



Committee and Date

**Communities Overview Committee  
25 January 2021**

Item

Public

**OUTDOOR PARTNERSHIPS TEAM - PUBLIC RIGHTS OF WAY UPDATE 2021**

**Responsible Officers**

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**1.0 Summary**

1.1 This report provides the Communities Overview Committee with an update on the management of the Public Rights of Way network and actions taken following reports to the Committee in March and September 2019.

**2.0 Background**

2.1 On 18 March 2019, the Communities Overview Committee received a report from the Outdoor Partnerships Team regarding their work to maintain public rights of way within the Shropshire Council area and on 16 September 2019 a follow up report was presented highlighting key service pressures.

2.2 The committee heard that Shropshire Council maintains a network of 5,600km of public rights of way, the third largest in the United Kingdom. It heard that the council has a duty under the Highways Act 1980 to “protect and assert” the network, namely, to ensure that it remains open and accessible.

2.3 Like many services, the team’s funding has reduced in recent years, and the service has faced staffing pressures particularly within the Mapping & Enforcement Team due to the retirement of two of its most senior and longstanding officers.

2.4 This combination of funding and staffing pressures has reduced capacity to maintain the network and ensure it remains accessible, resulting in the percentage of the network that is easy to use dropping from 85% in 2009 to 66% in 2019. Surveys have not been undertaken since this date, but it is likely that this percentage has reduced further.

2.5 The team also highlighted the issues of maintaining bridges and other infrastructure along rights of way for which Shropshire Council has a statutory responsibility. The service estimates the costs of these repairs to be approximately £1 million, with a similar amount required should the council receive public notices of obstructions or required repairs, which the council is required to respond to within strict deadlines.

- 2.6 The service has made some effort to mitigate these cuts in funding, by growing its team of 340 volunteers through 64 Parish Paths Partnerships, which together provide unpaid work equivalent to 5.5 full-time officers. These groups carry out much of the maintenance work in their parishes, such as cutting back vegetation and repairing stiles. In doing this, they have slowed the rate of decline in the percentage of the network that remains open. Although these groups provide invaluable support, they still require professional support from Shropshire Council Officers to negotiate improvement works with landowners.
- 2.7 The Rights of Way, Maintenance and Mapping and Enforcement teams also generate income annually. This has increased steadily since 2015 when the Contracting arm of the Maintenance Team was initiated to make the most of the skills held by the team and to try to offset budget reductions particularly capital funding.

### **3.0 Update on Actions**

- 3.1 A capital bid was submitted for the maintenance of bridges and has resulted in £200k being secured for bridge works on the network and the allocation within the Mapping and Enforcement Teams budget for a grade 8 Bridges and Rights of Way Inspector Post. (Please note this post has yet to be recruited due to COVID-19).
- 3.2 A business case has been agreed by senior officers for the recruitment of 2 additional Rights of Way (Legal Orders and Enforcement Officers) within the Mapping & Enforcement Team, pending final approvals. This will reduce the risk of potential claims of maladministration against the Council and address the Legislative Reforms due to come into force under the Deregulation Act 2015, which intend to simplify, speed up and reduce costs and administrative burdens associated with rights of way procedures.
- 3.3 Additional temporary Officers have been recruited within the Maintenance Team to ensure income generation can be sustained through the Contracting Arm of the Team and statutory rights of way functions are maintained.
- 3.4 A report was due to be taken to Cabinet highlighting the issues identified by the Overview Committee however due to meetings being cancelled and the pandemic this did not take place.

### **4.0 Current Situation**

- 4.1 As stated above officers have been unable, due to other work pressures to undertake the biannual condition survey to assess the accessibility of the network. It is likely that the percentage will have decreased.
- 4.2 Covid-19 has had a significant impact on the rights of way network and staff.
- There has been a 215% increase in the number of issues being logged on our Management System
  - A 187% increase in general issues being reported
  - Issues with being able to work from home due to IT provision and the requirement to have access to legal records and files. A business case is being drafted to highlight the IT requirements.
  - Volunteers have been unable to undertake works.
  - Legal Orders have not been progressed due to the inability to fulfil parts of the statutory function due to restrictions.

4.3 Despite these challenges the Team should be congratulated on the work they have been able to achieve, amidst the pressures of the pandemic. During the initial lockdown Outdoor Partnerships Staff were fundamental in delivering food boxes, supplies to food banks and Public Protection Equipment. The pandemic was also seen as an opportunity to focus on some of the large scale contracting works at schools and despite the unprecedented rise in issues being reported the team has maintained health and safety, and public access across the ROW network.

4.4 The pandemic has further highlighted the importance and value of the rights of way network to enable access to the countryside for recreation and people's health and wellbeing.

## **5.0 Future Pressures**

5.1 These include the following:

- Additional Budget Cuts.
- Loss of staff/insufficient staff to cope with demands.
- Introduction of the Deregulation Act 2015 provisions relating to public rights of way.
- Lack of ongoing Capital Investment for bridges and resurfacing on the network.
- Inability to reinvest income from Contracting Works back into the Service.

## **6.0 Conclusion**

6.1 2020/21 has been an extremely difficult and challenging year for everyone. The on-going pandemic has seen unprecedented increases in members of the public accessing the Public Rights of Way network. Whilst this supports the position that outdoor access is beneficial for health and well-being, active travel, rural economies and social value, it also comes with an increased workload. The increase in access has generated more reports, heightened tensions between users and landowners/managers, and raised expectations about the management of the network. Thus, more than ever the rights of way statutory function needs to be adequately funded and resourced.