

PUBLIC QUESTION TIME

AGENDA ITEM 4

QUESTION:

MR STUART MORGAN will ask the following question:

A plea for the Lost Ways of Shropshire

“Why does the council not take a pro-active position in placing lost ways that clearly would add to the effectiveness of the access network on the Formal Application Register, so that they will not be lost automatically post 2026?”

Whilst I was a member of this forum, I learnt about the Formal Application Register, I checked this out and had I attended the cancelled April meeting would have brought to the attention of this forum my concern regarding the low number of applications that could have significant strategic impact on an access network that will meet the needs of the 21st century. But there are 2 applications which possible should be discussed because of the wider strategic benefit.

No study has been made into cause and effect of lostways, merely a very expensive exercise by Natural England that seems to be an evaluation for the legal recovery of lost ways across a sample number of parishes.

This was followed up by "Stepping Forward" which appears to be a promise to accelerate the legal process. If left to individuals with no legal training how are we going to rescue ways that were lost through mal administration of the 1949 act. Misplaced political influence that that would not be allowed today and possibly corruption.

The War Office took over land during the 2nd WW, but never re-instated rights of way when this land was returned to agriculture.

Shrewsbury is clearly shut off from much of the surrounding countryside. The chairman of the Shrewsbury and Atcham RDC at the time of the compilation of the Definitive Map was estate agent for 7 estates around Shrewsbury.

The heirs of the Chairman of Shropshire County Council in the 1960's have inherited an estate without a single right of way on it in an area that falls well short of the national average.

One example from Natural England's lost way project showed a mile length of lost way that was measured as highly probable to be successfully re-instated, that mile is in an area of nearly 8000 acres without RoW.

Would it be better to get information out that all can benefit from an access network that meets the needs of the 21st century, rather waiting for 2026 and keeping our fingers crossed that a wave of public revulsion at the lost opportunity to improve a national asset? The evidence that this could hit Shropshire hard is there to be seen on any copy of an Ordnance Survey map. Without study we cannot know if ways used by our ancestors can be used to repair, improve and unlock some of the routes needed by todays society.

If the evidence is collected, it will show that there are enough examples, like lost pieces of a jigsaw, so many that we do not get the full picture, when the full picture is revealed would it show that the Council must act in a proactive way.”

SHONA BUTTER OR ROGER PLOWDEN, will reply as follows:

Why does the council not take a pro-active position in placing lost ways that clearly would add to the effectiveness of the access network on the Formal Application Register, so that they will not be lost automatically post 2026?

This has been considered by the Stakeholder Working Group who were looking at improvements and simplification of Rights of Way legislation and is now part of the Deregulation Act 2015. This Act will provide surveying authorities with the ability to register useful or potential useful routes during a period post cut-off. Any such applications will be subject to the same tests and transparency as any other application.

The primary legislation, secondary legislation and guidance for all the proposals affecting Public Rights of Way contained within the Deregulation Act is due to come into force at the same time. This is anticipated to be around April 2016.

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The access mapping and enforcement team who deal with such applications are happy for Mr Morgan to highlight those existing applications which he considers to be of strategic importance.

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Whilst the Discovering Lost Ways project was not progressed, Shropshire is in a better position than other authorities. As Shropshire was one of the Pathfinder Projects run as part of this project a lot of work was done on potential lost ways in the North of the County. In addition officers within the mapping & Enforcement Team also undertook their own mapping exercise to identify potential lost ways. We therefore have a good overview of potential key routes.

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The Deregulation Act has effectively progressed the proposals put forward in the Stepping Forward Report and should improve the legal process and ability of authorities to deal with Public Rights of Way matters.

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Shropshire has a couple of locations where this is the case and proposals have been put forward in the past to try to resolve these. Unfortunately these were not successful due to land being sold and objections being raised. Officers are aware of these matters and have and will continue to look at resolving the Public Rights of Way network in these areas. It should be noted that this work has to be balanced with other pressures on the

service as there is a depleted team dealing with all legal orders, enforcement and management of the Rights of Way network.

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Without study we cannot know if ways used by our ancestors can be used to repair, improve and unlock some of the routes needed by today's society.

If the evidence is collected, it will show that there are enough examples, like lost pieces of a jigsaw, so many that we do not get the full picture, when the full picture is revealed would it show that the Council must act in a proactive way.

It is agreed that there are clearly areas which lack Public Rights of Way and areas which could benefit from some key connections. Whilst historic cut off may prompt claims for some of these routes a large number would be for preferential routes which often have no evidence and therefore have to be negotiated and hopefully provided through dedication. Some of the proposals contained within the Deregulation Act should assist in this instance.

Wherever possible officers will try to resolve matters including those relating to lost links or beneficial routes however, there are many factors which simply would not allow us to undertake a full scale investigation of all potential lost ways, mainly due to the existing workload to try to ensure that the existing network is open and available and the existing demand for legal changes.