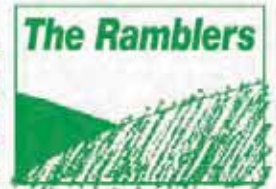


Working for Walkers

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Godmanchester and Drain ruling in the House of Lords

In May 2007 the Ramblers' Association (RA) took its first ever case to the House of Lords. The RA brought the case because interpretation of the law since the late 1990s had been making it unfairly easy for landowners to stop paths being recognised as public rights of way.



RA staff celebrate victory outside the House of Lords

The law was always understood to be that if the general public used a path freely for twenty years or more then a public right of way was created. The exception to this was when a landowner put up a sign saying 'no right of way', or locked gates or ordered the public off the footpath. Through these actions, which made his intention clear to the public, the route remained private.

But in 1999 the High Court ruled that a landowner could, even after 20 years of uncontested public use, defeat a claim that a right of way had come into existence by producing evidence of virtually any sort of which the public were totally unaware - for example, letters to his solicitor, directions to staff to keep people off the path and so on. Indeed, a mere retrospective assertion by a landowner that he never intended a path to become public seemed sufficient to defeat a claim.

Walkers and other path users across the country are now celebrating the dramatic overturning of this adverse precedent by the Law Lords. The House of Lords' judgment on what has become known as the 'Dorset' case (more properly known as the Godmanchester and Drain cases) was handed down on 20 June 2007 in the magnificent setting of the Chamber of the House of Lords and to everyone's delight all five judges - Lord Hoffman, Lord Hope, Lord Scott, Baroness Hale and Lord Neuberger found conclusively in the RA's favour.

This is a landmark ruling which means that, in future, actions to stop paths being recognised as public rights of way will have to be clear to the public. Their Lordships have thoroughly re-examined the law on how rights of way are established under section 31 of the Highways Act 1980, reverting to Lord Denning's statement of the law which had stood for more than forty years unchallenged.

The judgment can be viewed in full at:
www.publications.parliament.uk/pa/ld200607/ldjudgmt/jd070620/godman-1.htm

Footpaths Team consult on new strategy

The Footpaths Team, based at RA Central Office, have recently produced a draft strategy document mapping out the team's priorities for the next five years.



Local RA volunteers and other interested parties are currently being consulted on this document. The consultation ends on the 3rd September 2007. We hope to have the final approved strategy ready by the end of the year.

If you would like a copy of the draft Strategy please visit: www.ramblers.org.uk/footpaths/path-strategy.html

The Social and Economic Benefits of Public Rights of Way

Published in December 2006 by Cranfield University and Bedfordshire County Council, this Defra-funded project set out to develop a decision tool to help local authorities manage their expenditures on PROW in line with the achievement of desired social and economic outcomes. A review of the current PROW management practices in 40 Authorities revealed that they almost universally measure performance in terms of making PROW available rather than any measure of use or social and economic outcome, even though the need for the latter was widely recognised.

A computer based decision tool called PROWTool was created to represent the relationship between the attributes of PROW, usage by different groups, and the implementation of different PROW management strategies on use. Critically, changes in use by different user groups are linked to the achievement of social and economic outcomes at community level (such as community cohesion, culture and leisure, community health, economic development). By comparing positive outcomes with the costs of management options, PROWTool estimates the cost/effectiveness of alternative management strategies for PROW.



The PROWTool was designed to be easy to understand and apply, to work within available data, and to provide a rational basis for the justification for and prioritisation of PROW expenditure. The PROWTool can help to guide changes to the PROW networks based on the value added, securing additional funding where these can be shown to add significantly to Authorities' target outcomes, such as social inclusion, public health and sustainable transport.

The RA welcomes this research and the establishment of the PROWTool and, whilst we recognise that the tool does need refinement, we appreciate the opportunity it gives highway authorities to think about the social and economic impact of the rights of way network, and its value to the wider community.

For more information see:
www.defra.gov.uk/wildlife-countryside/issues/public/socio-economic-benefits.htm

Rights of way: a guide to law and practice (the 'blue book')

It is with very great pleasure that we announce the publication of the fourth edition of the Ramblers' Association/Open Spaces Society publication *Rights of way: a guide to law and practice*. Known to many as, simply, 'the blue book', *Rights of Way: a guide to law and practice* is the definitive guide to rights-of-way law in England and Wales.



This new edition, published in June 2007, has once again been completely revised and updated by two of the country's leading experts on rights-of-way law, John Riddall and John Trevelyan. It can be purchased online at www.ramblers.org.uk/rightsofwaybook. The book's sole distributor is Cordee Ltd. The price is £29.95 (p&p £5.50 for up to 10 copies).

A new development is the Blue Book Extra (BBE) website: www.ramblers.co.uk/rightsofwaybook

Many of the publications and judgments referred to in the Blue Book are now available on the internet, and the BBE provides links to them. The BBE also provides access to documents created specially to assist readers, and supplementary material will be available for download to keep the book up to date. This will replace the system of paper supplements which we issued throughout the life of the third edition via 'Footpath Worker.'

The Blue Book is an essential work of reference for anyone whose work involves rights of way, and is also a fascinating read for those interested in the historical and contemporary usage of the unique network of public paths in England and Wales.

We'd love to hear any comments or suggestions you have. Simply contact us at:



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