



# WHICH WAY'S THE FUTURE?

With so many competing demands on footpaths in England and Wales and ever-diminishing council budgets, can the rights of way network ever hope to be all things to all people? John Manning investigates the tough choices facing local authorities and the Ramblers' Association alike, and their visions for the future of footpaths.



Images: www.kent.gov.uk, Chris Ord, various Ramblers' groups, Louise Hillier



**W**hat does a good footpath mean to you? Is it a wild country track, offering sumptuous views and a sense of adventure? Is it a historic cross-country trail, with clear waymarks to a fixed destination? Or is it just an urban pavement providing a convenient short cut to the shops or a place to walk your dog?

People's expectations of the rights of way network in England and Wales vary hugely depending on whether they're using it for recreation or function. And among those users there is a vast range of opinion about which footpaths and what aspects of them – their surface, signage, historic value or character – are most important to maintain or protect, according to each individual's needs and tastes.

For local authorities and footpath campaigners at the Ramblers' Association, it makes deciding where to concentrate their resources and which areas of the network they should prioritise extremely difficult. But both parties have recently published new plans outlining their visions for footpaths in England and Wales, which give the clearest indication yet of what those future priorities might be.

### BORN OF NECESSITY

Regarded today as a recreational treasure, our rights of way network has grown organically over centuries, usually out of need. It's an eccentric, nationwide pattern of intestinal trails steeped in heritage: from prehistoric tracks, medieval drove roads and pilgrims' routes to 17th-century packhorse trails and routes that developed during the Industrial Revolution, as rural folk went off to work each day in the new valley-bottom mills.

Our network of footpaths and bridleways was never meant to be enjoyed. It grew as a social and commercial necessity, as important to the nation's prosperity then as motorways and railways are today. Though informal trails have grown in most countries, Britain's are somewhat unique in being legally protected as highways and in users' willingness to campaign to protect their fundamental right to use them.

Since the passing of the National Parks and Access to the Countryside Act in 1949, the task of keeping that network up to scratch has been virtually defined by the Definitive Map – the means by which the

Act obliged local authorities to record all public rights of way. That task was undertaken at the time with varying degrees of enthusiasm and thoroughness.

The Ramblers' rights of way policy coordinator, Janet Davis, explains: "This work was done during the 1950s and 1960s. Parish and town councils and groups such as the Ramblers and the Open Spaces Society all contributed because it was a massive job. Some authorities were better at it than others and that led to a situation in some counties where routes didn't get recorded. The landowner-dominated parish councils were not keen to see particular routes recorded, so they didn't submit that information."

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The process of completing the Definitive Map is on-going and those deliberate-or-otherwise omissions continue to haunt rights of way officers, users and landowners alike.

"It was absolutely wonderful that definitive maps were thought of and exist as a conclusive record of the public rights of way network," says Janet. "But they weren't drawn up perfectly in every instance, which is why we've got so many problems now."

In addition to opening swathes of previously forbidden land in England and Wales, the Countryside and Rights of Way Act (CRoW) 2000 set out to resolve some of the Definitive Map's inherited problems and to instil new approaches for managing access networks.

Two of the processes set up for this were the Discovering Lost Ways project (since abandoned due to its high cost – see p13), and Rights of Way Improvement Plans (RoWIPs). Every authority was obliged to publish a RoWIP by late 2007, just as the Ramblers' Association was finalising its new *Rights of Way Strategy for England and Wales*.

The similarities between the Ramblers strategy and the vision encompassed by the RoWIP criteria suggest that the Ramblers and the Department for Environment, Food and Rural Affairs (Defra) have arrived at similar conclusions for taking access forward.

### A BROADER, MORE HOLISTIC APPROACH

While the Ramblers long-standing goal of seeing all rights of way fully recorded, open and easy to use remains (along with the continuing need for better funding), the view is much broader than many might traditionally assume. There's a greater focus

on urban paths and other linear access routes, as well as promoting walking, health, public transport, climate change, countryside protection and the needs of disabled people.

Similarly, RoWIPs involve more than authorities simply outlining their plans to manage the historical definitive map networks. They oblige them to think outside the box, to evaluate those networks in terms of how well connected they are, how well they serve the public need, where users want to go and how accessible they are to disabled users.

Independent outdoor consultancy The Access Company has conducted a review of progress to date, and Anne Glover, who helped compile the Rights of Way Improvement Plan Evaluation, told **walk**: "The RoWIP process involved looking beyond what's on the Definitive Map by taking a more holistic approach and looking at the rest of the access network – at open, permissive and de facto access, at green space, canals, cycleways and more – because although rights of way officers have traditionally >>



being integrated into local transport plans, RoWIPs are also catering for health initiatives, such as Walking the Way to Health, run jointly by Natural England and the British Heart Foundation. Increasingly, scant resources are likely to be focused on more urban areas, where that greater public benefit can be maximised. Even here, an area not usually associated with the charity, the Ramblers new strategy pledges to step up work to protect urban rights of way and other linear access routes.

As Natural England embarks on a fresh review of how well national trails and other promoted regional routes serve today's variety of users, some in outdoors management are already considering a trail hierarchy, with national trails and promoted routes at the top and unused or dead-end paths down the pecking order.

Others would go further: excise redundant paths, rationalise the network to better suit today's needs and – increasingly – improve access to open space by non-statutory

seen things in terms of the Definitive Map, the public doesn't."

RoWIPs are also changing local authority culture. While Defra provided funds to prepare the plans, it has not financed implementation; those costs have had to be met by other means.

"More forward-looking authorities have realised that the whole point of that Rights of Way Improvement Plan is to try to integrate rights of way into the rest of the authority's work – to stop them being something done by someone sitting in a little corner with a map – and to make them deliver on transport and health aims as well as rights of way," Anne explained. "Giving them separate money to implement it would just put them back in their little corner."

Many have appointed specialist fundraisers, some of whom have, in turn, noted the Department for Transport's commitment to providing better facilities for walking and cycling as part of its sustainable transport initiative and, accordingly, successfully aligned their RoWIPs with Local Transport Plans to secure funding.

"There is money out there – various forms of government funding, lottery money and such – but they've now got to think harder about where it's going to come from," said Anne.

### RATIONALISE OR PRIORITISE?

Local authorities are under pressure to be seen to be delivering the great public benefit from their budgets. As well as

## ACCESS ELSEWHERE

While Britain's extensive footpath network attracts walkers from around the world, its historic background and the incomplete Definitive Map have given rise to confrontation between landowners and users, with rights of way officers often caught in the middle.

"This doesn't happen in other countries," says Alan Ibbotson, president of the Institute of Public Rights of Way Management. "As a race, we're a bit tied up with the issue of rights, whereas other countries are more interested in ways. In terms of evolution we've got a long way to go."

Just how differently do other countries treat their walking communities? Here's just a few examples.



### SCANDINAVIA

Ancient freedoms to roam the sparsely populated Nordic countries are today a fundamental right enshrined in law: *Allemansrätten* in Sweden or *Jokamiehenoikeudet* in



Finland, meaning 'Everyman's Right'. Freedoms differ slightly between nations, but everyone has a basic right to roam on foot, ski, cycle or horse. There are limits in cultivated areas, in sensitive areas, such as nature reserves, and around homes. In various countries the right extends to camping, mushroom gathering, rod-and-line fishing or even boating.

**FURTHER INFO:** [www2.allemansratten.se](http://www2.allemansratten.se)



### USA

Many trails can be hiked freely, but rules vary depending on

whether the land is owned or managed by various government agencies, including the Forest Service, the National Park Service or the Bureau of Land Management. Some areas require hikers to obtain day permits, which might or might not be free. Back-country permits are usually required if you plan to camp in national parks. Private landowners, such as ranchers, often successfully resist even the routing of such famous paths as the 4,345km/2,700-mile Pacific Crest National Scenic Trail across their land.

**FURTHER INFO:** [www.nps.gov](http://www.nps.gov)



Wales Tourist Board Photo Library

means, such as permissive agreements to help deliver targets on health benefits and complement a sustainable transport network.

Ramblers chairman Kate Ashbrook rejects the idea of a path hierarchy, arguing that almost every route is a valuable part of the network. "Prioritisation of paths will lead to loss of paths," she says, "but we should talk to the authorities. We recognise they have a limited budget so we should talk to them about getting agreed priorities."

made 10-year permissive agreements then left them in place. As a permissive route, they've got the option to pull-out if there are real issues."

Anne Glover sees rationalisation as a chance to win improvements to the access network: "Many authorities would like to be able to enter discussions with landowners to create new routes in return for removing others, but don't want the time and the expense of going to a public inquiry. They would like some leadership from someone like Natural England to

Anne Glover believes the resultant network will benefit everybody. "I think in 10 years' time it'll be a much more interesting, connected network – certainly in the more urban and semi-urban areas," she said. "I don't think that will be to the detriment of the rural path network, which will pretty much stay as it is."

Adrian Morris, Ramblers head of footpath campaigns, believes its new strategy will enable the charity to achieve many of its aims.

"The Ramblers principled position is always going to be that, in an ideal world,

**"Our new rights of way strategy looks at what people want from the network. If that means creation of new routes then that's what we'll be pressing for, because to rely solely on the historic network is not the way to go if it's not going to bring the best public benefit."**



One area of agreement may come with an apparent softening within the Ramblers towards the use of permissive agreements, which its new strategy, while emphasising its preference for legally protected rights of way, acknowledges can sometimes deliver benefits where other methods cannot.

National Farmers' Union countryside adviser Andrea Graham said farmers believed a lot more could be made of permissive agreements. "It's a good way forward and often has the same permanence as a statutory right of way because very few farmers, if they're happy and the locals are happy, will pull out," she said. "I know of examples where farmers

address this with the user groups and explain the benefits of allowing them to rationalise the network. It'd be a brave authority who would start rationalisation without this support."

**PUBLIC BENEFIT PRIORITY**

Without a crystal ball, it's difficult to predict how these new holistic attitudes will shape future access in England and Wales, and what benefits they will bring to the walking community. Already, however, it seems talk is shifting from that of a rights of way network to that of an access network that encompasses many ways of enabling all members of the public to enjoy open space.

we would like every right of way to be open and for all dead-end paths to be researched to establish where that path should go," he said. "But our new rights of way strategy looks at what people want from the network. And if that means creation of new routes then that's what we'll be pressing for, because to rely solely on the historic network is not the way to go if it's not going to bring the best public benefit. We need to be receptive to what people in the 21st century want without detracting from the extensive network that is part of our heritage." ■

Read the Ramblers new Rights of Way Strategy at [www.ramblers.org.uk/footpaths](http://www.ramblers.org.uk/footpaths).



**NEW ZEALAND**

Walkers of the country's world-renowned nine Great Walks are

expected to sign in and out at the Department of Conservation (DoC) offices and pay overnight fees for mountain huts or campsites. Less well known is the Walkways network, which grew from the Federated Mountain Clubs of New Zealand's idea for a 1,770km/1,100-mile trail across the country. The project has grown into a network of more than 125 walkways, encompassing 1,207km/750 miles, on public and private land, created by the DoC, local authorities and other groups. They range from short urban routes to rough hikes for the experienced.

**FURTHER INFO:** [www.doc.govt.nz](http://www.doc.govt.nz)



**IRELAND**

One outdoor writer, well-experienced in walking in

Ireland, recently summed up the access situation thus: "It's a complete mess, but you can basically walk anywhere you like – so long as you don't ask permission or meet the landowner!" It's actually better than that and growing less confusing all the time. There is a long toleration of people taking to hills across private land, especially when it comes to pilgrimages up holy mountains such as Mayo's Croagh Patrick. A system of negotiated waymarked trails is being established on both sides of the border by the National Trails Advisory Committee.

**FURTHER INFO:** [www.walkireland.ie](http://www.walkireland.ie)



**SOUTH AFRICA**

Most South African trails crossing private or state-owned

land are subject to controls, and permits are required on some. The number of trails is growing rapidly and they're administered by a multitude of organisations, including the government-owned South African Forestry Company, South African National Parks, Cape Nature Conservation and private landowners. The Mountain Club of South Africa works to negotiate with private landowners and secure access rights for members and the public to mountainous areas.

**FURTHER INFO:** [www.sanparks.org](http://www.sanparks.org), [www.mcsa.org.za](http://www.mcsa.org.za)