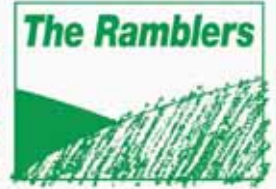


Working for Walkers

THE CHARITY
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Gating Orders - a step in the wrong direction

On the 14th November the inaugural meeting of the *Unlocking Neighbourhood Paths* campaign took place at RA Central Office in London. The campaign brings together a coalition of charities all concerned with the use of Gating Orders to prevent public access to rights of way. Coalition members include: CTC, Living Streets, OSS and the National Federation for the Blind, with the Ramblers' Association as the lead organisation.

The campaign aims to prevent the use of gating orders on paths that form through-routes for pedestrians to local amenities and community facilities. At present only objections from the Police,



Fire and Rescue Service, local NHS trust or another local authority through whose area the path in question runs would generate a public inquiry. This is at odds with almost all other legislation governing rights of way, whereby objections from the public would also trigger a public inquiry.

The campaign is seeking the tightening of regulations so that public objections would be heard before an independent arbitrator. This step would give the public more confidence that gating orders were being confirmed only in areas where there was a real need for them to be used.

Reports from RA footpath workers indicate widespread and enthusiastic use of gating orders by local authorities to close routes, on the grounds of preventing crime and anti-social behaviour but which are nonetheless of value to the walking public.

The RA is presently asking a High Court judge to review a gating order made by Coventry City Council on the grounds that there was insufficient evidence that use of the way was facilitating the persistent commission of criminal offences and anti-social behaviour. However, going to the High Court is not

a method that can be regularly employed to try to prevent the making of such orders.

We are very sympathetic to local residents' legitimate concerns about security and public safety. Unfortunately, closing paths that are frequently used by responsible people is not the answer. The RA feels that local authorities should concentrate on providing safe, clean and well lit routes for pedestrians rather than seeking to close them – and it seems a large majority of the public agrees with us.

In an ICM opinion poll commissioned by the RA, 81% of respondents believed that Local Authorities should do more to keep alleyways clean, lit and safe to tackle antisocial behaviour. Like the RA, the public believe the law-abiding majority should not be penalised for the acts of a small minority.

Lost and found in Cambridgeshire

A specialist team of map and countryside experts has found and restored the first lost footpath in Cambridgeshire as part of the Discovering Lost Ways Project.

The historic route at Southoe near St Neots was found set out on the Southoe Inclosure Award of 1799, as the public path to Great Staughton. Now 18 months later, since its rediscovery, it is an official footpath shown on the Definitive Map and being used by local people.

The original path at Southoe crossed an arable field, and officers from the Countryside Access Team worked in partnership with the landowners and Oxford University to arrange for the path to be moved legally to the edge of the field.

This new footpath, with an additional link, allows either a long or shorter circular walk around Southoe village. The new route also links to an existing bridleway providing access to Great Staughton and wonderful views of the Ouse Valley.

Alysoun Hodges, Senior Map Development Officer for Cambridgeshire County Council, said: "We are so pleased at being able to register the first lost route and this success is largely due to the landowners' cooperation and support in working with the team to create a route that meets everyone's needs. I'd like to thank them and we hope to be able to continue to be proactive and work positively with others to restore more of these historic routes to the network for the enjoyment of the public." In this instance the local Ramblers' Association agreed to the diversion because they considered that the alternative line was a good route for the walking public.



Officers have been conducting research into Parish Inclosure Awards as well as other archive material in a bid to return the lost routes to the legal map and provide new paths to improve the 3,000km of public rights of way network in the county.

This approach, of working with landowners to ensure that a 'discovered' route meets the needs of all concerned is very much that being advocated by Natural England (NE), but it is a significant change from the original purpose of the Discovering Lost Ways project which was simply to record as many lost ways as possible before the 2026 cut-off date. We await with some trepidation the outcome of the latest review of the project currently being undertaken by NE.

Gaps, gates and stiles - new guidance note makes British Standard more accessible

The British Standard for Gaps, Gates and Stiles (BS5709: 2006) (ISBN 0580 48107 7) is available from libraries, bookshops and BSi British Standards, 389 Chiswick High road, London, W4 4AL (www.bsi-global.com). Unfortunately, the purchase price to non-BSI members is £118 (£59 to members) and so is well beyond the reach of most voluntary groups involved in practical rights of way work, and is an expensive purchase for many local authorities.

Fortunately, Pittecroft (a registered charity) and Tom Bindoff have produced an explanatory note on the standard, setting out eight 'rules' applicable to all compliant structures. A PDF version, which may be updated from time-to-time, is available at www.pittecrofttrust.org.uk.

Judge gives BMW easy route to path closure

The Ramblers' Association, along with the BHS, CPRE and various local residents, recently appeared at Witney Magistrates Court in Oxford to object to the proposed section 116 closure of an ancient Roman Road. The court appearance was the culmination of an 18 month campaign by the RA to prevent BMW from extinguishing the 2000 year old bridleway running through the grounds of its plant.

The bridleway, linking the population of the Blackbird Leys estate with surrounding countryside and the village of Horspath, was used by up to 400 BMW workers, walkers and cyclists a day.

BMW had first applied to the County Council to extinguish the path in May 2006, claiming it to be unnecessary on the grounds that they were willing to fund an alternative path - the proposed alternative being next to the heavily congested Oxford ring road. The RA were opposed to the plans on the basis that the path endangered the health, safety and wellbeing of pedestrians.

Unfortunately, after 8 days of proceedings the District Judge decided to find in favour of BMW and allow the closure of the path. He also ordered the objectors to pay the County Council's costs.

The RA has long been of the view that section 116 of the Highways Act should not be used to close or divert footpaths and bridleways. The involvement of magistrates courts in decisions on changes to the rights of way network is an historical anachronism that should be removed from the statute book. The procedure has numerous defects: not least that the prospect of appearing in court is a deterrent to potential witnesses and the prospect of facing costs is a major deterrent to most members of the public. This last point has been only too well illustrated in this instance.

We'd like to know your views on the use of section 116 to close public rights of way. If you would like to make a comment on this or any other area of the RA's work, please contact us at:



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