

ROWIP – Network Assessment

1. Existing Network

- Shropshire has a Public Rights of Way network of over 5600km.
- It is the third largest network of Public Rights of Way in England.
- It is the largest landlocked area.

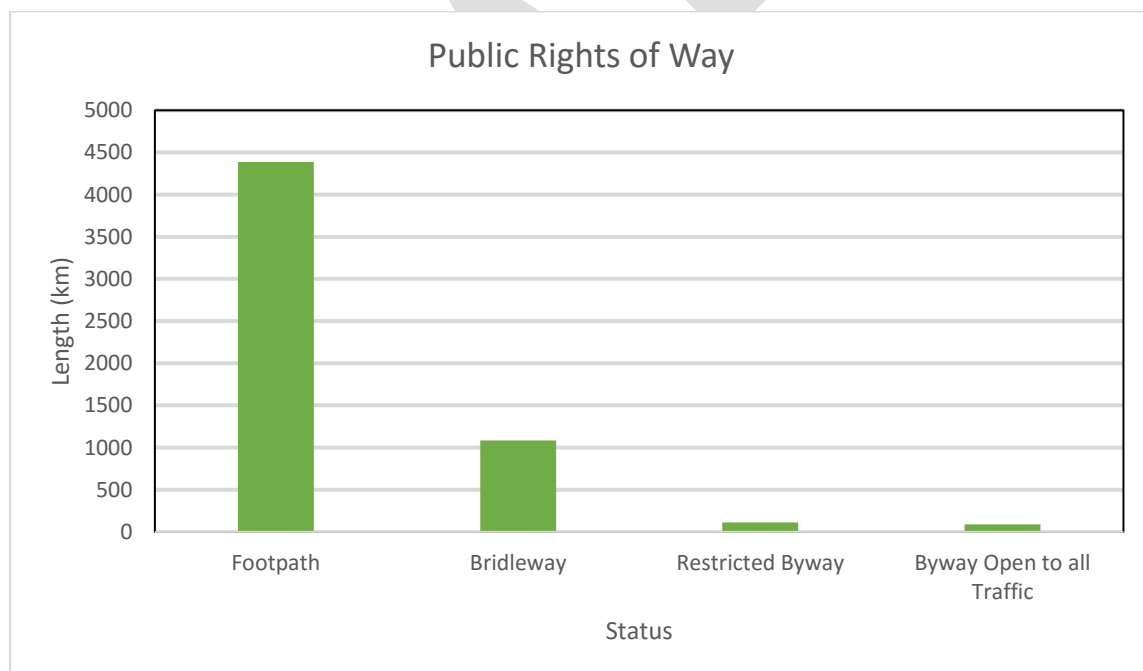
Categories of Public Rights of Way

Footpaths (FP), which allow access for the public on foot only.

Bridleways (BW), which allow access on foot, horseback and with pedal cycles.

Restricted Byways (RB), which allow access for the public on foot, horse, pedal cycle and non-motorised vehicles (e.g. horse and cart).

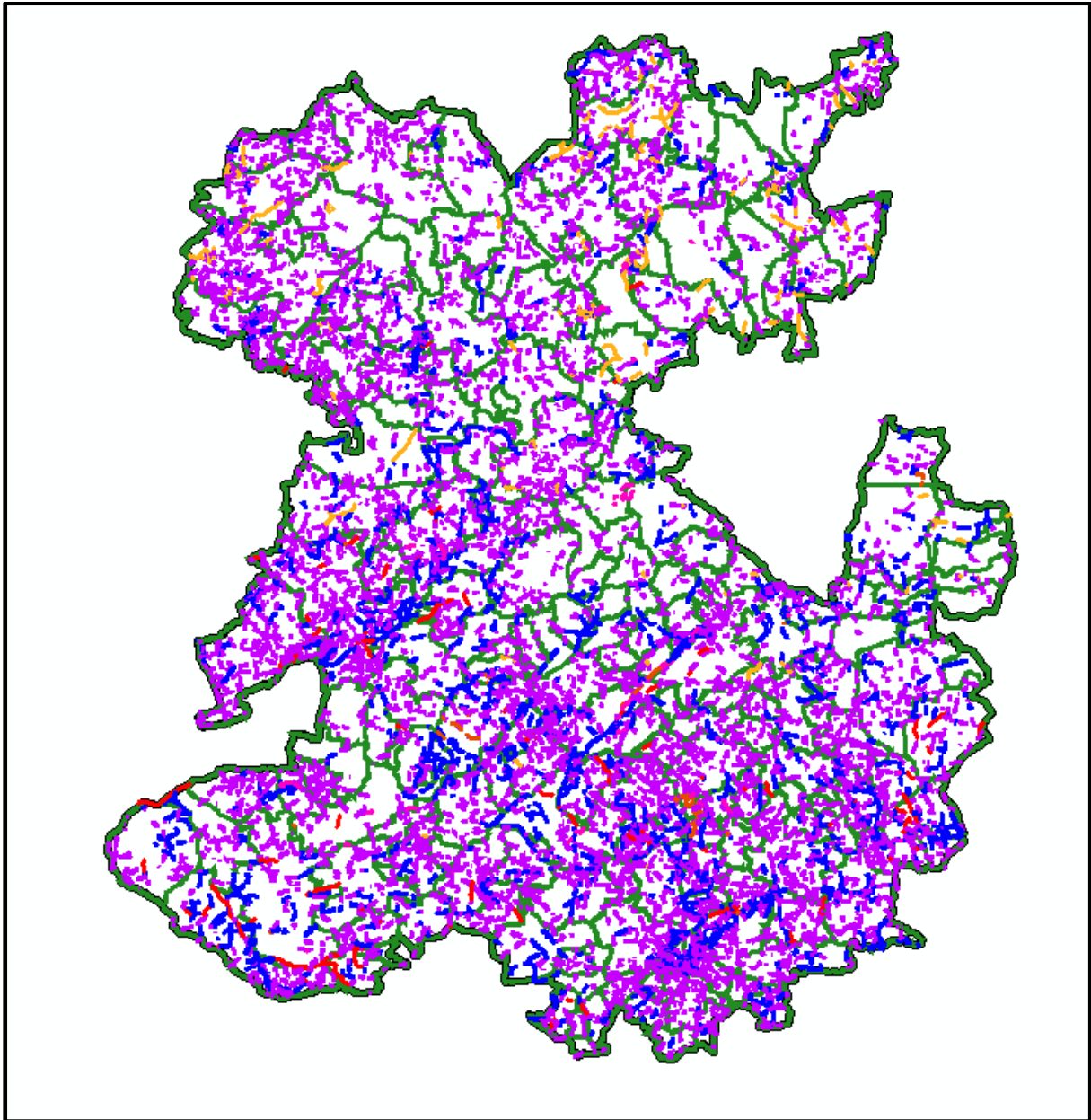
Byways Open to all Traffic (BOAT), which allow access for the public on foot, horse, pedal cycles and motorised vehicles.



1.1 Chart showing the length of the network by status

The graph above clearly demonstrates that the majority of the network in Shropshire are footpaths. They make up over 77% of the overall network compared to 19% of bridleways and the remainder are restricted byways and BOAT's.

The map below shows that the Rights of Way network is most dense in the south of the County and there are distinct differences in the topography of Shropshire, which has influenced this network, together with other factors such as the connecting Highway network, Canal Paths, Open Access Land, main towns and the rural nature of Shropshire.

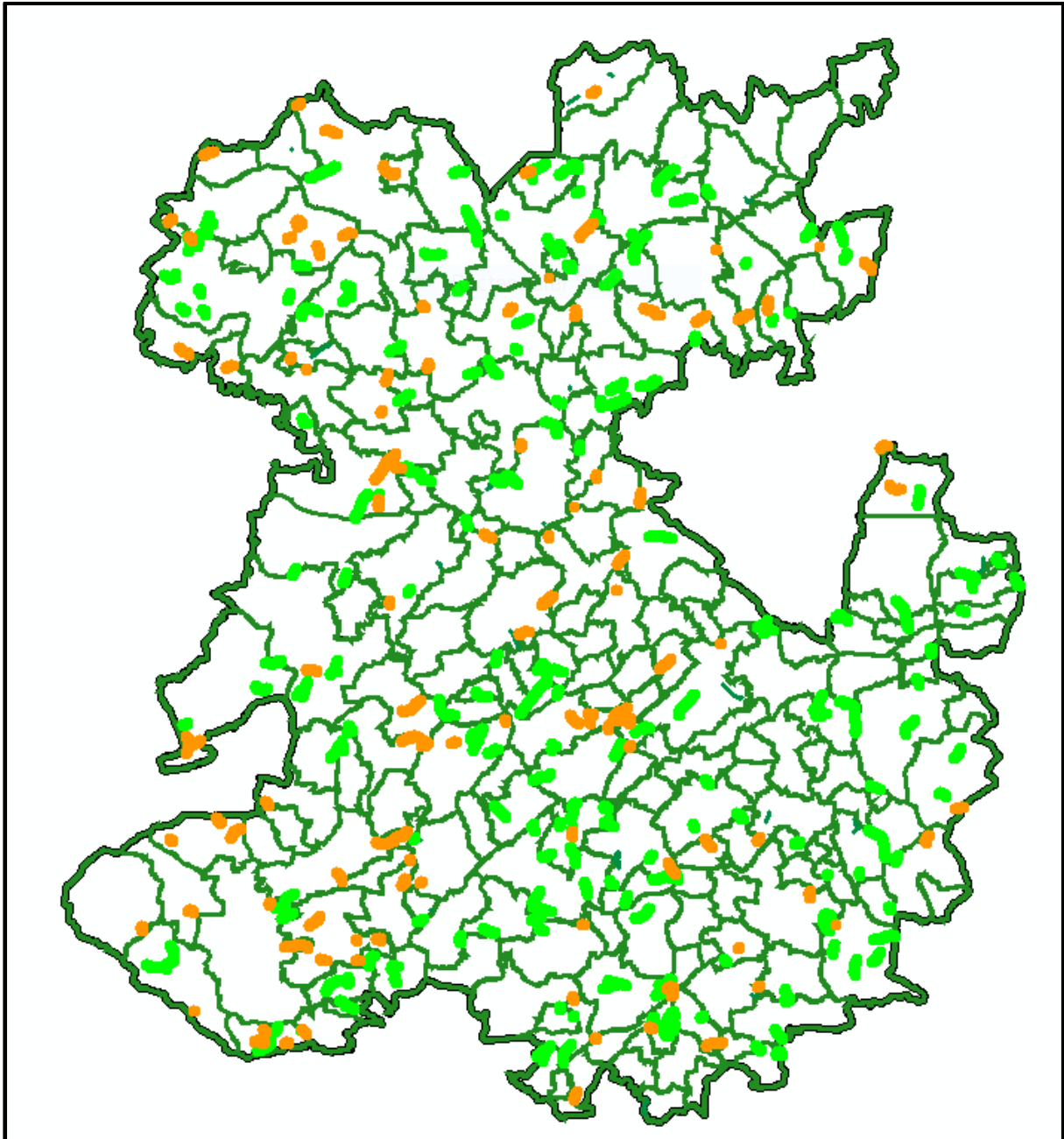


1.2 Map showing the Public Rights of Way network August 2017

Whilst this demonstrates the size and extent of the network, the legislation governing Public Rights of Way acknowledges that the map is conclusive in what it shows but that amendments and additions should be made when there is evidence to support such alterations. There is a legal requirement to keep the Definitive Map up to date and under continuous review.

2. Anomalies

Through various work undertaken over several years an extensive analysis of the network has revealed that there are over 600 anomalies on the existing definitive map. In the main these relate to routes with no legally recorded outlets or where the status is inconsistent, for example where a footpath may join a bridleway and then revert to a footpath again, resulting in no legal access to that section of bridleway on horseback/bicycle.



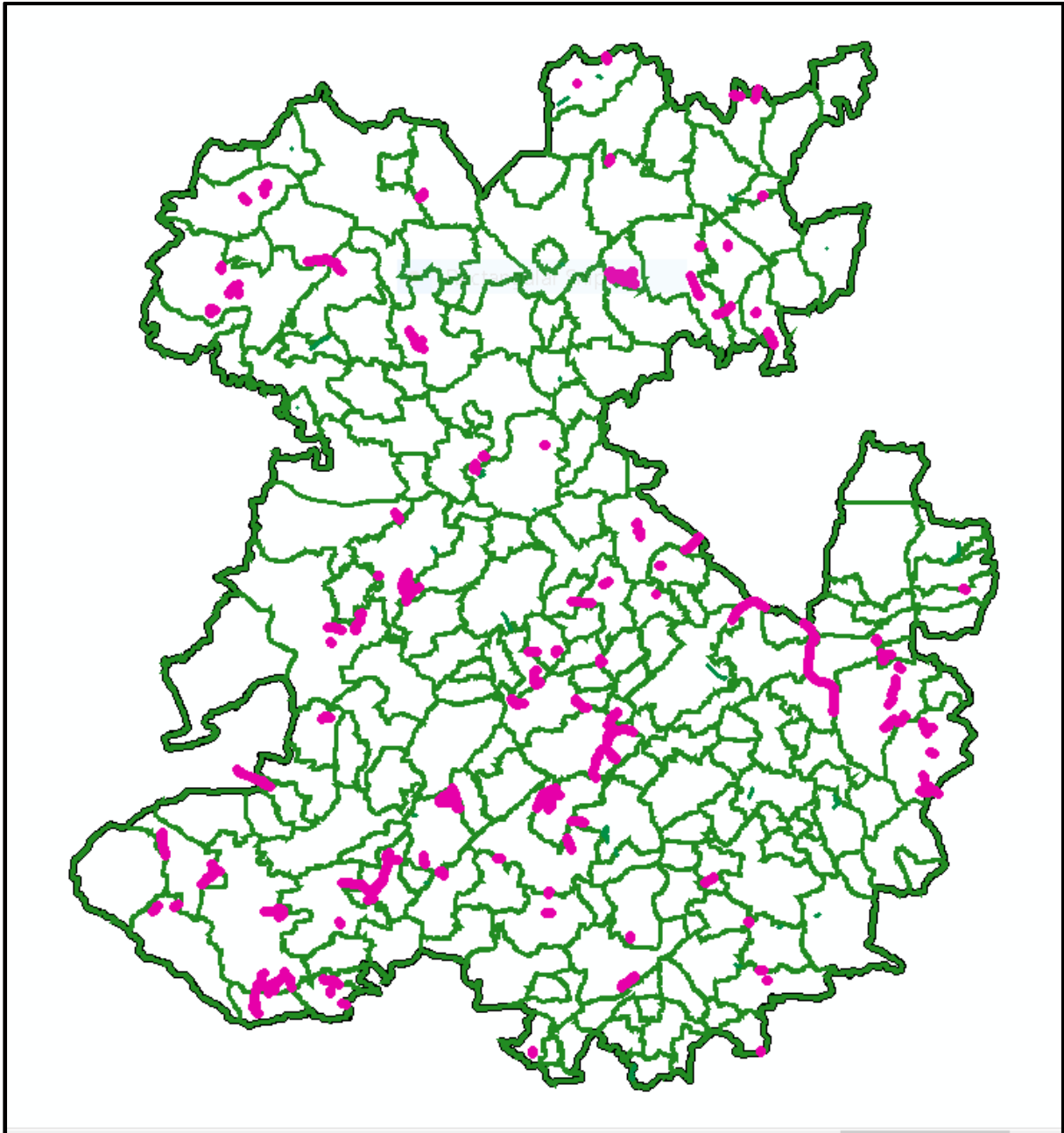
2.1 Map showing Status and Outlet anomalies

The only way to resolve these issues is to research how they came to be recorded and if sufficient evidence is discovered, publish legal orders to alter the definitive map.

3. Formal Applications

Under the provisions of the Wildlife and Countryside Act 1981, anyone can make a Formal Application to have the definitive map altered if they have evidence to support their application. The only evidence which can be considered is user and/or historical.

At present (August 2017) Shropshire has **64** Formal Applications which have yet to be investigated.



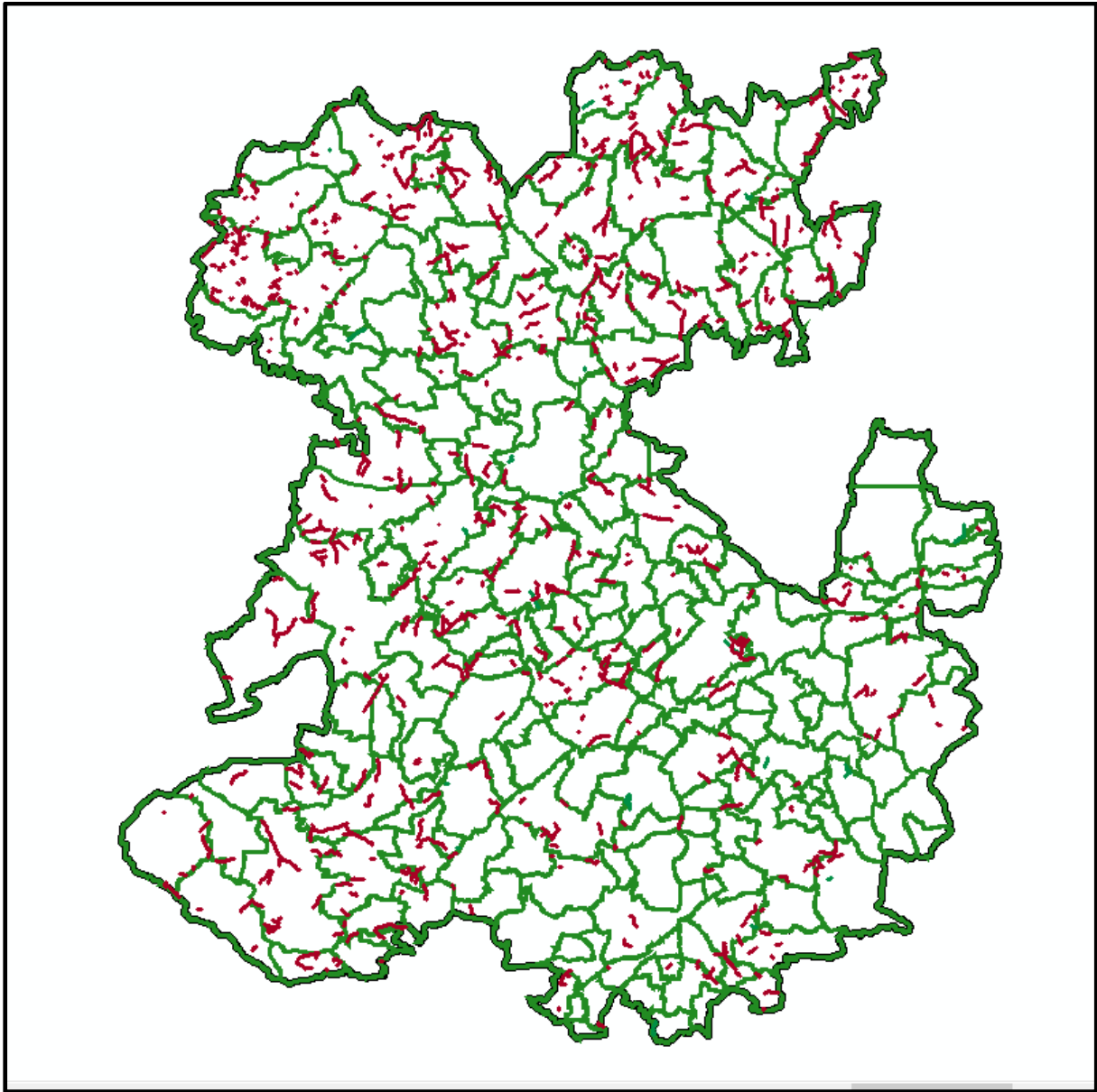
3.1 Map showing the location of existing Formal Applications

Once determined, some of these claims will resolve a number of the anomalies detailed above, as they may be claims to have unrecorded outlets added to the map, or for a change in status.

4. Discovering Lost Ways Project

From 2004-2007 The Discovering Lost Ways (DLW) project was set up by the Countryside Agency (now Natural England). The focus of the project was to identify so called 'lost ways' through systematic archive research. In May 2007 a review of the project resulted in a stakeholder report called 'finding the way forward' which resulted in 5 Pathfinder Projects being set up to look at certain aspects of the project. Shropshire was successful in being one of the projects.

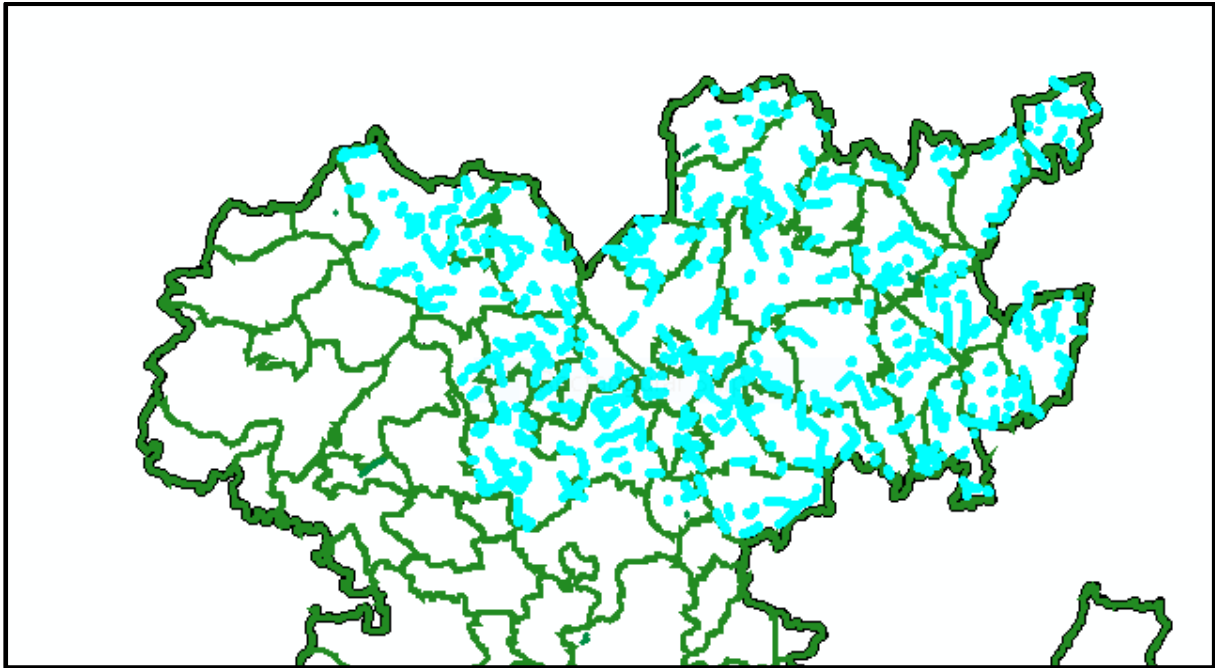
Part of the work associated with the project involved officers looking at the network and identifying the potential 'Lost Ways' for the teams to investigate. The map below shows the extent of potentially unrecorded routes which may be supported by historical evidence.



4.1 Map showing potential unrecorded routes.

As the north of Shropshire had not been proactively investigated by the Council as part of any review of the Public Rights of Way, the pilot decided to focus on this area.

This resulted in 100 case files being submitted to the Council with an indication from the historical evidence found as to whether the case was considered weak, tentative, strong or very strong.



4.2 Map showing the area investigated which resulted in 100 cases.

Officer analysis of these case files have revealed that

- **Thirty-Five** require no further action as they are of no public benefit or are already recorded on the List of Streets.
- **Two** are already being investigated as they were also Formal Applications
- **One** is over land owned by the council so could possibly be dedicated.
- **Sixty- two** will require investigation, of which 18 are considered key links in the network and 21 are routes with unrecorded outlets.

5. Historic Cut - off

There are proposals under the Deregulation Act 2015 to bring into force the proposal put forward in the Countryside and Rights of Way Act 2000 to implement the cut- off date of 2026 for claims based on historical evidence.

This will definitely increase the number of Formal Applications submitted and therefore increase the backlog of applications requiring determination.

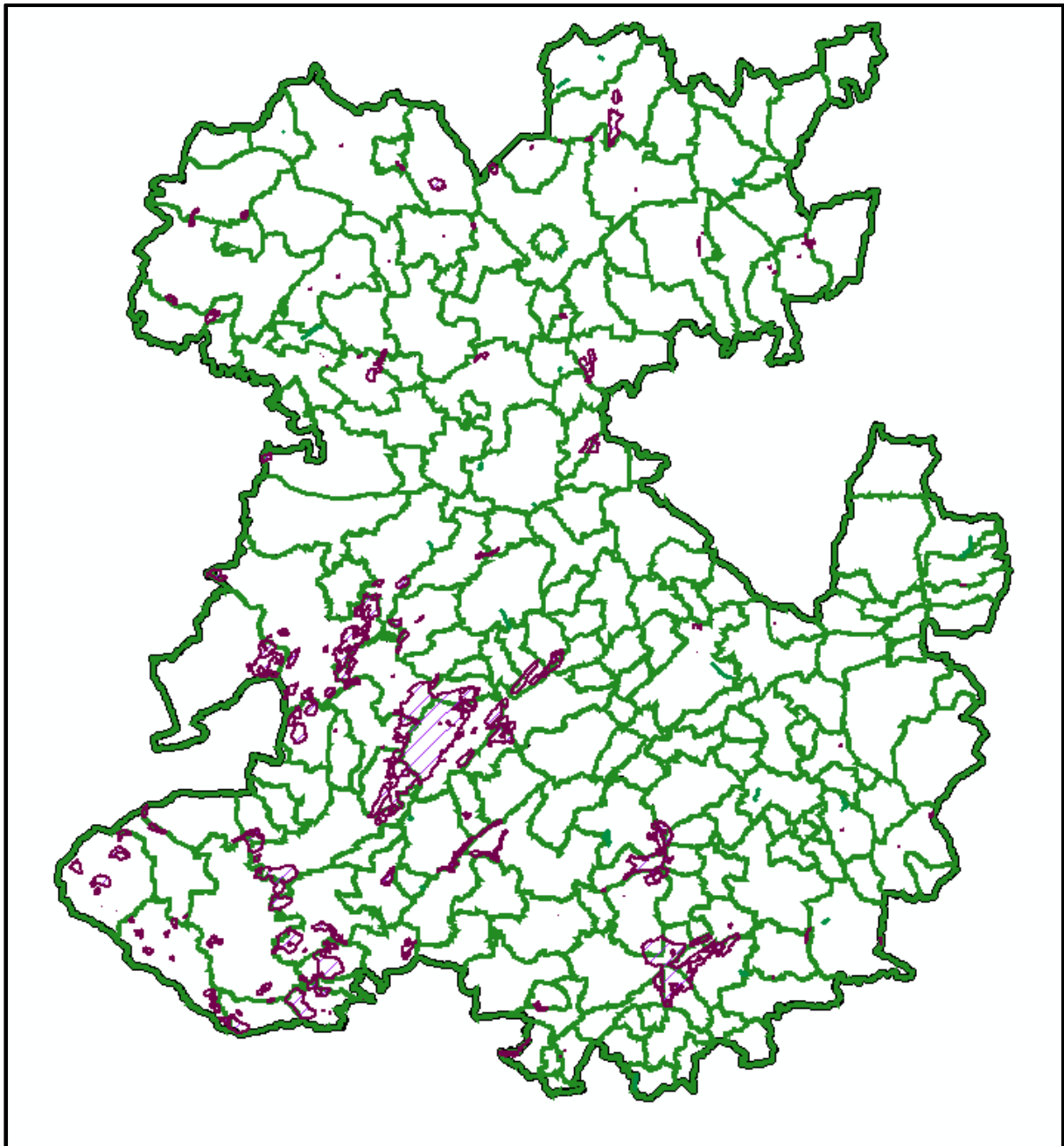
The documents, which often have the strongest weight as evidence for public Rights of Way, are Inclosure Awards, as they often set out public routes.

The Inclosure Awards for Shropshire cover approximately half of the County. It should be noted that some only cover very small areas within a Parish whilst others are more extensive. Officers are in the process of analysing these awards to determine whether there are additional ways, which should be on the definitive map but are currently unrecorded.

6. Other Access

In addition to the Public Rights of Way network, Shropshire has a wealth of other forms of access to the Shropshire Countryside.

The Countryside and Rights of Way Act 2000, made it a requirement to record and manage Open Access Land. This includes mountains, moors, heaths and downs that are privately owned. It also includes common land registered with the local council. You can use access land for walking, running, watching wildlife and climbing.



6.1 Open Access Land in Shropshire

The Council also manages two Country Parks and Twenty One Heritage Sites.

Shropshire Wildlife Trust manages 40 nature reserves across the county. These include heathlands, meadows, ancient woodlands and moorland and everyone is encouraged to explore them.

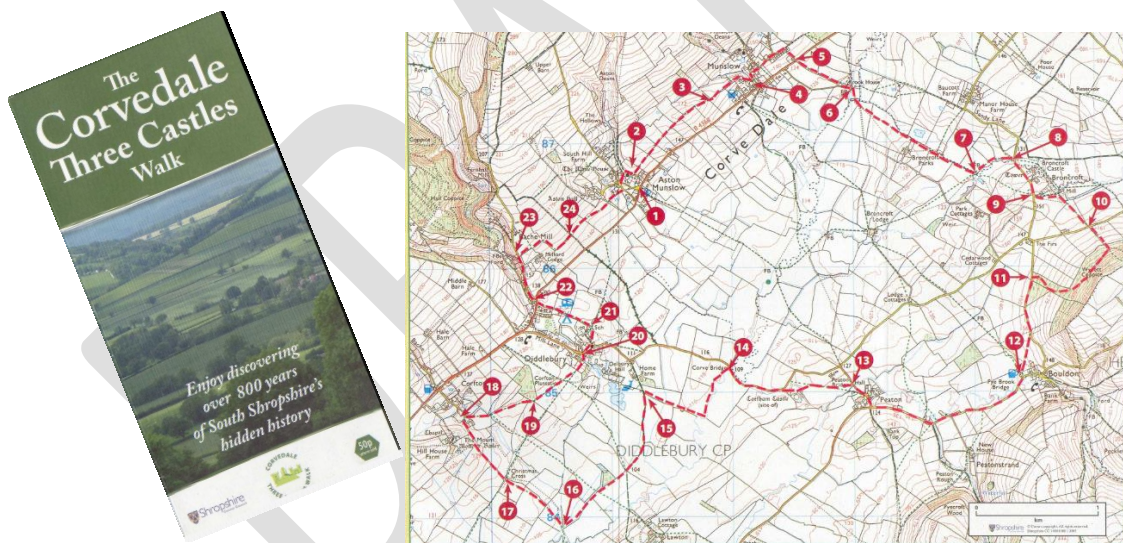
The Forestry Commission provide access to their land. The Marches Forest Area extends from just north of Shrewsbury south to Leominster and across to the Welsh border. The undulating landscape of this area is punctuated with woodland sites many of which have historical significance.

The National Trust have many special places in Shropshire to visit from open countryside to magnificent houses.

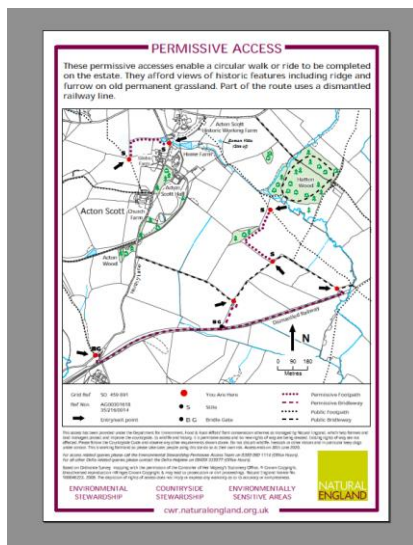
7. Permissive Access

In addition to the statutory access, some landowners also provide additional permissive access across their land. Where a formal agreement has been made with the Council these are shown on the electronic working copy of the Definitive Map.

There are many other routes that are also available on a permissive basis which are often used within local leaflets, such as the one illustrated below. This walk includes both definitive and permissive routes.



Under the previous environmental stewardship scheme, landowners were also able to provide additional permissive access. There are 46 sites in Shropshire some available until 2020.



Walk / Ride Search Results



8. Conclusions and proposed priorities

The information detailed above clearly demonstrates that there are a large number of outstanding claims and anomalies which require amendment of the Definitive Map and Statement. Due to the volume of issues and the current resources available, a policy is required to prioritise this work. The current policy is attached below at 8.1.

This will need to be amended to reflect the key priorities as defined within the revised Rights of Way Improvement Plan for 2018-2028.

The impact of the proposed amendments to Public Rights of Way legislation put forward in the Deregulation Act 2015 will also have to be taken into account. The proposals include

- Implementing the 2026 Historic cut off date which will increase the number of claims for potential lost ways based on historical evidence so will increase the number of Formal Applications to be determined.
- Local Authorities will be able to make their own applications for lost ways
- Stricter timescales for determination of Applications for local Authorities which could lead to appeals in the Magistrates Court or applications being sent directly for determination to the Secretary of State.

Proposed Priorities

- The current Definitive Map and Statement for Shropshire is dated 1 September 1965. The statement in particular is extremely limited and requires revision due to the number of legal orders that have been confirmed from 1965 to the present day. A revision of the Map and Statement should be a priority.
- Priority should be given to the high priority missing links in the network in North Shropshire as identified under the Discovering Lost Way Project. This area has not had a proactive review of its public Rights of Way and the project has already discovered key historical evidence to support the additions.
- Consideration should also be given to the prioritisation of an omnibus order to resolve those unrecorded outlets across the County, which are clearly open, available, signed and used by the public on the ground.
- Higher status claims, where they assist in linking together the higher status network, should be given priority.
- A proactive approach will be taken to look at key routes required in the network that are identified within Inclosure Awards across the whole of the County. The Awards covering the northern area have already been examined as part of the Discovering Lost Ways Project and are included in the analysis above.

POLICY STATEMENT 8
Definitive Map and Statement Modification Orders

The Definitive Map and Statement is a legal document which provides conclusive evidence that the Rights of Way shown on it exist. The Map and Statement is not a complete record of all Rights of Way and many more unrecorded public rights may exist. Under the Wildlife and Countryside Act 1981 anyone may apply to have routes added to the Definitive Map or to have it altered in some way. Due to the volume of claims and evidence which is discovered to amend the Definitive Map, it is common practice for all Highway Authorities to have a policy which details the order in which applications will be processed as resources do not allow for all claims to be dealt with at once. The policy is also necessary to defend any appeals which are made to the Secretary of State by applicants.

Policy Statement

The Council recognises:

- The legal requirement for provision of a Definitive Map and Statement that correctly records the alignment and legal status of all public Rights of Way.
- The need and value to the network of recording all 'Lost Ways' where historical documentation supports their existence.

The Council will prioritise applications to amend the Definitive Map as follows:-

1. Applications received based solely on user evidence will be a first priority. Those that fall within an area which has not undergone the district review process to date will be dealt with first; the remainder will be dealt with in order of receipt.
2. If the application is for a route that is being threatened by potential development works.
3. If the application is for a route which is very contentious locally.
4. If the application is for a route of 'strategic importance' or forms part of a promoted route supported by the Council.
5. Where an amendment to a route would significantly improve public safety.
6. Where the application would resolve a significant gap in the network.
7. Where the application is for a route of a higher status than that of a footpath.
8. Where an application assists in meeting other objectives within the Countryside Access Strategy.
9. Where an application resolves an error on the current Definitive Map.

Further Considerations

Following the Countryside and Rights of Way (CROW) Act 2000 Natural England was tasked by the government to find the best way to record all lost Rights of Way in England. It has been estimated that nearly 10% of England's Rights of Way do not appear on Definitive Maps. These could be lost forever if the Definitive Maps are not brought up to date by 2026.

References

Council meeting 24th February 2006

Cabinet 7th February 2006

Rights of Way Committee 5th April 2006

Countryside Access Strategy for Shropshire 2008-2018

Approval and Review

This Policy Statement was approved by Council on 14th December 2007.

This Policy Statement will be reviewed a minimum of every five years, the next review occurring in 2013.

DRAFT