who have `taken up some slack`.

This was disappointing in that some younger generations from cities would not experience the NP or get out into the countryside. But that they would continue to have a dialogue with the sector when required.

HP commented that without this younger generational experience of the outdoors then this may have added to the problems we experienced post Covid where certain elements of society have no relationship with the outdoors and therefore no respect or understanding of it which was reflected in a poor behaviour.

PR continued. The document also made reference off roading – there are certain rights applicable - typically using Unclassified Roads (UCR`s), and those rights should be acknowledged but it was better to work with groups together rather than create and use them scenario and to develop an understanding of the issues. But that we should also be prepared to face up to illegal use and try to prevent this when it occurred however difficult this may be.

AE reminded the members that the LAF had written to the Minster about the potential for additional provision for off road motorcycles within their state forest holdings (NRW managed woodlands). And that response had been disappointing.

PR confirmed this there was a shortage of provision which then encouraged users to go off piste and the response had been poor when the LAF had made such a valuable point.

Drones were also included within the activities list.

GD mentioned that they had seen them overflying their property.

PR added that they must stick to the CAA rules for drones¹ which were clear, but it was growing phenomena.

They had also included wild camping but that given all that has happened following Covid – fly camping – with open fires, poor parking, litter, waste in all its forms and sometimes dogs. *It was unfortunate this has reflected badly on those who understood the skills necessary to truly wild camp in the outdoors.* Within the activity statement we have advised people to seek less formal campsites rather than wild camp *per se*.

Dark skies was also included.

¹ Drones – <https://awdurdod.eryri.llyw.cymru/gwybodaeth/ffilmio-yn-eryri/defnyddio-dronau/>
<https://authority.snowdonia.gov.wales/information/filming-in-snowdonia/using-drones/>

EJW had nominated 5-6 sites for campervan `Aires` but was not sure how this had progressed.

ER stated that it was his understanding that most were in the north with only one in Meirionydd – in the Barmouth area.

PR would endeavour to find out what the latest was regarding Aires.

ii) Vice Chair

HP mentioned that there had been a need for a Vice Chair but as the tenure period was coming to an end technically at this evening then it would be best to wait until the period began from next June when a Chair and Vice Chair could be chosen.

PR confirmed this.

iii) Barmouth Viaduct

PR informed the members that he had received correspondence (today) from Network Rail (NR) indicating that the viaduct would be closed again for a 12-week period between Saturday 2nd September 2023 and Friday 24th November 2023, and it is not clear how this will affect access to the walkway. This would not only adversely affect the public but also a number of events in the area planned for September.

This was also problematic for the management of the Mawddach Trail as various closure dates were changed a number of times last year which meant that the signage erected for information by NP staff had to be changed several times.

LA commented that it did not unduly affect the Walking Festival last year as the walkway was available at the time. They had organised minibuses in the past when the viaduct was closed, and the bus company had also assisted with larger buses.

This year they may not be able to use the walkway which will be adversely affect some of their Walking Festival plans and replacement bus services are not well suited to their needs.

GD asked if they had used the ferry.

LA stated that this was a consideration but that it would involve several trips and was dependant of the tides and only went to Fairbourne.

AE asked what the dates were for the festival.

LA stated that it ran from 16th September to 26th September.

AE added that it was possible that NR would be late with their timeline.

LA added that in the past they had moved their dates to accommodate this problem, but that NR had then moved their dates which had then created further problems for them and will do again this year. She was not sure if they may be open at weekends.

PR added that when information was received it was important to get that information to businesses like George III, Penmaen Uchaf, cycle hire and the Ship in Dolgellau as many customers used the Mawddach Trail and would be disappointed to find that their access to Barmouth was cut off.

5. Correspondence

None

6. LAF Membership re-election

PR informed the members that they were now (surprisingly) coming to the end of their LAF membership period of tenure - this was a three-year cycle as required by the CRoW Act which includes Local Access Forums².

Therefore this March meeting will be their last for this period. He appreciated people's commitment and that it had been difficult to maintain momentum during Covid but added that he would encourage all members to re-apply. The knowledge and experience around the table was important to the NP and the LAF's deliberations.

He stressed that the application forms would be submitted to a subgroup of 4 members from the Authority for approval. It was important that membership needed to be balanced between the landowner and user interests with a member also representing the disabled sector. There was a time limit for this, and he asked that if members wanted to re-apply then to please get their applications in as soon as possible – by the 3rd of April.

He thanked all members for their varied contributions and assistance over this period and EN for his support and Chairmanship.

AE asked if we had any gaps in the membership.

PR stated that it was access to water issues that may have a gap and it was disappointing that AC was not returning as he was a font of knowledge for access to water issues. So they may eventually have to co-opt another person for this along the way. Co-option was allowed under the regulations.

LA mentioned that JH had not received notification of the meeting and there may be an issue with her email.

RW stated that she had sent minutes and since replied to JH in the past and again today but had not since received a reply.

² The Countryside Access (Local Access Forums) (Wales) Regulations 2001
The Local Access Forums and how they are run and administered are dictated by Statutory Instrument.

PR stated that they would double check her contact details.

RW mentioned that she had brought spare application forms if anyone require them.

7. Access to Water Issue Tonfannau – Afon Dysynni – Update

PR informed the members that the Mean High-Water Level had been relocated downstream and this now meant that all waters officially above it were classed as inland waters and not estuarine so therefore by default were not now technically available to users including access from Ynysmaengwyn.

He had offered to mediate and had met with parties on both sides of the river and was keen to promote a Code of Conduct – much of it relating to the SSSI. But sadly this was all to no avail. This was professionally disappointing when no compromise could be reached.

The only thing that may change this circumstance would be new legislation that may emerge from Welsh Government but was now in their hands. This was disappointing as it had all been under discussion (including the LAF`s) since 2015.

He would be monitoring the situation in Tonfannau but currently stakeholders are not willing to re-engage over this. But he would continue to try to assist if required. This may also affect any rights held by Crown Estates for rights on estuarine foreshore as this status had changed to river.

GLE added that there was an original PRoW which ran across the river in the same area which was a legal line which may prove interesting if there is ever a case put for its removal. Some inquires have already been made.

8. Propose Animal Welfare Act – Update

PR updated the members of the progress of this bill. It was currently on its third reading. It was interesting that the NRW had been running some workshops recently (of which he was a participant) regarding the control of dogs and he wondered why these were not postponed until after this Bill was enacted and once any further legal requirements were known.

It was interesting to note that Rob Taylor (RT) – one of the originators of the Rural Crimes Teams for North Wales was also an advisor to the Police Service on dogs in the countryside and had given evidence at the committee stages of this proposed bill. He had informed the NRW group that, based on significant historical records, that 80% of dog attacks on livestock were the result of dogs which had escaped from home with only 20% resulting from dog walkers *per se*. He had also stated that over 70% of these involved huskie breeds.

PR mentioned that RT had addressed both the National Parks' LAF`s on Rural Crimes and the off roading issue in the past and it may be useful if he could update the LAF`s once again if available. Either next meetings in June or September. He asked if members had any thoughts on this.

It was important to note that these statistics were based on evidence from over 800 cases RT had dealt with over many years. This was a surprising result. Hopefully, any new legislation would be stronger in terms of enforcement.

PR was hoping that this legislation would include attacks to horses as currently prosecutions can only be brought about if the rider is injured and not the animal – currently horse owners have to pursue injuries or death of a horse through a civil case which was perverse.

It may be an idea to ask RT to come and give a presentation to the LAF again. Agreed. PR would ask RT to attend either in June or September if available.

9. Update of Warden Section works programme for 2023

DPJ gave a brief update on the work of the NP Warden Service south.

He informed the members that Gethin Corps – Warden, had recently left and this post has been filled by Robat Bryn Davies who was previously an Assistant Warden in Llyn Tegid.

Works included: (some slides shown)

- General care and maintenance on Rights of Way throughout the area working together with GC.
- Some works on Llwybr Cynwch - Precipice walk (permissive path)
- Some stile replacements on Robell Fawr and Cader Idris
- Llanymawddwy gating and way markers on a PRow following complaints from landowners. It is preferable to install gates wherever possible.
- Mynydd Moel was experiencing some walkers with dogs were cutting wire fencing near the Natural Nature Reserve (NNR) – they had since installed a specific dog gate to try to assist
- Upland footpath works continue on upper section of Mynydd Moel and more stone has been flown in and the contractor continues to work on the next section. Monies for this were part funded by the British Mountaineering Council (BMC) – Mend our Mountains fund, a Natural Resources Wales contribution, and Welsh Government grant.
- New two-way opening gates have been installed on Pont Dol Y Bont – Dinas Mawddwy.

PR mentioned that the Mynydd Moel work had been slowed down due to a number of factors such as lack of specialised stone pitching contractors and weather delays for heli lifting and Covid. This was a big job of work.

All stone is sourced at the Traws quarry, bagged, and then flown to site from Tal Y Llyn.

HP asked that if pitching works are undertaken then someone trips who would then be responsible if claims are made.

DPJ replied that it was highly unlikely that a claim could be made given that the new pitching would be far better and safer than the original path that was there previously.

PR added that there was also a fundamental principle in law - *volenti no fit injuria*³ which meant that people knowingly undertaking anything dangerous then they cannot make claims. This applies to anyone walking or climbing on a mountain (amongst other activities that carry risk such as many sports and hobbies).

AD commented that on one occasion there had been an attempt to blame the NP after one case which resulted sadly in a fatality and the NP refuted this as it was knowingly undertaken in dangerous terrain.

DJP also mentioned that they were monitoring mink in Dol Idris and dealing with ash die back in Dol Idris and the Mawddach Trail.

They had also installed some nest boxes for Dippers in Dol Idris and also planted wildflowers in other locations.

The Wardens also work closely with local schools and through the Life Project⁴ to enable local children to gain more knowledge about biodiversity. This also included fish hatchery work.

They were also now working more closely with volunteers, and now had about 12 Voluntary Wardens in the south of the NP who may be out giving advice to the public. It was unfortunate that they too had witnessed poor behaviour in the countryside including littering and 'waste', fly camping, fires, and poor roadside parking. Their rota was every other weekend if they were available.

ER asked if these issues were more of an issue once schools were closed during the summer.

PR replied that certainly in the summer they had experienced lots of local younger people fly camping in sites such as Llyn Geirionydd – which was draw especially in warm weather. The issues experienced across the NP were created by a mixture of the general visiting public. It was unfortunate that a small and disproportionate number did not understand or have any relationship with the countryside and their behaviour reflected this.

HP asked, in relation to new furniture that the NP supplied and installed, if landowners now received a letter advising them that maintenance was their responsibility.

DPJ confirmed that a letter was given each and every landowner when the NP supplied or installed furniture on their behalf as it was their responsibility to ensure that they were in place and safe to use.

³ *Volenti non fir injuria*. This legal common law maxim holds that a person who knowingly and voluntarily risks danger cannot recover for any resulting injury.

⁴ <https://awdurdod.eryri.llyw.cymru/yr-awdurdod/gwaith-yr-awdurdod/cadwraeth-coed-ac-amaeth/>
<https://snowdonia.gov.wales/protect/conservation-work/celtic-rainforests-wales/>

HP thanked DPJ for the update. Members appreciated the work undertaken especially in light of the problems that they encountered on a daily basis. It was unfortunate that landowners also had to endure poor behaviour by some.

10. Cader Idris – Update on Mynydd Moel path work

Done under previous item

11. Recommended Agenda Items for next meeting

i) New membership – to elect a Chair and Vice Chair.

PR asked that current members send in their applications please.

ii) Gwernan Lake update

iii) Post meeting addition - Trawsfynydd Ranges Restriction and Exclusion made by the NRW

12. Any other business

i) AT asked what the position was concerning the Gwernan circular near Ty Nant.

DPJ commented that they were discussing this internally at the moment and would report back hopefully at the next meeting.

ii) HP asked if the number of Duke of Edinburgh award groups had remerged following Covid.

PR stated that they had seen more this year and they were now getting back to their usual numbers. The NP had good communication with the Brecon Office and schools were encouraged to run their routes via the DEO office, but this was not always the case. There were sometimes minor difficulties particularly if they had old maps or were clearly `off route`. In recent years, the NP had actively discouraged wild camping and encouraged them to find a local less formal campsite which most were using or near the 4 bothies⁵ within the NP.

AE added that in his experience with DoE groups moving through his property were very engaging and positive.

iii) EJW mentioned that given the circumstances that NP staff found themselves in in dealing with all the poor behaviour then was the NP Management aware of the problems they faced and were there risk assessments in place to ensure their safety.

AD stated that there were procedures in places to deal with this including lone working. In some instances assessment will need to be made in certain circumstances.

⁵ <https://www.mountainbothies.org.uk/bothies/wales/>

- iv) *AT mentioned that he had received an answer of sorts sent to PR from the legal expert at the NRW regarding liability from ash die back. This was ambiguous but stated that it was for the landowner to assess the risk and whether the landowner had or is reckless with that risk. So clearly this supersedes the reduced liability afforded under the CRow Act for trees (as natural features).*

He thanked PR for this, but it was a quandary. They had also recommended informal signage. He was happy that he had not created this issue and may not be liable under Occupiers Liability.

However, going through this he had since discovered that if a parcel of land is under a CRow restriction then the reduced liability under CRow does not apply and reverts back to Occupiers Liability. For the average land manager this was confusing if restrictions were applied for felling or other forms of land management.

PR added that even for professional officers this was confusing. The Restrictions and Exclusions (R&E) formal Guidance was over 200 pages. Most R&E's applied by the NP were all centred on Safety to the Public. The Trawsfynydd area restriction issue is a good example of this.

- v) GLE (GC) mentioned that there was a route near Aberllefenni (just outside the NP boundary) where a route crossed into Gwynedd from Powys over the Afon Dulas and changed status from the Powys side as a bridleway to a footpath on the Gwynedd side and then connecting into the Aberllefenni road. This bridleway was a significant link to Llanwrin in the Dovey valley.

They were minded change the status of the footpath on the Gwynedd side to enable the whole route to become a bridleway. This issue was flagged up in a 1980's review but the short Gwynedd section was downgraded for some reason.

HP asked what the landowners' opinion and support was for this.

GLE stated that the NRW were the landowners and were not opposed to this. He asked for members views on this.

HP asked members if they were happy to support this initiative

Agreed to support – PR would minute this.

HP thanked all for their contribution to this evening's proceedings and all the member and Officers and translators for their contributions over the last three-year period and hoped to see them again in June.

13. Date of Next Meeting - 20th June 2023

