



Shropshire's **GREAT OUTDOORS**

Public Rights of Way

A guide for users



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1. Introduction

Shropshire has over 5,600km of Public Rights of Way. This is more than the distance between Shrewsbury and New York!

Shropshire Council works closely with both landowners and local communities to keep these routes open.

This leaflet is a guide to assist users with some of the most common issues and queries relating to Public Rights of Way and the legislation that governs them.

More detailed Public Guidance Notes (PGN) are available on many subject areas. To view these please visit the Council’s webpages at <https://shropshire.gov.uk/outdoor-partnerships/countryside-access-and-public-rights-of-way/guidance-notes/> Relevant PGNs are listed within this document.





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2. Public Rights of Way (PROW)

There are four categories of Public Rights of Way:

- **Public Footpath (FP)** – for use by the public on foot only.



- **Public Bridleway (BW)** – for use by the public on foot, horseback, leading a horse and on a bicycle.



- **Restricted Byway (RB)** – for use by the public on foot, on horseback, leading a horse, on a bicycle and in a non-motorised vehicle i.e. by horse drawn vehicle.



- **Byway Open to all Traffic (BOAT)** – for use by the public on foot, horseback, leading a horse, on a bicycle, in a motorised or non-motorised vehicle and driving animals.



All the above are public highways and as such are protected by law under the provisions of the Highways Act 1980.

It should be noted that private rights can often coexist with Public Rights and certain people may have private rights to use motorised vehicles on Public Rights of Way. The Council has no powers to deal with disputes relating to private rights.

3. Other Routes with Public Access

Unclassified County Roads (UCRs) – An unclassified road is simply a public road which does not have an A, B or C road classification. Most unclassified roads are normal tarmac motor roads but there are also a small number which are unsurfaced lanes. These are often referred to as UCRs (Unclassified County Roads).

All unclassified roads (tarmac or otherwise) are recorded on a document known as the List of Streets. This is the official record of all highways that are maintained at public expense and every highway authority should have one. These are managed by the Highways Department.

It is important to understand that the inclusion of a route on the List of Streets does not provide conclusive evidence as to its status.

Other Routes with Public Access (ORPAs) – These are depicted on Ordnance Survey Maps, including the OS Explorer Map 1: 25,000 Scale (Green Dots) and OS Landranger Map 1:50 000 Scale (Red Dots).

The Ordnance Survey describe them as: “These are routes that are rights of way; however, the exact nature of the routes is unclear and is based on the best information that Ordnance Survey has to hand. Prior to setting out on one of these routes, you may want to contact the local highway authority to see if they can advise on any restrictions that there may be.”

In Shropshire, ORPAs tend to be Unclassified County Roads.

4. Additional Types of Access

As well as the formal categories of Public Rights of Way and routes with public access detailed above, there are other routes which can also be used.

Permissive Paths – These are not legally recorded Public Rights of Way but the public can use them with the permission of the landowner. They are usually waymarked with a Permissive symbol. The permission may extend just to certain types of user, e.g. walkers. The permission (which may be a written agreement or just verbal) may be withdrawn by the landowner.

Promoted Routes – These are routes which have a significance in the area and are popular with visitors. They typically consist of a mix of different types of Public Rights of Way, minor roads and permissive paths. The Shropshire Way is a long-distance footpath which is promoted in Shropshire, and there are also other promoted routes for other users e.g. horseriders such as the Jack Mytton Way and Humphrey Kynaston Way. Most of these promoted routes will have their own distinct waymarking.



For more details on promoted routes in Shropshire visit the Shropshire's Great Outdoors website at <http://www.shropshiresgreatoutdoors.co.uk>

Here you can also find out about the top outdoor experiences, volunteering, activities and events at our parks and sites and an interactive map.

Green lanes – This term has no legal meaning but is often used to describe certain routes which have no sealed surface. A green lane may also be a Public Right of Way, or it might be entirely private.

White roads – These routes are so called because they are minor roads shown on Ordnance Survey maps (but not coloured in), and are often unsurfaced. They may be unclassified county roads, or carry other (unrecorded) public rights of access, or else they might be private. The Ordnance Survey now show these routes which are known to carry public rights of some sort as 'ORPAs'

Footway or pavement – A footway is a path set out for pedestrians beside a vehicular highway. It is a part of that highway. The footway may not be used by either cyclists or horse riders, unless a part of it has been specifically set out for their use – in which case it will be signed and may be surfaced with a different coloured tarmac. Cyclists and horse riders can of course cross a footway to reach a route which leads off the road.

Cycle tracks, cycle lanes and cycle paths – A cycle lane is a part of a carriageway set apart for the use of cyclists. It may be either advisory (dashed white line) or mandatory (a solid white line). A cycle track or path is a route physically separate from a road and which has been constructed for cyclists, although they can normally be used by walkers too.



The National Cycle Network (developed by Sustrans in partnership with local authorities and others) is the national cycling route network of the United Kingdom. It was established to encourage cycling throughout Britain, and for bicycle touring. It includes sections of cycle path and cycle lane, as well as other routes. There are several routes within Shropshire. For more information visit their website at

<https://www.sustrans.org.uk/ncn/map/national-cycle-network>

National Trails – Formerly known as "Long Distance Paths", there are several such routes promoted for walkers or riders by Natural England. Offa's Dyke Path, which follows the English/Welsh border for 177 miles, alongside the 8th Century Offa's Dyke, runs through Shropshire.

<https://www.nationaltrail.co.uk/offas-dyke-path>

Canal Towpaths – The Canal and River Trust (CART) looks after the country's canal towpaths. They state: "Our canals and rivers provide year-round opportunities for people to get out and about in the fresh air. We want as many people as possible to experience the benefits of spending time by the water, so we've been gathering information on our towpaths and their access points to make it that bit easier for everyone to discover their local waterway." This mainly relates to walking but they do encourage access for all. For more information visit their website at:

<https://canalrivertrust.org.uk/>

Open Access Land – This is land you can walk across and includes mountains, moors, heaths and downs, that are privately owned. It also includes common land registered with the Council and some land around the England Coast Path.

You can use open access land at any time for walking, running, climbing, bird watching or picnicking, except when local restrictions are in place. Your right to access this land is called the 'right to roam' or 'freedom to roam' and came into effect following the Countryside and Rights of Way Act 2000.

To find out more visit the website below:

<https://www.gov.uk/right-of-way-open-access-land/use-your-right-to-roam>

Country Parks, Heritage Sites and other open spaces – They often allow access, and in some instances this is for specific users such as Mountain Bikers and Horseriders.





As well as the Public Rights of Way network, Shropshire Council also manages two Country Parks and 23 Heritage Sites. Access is provided for users via the Public Rights of Way network and other routes across these sites. For more information on our sites please visit the page below:

<http://www.shropshiresgreatoutdoors.co.uk/parks-and-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.

<https://www.shropshirewildlifetrust.org.uk>

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. They have walking trails, cycling and mountain bike trails and horseriding routes. For specific details visit their website at:

<https://www.forestry.gov.uk/marches>

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

<https://www.nationaltrust.org.uk/lists/shropshire>



5. Definitive Map

The Definitive Map and Statement (DMS) is the legal record of Public Rights of Way. If a route is shown on this map then it is conclusive evidence of the existence of that route, even though there may not be any visible evidence on the ground that a public right of way exists. There is a legal duty on the Council to ensure that the DMS is kept up to date and accurate. There are provisions for unrecorded routes to be legally recorded and errors corrected where there is sufficient evidence.

Routes used by the public were legally defined under the provisions of the National Parks and Access to the Countryside Act 1949. Parish Councils were asked to mark on maps and describe in schedules where they believed public routes to exist within their parishes. In Shropshire, this took place in the 1950s.

The Definitive Map for Shropshire is a paper record that is available for viewing by the public. This is recorded on old base maps, so it may be beneficial to check the electronic working copy online instead which is current information. The link to the website is detailed below.

You can view the electronic working copy of the Definitive Map online at:

<https://shropshire.maps.arcgis.com/apps/webappviewer/index.html?id=00a0e03e79ee453ab6b787961ab192ec>

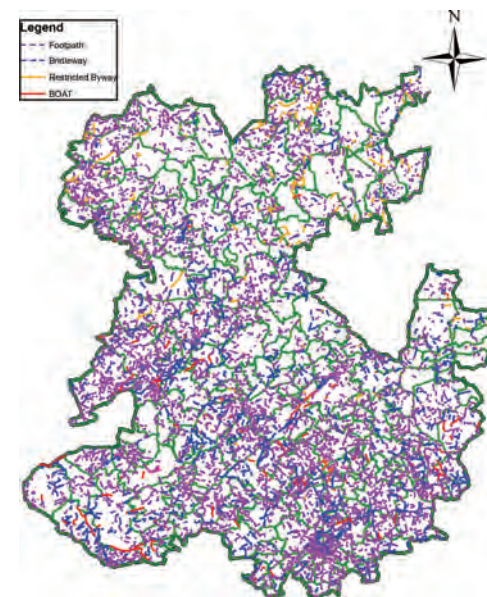
If a public right of way is shown on the Map it can only be altered by way of a legal order. Lack of usage does not result in a public right of way being legally closed.

<https://shropshire.gov.uk/outdoor-partnerships/countryside-access-and-public-rights-of-way/the-definitive-map/>

If there is evidence of an error on the Definitive Map anyone can make a claim to have the Map corrected. This may be to add a route, delete a route, amend the line of a route or change the status of a route (upgrade or downgrade). Evidence to support these types of changes can be in the form of user or historical evidence (Wildlife and Countryside Act 1981).

Routes can also be diverted, extinguished or created. These are normally preferential changes requested by the landowner or can be made in the interests of the public (Highways Act 1980).

See PGN 08 and PGN 12 for more information



6. Temporary and Permanent Closures

Public Rights of Way can be temporarily closed. This is normally to allow works to be undertaken during development or for maintenance to ensure a route is safe for public use. Notices are erected on site to notify users.

See PGN 21

In addition, there are a few permanent closures on the network in Shropshire. These mainly relate to Byways Open to all Traffic which have had orders to restrict vehicular usage.

To check if a route has been temporarily or permanently closed please visit the Council's webpages at:

<https://shropshire.gov.uk/outdoor-partnerships/countryside-access-and-public-rights-of-way/temporary-closures-of-public-rights-of-way/>

<https://shropshire.gov.uk/outdoor-partnerships/countryside-access-and-public-rights-of-way/permanent-traffic-regulation-orders>



7. How do I know where to go?

All Public Rights of Way are shown on the Ordnance Survey (OS) Explorer and Landranger Series.

Probably the best and most comprehensive maps are the Explorer maps at a scale of 1:25 000. These are divided into sheets covering the whole of Great Britain.

In addition to the Public Rights of Way information, they also show areas of Open Access Land, long-distance trails and off-road cycle ways.

The Landranger maps are at a scale of 1:50 000 and are less detailed than the Explorer maps but they cover a larger area.

OS maps are available via the OS website and at most good bookshops, visitor information centres and some local newsagents and garages.

<https://www.ordnancesurvey.co.uk/>

Please note that whilst all legal changes to the Public Rights of Way network are sent to Ordnance Survey by Highway Authorities, there is often some delay in those changes being updated on the paper maps.

The Maps from the Explorer series which cover Shropshire are numbers, 201, 203, 216-218, 240, 241-243 and 257.

The Shropshire's Great Outdoors website has an interactive map showing public rights of way which, along with the electronic working copy of the Definitive Map is updated daily.



8. The Council's Responsibilities

Shropshire Council, as the Highway Authority, has a legal duty to protect and assert the Public Rights of Way network and is also responsible for the maintenance of those routes that are maintainable at public expense. In addition, we have a duty to ensure that the Definitive Map is kept under continuous review.

Specifically, the Council's responsibilities regarding Public Rights of Way are to:

- Keep the surface in good repair
- Maintain most bridges
- Signpost routes where they leave County Roads
- Provide additional signage and waymarking where considered necessary
- Protect the public's rights to use the network
- Enforce the network e.g. removal of obstructions, ensuring routes are reinstated during ploughing or cropping, removal of misleading signs etc
- Ensure landowners maintain stiles and gates on the network and to contribute 25% towards such structures



9. Landowners' Responsibilities

Owners and occupiers of land crossed by public rights of way must:

- Maintain stiles and gates on a path in a safe condition as they could be potentially liable for injuries caused to path users if furniture is not adequately maintained
- Cut back any overhanging vegetation or growth alongside the highway
- Ensure that they do not obstruct the highway
- Reinstatement paths within the prescribed timescales following cultivation
- Not keep a bull over ten months old of a recognised dairy breed on land crossed by Public Rights of Way or other bulls over ten months old unless accompanied by cows or heifers
- Not keep any other animal, which is known to be aggressive on land crossed by Public Rights of Way
- Not erect electric fencing on a right of way unless it is adequately insulated and signed
- Not encroach on the width of the highway
- Not erect misleading or intimidating signage on the Public Rights of Way network

Please see Shropshire's booklet 'Public Rights of Way A guide for landowners and farmers' which details these responsibilities more fully.

<https://shropshire.gov.uk/media/6351/public-rights-of-way-a-guide-for-landowners-and-farmers.pdf>

10. Users' Responsibilities

Follow the Countryside Code (Respect, Protect and Enjoy)

- Be safe and plan ahead
- Follow advice and any local signs
- Leave gates and property as you find them
- Protect plants and animals and take your litter home
- Keep dogs under close control
- Consider other people

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/701188/countryside-code.pdf



11. The Parish Council

Parish Councils have specific rights and powers in respect of Public Rights of Way. They can:

- Maintain routes in their area.
- Erect lighting on routes.
- Create routes by agreement with the landowner if it is satisfied that the creation will benefit all or part of the parish or community.
- Sign and waymark routes on behalf of the Highway Authority.
- Provide seats and shelters at the side of public routes.

12. Volunteers

Shropshire has a thriving volunteering community who undertake work on both our Public Rights of Way and our Country Parks and Heritage Sites.

Shropshire works closely with Parish Councils and many have a Parish Path Partnership group (P3) associated with the Parish, which often consists of parishioners who help to maintain and look after their local Public Rights of Way network. The scope of their activities ranges from simple waymarking to vegetation clearance and furniture installation.

We also work closely with individual volunteers and user groups.

If you are interested in volunteering or want more information please visit:

<https://shropshire.gov.uk/outdoor-partnerships/volunteering-opportunities>



13. Overhanging Vegetation and Fallen Trees

The landowner is responsible for any vegetation overhanging a Public Right of Way, unless it is growing from the surface of the highway. For example, trees from a private residence that overhang the highway are the owner's responsibility, whereas trees growing from the surface of the highway are the Council's responsibility.

Hedges adjacent to the Public Right of Way are also the responsibility of the landowner and need to be kept cut back, to ensure that they do not encroach onto the highway.

Trees that fall across a route are also the responsibility of the landowner and the Council will normally contact owners when notified of fallen trees, to get them removed. The Council has the right to remove as much of the tree as obstructs the route. If the route is a bridleway the recommended headroom from overgrowth is 3 metres.

14. Bulls & Dangerous Animals

It is illegal to allow a bull over 10 months old and on its own to be at large in a field or enclosure crossed by a public right of way. A bull can be present in a field or enclosure crossed by a public right of way if it is not of a recognised dairy breed and is accompanied by cows or heifers.

The recognised dairy breeds are Ayrshire, British Friesian, British Holstein, Dairy Shorthorn, Guernsey, Jersey and Kerry

If there is any question about a bull's temperament or any other animal's temperament which is known to the keeper of that animal, it should not be allowed in a field where a public right of way passes. If injury occurs to a member of the public using the route then an offence may have been committed and the occupier could be liable.

Wildlife and Countryside Act 1981 Section 59 Animals Act 1971 Section 2



15. Dogs

A dog is classed as a 'usual accompaniment' on a Public Right of Way and is therefore allowed to be present with users.

Does my dog have to be on a lead?

No, but it does have to be under close control and it is not entitled to roam away from the path. If it does so, the owner could be guilty of committing trespass against the landowner. If signage is present requesting that dogs are kept on leads, it is advisable to do so. The one exception to this rule is if you are in a field with cattle, especially with calves. Cows may feel threatened and become aggressive towards you and your dog. If this happens stay calm and let your dog off the lead.

What if I cannot get my dog over a stile?

The Highways Act makes provision for landowners to fit stiles and gates on rights of way in the interests of containing livestock. On a public footpath, a landowner has a legal duty to provide access for walkers but the duty does not extend to dogs. Some popular dog walking routes may have dog friendly stiles fitted but these are not standard and are usually negotiated with individual landowners.

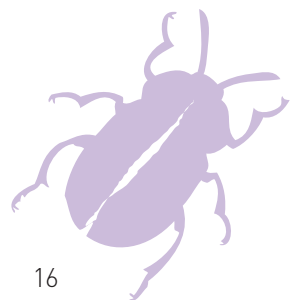
Threatening dogs on the network

If a dog is present on a route and prevents the public being able to use that route then this constitutes a public nuisance. Any instances should be reported to the Council and the police.

See PGN 03

16. Ploughing and Cropping on Public Rights of Way

The Rights of Way Act 1990 specifies minimum and maximum widths for headland paths over arable land and for the reinstatement of crossfield paths following cultivation. However, if the Definitive Statement specifies a width, this is what has to be restored.



17. FAQs

- **Is shooting allowed on a Public Right of Way?** Landowners and farmers can shoot on their land but must not endanger the public using Public Rights of Way, as they have a right to pass and repass at all times.
- **What is the width of a Public Right of Way?** The width of a public right of way will depend on the circumstances of that individual route. It can be set out within the Definitive Statement, or in an historical document. It can vary between the width between two boundaries, such as hedges or fences, or it can be that which has been habitually used.
- **Can you take a pram, pushchair or wheelchair on a Public Right of Way?** Yes, but many routes will not be suitable due to the terrain or the furniture on the route (e.g. stiles).
- **Can I ride a bicycle on a footpath?** No, you do not have the right to ride or push a bicycle along a public footpath.
- **What do I do if the route is obstructed?** Legally you can take a short alternative route around an illegal obstruction. If this is not possible report the issue to the Council.
- **Can I remove an obstruction myself or clear vegetation on a route?** It is considered reasonable to remove only as much is necessary to get through. For example, overgrown vegetation around a stile. If you can get around the obstruction then you should do so and then report the issue to the Highway Authority.
- **Can a Public Right of Way be lost if it is not used?** No, lack of use has no effect on the legal existence of a Public Right of Way.
- **Where can I ride my mountain bike?** On any public bridleways, restricted byways and Byways Open to all Traffic and where it is actively permitted.
- **What do I do if there is a crop across the Public Right of Way?** If you are confident that you are on the correct line you are legally entitled to walk that route through the crop.
- **Will I encounter horses and livestock when using Public Rights of Way?** Yes, it is normal to encounter horses and livestock on routes. Restrictions only apply to certain bulls and animals known to be dangerous.
- **How do I find out about easy access routes?** Visit Shropshire's Great Outdoors Website <http://www.shropshiresgreatoutdoors.co.uk/walking/search/?keywords=easy%20access>

See PGN01



18. How do I report a problem on a Public Right of Way?

There are several ways to report issues that you encounter on the Public Rights of Way network.

To ensure that issues are effectively recorded and can be tracked, it is preferable if they are either:

emailed directly to **outdoor.recreation@shropshire.gov.uk**

or

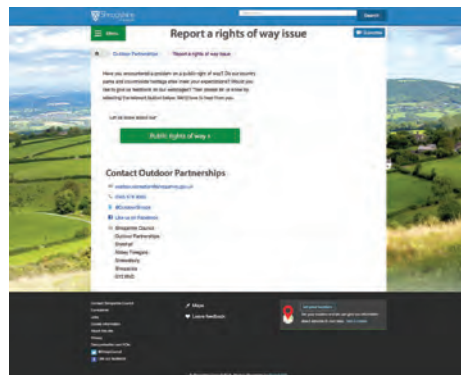
Reported via the Council's webpage: **<https://shropshire.gov.uk/outdoor-partnerships/report-a-rights-of-way-issue/>**

This ensures that they are recorded on our letter log and, if necessary, on our database, with the appropriate dates and details of which member of the team they have been allocated to.

Please note that unless you have specifically requested a reply we will not contact you further unless we require additional information.

Issues can also be reported via the Council's General Enquiries and these also get logged appropriately. Tel: **0345 6789000**.

Unfortunately, due to the sheer volume of issues reported and the resources available, issues have to be prioritised. Therefore, some issues may not get dealt with for a considerable time, whilst others must be dealt with urgently, particularly if they present a health and safety risk.



19. About the Team

The Outdoor Partnerships Team is responsible for all matters relating to the Public Rights of Way within Shropshire. We also manage two Country Parks and 23 Countryside Sites. We work very closely with Parish Paths Partnerships; groups of local volunteers who come together to maintain, improve and promote local Public Rights of Way. They identify local priorities and work to keep routes accessible for everyone to enjoy.

For any queries or further advice on Public Rights of Way in Shropshire please contact us:

E-mail: **outdoor.recreation@shropshire.gov.uk**

Telephone: **0345 6789000**

In writing: Outdoor Partnerships Team, Infrastructure and Communities Place Directorate, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND.

www.shropshire.gov.uk

<http://www.shropshiresgreatoutdoors.co.uk>





Shropshire's **GREAT OUTDOORS**



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Telephone: **0345 6789000**

In writing:

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Shropshire Council
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www.shropshire.gov.uk
shropshiregreatoutdoors.co.uk



www.walkingforhealth.org.uk



www.shropshire.gov.uk