

CABINET

Date of Meeting	Tuesday, 19 th January 2023
Report Subject	Wales Coast Path Access Barrier Review Update
Cabinet Member	Cabinet Member for Climate Change and Economy
Report Author	Chief Officer (Planning, Environment and Economy)
Type of Report	Operational

EXECUTIVE SUMMARY

Flintshire County Council appointed a consultant to undertake a review of the existing access control measures in place on a section of the Wales Coast Path (WCP) between Chester and Queensferry.

The recommendations from the consultant study were discussed at Flintshire Local Access Forum, Environment Overview & Scrutiny Committee and Cabinet in July 2023. The resolution at Cabinet was to gain further feedback from users and stakeholders when implementation designs were established.

A Plan and specification were drawn up for access points to the Wales Coast Path around the Saltney footbridge area and sent out for feedback during October. A summary of responses is detailed. Environment Overview & Scrutiny Committee considered the feedback 19th December.

The option presented highlights the opportunities and risks to the Authority.

RECOMMENDATIONS

1.	That Cabinet note the feedback on the proposed access improvements and the potential risks to the Authority.
2.	That Cabinet agrees to the proposed improvements to the access points as detailed in the plan and specification.

REPORT DETAILS

1.00	EXPLAINING THE ACCESS BARRIER REVIEW UPDATE
1.01	<p>Flintshire County Council appointed a consultant to undertake a review of the existing access control measures in place on a section of the Wales Coast Path (WCP) between Chester and Queensferry. The study reviewed the background context, legislations, barrier dimensions and user constraints in order to put forward recommendations for all 14 access points from Chester to Deeside.</p>
1.02	<p>The access control barriers are in place to protect users of the WCP against the risks posed by illegal vehicle access to the path, however, the existing barriers can cause access issues to users of some mobility scooters & unconventional cycles. Recommendations to improve access are balanced against any impact of such amendments on illegal vehicle accessibility.</p>
1.03	<p>It is important to note that improving access for all legitimate users of the path will necessitate the widening of existing openings or removing the barriers altogether, which in turn reduces the effectiveness of the access control measure in preventing illegal access.</p> <p>As such, it will not be possible for access for all legitimate users to be improved entirely whilst still retaining the same level of access control to prevent use for vehicles such as cars & motorcycles.</p>
1.04	<p>North Wales Police have highlighted significant concerns regarding the removal of the barriers however they understand the need for adjustments. Their concerns are for the safety of the public and to prevent the use of off-road motorbikes along the coastal path. They report seeing an increase in county lines (drug selling) along the coast path which they are working on methods to prevent. They also state the barriers are reducing/preventing any accidents by slowing pedal cycles/preventing motor bikes from accessing the area. Therefore, they are requesting that they are not removed and that they are adjusted to enable any disability groups access to the coastal path but also stopping any illegal bikes.</p>
1.05	<p>The Equality Act 2010 provides legal protection to people from discrimination based on a range of characteristics including disability, age, race, sexual orientation. The Act requires service providers to make reasonable adjustments for disabled persons so as they are not disadvantaged either directly or indirectly from using services and facilities when compared to those without disabilities.</p>
1.06	<p>In 2022 Flintshire Legal Team advised that each individual public path should be considered separately with regard to the necessity of installing a barrier in terms of its own community users and a balance sought between the requirement for barriers on a right of way (e.g. in terms</p>

	of public safety) whilst considering the needs of certain disability access within that community. The Council only has to do what is reasonable. The Local Authority is encouraged to consult with the local disabled people in the area to decide what reasonable adjustments may be needed in that particular area.
1.07	Following the recommendations of the consultant's study, a plan and specification was drawn up to improve accessibility in the Saltney footbridge area by amending the current access point to include a radar lockable gate, (Appendix 1). Feedback was invited on this scheme from the community, disabled users and stakeholders. (Appendix 2)
1.08	The scheme does allow for improved access for those with a Radar key who currently cannot access the A frame barriers and it retains control of illegal ingress of motorbikes. However, feedback indicates this option will still present access problems in terms of key operation and manoeuvrability. Other issues highlighted include the ease in which non-disabled people can obtain a radar key and if the gate was left open or the lock was vandalised.
1.09	The proposed scheme, once installed, will be reviewed after 6 months to understand its effectiveness for control of illegal access and problems encountered by legitimate users.
1.10	A draft Equalities Impact Assessment has been carried out on the proposed scheme. (Appendix 3)

2.00	RESOURCE IMPLICATIONS
2.01	The Review was funded by Natural Resources Wales WCP grant fund.
2.02	An application for funding from Natural Resources Wales WCP grant has been made to implement recommendations within this pilot area.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	North Wales Police and Natural Resources Wales (NRW) were consulted on the consultant's study and their views fed into the recommendations and are supportive of the approach. The study was also shared with individual members of the disability community who have expressed an interest or concern in accessing the WCP.
3.02	The Environment and Economy Overview and Scrutiny Committee and Flintshire Local Access Forum (LAF) discussed the report 11 th July 2023. The Committee and forum supported the recommendations in principle subject to further consultation with appropriate user groups.
3.03	Users and stakeholders were asked for feedback on the plan and specification for improvements at Saltney footbridge during October. Summary of responses included in Appendix 2.

3.04	<p>The Environment and Economy Overview and Scrutiny Committee considered the update report following the consultation of users and stakeholders on 19th December 2023.</p> <p>A wide range for comments were received from members of the committee and are summarised as follows:</p> <ul style="list-style-type: none"> - Fundamentally disagree with the proposal, this is a retrograde step and barriers should be removed to allow access for all. Increased visitor numbers will reduce illegal access. We should be acting within the spirit of the legislation. - Path safety is paramount, this is a compromise which should be supported. - 6-month review period is too long and there needs to be further consideration to what the options will be after the review period - The proposals are worth trying. Need to look at other access points in the area. - Radar locks can be difficult to operate, the use of chicane barriers to slow speeds should be considered. - The proposal does not work, radar keys are widely available. - Are there lessons to be learnt from other Authorities in the same position. <p>The committee voted 6 in favour, 3 against the proposals.</p>
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4.00	RISK MANAGEMENT
4.01	There is a risk of a discrimination claim being made against Flintshire County Council under the provisions of the Equality Act (2010) as the proposed scheme still inhibits some disabled users.
4.02	Transport for Wales (who award Active Travel Transport Grant on the Welsh Government's behalf) have indicated that having barriers that do not conform to the Active Travel Act or the Equalities Act may be a risk to future funding, however it is interpreted that this relates to new schemes which form an application for funding and not existing provision.
4.03	If Flintshire County Council remove or widen the access to the path there may be an increase in illegal motorbike incursion, and it may lead to an increase in crime associated with County Lines and motorbikes present a public safety risk to all legitimate users of the path.

5.00	APPENDICES
5.01	Appendix 1 – Proposed plan and specification of access improvement at Saltney footbridge area.
5.02	Appendix 2 – Summary of feedback from users and stakeholders
5.03	Appendix 3 – Draft Equality Impact Assessment

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Contact Officer: Tom Woodall, Access & Natural Environment Manager Telephone: 01352 703902 E-mail: tom.woodall@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	<p>Wales Coast Path - National walking route covering 870miles of the Welsh Coast</p> <p>Natural Resources Wales - Natural Resources Wales is the largest Welsh Government Sponsored Body, formed in April 2013, largely taking over the functions of the Countryside Council for Wales, Forestry Commission Wales and the Environment Agency in Wales</p> <p>Local Access Forum (LAF) - The Local Access Forum is a statutory, independent advisory body of 12-20 volunteers, giving informed strategic advice to the Rights of Way and Countryside Service. The primary objective is to improve access and open air recreation to the countryside for everyone.</p>