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ublic Rights of Way

In England, there are almost 120,000 miles of public rights of way. These fall into four categories: footpaths over which the right of way is on foot only; bridleways which can be used by walkers, riders and cyclists; restricted byways which can be used by all types of traffic except mechanically propelled vehicles; and byways open to all traffic on which all vehicles are permitted but which in practice are mainly used in the same way as footpaths and bridleways.

A Public Right of Way is not, strictly speaking, a path, but a right possessed by the public, to pass along linear routes over land at all times. Although the land may be owned by a private individual, the public may still gain access across that land along a specific route. The mode of transport allowed differs according to what type of public right of way it is. Public rights of way are all highways in law, but the term "public rights of way" is generally used to cover more minor highways.

If a facility manager is responsible for land on which there is a Public Right of Way they need to be familiar with their responsibilities and the potential for conflict with users and between different user groups. Right of Way users are allowed to pass and re-pass as a genuine traveller, and to undertake closely allied activities such as stopping to rest or to look at views.

Wherever there is a right of way on foot there is also a right to have certain accompaniments, such as a pram or pushchair where accessible. They have no right to undertake unrelated activities such as metal-detecting or flying model aircraft and organized events such as races may also not be allowed, or may require permission.

Maintenance responsibilities for public rights of way are generally divided between highway authorities, landowners and occupiers as follows:

- Highway authorities: surfaces (including natural ground vegetation), steps, handrails; some barriers, drains, most bridges and culverts; stepping stones, fords, signposts and waymarks.
- Landowners: stiles and gates (25% of reasonable costs to be contributed by highway authorities for authorised structures).
- Occupiers: restoration after ploughing, control of crops, and repair of damage caused by their vehicles on footpaths and bridleways.
- Landowners or occupiers: control of overhanging vegetation, maintenance of some drains, bridges and culverts.

There is an official definitive map of public rights of way called maintained by each highway authority for its area which provides conclusive legal evidence of the existence of each public right of way that it shows, relating to a specific date. Councils use these maps as a legal reference for searches, maintenance and enforcement of legislation.

The book "Rights of Way - A Guide to Law & Practice" by John Riddall and John Trevelyan is recommended as a guide to the law in England and Wales. The local highway authority may be able to help or to refer issues for specialist advice.