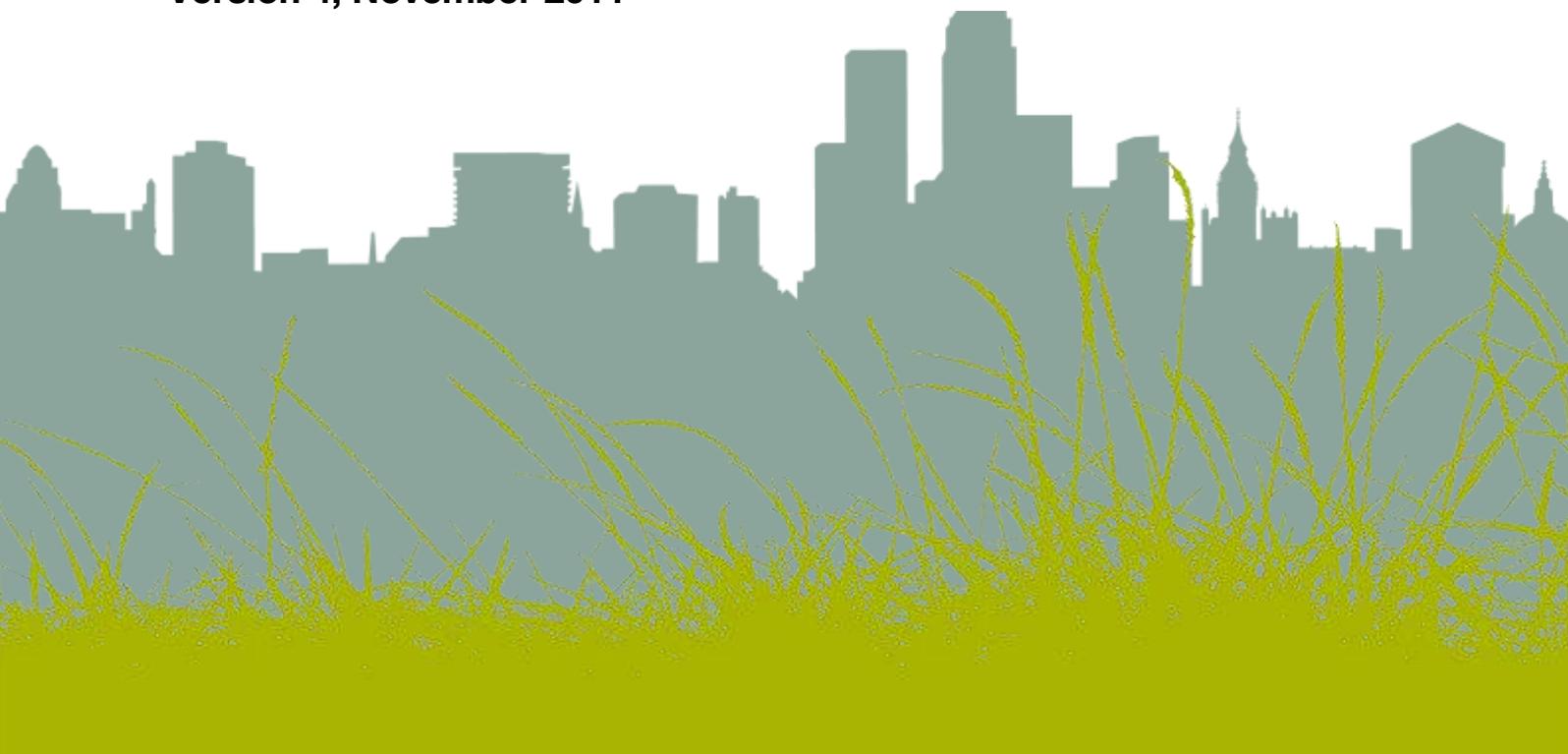


# **RAMBLERS RIGHTS OF WAY VOLUNTEERS' HANDBOOK**

## **INDUCTION**

### **WHAT WE DO AND HOW YOU CAN HELP**

**Version 4, November 2011**





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## 1. Welcome

### Welcome to our rights of way volunteer handbook.

**Working to protect and improve our unique network of rights of way is one of the key charitable objectives of the Ramblers (1). By volunteering to help us you'll be joining thousands of people across England and Wales dedicated to preserving and enhancing our paths.**

Ever since the Ramblers was established in 1935, volunteers have been key to its successes. We have a proud record of making Britain a better place for all walkers; our long history of campaigning has achieved, among many things, the recording of public paths on official 'definitive' maps in England and Wales and on Ordnance Survey maps, the development of national trails such as the Pennine Way and Offa's Dyke Path, and the requirement for local authorities to signpost their paths.

In 2007 we carried out a fundamental review of our rights of way work and produced a new strategy for taking it forward into the 21<sup>st</sup> century(2). That document sets our long-term aims as being:

(i) to see 100% of the definitive public rights of way network open and easy to use (including in urban areas); and  
(ii) to protect historic rights of way by getting them recorded on definitive maps.

Since that time, the economic crisis and severe cuts to public expenditure mean that we need to be able to persuade local authorities that cutting funding for rights of way is a false economy, and to do this it's essential that, in all we do, we communicate the value of the public rights of way network and access to the countryside, and other green spaces.

In addition, the Ramblers five-year plan, 'Fresh Air, Firm Ground' (3), sets out the direction for the Ramblers for the years to 2013, focussing on a number of key issues. The first of these concerns the provision of good-quality walking environments for the public. People are more likely to walk, and to enjoy it more, if paths, pavements, parks and other walking spaces are of the highest quality.

**And this is where you come in.** We hope that you find your involvement in the Ramblers interesting and enjoyable. It may occasionally be challenging as well but don't forget that there is a wealth of experience available within the organisation, both locally and centrally. These notes are introductory and aim to give you an understanding of the basics of rights of way volunteering. . Separate documents dealing with other aspects of rights of way volunteering in more detail (e.g. resolving problems, definitive maps, dealing with proposals to change the network, etc.) are being prepared and will be made available in due course, alongside new training opportunities. In the meantime, staff will be happy to advise you on these matters, and to provide you with copies of existing notes. Page 8 explains how you can contact central office for further help and advice.

## 2. What do rights of way volunteers do?

Very many of the Ramblers activities are undertaken by local volunteers; without them it would cease to function. Rights-of-way volunteers undertake a diverse range of tasks. These vary according to the preferences and skills of the volunteer, the way in which the Ramblers Area concerned organises its rights of way work, and the amount of time the volunteer is willing to spend. We hope that whatever you do you will find the experience rewarding. Examples of the things rights of way volunteers do are listed below, but don't worry—you certainly won't be expected to do all of these things all of the time!

**Getting things done—seeking to improve the quality and extent of the rights of way network**

- Reporting path problems to local authorities and trying to get them resolved.
- Making site visits to inspect path problems.
- Pursuing long-standing problems with the local authority responsible and, beyond, to the Local Government Ombudsman if necessary.
- Organising path surveys.
- Campaigning for more resources for rights of way work in local authorities, or for new or different policies within an authority, e.g. that no diversions will be considered unless all paths on that landholding are clear of obstructions.
- Practical work, e.g. waymarking, stile building, and path clearance.
- Working to protect urban paths, as well as those in the countryside.
- Promoting the path network and the work of the Ramblers by getting publicity for successes such as re-opening obstructed routes or adding new routes to the definitive map.
- Seeking opportunities to develop and extend the rights of way network (in particular, through Rights of Way Improvement Plans—a document which all local highway authorities must produce, setting out a strategy for improving rights of way in the area).
- Commenting on other local authority plans, policies, and strategies where they relate to rights of way and pedestrian access and safety.
- Working in close co-operation with other Ramblers volunteers: for example, with Ramblers countryside/walking environment secretaries where rights of way are affected by development, with access officers where rights of way link up with areas of access land, with Ramblers appointees to Local Access Forums (LAFs), and with walks leaders to encourage the reporting of problems and the use of less well-walked paths.

**Coping with change—making sure that any proposed changes to the rights of way network are in the best interests of the walking public**

- Liaising with local authorities over consultations and orders which seek to change the rights of way network and making site visits to assess the benefits or otherwise of any proposed changes. Objecting to such orders when necessary to protect the interests of walkers or negotiating if there's scope for provision of a better route.
- Finding out about planning applications which affect rights of way and objecting to such applications where appropriate (where necessary in consultation with the Area or Group countryside secretary/walking environment), and negotiating if there's scope for better provision for walkers within the scheme.
- Finding out about proposals for new and improved roads and commenting on their implications for the rights of way network and its users. Objecting to orders to close or divert paths in connection with road development when necessary.
- Campaigning for improvements to dangerous rights of way crossings over major roads.
- Attending public inquiries either to present the Ramblers case or to represent its interests.

**Definitive maps—making sure that the legal record of public rights of way is as accurate as possible**

- Definitive map work—collecting evidence for the addition of paths to the map.
- Opposing applications to upgrade footpaths to bridleway, restricted byway or byway open to all traffic status where these are not justified by evidence.
- Opposing applications to delete paths from the definitive map where these are not justified by evidence.
- Attending public inquiries either to present the Ramblers case or to represent its interests.

**Building partnerships**

- Working with all tiers of local government to improve the walking environment
- Liaising with local councils (parish, town and community councils) through letters, meetings and talks.
- Developing and maintaining contact with like-minded organisations, e.g. local rights of way groups, the BHS and other riding, cycling and rambling clubs, including those for the less-able, and amenity societies.

**Things you need to find out or obtain**

- When you start volunteering, another volunteer within your Area or Group should explain to you which tasks you will be asked to undertake, and should agree with you a rôle description. Ramblers Areas and Groups organise their rights of way work in many different ways to suit local circumstances, so there is no 'one size fits all' description of what a Ramblers rights of way volunteer does.
- If you are taking over from an existing volunteer, any appropriate records, e.g. of problems reported, active case work, details of local landowners or their agents, etc.
- A copy of the definitive map and statement of the territory which you will be looking after, or a 1:25000 OS map marked up with path numbers.

### 3. Your place in the Ramblers

#### 3.1 How we are organised

The governing body of the Ramblers is General Council which meets once a year at around Easter time, usually at a university. This is the Ramblers' AGM. The delegates at Council comprise around 200 members of the Ramblers nominated to attend by Areas, and affiliated organisations. Motions are put forward by Areas and by the Board of Trustees, the delegates debate the motions and it is in this way that Ramblers policy is proposed to the Board of Trustees (see below). Delegates also discuss the annual report and accounts, as submitted by the Board of Trustees, and consider amendments to the Ramblers' Memorandum and Articles (our constitution).

General Council also elects the Board of Trustees which is responsible for deciding how to implement the policies, employing the staff, and making sure that the Ramblers' charitable funds are used appropriately. It also elects the President and vice-presidents. The current president is Julia Bradbury, broadcaster on outdoor issues. Notable past presidents include Chris Smith (the Lord Smith of Finsbury), presently Chairman of the Environment Agency, writer and broadcaster Janet Street-Porter, writer and entertainer Mike Harding, environmental campaigner Lord Peter Melchett, and Andrew Bennett, until 2005 MP for Denton and Reddish in Manchester. All past presidents automatically become vice-presidents.

The Board of Trustees comprises three officers—the chairman, currently Rodney Whittaker; the vice-chairman and treasurer, plus the chairmen of Welsh and Scottish Councils and nine other members.

Staff and volunteers carry out rights of way work within the framework of Council resolutions which define our policy approach. It is open to any member of the Association who thinks that a policy should be changed to use the Ramblers' democratic structure to seek that change. In particular, you can make use of your Area's right to table motions at the annual meetings of General Council.

We now have over 50 Areas across England, Scotland and Wales. Areas are responsible for pursuing the charitable objectives of the Association within their territories. Each Area operates in accordance with a constitution approved by the Board of Trustees. Each must hold an AGM which all members in that Area and locally affiliated organisations are entitled to attend. At the AGM the Area's governing body is elected, delegates are elected or nominated to attend General Council and motions for Council may be put forward. In some Areas, much of the work to further the Ramblers' charitable objects is delegated to local Groups of which there are over 500. Most walks and other social activities are organised at Group level.

The thousands of volunteers who participate in Area and Group activities do an enormous amount to further the Ramblers' aims. In many cases it is their diligence that sparks off major changes in legislation affecting walkers' rights. It is they who are walking, clearing and keeping open our wonderful network of footpaths, spreading a love of the countryside and firing enthusiasm in local campaigns.

Each Area organises its rights of way activities in what appears to be the most effective way in the light of local factors such as local government organisation, volunteer availability and the size of territory it has to cover.

<b>Things you need to find out or obtain</b>
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| <ul style="list-style-type: none"><li>• The names and contact details of your co-volunteers (in particular the Area and Group Footpath Secretaries and any local or district footpath workers appointed for territories not covered by Groups). Remember that the volunteers in these rôles may change from</li></ul> |
|---|

year to year, following Area or Group AGMs.

- Information about how decisions are made on rights of way matters. Usually rights of way issues will be discussed at an Area and/or Group committee, so you will need to find out where and when these committees meet. Staff at central office strongly recommend that such committees be set up.
- If there is one, the Area statement setting out the rôle of its footpath committee; who makes decisions and how they are made; and the division of responsibilities between Area, Group and local footpath secretaries.
- The arrangements for reporting problems to local authorities in the Area. Please note: The Ramblers' official approach is for all path problems to be reported direct to the highway authority by the walker who encountered them. Areas and Groups may have an additional process to ensure problems are logged by the Ramblers as well.
- How to go about claiming your out of pocket expenses (travel, etc.) from your Area or Group Treasurer.

## 3.2 Principles of working together

Behaviour: In carrying out their rôles, staff and volunteers are expected to act and communicate in a polite and constructive manner at all times—even where there's disagreement. Rude, aggressive or otherwise offensive behaviour is not acceptable. It should be understood that staff and volunteers are working in different ways towards the same goal: improving and increasing quality walking environments for the public, and that it's necessary to work cooperatively together to make that happen.

Policy: The Ramblers has policies on issues such as changes to the path network and obstructions on rights of way (these are set out in section 6 of these notes), and anyone representing the Association must follow these policies at all times. (Policies are proposed by the membership and adopted by the Board of Trustees.) Where a volunteer is in doubt about how to approach an issue or how to respond to a consultation, staff can provide guidance.

Communication: Good communication is essential. Where appropriate staff will consult and keep volunteers informed about policy and project work, and national campaigns, and would encourage volunteers to get in touch about how things are going. It's crucial that volunteers inform staff if they stop performing a volunteer rôle—that way central office records can be kept up to date, and staff can stop sending information a person who no longer wishes to receive it.

Contact details: If a volunteer has taken on a rôle that involves representing the Ramblers locally, staff at central office may give that volunteer's contact details to a member of the public enquiring about a rights of way matter in the area the volunteer represents. Staff will give out contact details only in response to enquiries about Ramblers business, and only where the volunteer is or may be involved as a representative of the organisation.

### 3.3 Contact with, and support from, Ramblers staff

#### Staff

Rights of way volunteers are supported and assisted by staff in the Walking Environment team at Ramblers central office in London and by staff at Ramblers Cymru in Cardiff. The focus of the team is on aim 1 of the Ramblers' strategy—*Fresh Air, Firm Ground*. This remit includes urban public space, public rights of way, access to open country and other green space, and countryside protection. Basically, if it's somewhere you can walk, we are the team responsible for the Ramblers' work on it.

In England there is a single point of contact for all new queries to the team. The majority of these will be fielded by the Campaigns Administrator—Emily Shaw. Please contact the team by calling 020 7339 8584 or e-mailing [walking.environment@ramblers.org.uk](mailto:walking.environment@ramblers.org.uk). You can, of course, write to the Ramblers address—marked for the attention of the team. If you are already working with a member of staff on a particular issue please contact them in the first instance. There are four main strands to the work of the Walking Environment team:

- National campaigns
- Policy development
- Casework and local campaign support
- Volunteer training and support

Volunteers in Wales should contact Gwenda Owen, the Community Engagement Officer on 029 2064 6893 or [gwenda.owen@ramblers.org.uk](mailto:gwenda.owen@ramblers.org.uk), or in writing to 3 Coopers Yard, Curran Road, Cardiff, CF10 5NB.

#### Communication between Ramblers central office and rights of way volunteers

We send the following to all Ramblers rights of way volunteers whose details have been provided by their Area or Group to central office:

- Copies of *Footpath Worker* (4) (a digest of parliamentary news and recent court cases with implications for rights of way, produced by the Walking Environment team two or three times a year—as from 2011 this will be produced electronically).
- *Walking Environment Update* (5) (a monthly e-newsletter produced by staff).
- We also have an e-mail alert system by which rights of way workers can be instantly updated with news: for example, of important court rulings, new laws coming into operation or new advice from government departments or the Planning Inspectorate. If you would like to receive e-alerts please send your e-mail address to Emily Shaw (see above).
- Additional rights of way information, including a set of advice notes on specific topics, is available in the 'Knowledge Portal' section of the Ramblers' website ([www.ramblers.org.uk/rights\\_of\\_way/knowledge\\_portal](http://www.ramblers.org.uk/rights_of_way/knowledge_portal)).

All of this information is provided to keep you up-to-date with developments in rights of way law and practice. We send information by e-mail where possible, and by post where not. If you would like to receive communications from us by e-mail please let us know at [walking.environment@ramblers.org.uk](mailto:walking.environment@ramblers.org.uk)

Public path and definitive map modification orders received from local authorities, ' and other communications relating to particular paths, e.g. reports of problems, are sent, normally weekly, to whoever is nominated by the Area to receive them (we usually refer to this person as the 'path order recipient').

But this is a two way process. To operate effectively the Ramblers centrally has to be kept informed of what is going on locally. Areas and Groups are therefore asked to keep us informed by responding to the requests we make from time to time for information on particular subjects and generally letting us know when something happens of particular interest. **In particular, it is vitally important that you let us know about your success in**

**rights of way work: saving a path from closure, opening up an overgrown path by undertaking practical work, getting a path added to the definitive map and so on. We need to be able to let the general public know about the good work which the Ramblers undertakes—that way we encourage new members to join us and the more membership income we have, the more we are able to do.**

You should also inform central office immediately if you are served with any form of legal proceedings relating to your activities on behalf of the Ramblers, such as an application for an injunction. Don't worry—this is an extremely rare occurrence!

#### Division of responsibility between staff and Ramblers Areas

The Ramblers' Memorandum and Articles (1) make Ramblers Areas responsible for carrying out the objects of the Association within their territories. This means that most decision-making on path matters is delegated to officers elected locally by Ramblers members. However an exception to this is that it is necessary for you to obtain approval from staff at central office/Ramblers Cymru before initiating legal action of any kind. This is because, in all cases, there is a possibility of the action establishing a legal precedent, or being challenged by the other party concerned, and of costs being awarded against you as the person representing the Ramblers. Since any such case could be contested all the way to the Supreme Court, this could cost the Ramblers many thousands of pounds.

The requirement to obtain central office approval before becoming involved in court proceedings also applies to opposing an application by a highway authority to the magistrates' court under section 116 of the Highways Act 1980 for the closure or diversion of a right of way, and seeking orders for the removal of an obstruction under sections 130A–D of the Highways Act 1980, or to put a path into repair under section 56 of that Act. Staff will normally make a site visit before giving authority to commence on the court stage of these two procedures. Before contacting staff, rights of way volunteers should always discuss the possibility of embarking on any such action with their Area Footpath Secretary since approval of the Area is needed before any action can be commenced.

### **3.4 Training**

The Ramblers centrally, and Ramblers Cymru, organises training events (e.g. conferences, seminars and one-day training events) for Ramblers rights of way volunteers, as well as organising events at the request of Areas, and assisting with events organised by Areas. . This induction publication is intended to accompany the induction training day for new rights of way volunteers. Subsequent parts will be issued in conjunction with the running of relevant training events, and all of the material will be made available on-line.

Other organisations also organise formal training events covering rights of way law and practice. In recent years a number of Ramblers volunteers have attended events organised by the British Horse Society. The Rights of Way Law Review, the Institute of Public Rights of Way and Access Management and other independent training providers also have annual programmes of training events on rights of way issues. We endeavour to advertise these courses in *Footpath Worker*.

## 4 The basics of rights of way and access law

There is no denying the fact that rights of way law is complex, but there is no need to reinvent the wheel by researching the detail yourself. The Ramblers is an acknowledged source of expertise and information on the subject—if you have access to the internet you can find a wealth of information on our website at [www.ramblers.org.uk/rightsofway](http://www.ramblers.org.uk/rightsofway), and paper copies of all of this can be made available. Set out below are some basic questions and answers to get you started.

### 1. What is a right of way?

A right of way is a path that anyone has the legal right to use on foot, and sometimes using other modes of transport.

- Public footpaths are open only to walkers
- Public bridleways are open to walkers, horse-riders and pedal cyclists
- Restricted byways are open to walkers, horse-riders, and drivers/riders of non-mechanically propelled vehicles (such as horse-drawn carriages and pedal cycles)
- Byways Open to All Traffic (BOATs) are open to all classes of traffic including motor vehicles, though they may not be maintained to the same standard as ordinary roads.

Legally, a public right of way is part of the Queen's highway and subject to the same protection in law as all other highways, including trunk roads.

### 2. What are my rights on a public right of way?

Your legal right is to “pass and repass along the way”. You may stop to rest or admire the view, or to consume refreshments, providing you stay on the path and do not cause an obstruction.

You can also take with you a “natural accompaniment” which includes a pram, or pushchair. You can also legally take a manual or powered wheelchair (mobility scooter) provided you follow the regulations for taking these vehicles on ordinary roads. However there is no guarantee that the surface of the path will be suitable for pushchairs and wheelchairs.

You can take a dog with you, but you must ensure it is under close control. Note that there is no requirement for stiles to be suitable for use by dogs.

### 3. How do I know whether a path is a public right of way or not?

The safest evidence is the official ‘definitive map’ of public rights of way. These maps are available for public inspection at the offices of local surveying authorities (see Q7). Some are also available in libraries and some are sold by the councils concerned. In addition, public rights of way information derived from them, as amended by subsequent orders (see Q23), is shown by the Ordnance Survey on its Explorer and Landranger maps.

Some rights of way are not yet shown on definitive maps. These can quite properly be used, and application may be made to surveying authorities for them to be added to the map. The inner London boroughs are not required to produce definitive maps, though this does not mean there are no rights of way in inner London.

### 4. Are all footpaths rights of way?

No. There are many paths that the public is able to use but that are not legally rights of way and do not enjoy the same protection.

Paths crossing public parks and open spaces, commons and other land to which the public has formal or *de facto* access may not necessarily be rights of way, though some of them are.

Other paths, known as permissive routes, are open to the public because the owner has given permission for them to be used: often there is a notice on the path making clear the owner has no intention of dedicating the path as a right of way, and reserving the right to withdraw the permission. These paths are sometimes closed for one day a year, with a view to preventing claims that they are rights of way.

Towpaths, paths across land owned by organisations such as the Forestry Commission and National Trust who have a policy of providing access, and off-road multi-user routes such as those created as part of the Sustrans National Cycle Network, are available for public use but may not be rights of way.

The Countryside and Rights of Way Act 2000 provides a right of access to mapped areas of mountain, moor land, down land, heath land and registered common land be it on tracks and paths or off them.

## **5. How does a path become public?**

In legal theory most paths become rights of way because the owner “dedicates” them to public use. In fact very few paths have been formally dedicated, but the law makes the presumption that if the public uses a path without interference for some period of time—set by statute at 20 years— then the owner had intended to dedicate it as a right of way.

A public path that has been unused for 20 years does not cease to be public (except possibly in Scotland). The legal maxim is “once a highway, always a highway”.

Paths can also be created by agreement between local authorities and owners or by compulsory order, subject, in the case of objection, to confirmation by the Secretary of State for the Environment, Food and Rural Affairs, or the National Assembly for Wales.

## **6. Who owns the paths?**

The surface of the path is for most purposes considered to belong to the highway authority (see Q7). What this means is that the authority owns the surface of the way and so much of the soil below and the air above as is necessary for the control, protection and maintenance of the highway. The rest normally belongs to the owner of the surrounding land.

## **7. Which councils are responsible for paths?**

The council that has principal responsibility for rights of way in a particular area, known as the highway authority, is either

- the county council
- the unitary authority (this term includes the London boroughs and the metropolitan authorities)

These councils are also surveying authorities, which have the duty to prepare and maintain the definitive map (except in inner London; see Q3).

The highway authorities may sometimes assign some of their responsibilities to other authorities. District councils may, by agreement, take over path maintenance and other duties from county councils. Parish and community councils also have the power to maintain paths (see our leaflet Paths for People). In national parks, the national park authority sometimes takes over some or all of the responsibilities for rights of way.

Highway authorities have a general duty “to assert and protect the rights of the public to the use and enjoyment” of paths in their area. They are legally responsible for maintaining the surface of the path, including bridges, and keeping it free of overgrowth. They have the power to require owners to cut back overhanging growth from the side of a path.

### **8. How wide should a path be?**

The path should be whatever width was dedicated for public use. This width may have arisen through usage, or by formal agreement, or by order, for example if the path has been diverted. The width may be recorded in the statement accompanying the definitive map (see Q3) but in many cases the proper width will be a matter of past practice on that particular path (see also Q17 and Q19). Note the width of the right of way itself may be greater, or sometimes less, than the width of any track or hard-surfaced strip along the route. If establishing the legal width of a path proves complicated, it is worth remembering the rough Ramblers' maxim that "a path should be wide enough for two people to pass."

### **9. Are horses allowed on public paths?**

Horse riders have a right to use bridleways, restricted byways and byways open to all traffic. They have no right to use footpaths, and if they do they are committing a trespass against the owner of the land, unless the use is by permission (see Q25). If use of a footpath by riders becomes a nuisance the local authority (see Q7) can ban them with a traffic regulation order. This makes such use a criminal offence rather than an act of trespass.

### **10. Are pedal cyclists allowed on public paths?**

Pedal cyclists have a right to use bridleways, restricted byways and byways open to all traffic, but on bridleways they must give way to walkers and riders. Like horse riders, they have no right to use footpaths and if they do so they are committing a trespass against the owner of the land, unless use is by permission (see Q25). As with horse-riding (see Q9), use of any right of way by cyclists can be controlled by traffic regulation orders and byelaws imposed by local authorities. Infringement of byelaws or orders is a criminal offence. Under the Highways Act 1835, it is an offence to ride a bicycle on the pavement at the side of a road, and under the Fixed Penalty Offences Order 1999 a person who rides on a pavement can be fined on the spot by a police officer.

### **11. Is it illegal to drive cars or motorcycles on public paths?**

Anyone who drives a motor vehicle on a footpath, bridleway or restricted byway without permission is committing an offence. This does not apply if the driver stays within 15 yards of the road, only goes on the path to park and does not obstruct the right of passage. The owner of the land, however, can still order vehicles off even within 15 yards from the road. Races or speed trials on paths are forbidden. Permission for other types of trials on paths may be sought from the local authority, if the landowner consents.

### **12. Are all the paths supposed to be signposted?**

Highway authorities (see Q7) have a duty to put up signposts at all junctions of footpaths, bridleways and byways with metalled roads. The signs must show whether the path is a footpath, bridleway or byway and may also show other information such as destination and distance.

Highway authorities also have a duty to waymark paths along the route so far as they consider it appropriate (see Q13).

### **13. What is waymarking?**

Waymarking is a means of indicating the line or direction of a path away from metalled roads at points where it may be difficult to follow. In Britain it is normally done with arrow markings on gates, stiles and posts. Natural England and the Countryside Council for Wales recommend a standard system of colour-coded arrows—yellow for footpaths, blue for bridleways, purple for restricted byways, and red for byways open to all traffic.

Waymarking is also used to indicate specially promoted routes like long distance paths, circular walks, nature trails and so on. Where these routes follow public rights of way, the route name or logo is often used in addition to or in combination with the standard waymark.

**14. Are paths numbered?**

Yes, on the definitive maps (see Q3). Sometimes you will also see these numbers used on signs and waymarks. Different local authorities use different systems of numbering, and paths are often numbered on a parish or community basis, so path numbers are not very useful as an aid to navigation, only as a means of referring to an individual path for legal purposes.

**15. Can a landowner put up new gates and stiles where none exist presently?**

No. Not without seeking and getting permission from the highway authority (see Q7) in circumstances where a stile or gate is necessary to prevent the movement of animals and then complying with any conditions to that permission.

**16. Who is supposed to look after stiles and gates on a path?**

Maintaining these is primarily the owner's responsibility, but the highway authority (or the district council if it is maintaining the path; see also Q7) must, in certain cases, contribute 25% of the cost if asked and may contribute more if it wishes. If stiles and gates are not kept in proper repair the authority can, after 14 days' notice, do the job itself and send the bill to the owner.

**17. Is it illegal to plough up or disturb the surface of a path so as to make it inconvenient to use?**

Yes, unless the path is a footpath or bridleway running across a field as opposed to running alongside the field boundary. In this case the landowner can plough or otherwise disturb the path surface provided it is not reasonably convenient to avoid doing so. The path must be restored within 24 hours of the disturbance, or within two weeks if this is the first such disturbance for a particular crop. The restored path must be reasonably convenient to use, and have a minimum width of 1m for a footpath or 2m for a bridleway, or the legal width if known, and its line must be clearly apparent on the ground.

**18. What happens if a path surface has been disturbed but not restored?**

A highway authority (see Q7) may serve notice on the occupier and, if necessary, then restore the path itself and send the bill to the occupier. The authority may also prosecute the person responsible for the disturbance.

**19. What about crops growing on or over a path?**

The landowner has a duty to prevent a crop (other than grass) from making the path difficult to find or follow. The minimum widths given in Q17 apply here also, but if the path is a field-edge path they are increased to 1.5m for a footpath, 3m for a bridleway. You have every right to walk through crops growing on or over a path, but stick as close as you can to its correct line. Report the problem to the highway authority: it has power to prosecute the landowner or cut the crop and send the owner the bill.

**20. What is an obstruction on a path?**

Anything which interferes with your right to use it, for example a barbed wire fence across the path or a heap of manure dumped on it. Dense undergrowth is not normally treated as an obstruction but is dealt with under path maintenance (see Q7).

Highway authorities have a duty "to prevent as far as possible the stopping up or obstruction" of paths.

**21. Can I remove an obstruction to get by?**

Yes, provided that you are a bona fide traveller on the path and have not gone out for the specific purpose of moving the obstruction, and that you remove only as much as is necessary to get through. If you can easily go round the obstruction without causing any damage, then you should do so. But always report such obstructions to the highway authority.

## **22. Can a farmer keep a bull in a field crossed by a public path?**

A bull of up to ten months old, yes. Bulls over ten months of a recognised dairy breed (Ayrshire, British Friesian, British Holstein, Dairy Shorthorn, Guernsey, Jersey and Kerry) are banned from fields crossed by public paths under all circumstances. All other bulls over ten months are banned unless accompanied by cows or heifers. If any bulls act in a way which endangers the public, an offence may be committed under health and safety legislation.

## **23. Can a landowner close or divert a path?**

No. Closure and diversion—that is, a change to a path's route—can only be carried out by local authorities or central government.

Path closures. Under the most common procedure a highway authority (see Q7) can make an order to close a path if it considers the path is no longer needed for public use. A notice must be published in a local paper and also placed at both ends of the path. At least 28 days must be allowed for objections. These must be heard at a public inquiry taken by an inspector from the Planning Inspectorate, or by hearing (less formal than an inquiry), or they may be considered in writing if the objectors agree.

Path diversions. These may not take place if the new route will be substantially less convenient to the public than the existing one, and account must also be taken of the effect the diversion will have on public enjoyment of the path as a whole. The procedure is the same as for closure orders.

Paths may also be closed or diverted “in order to enable development to be carried out in accordance with planning permission”. There are also provisions for highway authorities to apply to magistrates' courts for closure or diversion of paths, and for orders to be made in other circumstances such as the construction of new roads, railways and reservoirs, both on a permanent and temporary basis. Notice of temporary orders must be given on site; however there is no specified procedure for objections.

If you have any doubts about the legality of a change to a path, contact the highway authority.

## **24. What is a misleading notice?**

This is a notice calculated to deter you from using a public right of way, for example, a notice saying PRIVATE at the point where a path enters a park. Such notices should be reported immediately to the highway authority. They are illegal on paths shown on the definitive map (see Q3).

## **25. What is trespass?**

A person who strays from a right of way, or uses it other than for passing and repassing (see Q1) commits trespass against the landowner.

In most cases, trespass is a civil rather than a criminal matter. A landowner may use “reasonable force” to compel a trespasser to leave, but not more than is reasonably necessary. Unless injury to the property can be proven, a landowner could probably only recover nominal damages by suing for trespass. But of course you might have to meet the landowner's legal costs. Thus a notice saying “Trespassers will be Prosecuted”, aimed for instance at keeping you off a private drive, is usually meaningless. Criminal prosecution could only arise if you trespass and damage property. However, under public order law, trespassing with an intention to reside may be a criminal offence under some circumstances. It is also a criminal offence to trespass on railway land, and sometimes on military training land and on land which has been specifically designated under the Serious Organised Crime and Police Act 2005.

## **Access to open county**

The right of access provided under the Countryside and Rights of Way Act 2000 (CRWA or CRoW Act) gives the public access to 936,000 hectares of mapped open uncultivated countryside.

### **26. What is the new right of access?**

The CRoW Act provides a right of access on foot to mapped areas of uncultivated open countryside. Open countryside defined as mountain, moor, heath, down, registered common land or land which has been voluntarily dedicated for access by the landowner.

### **27. Is it the "Right to Roam"?**

The Act is sometimes called the "Right to Roam". However, this term can be misleading as the Act does not provide a right to walk everywhere at all times.

### **28. Where can I go? And How can I find out where I can walk?**

You can find out where the right of access applies by getting your hands on a new OS Explorer Map. These have all been updated and show the new access land. The new maps have the access symbol on the front as shown on the left.

### **29. When did the right of access come into force?**

On Monday 31 October 2005 the implementation of the right of access was fully completed in all of England and Wales after a regional programme of mapping.

### **30. What am I allowed to do on access land?**

The right of access allows recreational activities on foot such as walking, bird-watching and climbing only. Some things are specifically not allowed on access land under the Act, these are given as a list of general restrictions.

### **31. How is access managed?**

Access is managed by local highway authorities or, in National Parks, by the National Park Authority, these are called access authorities. Access authorities have the power to enact and enforce bye-laws where necessary, appoint wardens, erect and maintain notices and improve means of access to access land. For more information see the functions of access authorities. They will be advised by Local Access Forums.

### **32. What are Local Access Forums?**

Local access forums are bodies set to advise these access authorities. They are made up of councillors, landowners, farmers and user groups like horse riders and walkers. They advise on such issues as access management, new signs or proposed long-term local access restrictions and Rights of Way management plans. For more information see Local Access Forums.

### **33. Are landowners able to close their land?**

The Act allows landowners to close their land for up to 28 days a year (including some Saturdays and Sundays) for any reason. Landowners may apply for further closures or restrictions, on a temporary or permanent basis, for health and safety, land management or fire risk. There may also be closures to protect wildlife or areas of historic interest or on the grounds of national security.

### **34. Where can I get information on local closures and restrictions?**

At the present time the only place to check for information on local closures and restrictions will be the [www.openaccess.gov.uk](http://www.openaccess.gov.uk) web site. Some tourist information centres also display this information and notices may be displayed at information points and on the relevant area of access land.

### **35. What should I do if I see a misleading notice?**

If you come across a notice you believe is misleading, like a "no access sign" on access land or out of date restrictions notice then you should report it to your local access authority. If they take no action then the matter should be reported to Local Access Forums. For any more help or advice on trying to sort out problems on access land please contact the Walking Environment team at [walking.environment@ramblers.org.uk](mailto:walking.environment@ramblers.org.uk).

### **36. What if there is no way onto the access land?**

Access authorities have powers to provide means of access to access land, ideally in consultation with the landowner but by order if necessary. If you find there is no way of getting to the access land, then please report it along the same lines as a misleading notice.

### **27. What is dedicated access land?**

Under the CROW Act landowners can dedicate land as access land so adding it to the other mapped areas of open countryside. So far the largest landowner to do this is the Forestry Commission which has dedicated all their free hold land. For more information see Dedication of access land.

## **Rights of Way: a guide to law and practice**

In addition to this, the Ramblers and the Open Spaces publish *Rights of Way: A Guide to Law and Practice* (commonly referred to as the Blue Book) (6). This is widely acknowledged as the key text book on rights of way law. Each Ramblers Area and Group in England and Wales was issued with a copy when the fourth edition was published in 2007. The book is usually in the custody of the Area or Group Footpath Secretary but some Areas and Groups have purchased additional copies. All rights of way volunteers should have a copy of, or easy access to, the book. These notes have been cross-referenced to pages in the fourth edition of the book thus [Blue Book, pages 9–10]. A special website ([www.ramblers.co.uk/rightsofwaybook](http://www.ramblers.co.uk/rightsofwaybook)) complements the latest edition of the book. It provides links to documents and judgments mentioned in the book, as well as updates on changes in the law and other matters.

## 5. The management of rights of way

As we saw in section 4, rights of way are afforded a great deal of protection in law. The law of highways has been developed over many hundreds of years. It is a combination of common law (defined by judgments in court cases) and statute law set out in Acts of Parliament. Throughout its history the Ramblers has successfully lobbied MPs and members of House of Lords to achieve changes to the law which have improved the walking environment. Major campaigns to achieve such changes are usually run by staff at central office, but from time-to-time we may ask for your help, e.g. by providing us with information about the situation on the ground in respect of a particular type of problem, or by getting you to write to/e-mail your MP/AM or an interested member of the House of Lords in support of our campaigns.

Making good friends with an MP can have unexpected benefits as well. Ramblers in Lincolnshire took their MP, Edward Leigh, on a walk to show him how badly paths were obstructed by ploughing and cropping activities. Mr Leigh was so concerned by what he saw on that walk that when he had the opportunity to bring forward a Private Member's Bill in Parliament he contacted us to find out if it could be used to improve the law on ploughing and cropping of paths. The result was the Rights of Way Act 1990 which considerably strengthened the law in that respect.

### Things you need to find out

The name and constituency address of your MP (and in Wales your Assembly Member (AM) as well) and his or her listed interests (and, if different, the details of the MP/AM of the area in which you are doing your rights of way work). Don't be put off if they haven't listed walking and the great outdoors amongst their interests; they may be interested in health, transport or social inclusion issues and walking and rights of way are relevant to those agendas. Your local MP/AM has been elected to serve you and is dependent on your vote to get re-elected and so will be anxious to win and retain your continued support.

### 5.1 English government involvement (Blue Book pages 304–305)

#### Defra (Department of the Environment, Food and Rural Affairs)

This is the central government department which has responsibility for the legislative and policy framework within which the rights of way network operates and is protected. Defra's Sponsorship, Landscape and Recreation Division, based in Bristol, is responsible for, amongst other matters, the sponsorship of Natural England, policy on landscape protection, national parks, areas of outstanding natural beauty (AONBs) and other protected areas, access to open country and the coast, common land, countryside recreation, and rights of way policy and legislation.

Other divisions of Defra also have some interest in rights of way and countryside issues, e.g. the Environment Group of the Department is based in London and has sections dealing with conservation and woodlands policy, land use planning, conservation management, environmentally sensitive areas, countryside stewardship, land use and the rural economy.

#### DfT (Department for Transport)

DfT is responsible for railways, aviation, shipping and ports, roads, regional and local transport, road safety, and driver and vehicle operational matters. Both cycling and walking as forms of transport fall within its remit.

#### DCLG (Department for Communities and Local Government)

DCLG sets policy on local government, housing, urban regeneration, planning, and fire and rescue. It has responsibility for all race equality, and community-cohesion related issues in England and for building regulations, fire safety, and some housing issues in England and Wales.

**PINS (The Planning Inspectorate)**

The Planning Inspectorate is an Executive Agency of the Department of Communities and Local Government, but it also provides services to the Secretary of State for Transport, the Secretary of State for the Environment, Food and Rural Affairs, and the Welsh Assembly Government (see below) on appeals and other casework under planning, housing, environment, highways and allied legislation. The Inspectorate is based in Bristol and Cardiff and its rights of way sections deal with all public path and definitive map modification orders which are submitted to the Secretary of State/Welsh Assembly Government for determination. PINS also deals with representations and appeals under Schedule 14 to WLCA 1981.

**Natural England**

Natural England is a public body, funded by central government through Defra. It was established in 2006 as a result of the merger of English Nature, the landscape, recreation and access elements of the Countryside Agency, and the land management functions of the Rural Development Service. Its purpose is to conserve and enhance and manage the natural environment for the benefit of current and future generations. It is the government’s statutory adviser on these matters. Recreation and access issues, including national trails, rights of way and cycling are dealt with by the Health and Recreation Policy Team in Cheltenham. There are nine regional offices which carry out Natural England’s work around the country.

**5.2 Welsh government involvement (Blue Book page 304)**

The Government of Wales Act 1998 gave devolved powers and responsibilities to the National Assembly for Wales, and the Government of Wales Act 2006 granted further powers, including making primary legislation on devolved matters. The National Assembly has 60 elected members: 40 constituency and 20 regional members. Assembly Members (AMs) are elected by and are responsible to voters in Wales. Wales remains part of the UK, and, so, constituencies have MPs with seats in Westminster and AMs with seats in the National Assembly. The First Minister and his/her Ministers make up the Cabinet which holds executive power. These together with civil servants in the policy divisions form the Welsh Government (WG). The Welsh Government is based in Cardiff. In Wales, the National Assembly for Wales (NAW) acts in place of the Secretaries of State in England.

There are a number of departments and divisions covering areas relating to Ramblers work. The Department of Environment and Sustainable Development deals with planning, environmental and countryside policy/issues, including access to the countryside and rights of way policy, implementation of the Countryside and Rights of Way Act 2000, and sponsorship of the Countryside Council for Wales and national parks in Wales. There is a deputy Minister with responsibility for agriculture, food, fisheries and European programmes.

The Housing, Regeneration and Heritage Department has responsibility for serving and protecting the historic environment of Wales and promotion of heritage-led regeneration; promoting access to, and community engagement with, Welsh heritage and the historic environment.

The Local Government and Communities Department has responsibility for transport policy including walking and cycling.

The Planning Inspectorate operates as an Executive Agency in Wales, serving the Welsh Assembly Government. Its rights of way section deals with all public path and definitive map orders which are submitted to the National Assembly for Wales for determination.

### **CCW (The Countryside Council for Wales)**

The Countryside Council for Wales (CCW) is the Welsh Government's statutory advisor on countryside matters in Wales and administers Glastir, the Wales-wide agri-environment scheme (which is set to replace Tir Gofal in 2012), on their behalf. It also advises on wildlife and maritime conservation matters. Through partners it promotes the protection of landscape, opportunities for enjoyment, and the support of those who live and work in, and manage, the countryside. It is based in Bangor and has 13 offices across the country. CCW is accountable to the Minister for the Environment and Sustainability.

## **5.3 Local government in England and Wales [Blue Book, pages 297–303]**

### Country councils and unitary authorities

Duties regarding the protection and maintenance of rights of way, which are highways in law, and the keeping of definitive maps (the legal record of public rights of way) have been assigned by Parliament, through various Acts, to those councils which have been designated as 'highway authorities' and 'surveying authorities'. County councils, London boroughs and unitary authorities (which include the metropolitan district councils) are both highway and surveying authorities. In most cases, rights of way volunteers will be dealing with these councils.

### District councils

Rights of way workers may also have to deal with non-metropolitan district councils. This is because:

- under section 42 of the Highways Act 1980 they have the right to take over from county councils the maintenance of footpaths and bridleways;
- by agreement under section 101 of the Local Government Act 1972 any function of a county council can be exercised on its behalf by a district council (although such an agreement does not relieve a county council of its duties);
- by virtue of section 130(2) of the Highways Act 1980 any council may assert and protect the rights of the public to the use and enjoyment of highways and this power is sometimes exercised by district councils and requires no agreement;
- non-metropolitan district councils have the same powers as county councils to make public path orders under the Highways Act 1980 sections 26, 118 and 119 and, as local planning authorities, will make most orders needed to enable development to take place using the provisions of the Town and Country Planning Act 1990 s 257.

(Note that there are no district councils in Wales as all local authorities are unitary authorities.)

### **National parks**

All national parks are run by independent national park authorities (NPAs). NPAs have the same powers as non-metropolitan district councils to make orders under the Highways Act 1980, and as local planning authorities, they will make orders under the Town and Country Planning Act 1990 section 257. They may also act as agents for the highway/surveying authorities which cover the national park. They also have the power to make traffic regulation orders on certain roads within national parks (ways shown on the definitive map and unsurfaced carriageways).

Rights of way workers need to establish what, if any, work on behalf of the highway/surveying authority is carried out by district councils or NPAs in their territories. If rights of way work is not being carried out properly under such arrangements then the failings need to be reported to the highway/surveying authority, and may need to be made the subject of a campaign.

There are now two organisations representing those local government officers who are professionally involved in rights of way matters. The Institute of Public Rights of Way and Access Management (IPROW) is the professional body for public rights of way officers. It provides training and support for its members and is, increasingly, making its voice heard on rights of way issues. Together with Natural England and ADEPT (the Association of Directors

of Environment, Economy, Planning and Transport), it has produced a *Good Practice Guide* covering many aspects of rights of way work from the point of view of local authority officers. This is essentially a 'work in progress' and it is available electronically at [http://www.iprow.co.uk/gpg/index.php/Main\\_Page](http://www.iprow.co.uk/gpg/index.php/Main_Page). ADEPT has a special interest group, the National Countryside Working Group, which brings together senior local authority staff with an interest in countryside and rights of way matters.

### **Parish, community and town councils**

Parish, community and town councils (local councils) have no duties in respect of public rights of way, but they do have certain rights and powers which enable them to improve the state of their rights of way if they so desire. The Ramblers actively encourages local councils to take an interest in rights of way and has produced a special leaflet on the subject for councillors (7). Some local councils choose to affiliate to the Ramblers to learn more about rights of way and the work of the Ramblers, and can be powerful allies.

### Decision making in local government

The Local Government Act 2000 introduced new political structures into local government in England and Wales. Although the full council remains the central decision-making body, there are three options available for the executive structure of each council. These are (i) a directly elected mayor with a cabinet; (ii) a leader and cabinet; or (iii) a mayor and council manager. Each council must have at least one overview and scrutiny committee. These committees are made up of councillors who are not members of the executive/cabinet, and reflect the political balance of the authority. 'Scrutiny' in this context takes in a varied range of activities. These are—

- Reviewing and developing the council's policies.
- Making policy and budget proposals to the council.
- Reviewing proposed executive decisions.
- Calling-in or reviewing decisions before they are implemented.
- Performance monitoring and review.
- Scrutiny of other local organisations, including health services.

In most councils the executives will have replaced the old system of decision-making by sub-committee, although committees which reflect the political membership of the council continue for what are called quasi-judicial decisions, e.g. on planning and licensing matters, and may well deal with decisions on the making of public path and definitive map modification orders. It is important that Ramblers volunteers find out how their councils are organised so that decision-makers, and those who are scrutinising the decision-makers, can be identified. Each council must publish its constitution and these can usually be found on council websites.

### Access to local authority meetings and information

The public's rights of access to meetings of local authorities and to the information given to members of local authorities are set out in section 100A to 100H of the Local Government Act 1972, added by the Local Government (Access to Information) Act 1985. In particular, the agenda and reports for full council and for council committee and subcommittee meetings must be available to the public, except where they refer to business from which the public is likely to be excluded. (This will usually only apply when matters of a sensitive financial or confidential nature are under consideration.) A list of background papers for each report, and copies of those papers, must be available for six years from the meeting. In addition, you should be able to see the council's standing orders governing access to information and any code of practice concerning the right of the public to see (and copy) internal council documents [Blue Book, pages 321–323].

Members of the public may be allowed to address the council on an agenda item by prior agreement with the support officer (committee clerk). The time allowed is usually two or three

minutes, at the discretion of the chairman. Note that this may depend on the standing orders of the council in question.

The Freedom of Information Act 2000 applies to all public authorities in England and Wales and makes provision for the disclosure of information which they hold. Since January 2005 anyone has had a right to any information held by a public authority unless an exemption under the Act applies. Requests for information will have to be dealt with within 20 working days. See <http://www.ramblers.org.uk/campaigns/foi-act.html> [Blue Book, pages 323–324].

## 5.4 Local access forums

The Countryside and Rights of Way Act 2000 introduced a new requirement for highway authorities in England and Wales to set up local access forums (LAFs), though for London Boroughs this is optional, and the Secretary of State or National Assembly for Wales has the power to exempt certain areas from having one. The main purpose of the forums is to advise on the following:

- a) draft maps of open country;
- b) long term restrictions on access land;
- c) appointing wardens;
- d) creation of byelaws;
- e) rights of way improvement plans.\*

(\* Under sections 60–62 of the 2000 Act, highway authorities have a new duty to prepare and publish a rights of way improvement plan. The plan must include an assessment of the local rights of way network and a statement of action for managing and improving it. In assessing the network, highway authorities are required to consider the (a) the extent to which local rights of way meet the present and likely future needs of the public; (b) the opportunities provided by local rights of way for exercise and other forms of open-air recreation; (c) the accessibility of the local rights of way network to blind or partially sighted persons or others with mobility problems; (d) such other matters as may be prescribed by the Secretary of State/NAW. Every highway authority in England and Wales was required to produce a plan by November 2007. Many have done so and the plan should guide the way in which the authority carries out its rights of way work).

The highway authority must take the views of the forum into account when dealing with these matters.

When giving advice, LAFs are required to take into consideration the needs of land management; conserving natural beauty; and guidance from DEFRA and NAW. LAF membership should include representatives of users of local rights of way or access land; owners and occupiers of access land or land over which local rights of way exist; and any other interests especially relevant to the authority's area.

Before preparing or reviewing a rights of way improvement plan or making their assessment of the state of the network, highway authorities must consult any local access forum established for their area or part of it. So LAFs must be involved with the plans at the earliest stage. They are expected to comment on opportunities for access to open countryside, including new linear routes, and to assist highway authorities in setting their priorities for improvements.

Rights of way volunteers can feed into this process by finding out whether any local Ramblers members have a place on the LAF, and making contact with them. You can also help by attending forum meetings. LAF meetings are open to the public, and by attending you can show support for the work of the forum and keep up to date with proceedings. By keeping track of recommendations made by the forum, you can help lobby the authority to spend more money: for example, on the implementation of improvements, signposting, creation of new

links and wardening of access land. More information on LAFs and how you can help is available in the RA's Local Access Forum Guidance (8).

<b>Things you need to find out</b>
Local government arrangements in your Area (county plus district, or unitary) Details of your own ward or division member(s)
<b>Find out from your Area</b>
Details of the council department which deals with rights of way, and the names of the officers  Information on any other council members with an interest in walking and related issues, and the cabinet member or portfolio holder with responsibility for rights of way  Details of local RA members who have a place on the LAF  Times, dates and locations of LAF meetings
<b>Things you need to obtain</b>
A copy of your local Rights of Way Improvement Plan

## 6. Some key Ramblers policies

As explained in section 3.2, Ramblers policy is directed by the motions put forward, debated and voted upon by the delegates who attend General Council. Over the years there have been hundreds of motions which have shaped the organisation and its aspirations.

Our policies tell us how we should go about furthering our charitable objects and help to ensure that the Ramblers' position is presented in a coherent and unified way across the country.

Set out below are some of the key motions, and hence policies, on rights of way. Staff will be happy to discuss these with you and to explain the rationale behind them. (Note that the Executive Committee or EC is the old name for the Board of Trustees.)

### Changes to the network

#### **Path closures and diversions (1984)**

This Council affirms that it is the policy of the Ramblers:

- (a) To oppose a proposal to extinguish a public path by means of a public path extinguishment order under section 118 of the Highways Act 1980 unless there is clearly no public need for the path, either now or in the future;
- (b) To oppose a proposal to divert a public path by means of a public path diversion order under section 119 of the Highways Act 1980, unless the alternative path to be provided either positively improves the route or offers an alignment which is only marginally less satisfactory to users.

#### **Highways Act 1980 section 26(1) (1993)**

That this Council urges all local authorities in England and Wales to make use of their powers to create rights of way under section 26(1) of the Highways Act 1980.

#### **Path rationalisation (1983)**

This Council, noting that schemes for reorganisation of the rights of way network have:

- (a) involved the Association's voluntary workers in the expenditure of much time;
- (b) involved the expenditure of considerable sums of public money at a time when highway authorities are failing, allegedly through shortage of resources, to carry out their statutory duties in respect of the maintenance and protection of public rights of way; and
- (c) failed, either at all or in proportion to the expenditure of time and money involved, to produce benefits for those who walk in the countryside,

instructs Areas to resist the pursuit of any such schemes by their respective highway authorities, to press instead for compliance by those authorities with their statutory duties, and to seek assistance from the National Executive Committee where necessary.

#### **Notices on site of diverted rights of way (1988)**

This Council suggests to highway authorities that they should put some permanent notice where rights of way have been diverted or closed. The notice should give information about the direction and distance in which the path can now be found, if diverted.

It also seeks legislation to require such notices to be in position for a minimum of 5 years after the Ordnance Survey has published maps at 1:25,000 and 1:50,000 scale showing the effect of

the change and for the relevant Acts—Highways Act, Town and Country Planning Act, etc—to make it a condition that where a path is re-routed it is permanently signed and waymarked.

### **Unofficial Rights of Way Diversions (1992)**

This Council deplores the practice of councils which promote or condone unofficial rights of way diversions thereby undermining the credibility and authority of the definitive maps. We also deplore the increasing use by highway authorities of Countryside Commission grant-aid to finance these diversions, giving them a credibility which may become permanent at the expense of nearby legal rights of way. Council calls upon H M Government to issue a directive to highway authorities, reminding them of their legal responsibilities to protect definitive rights of way and resist illegal diversions.

#### Problems on rights of way

### **Ploughing of Paths (1983)**

That this Council of the Ramblers deplores the failure of almost all highway authorities to carry out their statutory duties in making sure that field edge paths are left unploughed and that paths across fields are reinstated after statutory ploughing. This Council calls upon its Area and Group organisations to oppose diversions to field edges where their local highway authority does not carry out the above statutory obligations.

### **Reinstatement of ploughed paths (1998)**

That this Council resolves that making a tractor line across a ploughed field is not sufficient to define the correct routes of a public right of way.

- (a) It does not differentiate the public path set of tracks from other tractor lines in the same field.
- (b) In wet conditions it is impossible to walk in tractor ruts which in any case are not the correct width for a cross-field path.

### **Defining line/width of rights of way (2003)**

This Council calls upon highway authorities, when drafting policy documents, to state that tractor lines alone across arable fields are not adequate to define the line or width of any public right of way.

#### Access to the rights of way network by the less-able

### **Step-stiles (1993)**

This council calls on Areas and Groups to urge local authorities and landowners to replace the conventional step-stiles, which form a barrier to many walkers in the countryside, when they become due for replacement, by devices which would render footpaths passable by a much wider section of the public.

### **Access for less-able people to the countryside (1999)**

Council applauds the work of the Countryside Access Group in seeking to establish a strategy for access to the countryside for mobility disabled people, underpinned by disability discrimination legislation. It fully supports the aspirations for access to much of the general network of footpaths and trails by disabled people, noting emphasis on protecting legitimate rights of landowners and avoidance of urbanisation of the countryside.

Council notes the following key objectives of the strategy:

- (a) recognition of increasing use of rugged designs of wheelchairs, scooters and buggies;
- (b) need for removal and/or design of stiles, kissing gates and where possible steps;
- (c) acceptance that path surfaces should be largely left as found.

Council instructs EC to take into account the needs of disabled people in present thinking and future policy.

#### **Promotion of rambling by disabled people (2001)**

The Disabled Drivers Association (DDA) Disabled Ramblers Association Group warmly thanks the Ramblers at national, Area and Group levels for its continuing encouragement and support to Areas and Groups with particular emphasis on the following local actions:

- i) to monitor highway authorities to ensure they adequately fulfill the statutory requirements of the Countryside and Rights of Way Act of making proper provision to enable disabled people to make better use of local paths and trails in their improvement plans;
- ii) to champion representation of disabled people on all local access fora, and to work with such representatives in progressing the cause of better access.

#### **British Standard on Gaps, Gates and Stiles (2002)**

This Council welcomes the publication of the British Standard 5709:2001 Gaps, Gates and Stiles as an important step towards achieving a more accessible path network.

Council resolves that the Association will seek, via Scottish and Welsh Councils, Areas and Groups, to have the principles of the Standard applied to all paths and routes used by walkers—whether or not public rights of way—by the end of 2007.

#### **Improving access for disabled ramblers (2004)**

This meeting welcomes and approves the work of the Disabled Ramblers, seeking to improve access for disabled people using countryside paths and trails.

It notes with approval the need for very high quality access only in highly visited and developed places and also welcomes the more informal approach proposed elsewhere, which recognises the needs to avoid urbanizing the countryside with unsuitable surfaces and treatments.

#### **Inconvenient stiles (2005)**

This General Council believes that at a time when more and more people are enjoying the benefits of rambling until later in life and the Ramblers is actively engaged in encouraging the provision of access to CRoW land, that the Executive Committee should use its best endeavours to persuade the local authorities to adopt a policy of requiring the provision of the least restrictive option, rather than stiles, on rights of way and access land. This policy does not apply to stiles and other path furniture which are heritage landscape features, such as stone squeezer stiles in the Yorkshire Dales.

#### Paths in towns and cities

##### **Paths leading to open space in towns and cities (1991)**

This council calls on members of the Ramblers to contribute to the protection of open space in cities and towns by:

- (a) opposing the diversion, unless of clear public benefit, or closure of paths that provide traffic-free walking routes to open space and ensuring that such routes are kept free of obstruction;
- (b) claiming such paths for addition to the definitive map whenever possible;

- (c) pressing for new paths to improve the accessibility of open space.

### **Urban walking routes (1993)**

This Council welcomes the work of the London Walking Forum in coordinating the provision and protection of urban walking routes, and the promotion of their use; furthermore, it calls upon Areas to promote the formation of similar partnerships between official and voluntary organisations in other urban authorities.

### Other issues

### **Crossings for Public Paths (1992)**

That this Council calls upon the National Executive Committee to press the DOT and all highway authorities to provide safe and convenient crossings for public rights of way, wherever major roads are improved or built, and on existing roads where the speed and density of traffic makes crossing on the level inconvenient or hazardous.

### **Rights of Way Campaign (1992)**

This Council urges areas and groups to:

- (a) press their highway authorities to adopt the government's target of 'the entire rights of way network to be legally defined, properly maintained and well publicised by the end of the century' (at the latest) and in national parks by 1995, and
- (b) work with their highway authorities to that end, ensuring that priority is given to getting definitive paths reopened and updating the definitive map, with no priority given to diversions unless they are clearly in the public interest.

### **Less-used paths (1997)**

This Council calls on Areas, as a fillip to the Free Your Paths campaign, to encourage every Group to organise throughout the year at least some walks on the less-used and poorer-maintained paths in the Group's and Area's territory.

### **Sparsely trodden paths, use of public transport (2005)**

This General Council, with the purpose of combining walking for enjoyment with the Ramblers objective of protecting footpaths, urges Groups to include in their walks programmes as many walks as possible within their own Group boundaries in order to facilitate the use and monitoring of sparsely trodden paths and also encourage the use of public transport.

### **Rights of way improvement plans/local transport plans (2003)**

This Council welcomes the government's proposal that rights of way improvement plans shall be included into local transport plans from 2005 onwards. In order to 'make them as beneficial as possible to the walking public' it urges Ramblers Areas and Groups to familiarise themselves with the joint report by the Institution of Civil Engineers and the Countryside Agency, Rural Routes and Networks, and to use the excellent advice contained therein when contributing to the development of both rights of way improvement plans and local transport plans.

### **Natural Environment & Rural Communities Act 2006 (2008)**

This General Council welcomes the implementation of section 72 of the Natural Environment and Rural Communities Act 2006. This gives national park authorities in England and Wales

statutory powers to impose traffic regulation orders on unsealed highways to pre-empt, or prevent further damage being cause by mechanically propelled vehicles (MPVs).

Council therefore calls on:

- a) National park authorities to make use of their new powers to close to recreational MPVs all unsealed highways in national parks.
- b) RA Areas, where necessary, to launch campaigns to achieve this aim: and
- c) The Board of Trustees, in national parks covered by more than one Area, to assist the Areas in such campaigns.

## 7. SOURCES OF INFORMATION

Staff can provide you with a copy of any of these publications except *Rights of way: a guide to law and practice*. Your Area or Group should be able to provide you with a copy of this.

1. Memorandum and Articles of Association of the Ramblers' Association\*  
(Under paragraph 3.1 (a) of the M & A, the first charitable object of the Ramblers is to promote, encourage or assist in the 'the provision and protection of footpaths and other ways over which the public have a right of way or access on foot, including the prevention of obstruction of public rights of way')
2. Ramblers Public Rights of Way Strategy for England and Wales (2006)
3. *Fresh air, Firm ground*. The Ramblers Strategy 2008-2013
4. *Footpath Worker* (a specialist bulletin produced by the Ramblers for those involved in rights of way work)
5. *Walking Environment News* (a newsletter for all Ramblers volunteers involved in walking environment work)
6. *Rights of Way: a guide to law and practice*. 4th edition 2007. John Riddall and John Trevelyan. Ramblers and Open Spaces Society
7. Paths for People (Ramblers leaflet for parish, town and community councilors)
8. Local Access Forum Guidance

Useful websites:

Blue Book extra	<a href="http://www.ramblers.co.uk/rightsofwaybook">www.ramblers.co.uk/rightsofwaybook</a>
Countryside Council for Wales	<a href="http://www.ccw.org.uk">www.ccw.org.uk</a>
County Surveyors Society	<a href="http://www.cssnet.org.uk">www.cssnet.org.uk</a>
Department of Communities and Local Government	<a href="http://www.communities.gov.uk">www.communities.gov.uk</a>
Department of the Environment, Food and Rural Affairs	<a href="http://www.defra.gov.uk">www.defra.gov.uk</a>
Department for Transport	<a href="http://www.dft.gov.uk">www.dft.gov.uk</a>
IPROW	<a href="http://www.iprow.co.uk">www.iprow.co.uk</a>
Natural England	<a href="http://www.naturalengland.org.uk">www.naturalengland.org.uk</a>
Planning Inspectorate	<a href="http://www.planning-inspectorate.org.uk">www.planning-inspectorate.org.uk</a>
Ramblers	<a href="http://www.ramblers.org.uk">www.ramblers.org.uk</a>
Welsh Government	<a href="http://www.wales.gov.uk">www.wales.gov.uk</a>

[\* Note that Ramblers' Association is our registered name but that we are known as the Ramblers.]

## 8. Abbreviations and Acts of Parliament commonly encountered in rights of way work

ADEPT	The Association of Directors of Environment, Economy, Planning and Transport
BOAT	Byway open to all traffic
BTCV	British Trust for Conservation Volunteers
CCW	Countryside Council for Wales
CLA	Country Land and Business Association
CPRE	Campaign to Protect Rural England
CPRW	Campaign for the Protection of Rural Wales
CSS	County Surveyors Society
DCLG	Department for Communities and Local Government
Defra	Department of the Environment, Food and Rural Affairs
DfT	Department for Transport
FW	<i>Footpath Worker</i> (the RA's technical bulletin for footpath workers)
FUW	Farmers Union of Wales
IPROW	Institute of Public Rights of Way Management
LTPs	Local Transport Plans
NAW	National Assembly for Wales
NFU	National Farmers Union
NPAs	national park authorities
ORPAs	Other routes with public access
OS	Ordnance Survey
PINS	Planning Inspectorate
POR	path order recipient—a person nominated by their RA area to receive path orders and other information from RA central office
RB	Restricted byway
ROWIPs	Rights of way improvement plans
RUPP	road used as a public path (now obsolete)
SUSTRANS	Sustainable Transport (a charity which designs and builds routes for cyclists and walkers, in particular the National Cycle Network)
WG	Welsh Government

### Most important Acts of Parliament

HA 1980	Highways Act 1980
WLCA 1981	Wildlife and Countryside Act 1981
TCPA 1990	Town and Country Planning Act 1990
CRWA 2000	Countryside and Rights of Way Act 2000
NERCA 2006	Natural Environment and Rural Communities Act 2006

### Other Acts which are mentioned

Contempt of Court Act 1981
Copyright, Designs and Patents Act 1988
Countryside Act 1968
Cycle Tracks Act 1984
Disability Discrimination Act 1995
Disability Discrimination Act 2005
Environment Act 1995
Environmental Protection Act 1990
Equality Act 2010
Freedom of Information Act 2000

Interpretation Act 1978  
Local Government (Access to Information) Act 1985  
Local Government Act 1972

Local Government Act 2000  
Local Government and Housing Act 1989  
National Parks and Access to the Countryside Act 1949  
Public Health Act 1936  
Rights of Way Act 1990  
Road Traffic (Temporary Restrictions) Act 1991  
Road Traffic Regulation (Special Events) Act 1994  
Road Traffic Regulation Act 1984  
Transport and Works Act 1992

Acts since 1988 and most Statutory Instruments since 1987 are available on the website of the Office for Public Sector Information at:

<http://www.opsi.gov.uk/acts.htm>

In addition, the Statute Law Database is the official revised version of the statute book for the UK in electronic form, although it is not wholly up to date. The statute book is a term used to mean all the primary legislation of a public general nature in force at any particular time. This can be visited at: <http://www.statutelaw.gov.uk/Home.aspx>