

The Byways and Bridleways Trust

request the pleasure of your company

TO CELEBRATE ITS

Inauguration

at

9 Queen Anne's Gate, Westminster, London, SW1

on

Wednesday, 28th February, 1979

at 6.00 p.m.

R.S.V.P.

Mrs. M. L. Braham

9 Queen Anne's Gate

Westminster, London, S.W.1.

Telephone: 01-930 0611

Drinks 5.45 - 8. p.m.

Byways

and

Bridleways

Trust

9 Queen Anne's Gate

Westminster

London S.W.1.

PRESS RELEASE

A RIGHTS OF WAY CONSERVATION TRUST

Today sees the inauguration of the Byways and Bridleways Trust, a voluntary body set up to preserve a unique part of our national heritage.

The aims of the trust are to protect, preserve, maintain, secure, improve and develop rights of way by taking appropriate action to ensure definitive maps and any other records of public rights of way are kept accurate and up to date.

The trust will also give legal and practical help to the public to conserve their rights of way in the countryside.

Embargoed: For use 00.01 hours Thursday
March 1st, 1979, onwards.

The only legitimate way the public can enjoy the country, as of right, is to follow a path shown on a Definitive Map prepared by a County Council. Whether the path be a narrow footpath or a forty foot wide byway "every subject of the Crown may lawfully pass along it". Other paths are widely used at the risk of defending an action for trespass. It is essential that the Definitive Maps show all paths correctly.

The Government plans to accelerate the procedure for reviewing Definitive Maps. The public must be ready to meet this challenge.

The Byways and Bridleways Trust has been created today to offer the public legal advice and practical help to enable it to keep apace with the new processes of review. The Trust's objectives are to protect, preserve, maintain, secure, improve and develop public rights of way by taking appropriate action to secure that Definitive Maps and any other records of public rights of way are kept accurate and up to date.

The Trust is a national organisation, recognised by leading amenity societies and landowners, which is establishing a countrywide network of voluntary stewards to survey paths on the ground at the present time and establish their correct legal status.

THE PUBLIC'S RIGHT OF WAY

The only established right the public has to go into the country is along paths which are shown on Definitive Maps.

The maps are produced by each County Council under the provisions of the National Parks and Access to the Countryside Act 1949, which was enacted, amongst other things, "to make further provision for the recording, creation, maintenance, and improvement of public paths". Or in the more colourful words of Lord Denning in *R v Secretary of the Environment ex parte Hood* 1975 1QB 891 "to have all our ancient highways mapped out put on record and made conclusive, so that people can know what their rights are. Our old highways came into existence before 1835. They were created in the days when people went on foot or horseback or in carts. They went to the fields to work, or to the village, or to the church. They grew up time out of mind. The law of England was: Once a highway, always a highway. But nowadays, with the bicycle, the motor car and the bus many of them have fallen into disuse. They have become overgrown and no longer passable. But yet it is important that they should be preserved and known, so that those who love the countryside can enjoy it, and take their walks and rides there".

The National Parks and Access to the Countryside Act 1949 was ~~anticipated as the culmination of one of the finer hours of the~~ ~~socialist movement.~~ ~~It~~ ^{intended} to give a third dimension to land ownership. No longer was there to be the dichotomy of rights of landowners and rights of tenants, there were to be in addition rights of the public to have access to the land.

Nearly thirty years later, the public has less paths it can legally use than when the Act was passed. Between 1974 and 1978 705 notices for closure of public paths under the Highways Acts

* & the ^{difficulty} ~~task~~ within C.C. of integrating the work of their ^{various} ~~many~~ committees involved.

have been published in the London Gazette and only 148 notices for creation orders. It is time we faced up to the fact that the Secretary of State for the Environment and the Local Authorities are not fulfilling the responsibilities and duties put on them by the 1949 Act to safeguard the public's right of access to the countryside. This is not because of ill-will but the failure of the Highway Authorities to recognize the importance of the need for public paths when planning their budgets.* For example, West Sussex County Council began a non-statutory rationalisation programme with the announcement at its first public meeting that it intended to reduce the mileage of public paths by 10%. ^{that was to save maintenance costs} It changed its mind when the local societies made it clear how serious the loss would be.

As early as the 21st February 1833, under Lord Grey's administration, Parliament appointed a Select Committee "to consider the best means of securing open spaces near large towns for walks calculated to promote health and comfort of the inhabitants". Within one generation the Industrial Revolution had driven our predominantly rural nation to exchange its country life for urban slums. When living in the country, they had used the lanes and paths across the land to get to their places of work, trade and worship. Once they were in the towns their rights were all too easily removed from them, but their innate need and basic human right to have access to the countryside remained. Their consequent deprivation was understood by few.

Those "few" had to fight in and out of Parliament for over a century. It took the postwar longing of individuals to have freedom ^{to see} of the land they ~~had~~ fought for, before the National Parks Act reached the statute books in 1949. Although it was a disappointment to many campaigners for countryside legislation, it could have ^{been} and can still become, the foundation of the nation's

countryside being ^{shared} ~~shared~~ amicably by owners, farmers and the public.

The Act established the National Parks, which were to be preserved inviolate for the nation in perpetuity; it imposed a duty to survey and record the routes of all public rights of way, and a duty to keep them open and create new ones when needed; it provided for Long Distance Paths and for somewhat limited access to open country.

Much of the Act remains unenforced. In spite of Parliament's further attempt to open up the countryside by passing the Countryside Act in 1968, far from being inviolate the National Parks are being defaced by ^{the} ~~commercial~~ commercial ventures ~~both industrial and agricultural~~. Last year there were fourteen companies operating under licences to mine minerals in the Peak District National Park apart from the much publicised systematic crunching up of 218 acres of hillside by I.C.I. quarrying limestone.

Less well known is the failure to safeguard and provide adequate rights of way for the public. County Councils were placed under a duty to start their surveys and mapping of public paths before 1952. Gloucestershire has still not completed its first definitive map, and few Councils have attempted to keep to the statutory five yearly programme for revising them. An average county is Wiltshire, ^{which} ~~having~~ completed its first ^{map} ~~review~~ in 1952, ^{+ 1st + 1st review in 1958} its second ^{+ 2nd} review ^{is forecast} by the Department of the Environment to be completed in 1988. A wait of 30 years! As a result of its review Wiltshire County Council has to hold 1,800 public inquiries. The first inquiry was held in 1975. Now, 4 years later, there are still 1,000 to be held. At each public inquiry a representative number of the public have to prove the legal existence of a right of way, if it is to preserve or re-establish the public

right to use the path. They do this by producing old maps and other historical evidence that the path has always been recognized as a public highway; or by witnesses, to prove the path has been used as of right for 20 years.

1,000 public inquiries still to be heard is a measure of the work which has to be undertaken by individual inhabitants of Wiltshire. Every county in England and Wales has a similar problem.

Each inquiry at which the public right is inadequately represented is another path lost for ever.

In fairness it should be said that when the original legislation was introduced it was envisaged that once the first map had been prepared and published the amount of work involved with subsequent reviews would be significantly less. Experience has shown that this is not the case. The maps contain numerous mistakes. Essex County Council ^{found at its second review in 1971 that it had to correct} ~~has discovered~~ 50 ^{such errors} mistakes in the part of its map covering 2 districts of Uttlesford and Braintree alone. This is because members of the public who knew the public paths in their neighbourhood were either not aware that the survey for the Definitive Map was being made, or were not aware of the serious effects resulting from a public path not being shown on the map, or being shown incorrectly - that the public could not use the path unless it could prove in Court that it was a public right of way.

The Trust believe that Highway Authorities should integrate the lesser highways into a valid part of the highway network in every locality. Footpaths, bridleways, roads used as public paths, byways, and unmetalled carriageways are all part of the available public access to the countryside. The greater the status of the route the greater number of people who can use it for their recreation. For instance walkers, riders, cyclists,

trail riders and carriage drivers can all use a byway but only walkers can use a footpath. It is obviously not adequate for a local authority to put all their efforts into preserving footpaths, which they frequently do, and then say they have no money to spend on the higher status paths. The priorities should be reversed, in particular because the seriously disabled ^{the old w (the young)} who need cars or horses for transport if they are to see the country, may only use byways or bridleways. The growing number of disabled riders who have advanced beyond riding under hospital conditions in itself highlights the need to improve the bridleways network. ~~10,000 disabled ride under the auspices of the Riding for the Disabled Association each week.~~

A call for legislation to improve access to the countryside and guarantee those rights of the people has been made by the Central Council for Physical Recreation. In its report on Outside Recreation it says local planning authorities have made little use of existing machinery for securing access to open country.

The Department of the Environment acknowledges that the present state of affairs on Definitive Maps is unsatisfactory when viewed on a national basis and has made it known that it intends to speed up the revision procedure for the maps.

If this happens the public will lose out unless it ~~S~~ voluntary bodies are able to stop playing Canute with the Maps.

The Trust has already received warm encouragement from amenity societies and user groups. The Commons Society and the Cyclist Touring Club have both said they believe the Trust is offering a much needed service which they themselves are not in a position to provide.

Landowners, including British Rail, have welcomed the Trust as negotiators with professional credence in respect of rights of way.

The Byways and Bridleways Trust's primary role is to monitor the ~~new continuous~~ reviews of Definitive Maps. It is establishing a countrywide network of voluntary stewards to survey paths on the ground at the present time and establish their correct status. Its legal service is available to give advice and practical help in making sure that the paths are then correctly shown on the maps.