

MARPLE AREA PUBLIC RIGHTS OF WAY UPDATE

Report of the Transport Strategy Manager

1. INTRODUCTION AND PURPOSE OF REPORT

- 1.1. In meetings of the Marple Area Committee there have been a number of issues raised about elements of the public rights of way network and how it is managed. This report is providing a response to the issues that have been raised.

2. SPECIFIC ISSUES RAISED BY THE AREA COMMITTEE.

- 2.1. The issues raised in the meeting on the 23rd of June and our response are as follows:
- 2.1.1. **The plans for work on pathways and bridleways in both wards over the next 12 months and future years be included.**
- 2.1.2. The Public Right of Way Officer and the relevant engineers within the Design and Improvement Team are working on a feasibility list of larger projects, including some possibilities in Marple. However, the delivery of these works are dependent on the provision of funding to cover cost estimates for these potential schemes either through potential funding opportunities or future capital programmes. Currently the scheme being looked at by the Design and Improvement Team in the Marple area is the footpath 62 Marple bank collapse into the Goyt at Dale Farm. This is a significant piece of work requiring a fluvial geomorphology survey among other activities to secure permission from the Environment Agency for works to take place.
- 2.1.3. Smaller repair projects and vegetation cutting are reactive work, so are not planned out in advance but undertaken as reactive repairs.
- 2.1.4. Some works may be undertaken by landowners. This should be done with the permission/awareness of the council as the Highway Authority. This can be especially relevant when considering sections of PRoW on the canal towpath which is under the care of the Canal and Rivers Trust.
- 2.1.5. **The planned duty of care of the Council to maintain the network of footpaths and bridleways across both wards.**
- 2.1.6. The duty of the council, as Highway Authority is to maintain publicly maintainable highways, including byways, bridleways and footpaths. This includes “asserting and protecting the right of the public to the use and enjoyment” of Public Rights of Way (PRoW) (dealing with obstructions) and, creating and maintaining the Definitive Map and Statement.
- 2.1.7. The council are responsible for the surface of a PRoW, including vegetation growing through the defined surface of the right of way. Landowners are responsible for the maintenance of infrastructure (stiles and gates) and for the

removal of overhanging vegetation growing over a right of way. As such, many issues require the identification of the landowner, then communication to establish the work that needs doing. Where landowners are known this can be undertaken rapidly, however, in the case of unknown landowners this can be a more lengthy process.

- 2.1.8. We do offer to do some work ourselves, most usually stile repair at the interface of a PRow with an adopted highway (where we are also legally obliged to install signs) and we regularly clear fallen trees across PRow as a matter of urgency.
- 2.1.9. These duties include the need for an inspection regime and reactive inspections of issues reported. Inspections are mostly undertaken by the Senior Public Rights of Way Officer. However, Highways Maintenance are undertaking inspections of Rights of Way with sealed surfaces (bitmac etc) and those which are also Adopted Highway.
- 2.1.10. So far this financial year (April-Oct 2021) the Public Rights of Way Officer has inspected approximately 40% of all Rights of Way (270). The PRow network is in the process of implementing a new Asset Management process. The PRow inspections process is being added to the confirm computer system which is used by the Highways Maintenance Team. This will improve the recording of inspections and maintenance and the monitoring of task completion by Totally Local Company.
- 2.1.11. **The rationale over the last 2 years as to why some paths have been done and not others i.e. the priority factors be included.**
- 2.1.12. The current types of works on Rights of Way falls in to 2 categories –
- Reactive repairs done for making the route safer and minor defects (these are generally lower cost works), and
 - Major projects or repairs done via the Capital Programme (these are generally higher cost works).
- 2.1.13. The Capital programme in recent years has included:
- Flood damage repair work, which was carried out on many locations affected by the 2019 and later flood events with money from the council reserves. In cases such as bridleway 158 Marple, where it is considered that the risk of repeat flooding is a concern there has been an effort to make the surface more durable;
 - Works as part of wider capital programme works schemes on major promoted route such as the Alan Newton Way often including outside funding beyond the basic PRow budget;
 - Works done under the Capital Programme funding for PRow. This budget has recently been roughly £50,000 per annum. This is normally based on more immediate safety issues beyond the scope of the reactive budget.
- 2.1.14. As previously identified feasibility work is being undertaken for a number of issues on the network. This will have two benefits: one enabling applications for funding

to be put forward for these potential improvements rapidly; and two, assisting in the prioritisation of works for the future.

- 2.1.15. The Council is in the process of embedding asset management process across all assets of the council currently work is being undertaken which will eventually enable this to be done for tracking the life cycle of PROW in a style that is more in line with that used by the highways maintenance section of the Council. This would enable improved long term planning of maintenance to be undertaken for the PROW in the borough.
- 2.1.16. **Local councillors being involved in the above where there are blockages or difficulties, so that local councillors could assist.**
- 2.1.17. When it is appropriate to involve councillors in issues around PROW then this will happen, however, financial and officer resource limits and the normal legal and landowner involvement required for the process of the delivery of PROW schemes are often the main causes of delay. There is as a result limited scope for councillors to assist. Other delays include the need to get permissions from the environment agency and other parties when dealing with routes on riversides or tasks which may impact on wildlife.
- 2.1.18. **Local councillors being involved in decisions where these involve judgement of the priorities and needs of residents and users, recognising that local councillors are representatives of the local residents.**
- 2.1.19. Where there are a choice of projects in your area that could be delivered we will ensure that you are involved. However, normally there is a need to consider cross boundary priorities for work and the limited budgets mean we cannot promise planned work will always be funded in the wards in question every year. When projects are proposed in your area then the PROW officer will keep councillors informed as to the progress and activities which are being undertaken including ensure that where other areas of the Capital Programme include working on PROW are active in the area that they are in contact and are clear with councillors what is going on.

3. **CONCLUSIONS**

- 3.1. The Public Rights of Way officer will ensure that the Councillors are kept up to-date on the progress of the PROW schemes and issues in their areas. This will include where necessary the reasons for delays in actions being taken and the options available around proposed work in their area.

4. **RECOMMENDATIONS**

- 4.1. Councillors are asked to comment on and note the report.

BACKGROUND PAPERS

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Emily Brough on telephone number Tel: 0161 474 4592 or alternatively email emily.brough@stockport.gov.uk