

# Shropshire's Great Outdoors 2018-28

## Appendix 2: Rights of Way Network Assessment and Condition

### 1.0 The Public Rights of Way network in Shropshire

- Shropshire has a Public Rights of Way network of over 5,600km.
- It is the third largest network of Public Rights of Way in England.
- It is the largest landlocked area.

### 1.1 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.

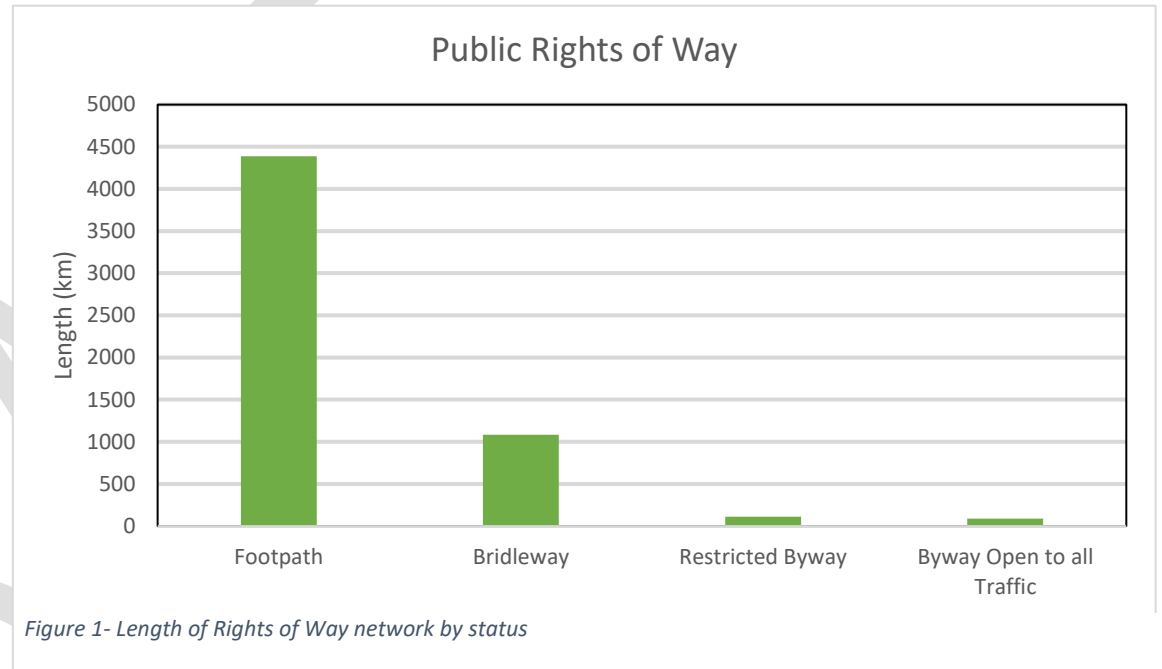


Figure 1 clearly demonstrates that the majority of the network in Shropshire are footpaths. They make up over 77% of the overall network compared to 19% of bridleways and the remainder are restricted byways and BOAT's.

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.

Figure 2 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.

DRAFT

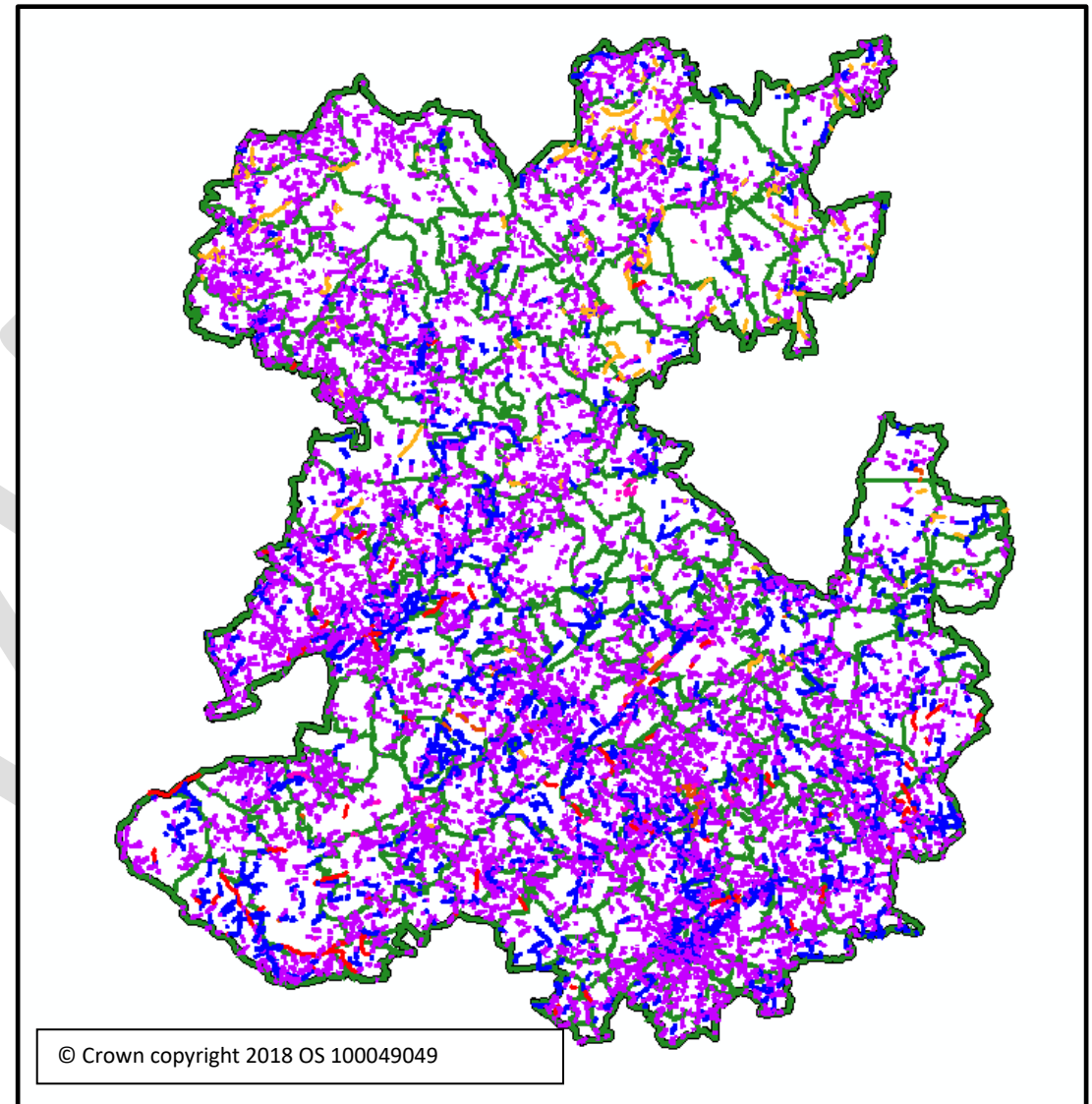


Figure 2- Map showing the Public Rights of Way network in Shropshire Aug 2017

## 1.2 Provision of Rights of Way based on population

Figure 3 illustrated the inequality of Rights of Way across the county, which is made more significant when population is included in the assessment. Shifnal, Albrighton, Broseley, Whitchurch, Market Drayton and Ellesmere are all areas where the provision of Rights of Way is poor. It is possible that new routes could be identified in this area if changes to agricultural support encourage more public access.

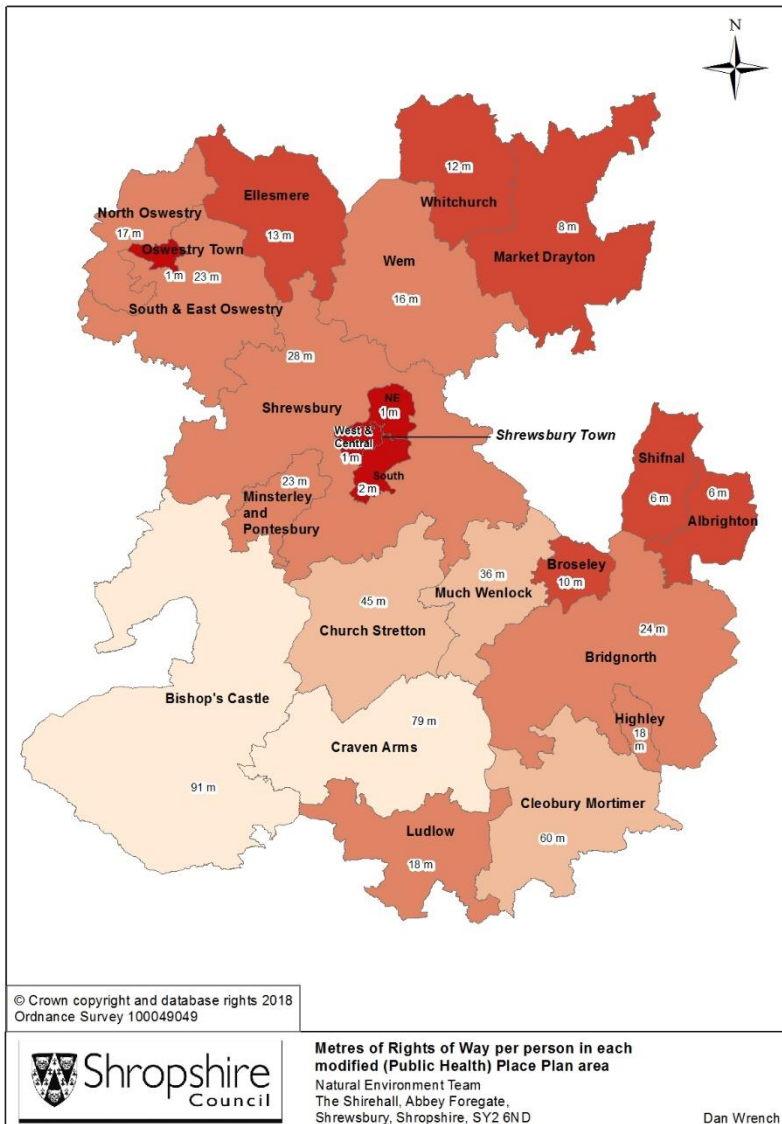


Figure 3- Metres of Rights of Way per person mapped to Place Plan area

## 1.2 Development of the existing network

### 1.2.1 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 (Figure 3). 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.

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.

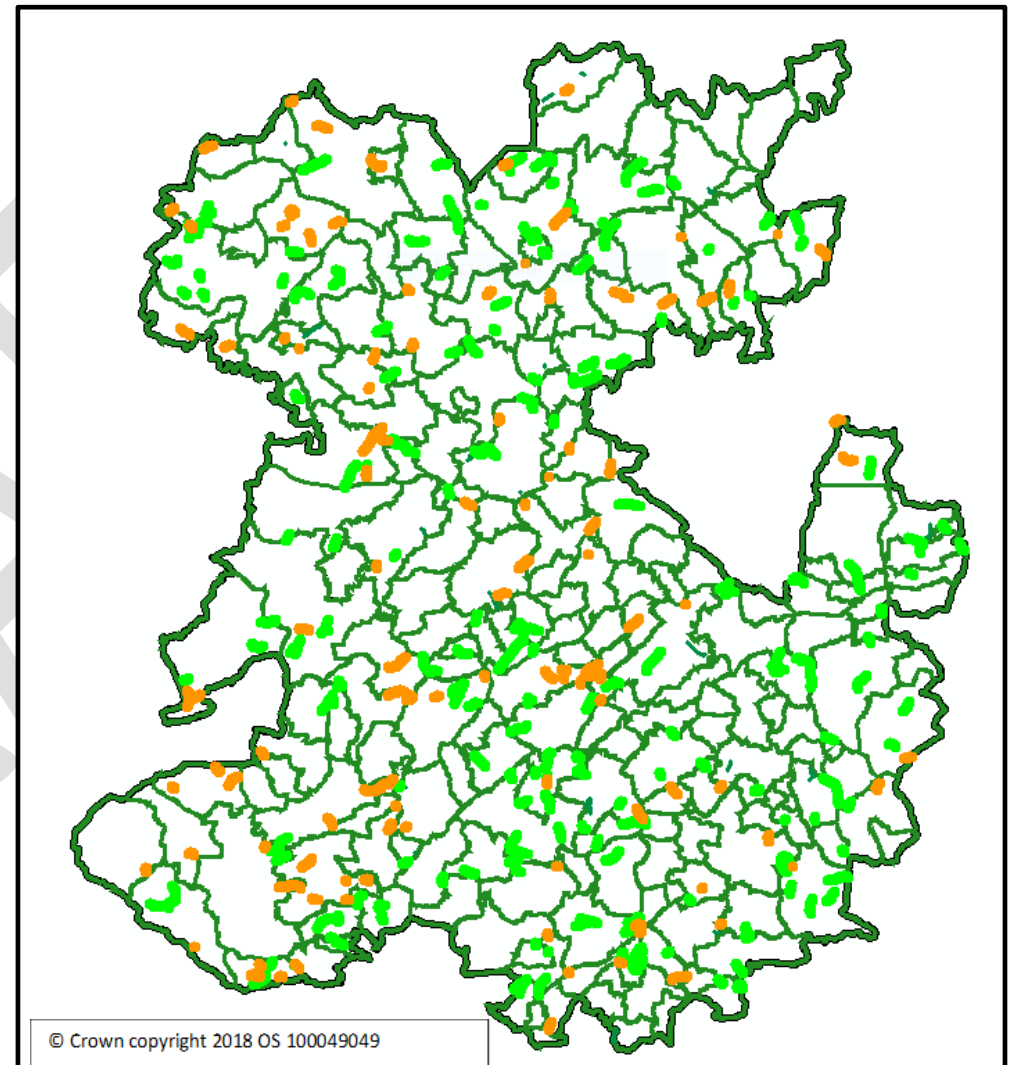


Figure 4- Map showing known anomalies across the county

### 1.2.2 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 (Figure 4).

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.

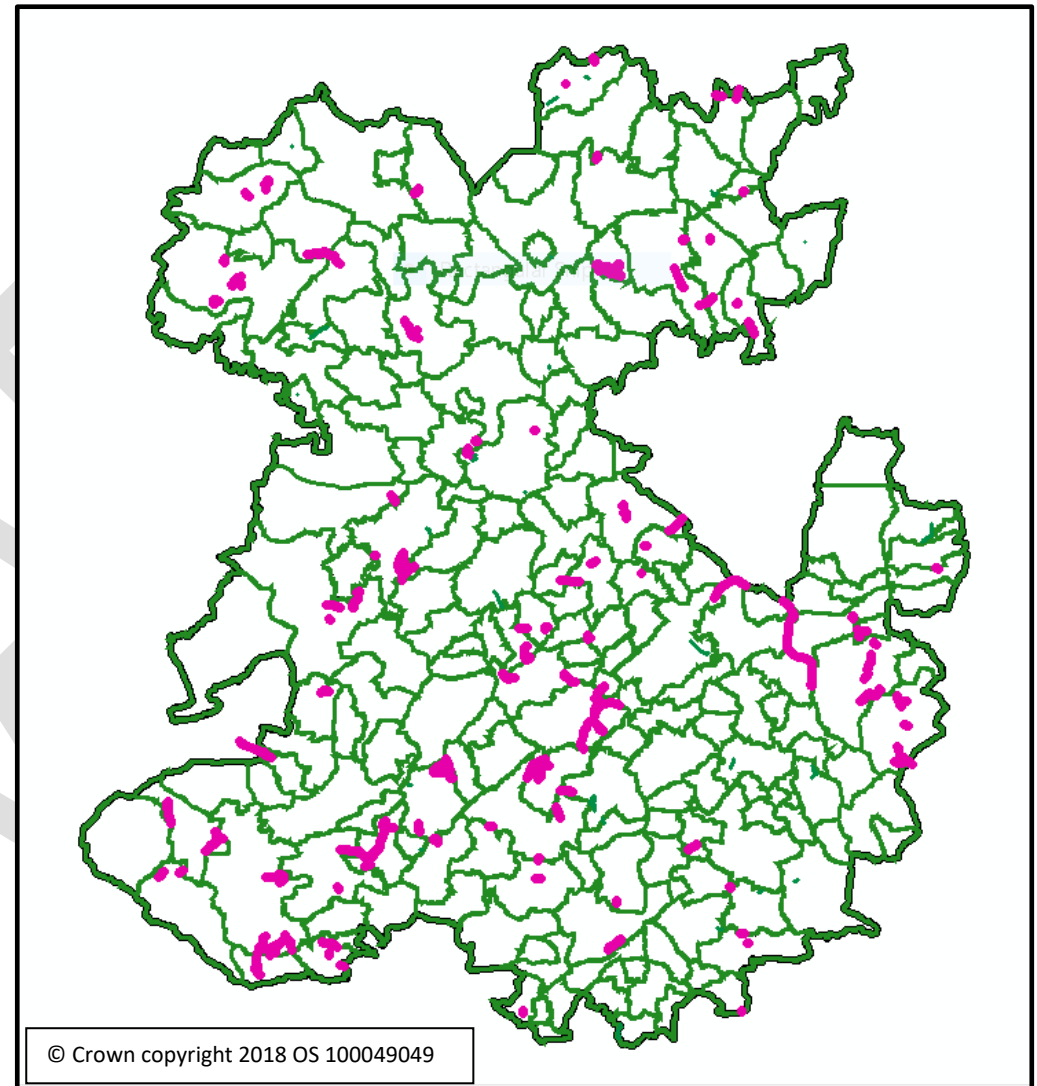


Figure 5- Map showing location of existing Formal Applications

### 1.2.3 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 five 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. Figure 5 shows the extent of potentially unrecorded routes which may be supported by historical evidence.

As the north of Shropshire had not been proactively investigated by the Council as part of any review of the Public Rights of Way network, 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 (Figure 6).

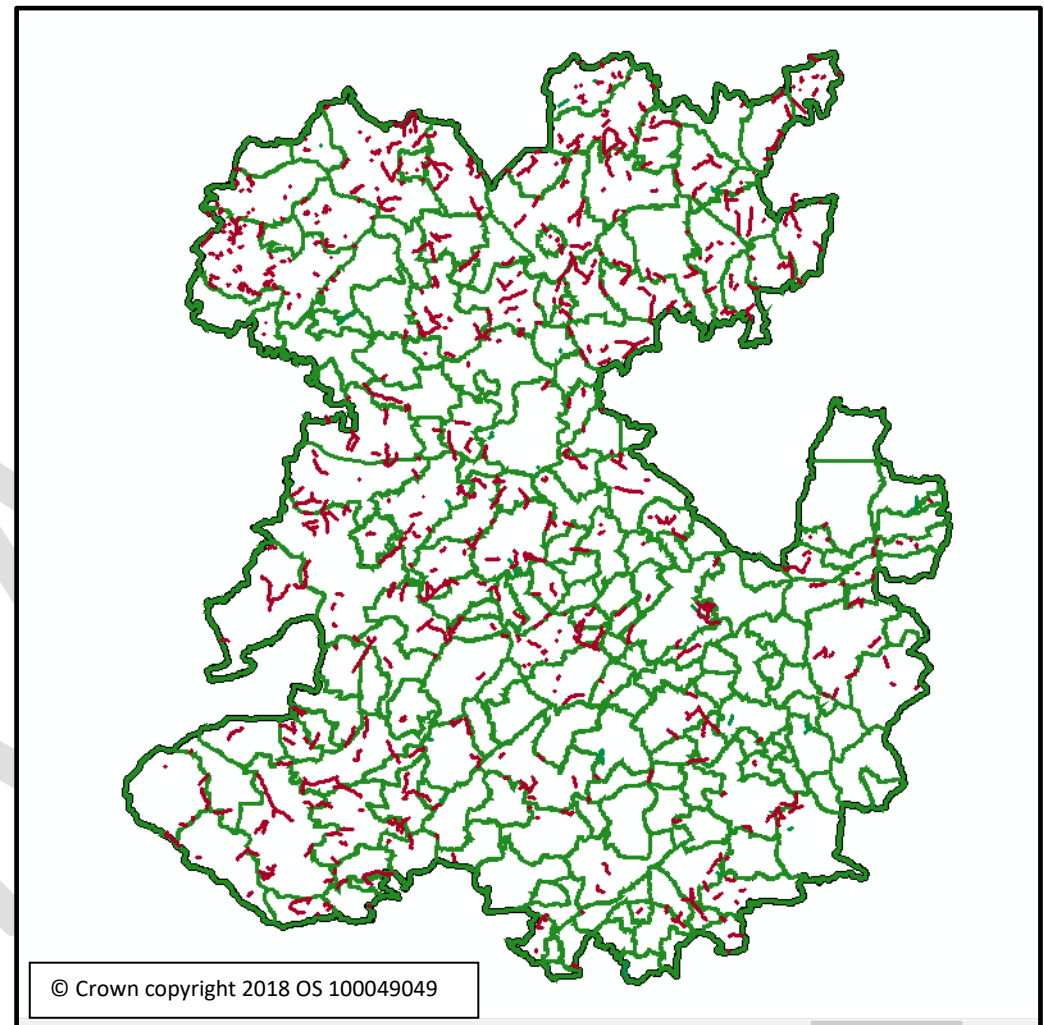


Figure 6- Map showing potential unrecorded routes



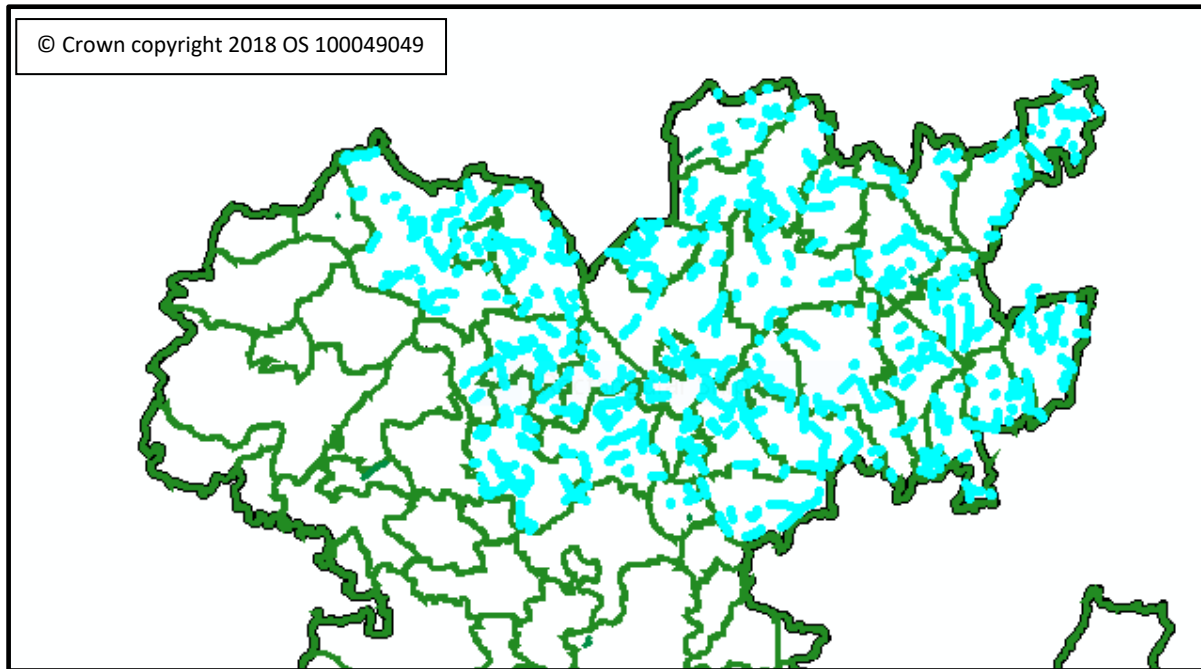


Figure 7- Map showing area investigated and the resultant 100 cases

Officer analysis of these case files have revealed that

- **35** 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.
- **62** will require investigation, of which 18 are considered key links in the network and 21 are routes with unrecorded outlets.

#### 1.2.4 Bridges and major infrastructure

There are at least 3,161 crossing points on the Rights of Way network. A crossing point can be anything from a large bridge to a small structure spanning a ditch. 50 of the most significant bridges were inspected in 2012-14 and an estimated £345,000 worth of repairs were needed. £300,000 capital funding was allocated over four years and some of these repairs have been completed but there are still outstanding issues. When advice is required regarding the integrity of a Rights of Way bridge or other structure, advice is usually sought from Shropshire Council's Bridges and Structures Team.

On some occasions, Rights of Ways are carried by bridges which are not the sole responsibility of the Council. An example is when a right of way footpath crosses a bridge which also carries a private road such as a farm track. No formal agreements exist to define the maintenance responsibility for the majority of these bridges.

Inspections are needed over the next two years, with funding allocated for the most urgent or prioritised repairs and temporary closures will need to be put into place where there are Health and Safety concerns.

### **1.3 Proposed changes to the Rights of Way Legislation**

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

### **1.4 How easy is the Rights of Way Network to Use?**

The Best Performance Value Indicator for Public Rights of Way (known as BVPI 178) which used to be a National Indicator, measures the ease of use of the network and is based on a 5% random sample. Shropshire Council has undertaken this survey most years.

In 2004 we were successful in securing additional funding under the Parish Access Project to undertake physical and legal work to ensure that the network was easy to use. This resulted in the ease of use percentage increasing from 38% to 85% upon completion of the project.

Since 2009 the ease of use value has dropped from 85% to 70% when it was last surveyed in 2015. This shows that unless there is ongoing investment in the network that the ease of use is likely to drop further. The 2017-18 survey is currently being undertaken which will provide us with the latest figures.



### 1.4.1 Types and levels of Issues Reported on the Public Rights of Way Network

During the past ten years nearly **20,000** issues were reported to the Council (Figure 7).

This shows that reporting has fluctuated throughout the years since 2008 when there were over 1,500 issues reported. On average, the number of issues reported annually is **967**.

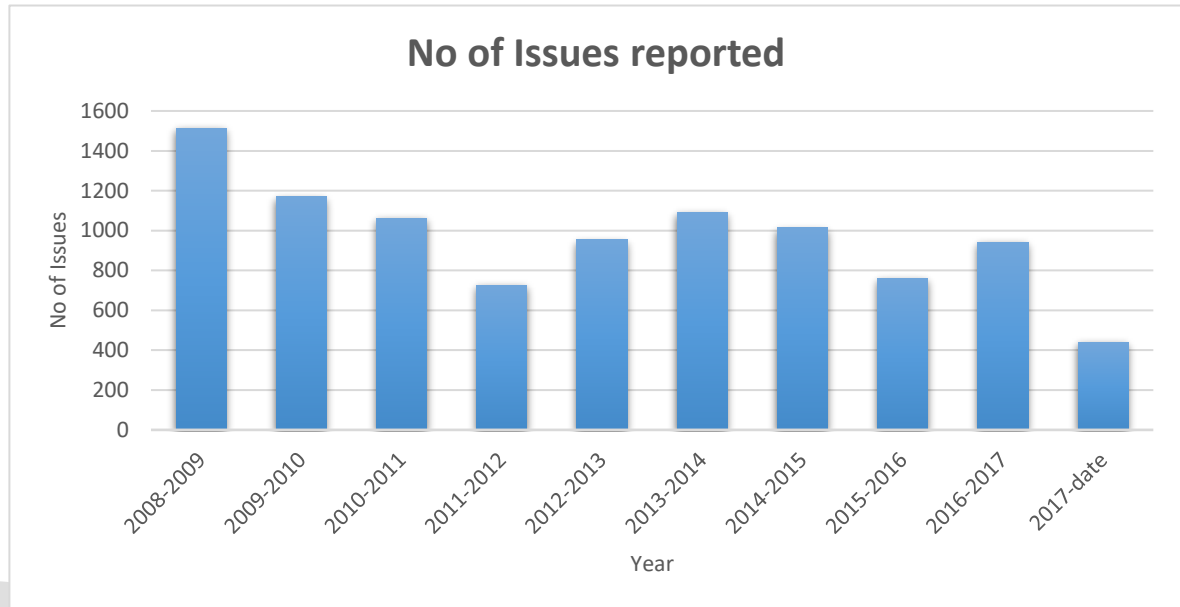


Figure 7- Number of issues reported in the past 10 years

### Issue Type across network

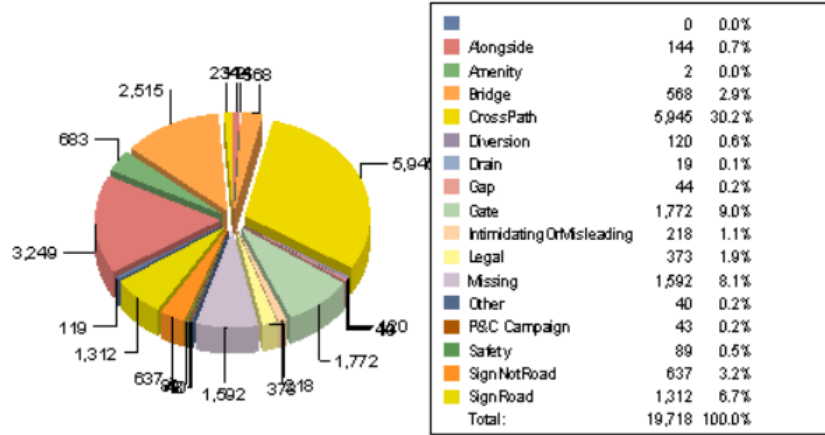


Figure 8- Number and type of issues reported

The most common category reported over the last ten years relates to cross path issues which account for just over **30%** of all of the issues reported (Figure 9).

This clearly shows that that cropping and fencing on Public Rights of Way were the highest category, followed by electric fencing.

Figure 8- shows the number of different issue types that are reported.

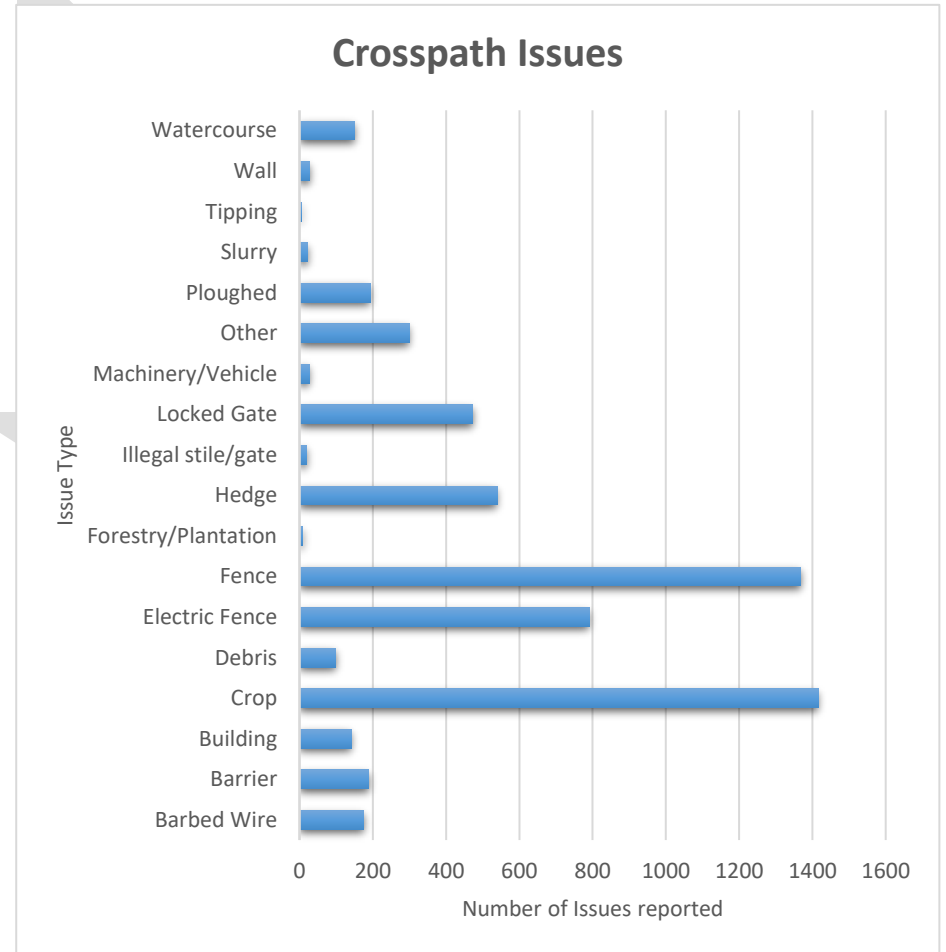
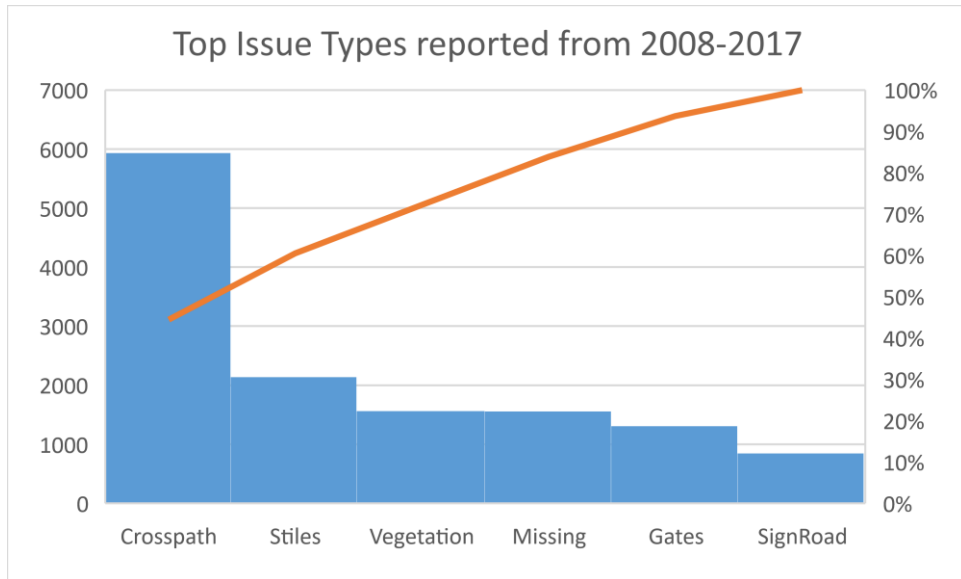


Figure 9- Cross path issues types and number of issues of each type



An analysis of the most frequently reported issues over the last ten years reiterates that the Crosspath category remains the most common, followed by issues relating to stiles, vegetation, missing signage etc., problems with gates and routes not being signed from County Roads (Figure 10).

Figure 10- The most frequent categories reported by the public over the past 10 years.

It is recognised that cropping is one of the main cross path issues. There have been several Cropping Campaigns over the years. Since 2015, the Mapping and Enforcement Team have undertaken a targeted Campaign, which is proving to be successful in reducing the number of Ploughing and Cropping Incidents.

A Landowner Guidance booklet has also been produced to raise awareness of landowner's responsibilities and provide appropriate advice on Public Rights of Way Matters (Figure 11).



Figure 11- Landowner and farmer guide to Public Rights of Way

One of the other main issues is overgrown vegetation and the recognition of this has resulted in an annual vegetation clearance programme. This is undertaken on key routes within Shropshire such as promoted routes, routes to schools, urban fringe routes.

In addition, the Countryside Maintenance Team has invested in improved equipment over the last couple of years which has resulted in an increase in the amount of clearance undertaken. This is evidenced in the graph ab (Figure 12).

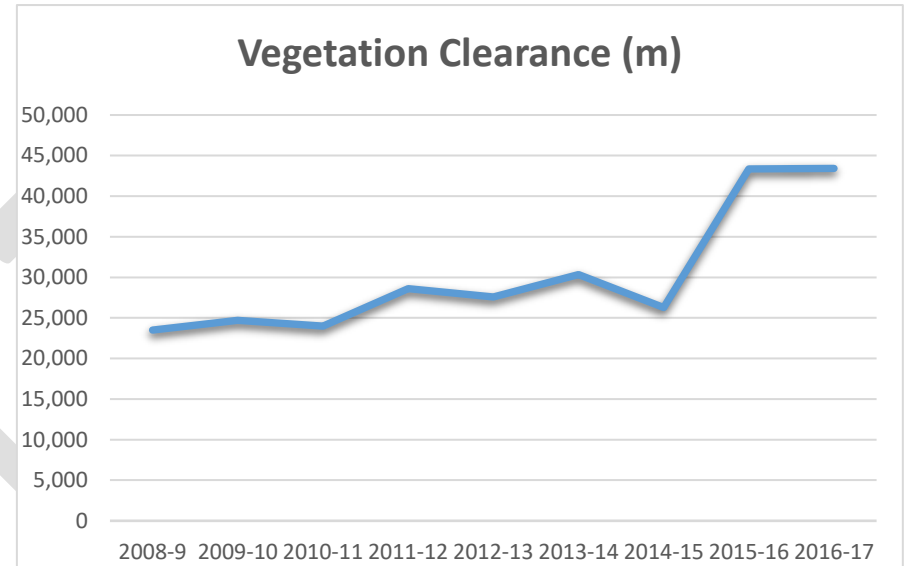


Figure 12- Extent of vegetation clearance since 2008/9

DRAFT

### 1.4.2 How are issues dealt with?

All issues reported are logged on a database which links to Shropshire Council's mapping system which has the Public Rights of Way layer. Issues are then allocated to the appropriate team and officer. Due to the number of Issues reported and the resource available all issues are prioritised to ensure that they are dealt with accordingly. Shropshire's Great Outdoors 2018-28 will require an amended Prioritisation Policy as there have been significant changes to staffing levels, budgets and resources since the original Countryside Access Strategy was compiled.

Prior to 2011, the Rights of Way issues were dealt with by either the Mapping Team, Enforcement Team or the Countryside Maintenance Team according to the issue type. Since 2011 all Mapping and Enforcement matters are dealt with by a merged and reduced team. This is clearly reflected in Figure 13 which shows a reduction in resolved matters since that time.

### 1.5 Accessibility

Shropshire has an easy access policy and wherever possible applies the Least Restrictive Principle. Over the years, many stiles have been replaced with gates (Figure 14).

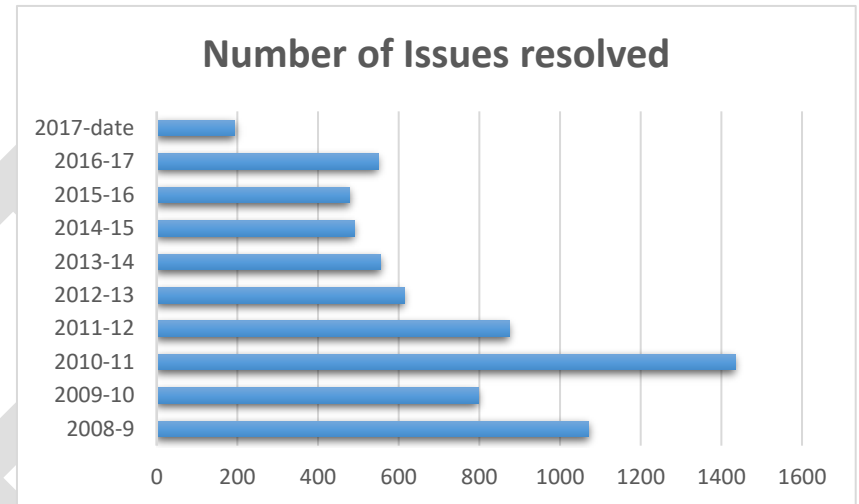


Figure 13- Number of issues resolved annually

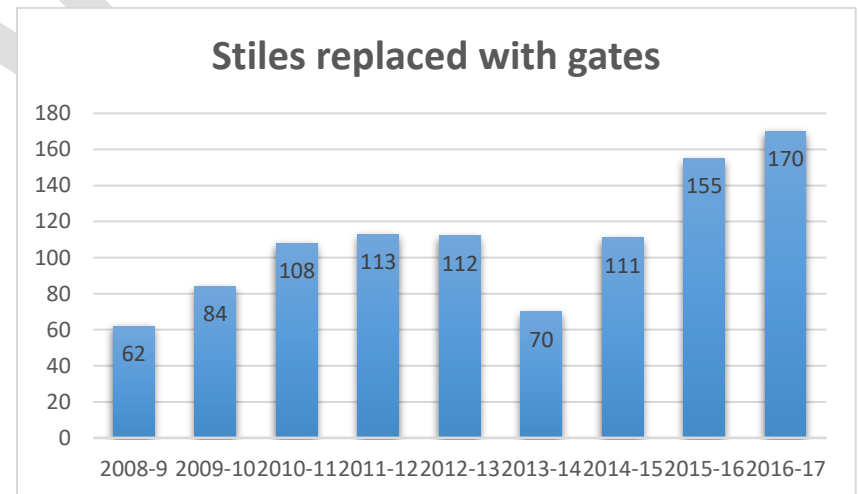


Figure 14- Number of stiles replaced with gates annually

## 2.0 Other Access

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

### 2.1 Open Access Land

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. Figure 15 shows the areas of Open Access Land in Shropshire.

### 2.2 Country Parks, Heritage Sites and other open spaces

The Council also manages two Country Parks and 22 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.

### 2.3 The canal network

The Canal and River Trust manage the canal and towpath network. These offer opportunities for easy, flat outdoor activity in the north of the county.

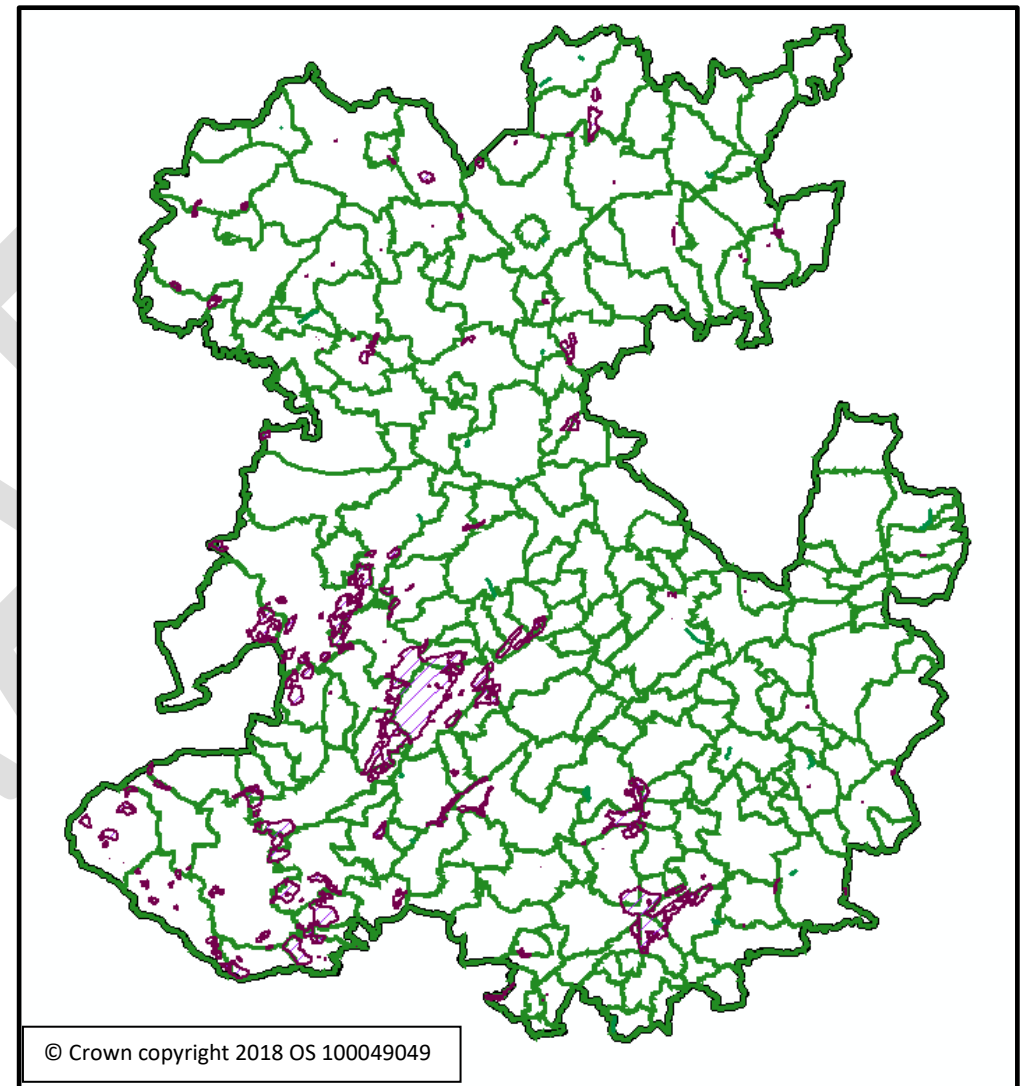


Figure 15- Open Access Land in Shropshire



## 2.4 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 in Figure 16. This walk includes both definitive and permissive routes.

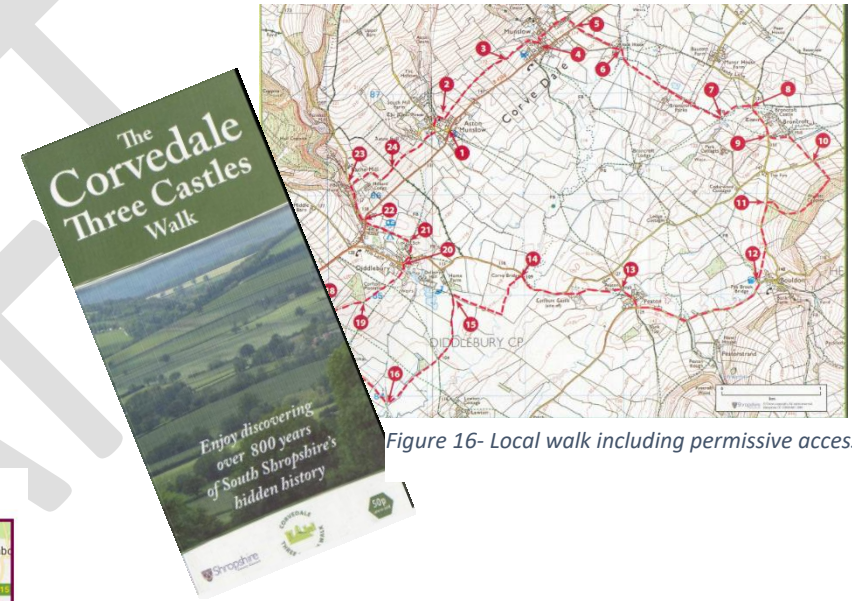
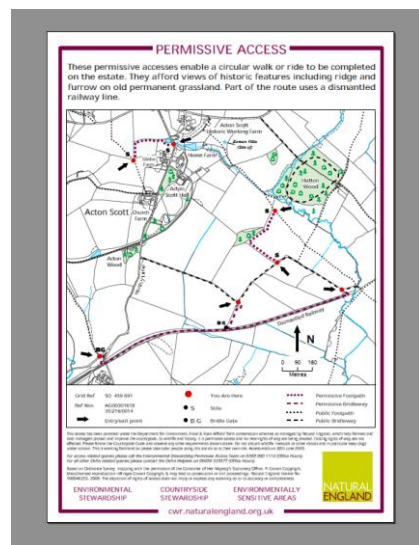


Figure 16- Local walk including permissive access



Walk / Ride Search Results



Figure 17- Permissive access routes supported by Environmental Stewardship Schemes

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 (Figure 17).

### **3.0 Conclusions**

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.

The information detailed above clearly shows that a significant number of issues are reported annually on the Public Rights of Way network. Due to the large number of complaints policies are required to assist in determining prioritisation of the issues reported for action by the appropriate team.

The key current policies that determine works and action on the Rights of Way network as contained within the current Countryside Access Strategy are attached at 6.0.

The majority of these policies will require amendment to reflect the priorities identified in Shropshire's Great Outdoors 2018-2028. In addition, there have been significant changes to resources and staffing which need to be considered.

### **4.0 Priorities**

- Cross path obstructions are still the most frequently reported issues. In particular, Cropping and Vegetation Clearance are two of the highest categories. These need to be prioritised accordingly.
- The Ploughing and Cropping Campaign to continue to be undertaken.
- Annual Vegetation Clearance to be undertaken

- Proposed changes to the British Standard for Gaps, Gates and Stiles need to be fully considered as it is unlikely that the authority will be able to comply. Shropshire Local Standard specifications?
- Wherever reasonable and practical continue to apply the Easier Access Policy
- Facilitate the provision of all ability routes where opportunities arise
- The development of a new Planning Policy
- Revision of the Map and Statement: 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.
- 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. A review of this area would also help address the disparity between the networks in the north and south of the county.
- 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.
- A proactive approach 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.