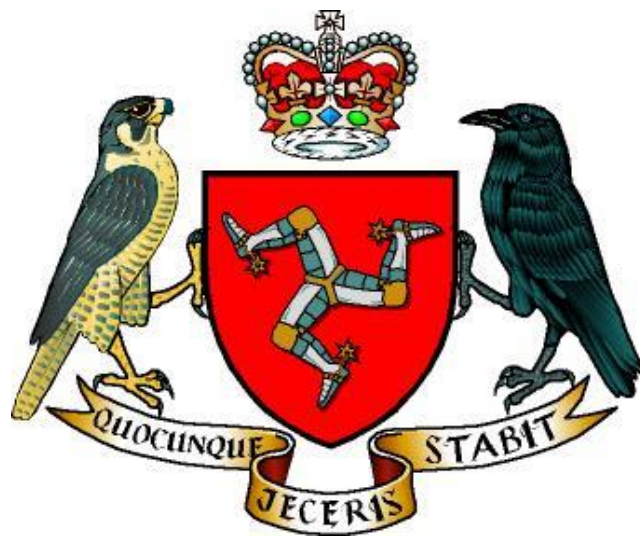


GD: 2025/0049

**SELECT COMMITTEE OF TYNWALD ON FOOTPATHS,
BRIDLEWAYS AND GREEN LANES
(PETITION FOR REDRESS)**

**WORKING GROUP REPORT
April 2025**



1. EXECUTIVE SUMMARY

In November 2022, Tynwald supported the recommendations set out in the Select Committee of Tynwald on Footpaths, Bridleways and Green Lanes (Petition for Redress). The report consists of three recommendations:

Recommendation 1: That Tynwald is of the opinion that there should be adequate investment in maintaining the Public Rights of Way network and Government-owned public paths.

Recommendation 2: That the Department of Infrastructure lay before Tynwald by April 2023 a report detailing how it intends to address the backlog of changes that need to be made to the Definitive Maps and Statements.

Recommendation 3: That the Council of Ministers should establish a working party to develop a viable and fully costed strategy for proactively maintaining and developing the Island's Public Rights of Way and Government-owned public paths, working in conjunction with the Departments of Infrastructure (DoI), Environment, Food and Agriculture (DEFA), and Enterprise (DfE), Local Authorities (LAs), the Countryside Access Group (CAG), and other stakeholders; and seek Tynwald's approval for the strategy by July 2023.

In April 2023 the Department responded to Recommendation 2 and laid before Tynwald a report detailing how it intends to address the backlog of changes that need to be made to the Definitive Maps and Statements. (GD 2023/0039)

In response to Recommendation 3, a Working Group was established between DOI, DfE, DEFA and MUA, with the task of investigating the current condition of the Public Rights of Way and Green Lanes (PROW) as well as all Government-owned pathways. The Council of Ministers recommended the inclusion of external stakeholders¹ to Government and these were consulted throughout the process.

A progress report on the costed strategy to maintain and update the PROW network was submitted to the July 2023 Tynwald sitting.

Since the 2023 Tynwald sitting the Working Group exploring possible funding options to meet the recommendations.

The figures used to calculate the costs in the April 2023 report were based on the 2022 maintenance work backlog list, materials and labour costs and 2022 budget allocations. The maintenance backlog including the budget and resource allocation has been reviewed to take into account the increase in materials and labour costs plus inflation

It is recommended that the revenue budget be increased to £831,301 and a £700,000 minor capital budget be allocated annually to the maintenance of the Public Right of Way. This level of investment will allow for improved standards of maintenance and eliminate the backlog. When the backlog is eliminated, after 5 years, the Minor Capital requirement will reduce by £300,000.

It is the view of the Working Group that:

- It will not be prudent to recognise additional PROWs when the maintenance of the existing PROW is underfunded.

¹ Local Authorities, Countryside Access Groups, Landowners via MNFU, Environmental Groups, Volunteer Groups

- The need to keep maintenance (operations) and management (policy) of the PROW together as enshrined in the Highways Act 1986 is important to success.
- Legislation changes to bring powers and duties in line with the UK should be considered. The Working Group is, however, aware that any improvements and changes should be implemented with the Island's own unique perspective and needs in mind.
- Awareness campaigns can provide greater benefits to the public at minimal cost. Clearly identifying the PROW network via signage and introducing a countryside code for the public and landowners to understand what is expected of them will contribute towards this and is an action which was also represented by Manx National Farmers' Union (MNFU).

This report is a second submission and aims to provide a comprehensive analysis of the present condition of PROW's and to address fundamental questions concerning funding mechanisms.

2. INTRODUCTION

This report is produced by the Working Group, which was set up to respond to recommendation 3. The report explores how all Government owned footpaths could be maintained to an appropriate standard, as well as whether other Departments or LAs should be responsible for the maintenance. It also discusses improving the network, landowner engagement and legislation changes as well as discussing other issues affecting the PROW and highlights existing strategies.

The Working Group took its scope from the recommendations approved by Tynwald (Recommendation 3 of the Select Committee) in November 2022. This second submission of the report from the Working Group now focuses on creating a strategy for the following:

- i. What would be required to keep the Definitive Maps and Statements up-to-date and accurate;
- ii. The funding required to maintain all PROW and Government-owned public paths to an adequate standard and possible funding options;
- iii. What would be required for the DEFA to take on responsibility for maintaining rural PROW;
- iv. What would be required for LAs to take on responsibility for maintaining non-premier PROW;
- v. Whether the legislation in this area could be reformed to aid the more efficient maintenance of paths;
- vi. What barriers lead to landowners preventing access to rural PROW and what opportunities exist to support landowners to allow access as intended,
- vii. What resourcing would be required to add network enhancement, including recognising additional PROW, and for the maintenance remit to be picked up by the same Department that maintains the PROW.

3. WORKING GROUP MEMBERSHIP AND ROLES

The members of the Working Group were selected as officers with responsibility for land or policies involving footpaths and PROW. The Working Group membership is made up of the following Departments and officers:

- Department of Infrastructure (DoI):
 - Interim Director (Highways Services): Moreblessing Pedhuru (Chair)
 - Highway and PROW Manager: Ffinlo Williams
 - Legal and Policy Officer: Ian Brooks
- Department for Enterprise (DfE):
 - Director of Destination Development for Visit Isle of Man: Angela Byrne
- Department of Environment, Food and Agriculture (DEFA):
 - Director of Forestry, Amenity & Lands: Andrew Lees
- Manx Utilities Authority (MUA):
 - Estates and Wayleaves Manager: Karl Kaighin

The recommendation from the Select Committee also included LAs, CAG and other stakeholders to be part of the Working Group. Including this number of members would be unfeasible and so the Working Group was established with the aim to consult with these additional parties once substantial developments had been reached through the process.

4. DESCRIPTION OF PUBLIC RIGHTS OF WAY AND OTHER "FOOTPATHS"

Footpaths are Public Rights of Way (PROW) as defined in the Highways Act 1986 ("the Act"), established through continued and uninterrupted use. The maintenance (operation) and the management (policy) of the PROW is enshrined in the Act and comes under DoI's remit. The current system of use of a way for 21 years shows that there is some degree of public need and may therefore be recorded as a right of way on application. For ease of reading and understanding this report, footpaths, cycle-paths and bridle paths will be referred to as PROW. All other informal and seasonal paths that are not rights of way will be referred to as paths. PROW cannot be obstructed, deliberately destroyed, or made impassable through any other means by either the landowner, any other public body or any member of the public and as such they are well protected.

PROW are specified on the Definitive Map and associated Statements and under legislation. It is the remit of DoI to maintain these maps with the approval of Tynwald.

Paths are defined as routes across publicly accessible land, mostly on land that belongs to either DEFA or the MUA although some are on privately owned land that the landowner has allowed to form. Manx National Heritage (MNH) owns land with both PROW and paths. There are a number of routes across the Island which are only paths and therefore do not fall under DoI to maintain. Many miles of these are not formalised and may change over time and are not recorded. They have no protection and any maintenance liability sits with the landowner. They have no legal implications if they are diverted or blocked and there is no definitive register of paths. Maintenance and safety of these paths is a matter for the landowner.

There are also a number of permissive paths across the Island. These are paths across private land where the landowner has chosen to grant access to the public, whilst making it clear that they do not intend for the route to become a PROW. There is no register of permissive paths and they do not come under the remit of DoI to maintain. Maintenance of permissive paths is a matter for the landowner.

5. DEFINITIVE MAPS AND LEGISLATION

Initially, and as reported to Tynwald in April 2023 (GD 2023/0039), the Department considered secondary legislation was sufficient to allow the existing Definitive Map to be updated. After more in depth legal review it became evident that primary legislation was required to allow the development of a new definitive PROW map.

The Working Group is cognisant of public opinion and acknowledges that any change to the existing PROW network through primary legislation would be lengthy and would require a public consultation. They are also aware that any objections from the public and/or notified parties could, through current legislation, lead to a costly public inquiry.

The Isle of Man is also lacking some powers and responsibilities that the UK have. Legislation has been introduced in the UK through the UK Highways Act 1980 giving powers to LAs for the maintenance of PROW and the means to investigate diversion of a highway.

One of the Working Group's items for its scope of work was to investigate ***"what barriers lead to landowners preventing access to rural public rights of way and what opportunities exist to support landowners to allow access as intended"***. The UK Section 53(5) of the Wildlife and Countryside Act 1981 has the vires to allow landowners (and any other party) to apply for a review of a route and unlike section 33(2)

of the Highways Act 1986, which has limited means to divert a highway, in the UK more pragmatic approaches can be taken. One specific example would be a diversion made under the IoM Act must provide a shorter or more commodious route for traffic entitled to use the highway. This is not a specification in the UK Act and so longer more scenic routes, proposed by landowners to also benefit their use of the land can be considered and possibly agreed.

As reflected in the report submitted to Tynwald in April 2023 (GD 2023/0039) in response to **Recommendation 2: *That the Department of Infrastructure lay before Tynwald by April 2023 a report detailing how it intends to address the backlog of changes that need to be made to the Definitive Maps and Statements,***

there is clear need for developing a new definitive map, which the DoI reported to Tynwald as follows:

"The Department has considered creating a single order for multiple diversions, however, with the current legislated process, this means if an objection is received to any one of the diversions held within the order, the order in its entirety would cease to progress until issues were resolved.

The Attorney General's Chamber has been asked to advise if a "big bang" approach could be used. i.e. the updated map published and 12 months given for objections to be raised and resolved before a new primary legislative provision was used to create the new definitive map.

Based on this earlier report, it is the belief of the working group that primary legislation should be introduced to replace the existing Definitive Map. This should be done with the utmost care to replicating and enhancing the existing network, with ample opportunity for the public to have their say and ensure their rights are being maintained. Without introduction of primary legislation, a large order or a number of orders (which as highlighted in the earlier report is not feasible) would be needed to clear the backlog, the Department cannot clear the backlog through day-to-day operations.

Creating Primary legislation both to update the Definitive Map and the associated statement, and to update and streamline the powers of the DoI in maintaining and managing the network, requires a considerable amount of input and investigation, which existing resources cannot manage. The new map would exist electronically and have appropriate change control mechanism built into the system.

6. PUBLIC RIGHTS OF WAY STRATEGY 2018 – 2028

In assessing the current status and future improvements to the PROW on the Isle of Man, it is imperative to acknowledge the existing strategy in place – the "Public Rights of Way Policy and Strategy 2018–2028" formulated by the DoI. This comprehensive strategy outlines the DoI's vision, categorisation, and plans for enhancing accessibility and maintenance.

The DoI's strategy highlights the need for collaboration with key stakeholders, including LAs, volunteer groups, and Government Departments, to unlock the potential of this national asset. The categorisation of the PROW into premier routes and color-coded routes based on usage reflects a nuanced approach to maintenance standards and allocation of resources.

The current strategy aligns with the objectives outlined by the Committee and Working Group. It emphasises the importance of increasing accessibility, promoting the use of the

PROW, and addressing concerns raised by the community. Furthermore, the DoI's commitment to involve key people and organisations, such as volunteers, local authorities and environmental groups.

The DoI has previously attempted to secure increased funding to undertake high-profile schemes and improvements on the network, as was explained during the evidence gathering sessions of the Committee in order to meet the commitments laid out in this strategy. However, it is essential to highlight that, to date, budgetary increases proposed by the DoI have been rejected, stopping the Department's ability to meet public expectations for the standard of maintenance.

It is crucial to reiterate that the lack of resources, both in terms of funding and personnel, has impeded the effective execution of the existing PROW Strategy 2018-2028 – which is a theme that has been repeated throughout this report. Despite the DoI's efforts to promote responsible financial management and seek additional resources, the barriers imposed by budgetary limitations have curtailed the progression of vital initiatives outlined in the PROW Strategy 2018-2028.

The DoI's existing PROW Strategy 2018-2028 encapsulates a forward-thinking vision, comprehensive categorisation, commitment to increased accessibility and shows the DoI has attempted to mitigate a growing problem regarding PROW maintenance for some time; however, the impediments posed by budgetary constraints must be addressed if the strategy is to succeed. It was the Working Group's belief that it was important to highlight that work on this issue has been undertaken previously and attempts to resolve the growing number of issues have been unsuccessful.

7. CONDITION AND RESPONSIBILITY FOR PUBLIC RIGHTS OF WAY AND PATHS

The Department has responsibility under the Highways Act 1986 to maintain 316km of PROW. DoI, Highway Services operates a Customer Service Centre, which is a single point of contact into Highway Services and LAs. It offers services through a Notify IM mobile phone app, Report a Problem web page, email highways@gov.im and telephone 85000. Contact through this service is logged and triaged to relevant officers and the information is used to help prioritise future maintenance plans.

At the time of first report in 2023, there were 220 outstanding complaints regarding assets and conditions on the PROW network, this number has decreased slightly to 210. These range from minor issues such as a broken sign, to major construction and groundworks needed such as reinstating eroded paths in steep valleys etc.

There are currently six footpaths closed, while at the time of first report there were seven, one of which has been closed since 2015. It is worth noting that the rest of the closed paths are different to those from the first report. This shows that, while the teams are managing to get PROWs open again, due to the nature and length of time for these works take, others are deteriorating to the point of closure in the meantime.

Because landowners do not have to maintain records, the Working Group is unable to report on the current state of paths that are not public rights of way. Neither DEFA nor the MUA hold a register of every path that crosses their land. There are hundreds of paths formed across plantations and glens, created because of people consistently walking the same route. These can appear and disappear because of periodic tree harvesting or weather events and are therefore difficult to record.

According to the report by Visit Isle of Man, Isle of Man Footpath Network Maintenance and Development – 08/12/2021, DEFA manages and where appropriate encourages recreational and commercial activities across their 28,000 acres of estate. The 20,000 acre upland estate is classified as an area of public ramblage (unrestricted pedestrian access to uncultivated lands) which enables walkers to plan their own routes. In addition to the uplands, many more walking opportunities exist within the 6,000 acres of plantations with extended public access on forest tracks and shared trails. DEFA also owns the National Glens and the Ayres National Reserve.

It is important to remember that many of the routes, paths and desire lines that people think are PROWs are not and access is at the landowner's discretion. The outdoor leisure map shows some well-trodden routes that do not appear on the Definitive Map and are not public rights of way.

Manx National Heritage (MNH) manages the Island's natural and cultural heritage and have land holdings including Cregneash, Spanish Head and the Sound, Calf of Man, Eary Cushlin, a section of Ballaugh Curragh, Maughold Brooghs and Niarbyl (circa 2500 acres). MNH's own in-house Sites and Monument teams carry out a range of repairs, strimming and path maintenance on their sites including Ballaugh Curragh, Laxey Wheel and Balladoole.

Manx Utilities Authority (MUA) are another major landowner with great responsibility for 46km of paths on the North Barrule catchment and popular amenities including Injebreck, Cringle, Clypse, Kerrowdhoo and Sulby Reservoir.

8. MAINTAINING PROW

Currently, DOI maintain the PROW network with a small team; four hedge cutters, two joiners with a joiner's assistant each, one PROW Manager and one Administrative Officer whose role is split between PROW and other Highway functions. There is a green lane coordinator who predominantly keeps green lane ditches and water bars clear. Funding is allocated from the Highways maintenance budget. For year 2024/25 there is a budget allocation of £374,572.00 of which £141,264.73 accounts for staff resources. The operations team are limited in their resource. Although some of the maintenance work is undertaken using in-house resources, there are also some works that are contracted out. Whilst primarily employed to maintain the PROW network, staff are integrated into the wider Highway Services team, particularly during the winter months, to assist with general maintenance works. There is therefore little opportunity during the winter season for the PROW operative team to undertake PROW works. An example is during the recent storms Darragh and Eowyn, all highways maintenance operatives had to concentrate on reacting to the damage caused by the storms and clearing up the aftermath thereafter. Important as the PROW network is, due to constrained resources, during severe weather the works on the PROW becomes a lesser priority, the PROW team is responsible for the majority of tree work on the Island's road network outside of storm events. The team currently has sixty-three outstanding complaints of trees to deal with.

Summer work is dominated by vegetation cutting. The four members of staff (two in the North and two in the South) work solely on cutting back vegetation along the PROW network. Winter work is dominated by tree felling, pruning and inspecting reported trees. Work is also undertaken to cut back certain PROW routes further than permitted in summer. Joiners concentrate on joinery work all year round. The flail operator is required on the Island's primary road network throughout summer and most of winter. On average it takes roughly two months to work through and complete one cut of the network in

summer and 4 months for a deep cut back in winter, any leftover time is used for cutting green lanes before returning to the strategic road network in March/April.

Routine vegetation clearing needs are variable depending on weather. The four hedge cutters undertake vegetation cutting, seasonally from April to October, excluding the Raad Ny Follian PROW which is contracted out. The impact of removing four members of staff from a small team for a period of 7 months annually has a significant impact on other PROW routes that require attention. It must also be noted that it is during this period, when PROW are heavily utilised, that vegetation cutting becomes an activity very much in the public eye and public expectation of upkeep is high. This is evidently not sufficient. During 2024 the Department received 150 complaints regarding overgrowth for both the PROW and primary road network. The total complaints for joinery, construction and vegetation received by the PROW team in 2024 amount to 423.

9. CURRENT REVENUE BUDGET

Constrained resourcing is the main cause of backlog in designing, construction, repairs and maintenance of PROW. The current budget allocation and staffing levels are insufficient to carry out all the works required to bring the PROW network to a steady state condition and to keep on top of the annual maintenance and repairs programmes. Without significant investment over the next few years, it is highly likely that more PROW routes will close as maintenance and repair levels deplete. Table 1 below shows the comparative PROW budget allocation figures over a three year period. This budget covers salaries, materials, tools and equipment as well as other sundry PROW costs e.g. radio adverts during TT and MGP. The table below shows the PROW budget allocation

YEAR	BUDGET
2022/23	£312,126
2023/24	£314,928
2024/25	£374,572

Table 1: actual yearly budget allocations

Due to the way staff can and have been transferred to different teams within Highways this budget takes into account some salaries but not all (and not necessarily those of the current PROW team). If salaries were to be taken from this budget for the full list of PROW team members (including 30% for staffing costs NI etc.) it would equate to £409,141.20, as such the PROW budget cannot maintain its full staffing costs without being supplemented from other Highways areas.

Due to the lack of documented information the Working Group is unable to provide any analysis on budget or resource requirements for paths from the MUA or DEFA.

A breakdown of the 2024/25 budget of £374,572 in the table below highlights typical annual spend. There is insufficient annual revenue expenditure to meet the publics expectations or prevent an increasing backlog of work.

Item	Budget	Actual Spend
PROW Budget 2024/25	£374,572	
Staff costs		£141,265
Cutting Contractors for Raad ny Foillan		£84,260
Construction Costs		£159,565
Total	£374,572	£385,090

Table 2: Typical Annual Budget and Spending

10. STEADY STATE FUNDING REQUIREMENT

The table below demonstrates a sustainable budget requirement, which would maintain a steady, but would not address the back log.

Item/Info	Amount
General Maintenance Staff Costs (trimming etc)	£467,742
Contractor cutting for Raad ny Foillan	£84,260
Additional joinery team of two staff	£68,995
Materials, equipment, tools, fuel...	£269,348
Additional contractor funding	£299,343
Additional PROW Assistant	£41,613
TOTAL PROW revenue	£1,231,301

Table 4: Steady State Annual Requirement (excluding backlog requirement)

It is suggested that this be split between revenue and minor capital funding. **A revenue budget of 831,301 and a rolling minor capital budget £400,000** totalling the required annual steady state expenditure of £1,231,300.

11. THE MAINTENANCE BACKLOG

The current list of joinery work is estimated to be £186,290. In addition to this there are 19 footpaths that require significant construction work. The estimated costs for individual projects range from £1,400.00 to £150,000 adding up to £1,298,110

The combined backlog for joinery and construction works, including project management, design and supervision is therefore estimated at **£1,484,400 (£1.5m)**. This backlog is above and beyond the steady state maintenance requirement.

Even with funding, it would not be practical to clear the backlog of work in one year. The table below indicates the number of weeks required deliver a sample of the backlog. The table is based on the 175 outstanding works at the time of writing,

Length of Time to Complete Job			
Job	Number of outstanding jobs	Estimated Time to Complete Each Job ²	Estimated Time to Complete All Jobs
Boardwalk	14	4 weeks	56 weeks
Bridge	8	6 weeks	48 weeks
Fence	4	2 weeks	8 weeks
Gate	20	2 days	8 weeks
Handrail	3	2 days	6 days
Signs	56	1 day	11.2 weeks
Steps	5	1-2 weeks	10 weeks
Stiles	24	1 week	24 weeks
		Sub Total	166.3 weeks
Construction	41	5.5 weeks	225.5 weeks
		TOTAL	391.8 weeks

Table 2: estimated timescales to address existing backlog

To be practical, it is proposed that the backlog be reduced by a 5 Year Programme of additional spending above and beyond the spending required to maintain the status quo. It is proposed that this is in the form of **an additional minor capital budget of £300,000 per year for five years** totalling £1.5 million (plus annual inflation).

12. TOTAL FUNDING REQUIREMENT

Combining the:

- required annual revenue requirement (£831,301);
- annual rolling minor capital requirement (£400,000); and
- 5 years of backlog annual minor capital requirement (£300,000),

gives a total annual requirement of £1,531,301.

In summary, annual **revenue** funding of **£831,301** and **minor capital** funding of **£700,000** is required to bring the footpath network up to the standard expected by the public.

After 5 years the backlog should have been eliminated, and the minor capital requirement would drop by £300,000.

13.POTENTIAL FUNDING AND IMPLEMENTATION OPTIONS

13.1 Bid to the Economic Strategy Board (ESB) (former Economy Recovery Group (ERG))

DoI and DfE had previously (appendix 1) bid for funding to the Economy Recovery Group (ERG) before the funding was stopped. The Working Group reviewed this bid and approached Economic Strategy Board (ESB) again to explore if there was an appetite for ESB to reconsider this bid. The bid requested funding for rolling capital enhancement projects rather than a one-off investment to allow a phased implementation of projects. ESB advised the Working Group that the request for funding should be made directly to Treasury and if Treasury deems it fit, Treasury would approach ESG for the requested funding.

A rolling capital project for enhancements rather than a one-off delivery was considered to be a solution for this and enhancements can therefore be gradually implemented alongside any additional maintenance benefits being achieved.

13.2 Income Generated from Tourists Visiting the Island

Currently, approximately 61% of visitors engage in outdoor activities such as walking, rambling, exploring glens, parks and landscapes during their visit to the Island.

The 2023 passenger survey identifies that 57% of visitors undertake one or more of the five different types of outdoor activities including walking, rambling, glens, parks and landscapes. A fifth of those experiences relate specifically to walking, indicating that circa 37,000 people in 2023 experienced walking as part of their visit.

During a vacation period, assuming that one day is spent walking over the visiting duration; taking into account an average nightly cost of hotel accommodation, £138 and a modest £30 for food and drinks per person, $((£138+30) \times 37,000 = £6,200,000)$ a total of £6.2M income could be attributed to 37,000 walking enthusiasts.

The IOM Visitor Economy Strategy 2022–2032 reports an increased target of annual visitor numbers to 500,000 by 2032 and an increase in the annual economic contribution of the Island's visitor economy to £520M.

An improved visitor economy focusing on the PROW network has the potential to increase national income by £6.2 million annually, leading to an additional £1.06 million a percentage income for Government through taxes for the £6.2 m.

The total amount identified in this report to maintain the current PROW programme and address the outstanding backlog of works is £1,484,400.74 (circa £1.5m). If visitor income (£1.06 million) was used to offset PROW maintenance, an additional £424,400.74 would be required for all recommendations below, with an extra £52,750.10 (plus inflation) previously identified in the April 2022 Tynwald report for the Definitive Maps and Statements for a five-year Definitive Map programme.

13.3 The use of Volunteer Groups and Prison Services

Volunteers have been utilised previously by the Department and there were a number of challenges encountered which made the initial not feasible and not viable at the time. While they can be a welcome resource, there are limitations to their efficiency and effectiveness. Training is very limited, volunteer safety is a key issue, and supervision

requirements can divert already over stretched staff members from their day jobs to provide supervision for the volunteer groups.

The DOI will continue to collaborate with the voluntary sector, when possible, as the social and community impact of this integrated approach is beneficial for both parties. However, prior efforts including paying a volunteer coordinator for two years through a local charity did not work and was scrapped as it did not provide value for money.

The Working Group also approached the Prison Service to explore the use of individuals undertaking community service or serving prison sentences. While initial investigations found that safeguarding and environmental safety requirements did not support this option, the Department is currently collaborating with DfE and the Prison Services to investigate further the opportunity to work with volunteers and the Prison Workforce. DfE are currently seeking funding through DHA and other sources to secure resources required to support this initiative i.e. funding for training and salaries for supervision staff, supervision vehicle, equipment/tools, and training of volunteers, protective clothing, welfare facilities and other logistics.

While this initiative may alleviate some deferred maintenance for the PROW team, the work required for comprehensive upkeep (such as vegetation trimming) is often underestimated. Without appropriate supervision, training, and facilitation—all of which require additional paid resources—volunteers can become obstructive or even liabilities when undertaking work.

13.4 Delegating Maintenance of PROWs to Local Authorities (LAs)

The Working Group are aware of existing Highway Maintenance Service Level Agreements (SLA) between DoI and LAs and the regional engagements that took place from late 2022 to July 2023 regarding reviewing these existing SLAs and setting standards for consistency in delivering the delegated highway maintenance activities. Part of the discussions that took place at these meetings included the possibility of delegating the maintenance of the PROW network to the LAs. However, the requirements for additional resource, equipment purchase within each authority, the recruitment of additional staff was felt to be prohibitive. With this background, delegating PROW maintenance to LAs is unlikely to yield the desired outcomes. Whilst efficiencies may have been found in a joined-up approach by LA's e.g. sharing of costly equipment, it is unlikely that any saving would be identified through staffing.

The Working Group considered that delegating the maintenance of PROW to LA's would be sub-optimal. There would be no benefit to the taxpayer and in all likelihood would increase costs and create an inconsistent approach to the maintenance of PROW across the Island.

13.5 Delegating PROW Maintenance to Local Authority

Without change to legislative provisions the Department cannot require local authorities to engage in maintenance on PROW and footpaths generally.

1.6 Increasing the Highway Maintenance Budget

DOI could request a budget uplift for the current Highways Strategic Maintenance budget to allocate more funds to the PROW network. However, given that the budget is already constrained and insufficient to maintain the highway, justifying allocating additional PROW expenditure from the highway maintenance budget would be politically difficult.

13.7 Indirect Benefits

Wider economic and social benefits justify investment in the walking infrastructure, making it a cost-effective approach in the long term. These include:

- i. **Economic Impact:** Increased tourism leads to more spending on accommodation, restaurants, local attractions, and retail, directly benefiting businesses.
- ii. **Community Engagement:** Investment in walking infrastructure encourages local communities to engage in maintaining and promoting walking trails, fostering pride and participation.
- iii. **Health and well-being:** Increased walking activity among residents and visitors contributes to a healthier population, potentially reducing healthcare costs.
- iv. **Environmental Sustainability:** Walking tourism aligns with sustainable travel trends, positioning the Isle of Man as an eco-friendly destination.
- v. **Marketing Opportunities:** A well-developed walking network serves as a unique selling point for tourism promotion.
- vi. **Social Media Exposure:** Visitors sharing their experiences online increases the Island's visibility, attracting more travellers.
- vii. **Online Reviews:** Positive feedback on travel platforms influences potential visitors, enhancing the Island's reputation as a walking destination.

13.8 Health Benefits

Investing in walking infrastructure has significant long-term financial benefits through improved public health outcomes.

UK-specific data on pedometer-based walking programmes indicates that participants experience considerable weight loss which is considered clinically meaningful. The accompanying increase in daily steps by 2,000 to 4,000 aligns with recommended guidelines, providing health benefits such as improved cardiovascular health and lowered blood pressure. Despite modest weight loss, the cumulative impact over time, especially for overweight individuals, contributes to a clinically significant 7% overall weight reduction.

There is extensive research evidencing that walking has multiple health benefits. These improvements in public health could lead to long-term reductions in the burden on the Island's health services, making this an investment with both economic and healthcare-related returns if many local people can be encouraged to walk, run or cycle.

14. TRANSFERRING MAINTENANCE OF THE PROW TO DEFA

14.1 Transfer of Function Order

The Working Group considered alternative means of delivery by considering the feasibility of DEFA undertaking the maintenance of PROW. The maintenance (operation) and the management (policy) of the PROW is in the Highways Act (1986) and comes under DoI's remit. DOI could transfer the PROW function to DEFA via a Transfer of Functions Order. As a Government Department and with the benefit of good links with the farming community, transferring the function to DEFA could be a good fit. This would give DEFA both the management and maintenance of PROW along with responsibility for any future

legislative changes in relation to functions. Under the current Highway structure, the PROW team are an integral part of the Highways Maintenance team and undertake other duties. The PROW team could transfer to DEFA, however, this will leave a gap that will require recruiting into the current Highway Maintenance team. DEFA has acknowledged that it could not streamline this service into their current operation and would require to recruit or transfer the team to undertake the maintenance work.

The Working Group considers this option to be problematic and impracticable. The lengthy legal process, the recruitment and training of a team required by DEFA to undertake the operation in a climate of budget constraints and remaining considerations around funding do not support a transfer of function to DEFA as it simply moves issues from one Department to another.

14.2 Transfer of Maintenance Responsibility only

Another option could be a transfer of maintenance responsibility only from DOI to DEFA, allowing DOI to continue to manage the network and DEFA to maintain the network. In theory this could work; however, experience of the DOI would indicate that separating the legal function (management) from the operations function (maintenance) causes difficulties. Previously the management and maintenance of the PROW network was separated with the PROW officer working in the Sea Terminal and a Site Works Manager working in the Ellerslie Depot. This proved difficult as more intricate legislative issues, inconsistencies in updating the Definitive Map, landowner problems and a myriad of other management issues that can be ongoing are often unknown or ignored in the reactive maintenance or responding to public queries. This option links closely to the issues of adequately resourcing the operational team. Without adequate resourcing in either the regulatory or operational team, it will not be feasible to effectively coordinate the regulatory activities in synchrony with the operational activities without making conflicting decisions.

Past discussions suggested that DEFA could take on responsibility for the PROW in the countryside and leave urban PROW with DOI. This initiative was considered by the Working Group; however, there is no legal definition of urban and/or PROW. Furthermore, the Definitive Map is one legal document therefore impossible to split.

15. LANDOWNER ENGAGEMENT

The Manx National Farmers Union (MNFU) was consulted on the scope of the report, specifically,

- What barriers lead to landowners preventing access to rural public rights of way and what opportunities exist to support landowners to allow access as intended?

A redacted version of the response can be found under appendix 2. The MNFU expressed that a clearly defined network would be beneficial to farmers as it would remove hazards to visitors and livestock. It would also help to prevent informal shortcuts and/or deviations forming.

Concern was raised around extending the network as no feedback had been received from the MNFU's submission to the Committee which can be summarised as follows, "a lack of information, maintenance, and signage has led to a large decline in the usability of the PROW network and therefore led to increased deviations and disturbances of livestock and farmers across farmland. They have offered to meet with the Department to better

understand the limitations of the Department and continue to build relationships going forward.”

When considering the extension of the network the MNFU were not in favour given that since the original submission, there has been further deterioration of the network, and they would not like any costs of upkeep to fall on their members.

The original submission of this report made specific mention of a Countryside Code to educate the public, which is something that has been highlighted above as needing to be introduced to help manage the network. The DOI has been working on the implementation of a 'Countryside Code' in conjunction with the CAG. This document will focus on PROW, paths and permissive paths and their uses. The code will introduce users to countryside signage, which has been implemented through CAG. Whilst the signage project has reached its conclusion, it is hoped that this can be used as a starting point for a policy that sets out clearly a suite of specific signage to assist the public in their enjoyment of PROW around the Island.

16. NETWORK ENHANCEMENT

The Working Group considered ways in which the PROW network could be enhanced. A bid has been previously drafted to the Economic Strategy Board (ESB) for £3.9M to introduce new signage across the network, provide information boards, safety areas and signage to drivers along the Raad Ny Foillan, install toilet and water facilities along the Raad Ny Foillan and create additional summit routes. Unfortunately, ESB was disbanded as the bid was submitted.

Whilst this change would offer a welcome improvement to both sites, the impact on additional infrastructure would add additional strain on already constrained resources and higher maintenance expectations. Additional maintenance budget would be required alongside any upgrade to the network or the effort would be lost in a few years without sustained maintenance.

It is the view of the Working Group that focus should be on improving and maintaining the existing network to a sustainable condition before costly enhancements are considered.

17. EXTENDING THE NETWORK

The Working Group's view was that it would not be appropriate at this time to consider extending the PROW network although it may be a future consideration. In the first instance the Definitive Map requires to be updated through primary legislation, a lengthy and complex process. IOMG has no record of routes or paths which could potentially be integrated into the PROW network. Staff resource and budget to carry out both the investigatory works for additional network and to subsequently maintain a larger PROW network would be difficult to politically justify in the current financial climate.

18. SUMMARY OF FINDINGS

The Working Group has made the following conclusions for each of the Tynwald recommendations:

- i. The funding required to maintain all Public Rights of Way and Government-owned public paths to an adequate standard and how that funding should be allocated;***

Conclusion i (a)

Considering the costs discussed, a PROW revenue budget of **£831,301** and a minor capital budget of **£700,000** should be provided annually to fund the existing PROW maintenance and eliminate the backlog over the next 5 years. These figures should be increased by cost inflation each year.

Conclusion i (b)

Other Government owned paths should continue to be maintained to an improved standard by the relevant departments and authorities. Additional funding to be identified by those organisations as required.

- ii. What would be required for the Department of Environment, Food and Agriculture to take on responsibility for maintaining rural Public Rights of Way;***

Conclusion ii (a)

Significant resourcing i.e. funding and a dedicated team will be required for DEFA be able to take responsibility for maintaining the rural PROW network. Moving the PROW maintenance responsibility from DoI to DEFA with no additional resources will not yield the desired outcomes. It will move a funding problem from one Department to the other.

Conclusion ii (b)

The maintenance and management of the PROW network is enshrined within the IOM Highways Act 1986. Therefore, a transfer of function Order will be required to enable DEFA to undertake the statutory functions required to maintain the PROW network under the IOM Highways Acts 1986. It is the Working Group's view that separating the legal framework from the operational framework will cause complications in how the PROW network is managed and how the Definitive Map and Statements are managed.

- iii. What would be required for Local Authorities to take on responsibility for maintaining non-premier Public Rights of Way;***

Conclusion iii: New legislation and funding will be required to enable local authorities to take responsibility for maintaining non-premier public rights of way.

- iv. What would be required to keep the Definitive Maps and Statements up-to-date and accurate;***

Conclusion iv: As already recommended in the Report on Definitive Map submitted to Tynwald in April 2023, it is the view of the Working Group that primary legislation be used to bring the Definitive Map and Statements up to date. Additional resources will be required to carry out the required reviews and consultations and to adequately maintain the Map and Statements thereafter. The previous report suggested an additional cost of £43,277 per annum for and Administration Officer role for a period of five years plus £1,000 for logistics, consultation venues etc.

- v. *Whether the legislation in this area could be reformed to aid the more efficient maintenance of paths;***

Conclusion v

It is the view of the Working Group that a review of the legislation regarding PROW, and the associated powers of the Department is undertaken, reviewing this in line with the powers of UK authorities and other similar jurisdictions to enter, maintain and serve notice on landowners, the statutory duty to keep up to date the Definitive Map and Statements and also the easier and streamlined variations of creating Orders. Additional resources will be required during the review of the legislation and the Definitive Map reviews for a minimum period of 5 years should this be a political legislative priority.

- vi. *What barriers lead to landowners preventing access to rural public rights of way and what opportunities exist to support landowners to allow access as intended, and;***

Conclusion vi

The MNFU considered that a lack of information, maintenance, and signage has led to a large decline in the usability of the PROW network and therefore led to increased deviations across farmland, disturbing livestock and farmers.

The MNFU expressed that a clearly defined network would be beneficial to farmers as it would remove hazards to visitors and livestock stock. It would also help to prevent informal shortcuts and/or deviations forming.

Further to this, it is the view of the Working Group that the Isle of Man Countryside Code be finalised and published for the education of the public and landowners.

- vii. *What additional resource is needed extend the PROW Network***

Conclusion vii

It is the view of the Working Group that it will not be prudent to create additional PROWs whilst the maintenance of the existing PROW is underfunded and a significant maintenance backlog exists.

19. FUNDING OPTIONS

- i. *Fund from within existing Highways budget***

Highways and the Department officers would not recommend taking funding off road maintenance to fund footpath maintenance. The road network is of greater strategic importance to the effective functioning of the Isle of Man and is itself under funded for annual maintenance. If it were done, a political choice would have to be made, what road maintenance would be cut drainage, footway repairs, road sweeping, pothole and surface repairs hedge cutting or line painting.

- ii. *Additional revenue and bids***

Additional funding could be allocated to the Department and the Department might choose to spend it on the PROW network if that were the political priority over highway maintenance at that time. It would be a matter for the Minister of the Department to make clear the priority for spending.

iii. DfE Attract sponsorship funding

The DfE may be able to attract sponsorship for various sections of PROW network that would free up resource for other areas. A previous attempt by DfE to gain sponsorship for the Heritage trail failed to raise any money.

iv. The use of Volunteers and Prison Service Workforce

The Working Group is working collaboratively with DfE, the Prison Service and the Volunteer Community to develop an initiative to use volunteers and the Prison Service workforce to carry out some works on identified parts on the PROW network. The Department has tried this initiative before and faced some challenges and resistance from trade unions. Discussions are underway with various stakeholders to introduce the initiative. This will require dedicated resources i.e. supervision vehicles; equipment/tools; budget for training, protective clothing and supervision personnel. DfE are exploring the funding of this scheme. It should be noted that this scheme cannot be resourced through the already constrained Highways resources. The initiative will also require lead in time to allow development of the operation procedures between the relevant departments, training and upskilling the prison workforce, volunteers and supervising staff. Without appropriate funding the initiative will not work.

v. Raising Local Authorities Rates

Government has the power to monitor and cap local authority rate increases. It is not clear, however, that the Department has the powers to instruct the local authorities to undertake this work.

vi. Revenue and Minor Capital bid

The Working Group would propose submitting a Treasury revenue bid for annual funding of £831,301 together with a rolling minor capital bid of £700,000 (Total annual spend £1,531,301).

After 5 years the capital funding would be reduced to £400,000, when the backlog was eliminated.

20. WORKING GROUP RECOMMENDATION

The Working Group recommends that a rolling minor capital and revenue bid be submitted and approved in line with **Funding Option vi** noted above:

21. SUMMARY

The Public Rights of Way is an important asset to the Island's cultural and heritage. Handed down through the generations to be used and enjoyed by residents and visitors alike. The importance of maintaining these routes and pathways for future generations is vital and should not be underestimated. If properly funded, it could form an important part of the Island's tourist offering.

Without appropriate investment and long-term funding, it is likely that these routes and pathways will deteriorate and become unusable. Footpath closures will increase on safety grounds and the utility will be lost to all. It is therefore important that Government increases investment in the maintenance and preservation of this asset. The Working Group recommends increasing the Public Right of Way annual maintenance expenditure to £1,531,301 made up of revenue of (£831,301) and minor capital funding (£700,000). This

will allow the Department of Infrastructure to improve the network and eliminate the maintenance backlog.

Moving responsibility for Public Right of Way to another Department or local authority, nor splitting policy from operations was not supported by the Working Group.

In the view of the Working Group, new Primary Legislation is required to enable the Definitive Maps and Statements to be updated and maintained effectively.

Improved signage and information, together with the new Countryside Code will remove some of the barriers to landholders allowing access to their land.

The Working Group do not recommend extending the public rights of way network until the existing network is appropriately funded and brought up to an acceptable standard.