

## local authority duties and powers

Public rights of way and access land are dealt with by local authorities (counties, unitaries, metropolitan districts, London boroughs), in their various roles as highway authority, access authority, or surveying authority. Titles aside, these authorities have a number of duties and powers relating to public rights of way and access land. For rights of way, these are contained in a number of Acts of Parliament from 1949 to 2000. On access land, duties and powers of local authorities are contained in the Countryside and Rights of Way (CROW) Act 2000.

### Rights of way

Public rights of way are highways in law. So, local paths have the same statutory protection as 'A' roads. Highway authorities have a duty to assert and protect the public's right to the use and enjoyment of any highway for which they are the highway authority. This means that they must prevent the obstruction of public rights of way. Highway authorities must also signpost paths where they leave a surfaced road, and keep the definitive map (legal record of paths) up to date.

Highway authorities have wide-ranging powers to improve rights of way, such as waymarking, the line of a path and improving drainage. Authorities also have the power to create new rights of way. Following the enactment of the CROW Act 2000, highway authorities have a duty to produce a 'Rights of Way Improvement Plan'. This must assess the extent to which the local rights of way network meets the needs of the local community, including the less-able, and must include an action plan to take forward its findings.

### Open access land

The CROW Act 2000 created a new legal right of access on foot to many areas of open, uncultivated countryside. This means walkers have a legal right to explore away from paths on approximately one million hectares of mountain, moor, heath, down, and common land in England. For more information see [www.defra.gov.uk/wildlife-countryside/cl/accessopen/index.htm](http://www.defra.gov.uk/wildlife-countryside/cl/accessopen/index.htm).

Access authorities have new powers under CROW, which enable them to undertake practical management of access land, and set up the infrastructure to make the new access land available to walkers. They include the power to make byelaws, appoint wardens, erect and maintain notices and improve means of access to access land. For more information see [www.defra.gov.uk/wildlife-countryside/cl/delmap.pdf](http://www.defra.gov.uk/wildlife-countryside/cl/delmap.pdf).

## help for local authorities

The following help is available to local authorities to improve and promote countryside access:

### Volunteer assistance

The Ramblers' Association, along with other user groups, has a number of practical work teams who help local authorities to maintain and improve rights of way. Local RA groups also assist with path survey work and by reporting problems on the network.

### Ramblers' Association publications

'Rights of Way – A Guide to Law and Practice' is the indispensable definitive guide to rights of way matters. The third edition is available from the RA, priced £20 (plus £5 p&p). A new edition is currently in production, for publication in 2007.

'Footpath worker' is a periodical, containing news and articles for those with an interest in rights of way. It's available on a subscription basis from the RA, priced £12 for a volume of four issues.

Factsheets and leaflets: The Ramblers' Association has a large selection of factsheets and leaflets on rights of way and access. See [www.ramblers.org.uk/info](http://www.ramblers.org.uk/info) for more information.

### Natural England

This Agency is the statutory body with responsibility for promoting outdoor access (among many other tasks). Staff there are available to assist councils with issues such as definitive maps, local access forums, and improvement plans. See [www.naturalengland.gov.uk](http://www.naturalengland.gov.uk)

### Access Management Grant Scheme

This grant scheme provides a means of support for access authorities in making use of the powers they have been given to manage the introduction of the new legal right of access to areas of open countryside under the CROW Act 2000. For more information and details of how to apply see [www.countryside.gov.uk/Images/AMGS%20revised%20guidance%2005-06\\_tcm2-27744.pdf](http://www.countryside.gov.uk/Images/AMGS%20revised%20guidance%2005-06_tcm2-27744.pdf)

### IPRoW

The Institute of Public Rights of Way Management is the organisation representing professionals in the public rights of way and access fields. See [www.iprow.co.uk](http://www.iprow.co.uk)

### The Good Practice Guide

Designed to promote good practice in local authorities on rights of way work, this can be accessed via the IPRoW website. It is published jointly by IPRoW, Natural England, CSS (formerly the County Surveyors Society), and the LGA.

This leaflet is designed for members of local authorities in England: the people who have decision making powers on outdoor access issues.

### The Ramblers' Association

The Association is a national charity with over 140,000 members. We have been working for walkers for over 70 years.

Please get in touch if you would like any more information on the issues raised in this leaflet, would like to discuss the Ramblers' Association's policies, or would like contact details for your local Ramblers representatives.

We would, of course, be delighted to welcome you as a member of The Ramblers' Association. Please phone 020 7339 8536 and quote reference 'CL5' to take advantage of a 20% discount on our standard membership fees.

Our website, [www.ramblers.org.uk](http://www.ramblers.org.uk), is widely recognized as the leading online resource for walkers. Please visit it and find out more about our work.

### Contact details:

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## outdoor access for walkers

A guide to rights of way and access land for local authority councillors

The Ramblers



Registered charity number 107337

The Ramblers



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THE CHARITY WORKING FOR WALKERS

Design: [www.wave.coop](http://www.wave.coop)

# the value of walking

Walking is the closest thing to perfect exercise, the most sustainable means of transport and Britain's most popular outdoor recreation by far. Promoting walking and providing places for people to walk can help deliver a wide range of benefits for local communities, and meet a wide range of aspirations for local councils.

## Health

Regular physical exercise is vital for physical health; the NHS recommends at least 30 minutes a day of moderate exercise five days a week for adults, one hour every day for children. But currently only 30% of people in England reach this minimum. As a natural form of exercise available to almost everyone, walking is the easiest way to build exercise into today's busy lifestyles.

Exercise is also important for mental well-being. There is emerging evidence that exercising in the outdoors, particularly in the countryside and green spaces, can make a positive contribution to mental health. This will come as no surprise to the many people who go for a walk to relieve stress or to get time to think.

## Wealth

The economic benefits of walking are great, and yet they had not been truly appreciated until the 2001 foot-and-mouth outbreak, when all paths in England were closed and the outcry from the tourist industry and other rural businesses made decision makers take notice. Research carried out for The Ramblers' Association

found that 527 million walking trips are made to the English countryside each year. While making these trips walkers spend £6.14 billion, generating up to £2.8 billion in profit for local businesses and supporting up to a quarter of a million jobs.

## Recreational

Walking is already Britain's most popular outdoor activity, with 77% of the population going for a walk for pleasure at least once a month. With this in mind, any efforts made by local authorities to improve walking opportunities will benefit a majority of local people – whether for walking the dog, taking a gentle stroll or embarking on a day-long hike.

## Sustainable transport

As a mode of transport, walking is free, doesn't cause congestion and doesn't generate polluting emissions. It is still the most important mode for short journeys, and recent studies have found there is much potential for replacing short car trips with walks.

## Social

Walking is a highly sociable activity, even if you're not walking with friends or in a group, you're likely to greet and talk to other walkers. Walking promotes social interaction and helps make our communities friendlier, more coherent and safer places to live. Walking also has an educational value: there is surely no better way to understand and appreciate the environment than by walking in it.



# outdoor access



Encouraging walking begins with providing safe, attractive places where people can walk. In England we are fortunate in having good legal protection for off-road pedestrian access to our countryside and green spaces along rights of way and across wider areas of access land. Councils have the responsibility for protecting and managing this access and can make a real difference by ensuring that paths and access land are open and easily available for all to use.

Our network of historic rights of way is justly celebrated as an invaluable resource for countryside leisure walkers but its role in the transport network is also important. Footpaths often provide direct pedestrian routes to key destinations like schools, shops and places of worship, and in rural areas they can provide vital links between neighbouring communities, yet they are sometimes overlooked in transport projects such as safe routes to school. In urban areas rights of way provide quiet, safe routes away from traffic and often link peaceful green spaces.

This leaflet outlines the role of local authorities in public rights of way and access land in England. This is only part of the story – things like creating more walker-friendly streets, looking after urban green spaces and supporting promotional and marketing projects to encourage people to walk are also important, but we couldn't cover them all in a single leaflet. For more information about the Ramblers' work in these areas please contact us.

# the need for political support and adequate funding

Without political support and adequate funding, outdoor access opportunities become severely limited. In the case of paths a vicious circle develops – paths that are not maintained are not used, leading them to become more obstructed, meaning that fewer and fewer people use them.

Only through a proactive approach to maintenance and improvement, which needs political support and adequate funding, can local authorities ensure that access resources are open and usable for all. Resources such as the path network and access land should be seen as the valuable asset they are, providing enormous public benefits as outlined in this leaflet.

Rights of way and access land are also relatively cheap to provide and maintain. A small increase in council budgets can make an enormous difference to the condition of these resources.

Government funding is available for capital projects on the path network via the Local Transport Plan process. For this reason, Rights of Way Improvement Plan provisions must be included in Local Transport Plans. The relevant staff teams need to work closely together and be aware of the linkages between their areas of work.

As an individual councillor, whether cabinet member or backbencher, your support is vital. In many authorities simply raising the issue of outdoor access and creating a discussion on the contents of this leaflet would be a great start.

Paths and access land are a true community resource, and with your help and determination they can be completely opened up at last, fulfilling their potential for the public.

