

Out in the country

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1 Introduction

The countryside of England is uniquely popular. It is easy to see why. Its rich tapestry is as fine and varied as any in the world - from historic villages set in gentle, rolling farmland, to open, majestic mountains; from ancient woodlands and sweeping river valleys to the dramatic cliffs and golden sands of the coast.

The countryside provides the chance to unwind from the pressures of modern living and quietly take in its beauty and tranquillity. There is much to see, study and enjoy, and some features need special care. The countryside is the home for a huge variety of plants and animals, many of which are endangered. Generations of farmers have helped to shape the landscape, and farming and forestry continue today to be important activities upon which many depend for their livelihood.

All of the land in the countryside is owned by someone - be it an individual or an organisation - just as it is in any town or city. Even land that is open or appears to be 'unused' belongs to someone, and may have several important purposes - for grazing sheep, for gathering drinking water or as a habitat for wildlife. However, this does not mean that you must keep to surfaced roads, or that you can only enjoy the countryside from the windows of a car. There are more than 169,000km (105,000 miles) of public rights of way that will take you deep into the heart of the countryside. Many areas of land are also open to you as of right or by tradition. It is important to know about your rights and responsibilities, so that you can explore the countryside with confidence and consideration.

About this booklet

Natural England has prepared this booklet to help you understand your rights and responsibilities in the countryside. Inevitably, some of the advice is about things that you (and others) must not do because they are illegal or antisocial. But much of this advice is about what you can do; about the rights you have and how to exercise them. These are rights that other people in the countryside should respect - so we will tell you who to complain to when you encounter problems.

Opportunities to see, study and enjoy the countryside can be found throughout England; you do not have to travel miles to find them and they are often available free of charge. This booklet is not about historic houses, fine gardens, theme parks or the more formal or organised activities and events that take place in the countryside. It is about learning to explore the great outdoors on your own. Natural England's responsibilities - and therefore this booklet - apply only to England. The law, as it affects countryside matters, is mostly the same in Wales as in England. But a separate body, the Countryside Council for Wales, deals with Welsh matters. Scotland has a different legal system, so what you read here may not apply to the Scottish countryside. For information about your rights and responsibilities there you should contact Scottish Natural Heritage.

The booklet explains where you can walk or ride, how to find out about those places and how to ensure that you enjoy your visit safely and with consideration for others. It also provides more detailed information about the law and practice on public rights of way and open access areas. A glossary of terms at the back of the booklet summarises what they mean, what rights you have over routes, and how to find out about them.

There are many more sources of information about ways to enjoy the countryside. We have included information about publications and organisations referred to in the booklet in section 11.

A booklet of this size can only give guidance and general information, so some matters have had to be simplified. Although great care has been taken to ensure that the information is accurate, it is not a definitive statement of the law. No responsibility can be accepted for errors or omissions.

This is the seventh edition of *Out in the country*. If you have any comments about it, please let us know by sending them to Enquiries, Natural England, Block B, Government Buildings, Whittington Road, Worcester WR5 2LQ, or e-mail us at: enquiries@naturalengland.org.uk.

2 Where you can walk

On public rights of way

You have a right to walk on any of the routes which are classed as 'public rights of way'. These may be footpaths, bridleways, restricted byways or byways open to all traffic. You can also walk on any route shown on an Ordnance Survey map as an 'other route with public access' (see page 14).

Rights of way can be near towns or in remote countryside, they can be wide tracks or narrow trails.

All public rights of way are highways in law. Anyone may use a right of way, and may do so at any time, just as they would any other kind of highway. You should, of course, respect this freedom of use by other people, and you are entitled to expect that your own freedom of use will be respected by others.

Every right of way should be unobstructed and reasonably convenient to use; later on we will tell you what to do if they are not. If you keep to the line of the way and observe a few simple rules (see below) you are exercising a legal right - not a privilege granted by the owner or occupier.

One such rule is that a right of way gives only a 'right of passage' to travel across the land. It does not entitle you to roam wherever you want, or use the path or surrounding land for some other purpose, unless the land it crosses is an area where this is open access (see below).

Remember that rights of way are normally just simple paths and tracks going through a wood, across farm land or beside a stream. Many do not have a hard surface. They are often muddy in winter or bordered by vegetation in summer. Sometimes a path may not be visible on the ground at all. You are still entitled to use it, but you may need a detailed map to follow the correct line.

There is more information about rights of way in section 9.

What you are allowed to do

When using a right of way you are allowed to stop for a while - to admire the view, take a photograph, make a sketch, eat a simple picnic, or sit down and rest - providing you stay on the path and do not cause an obstruction. You may carry things with you, such as a camera or binoculars, and can take a backpack or bag. You may also wheel a pram, pushchair or wheelchair on any right of way, although this may not be practical because many footpaths have stiles and uneven surfaces. There are restrictions on items such as guns (see page 26).

You may take a dog with you, but you have a responsibility to keep it under proper control (see page 22 for further advice).

However, if you do anything that is not reasonably part of your journey (such as deliberately disturbing people or animals), you may be regarded as a trespasser (see page 23). A journalist who used a right of way to observe racehorses training nearby was found by the court to be trespassing, as was someone who shouted and waved flags in order to disturb a shooting party.

Over open access areas

There are areas of land where the public has a right to walk freely, not restricted to paths or any rights of way that cross the land. These are referred to in this booklet as 'open access areas'. There are a number of different Acts of Parliament which have granted these rights to the public, and as a result, the restrictions that can apply may vary from area to area. For example, you may not be allowed to camp, and you may have to keep a dog on a lead. Access may be suspended temporarily, for example to reduce the risk of fire during very dry weather, to prevent the spread of a livestock disease or restricted over part of the land to protect the nature conservation interest. Even within an area to which there is a right of access there may be areas of 'excepted land', for example where crops are growing or close to dwellings, where the right does not apply. Websites maintained by Natural England give details of land over which the public were given a right of access under the Countryside and Rights of Way Act 2000, and other land (known as section 15 land) over which the public already had a right of access.

There is more information about open access in section 10.

On permissive paths

A landowner may let you walk on paths and tracks that are not public rights of way. These are called 'permissive paths'. You do not have a statutory right to use them and they are not covered by rights of way legislation. Often there will be a notice at either end of the route explaining this and setting out any conditions the owner has set. You may find, for example, that use is restricted to daylight hours, that dogs must be on a lead or are banned entirely, or that the path may be moved or closed at certain times. There may also be a notice saying that the owner does not wish the path to be dedicated as a right of way (see page 28). Paths that have been made available to the public under agri-environment schemes such as Environmental Stewardship count as permissive paths in that the agreement with the farmer is for a fixed term. Information about access provided under agri-environment schemes can be obtained from a website, and some other permissive paths are shown on Ordnance Survey maps. Walkers are welcome to use cycle routes, some of which are permissive routes where they do not follow rights of way or roads. These are often shown on Ordnance Survey maps as cycle routes or part of the National or Regional Cycle Network rather than as permissive paths.

Over permissive access areas

Permissive access can also apply over areas where you can walk freely. Many country parks, as well as parks and open spaces in and around urban areas, come within this category, as does some of the land owned by local authorities and bodies such as the National Trust and Woodland Trust. Some permissive access areas are shown on Ordnance Survey maps as access land, and details of permissive access areas provided under agri-environment schemes can be obtained from a special website.

See section 11 for details of useful websites and other information.

3 Where you can ride a horse or a bike

On public rights of way

You have a right to ride a horse or a bike (pedal cycle) on any bridleway, restricted byway or byway open to all traffic. You can also ride a bike on any cycle track. You can also ride on any route shown on an Ordnance Survey map as an 'other route with public access' (see page 14). All the normal 'rules and regulations' that apply to any other highway must also be observed on rights of way. For example, a vehicle that is used on a byway must still be taxed and insured. It is an offence to drive or cycle on a byway, or cycle on a bridleway or restricted byway, in a reckless or careless manner, or without consideration for other users.

The British Horse Society (BHS) recommends that horse riders abide by the Highway Code's rules for horse riders, which have also been expanded, and that all riders should consider taking the BHS Road Safety Test.

You should avoid the temptation to ride a horse along footpaths, even if there are few bridleways or byways in the area. If you ride or lead a horse on a footpath you are trespassing, and may commit a criminal offence if the local authority has made an order to prohibit horseriding. However, the highway authority has powers to create new bridleways and to provide a margin for horseriders by the side of any road where it considers this is necessary.

For a summary of rights of way see section 2 and for more detail see section 9.

Over open access areas

There are areas of land where the public has a right to ride a horse, not restricted to paths or any rights of way that cross the land. These are referred to in this booklet as 'open access areas'. There are a number of different Acts of Parliament which have granted these rights to the public, and as a result, the restrictions that can apply may vary from area to area. For example, you may not be allowed to camp, and you may have to keep a dog on a lead. Access may be suspended temporarily, for example to reduce the risk of fire during very dry weather, to prevent the spread of a livestock disease or restricted over part of the land to protect the nature conservation interest. Even within an area to which there is a right of access there may be areas of 'excepted land', for example where crops are growing or close to dwellings, where the right does not apply.

There is no central source of information which gives details of land over which the public has a right to ride a horse. The main areas are common land to which access was granted under the Law of Property Act 1925 and the Dartmoor commons to which access was granted by the Dartmoor Commons Act 1985. The British Horse Society may have additional information.

On permissive paths

A landowner may let you ride on paths and tracks that are not public rights of way. These are called 'permissive paths'. You do not have a statutory right to use them and they are not covered by rights of way legislation. Often there will be a notice at either end of the route explaining this and setting out any conditions the owner has set. You may find, for example, that use is restricted to daylight hours, that dogs must be on a lead or are banned entirely, or that the path may be moved or closed at certain times. There may also be a notice saying

that the owner does not wish the path to be dedicated as a right of way (see page 28). Paths that have been made available to the public under agri-environment schemes such as Environmental Stewardship count as permissive paths in that the agreement with the farmer is for a fixed term. Information about access provided under agri-environment schemes can be obtained from a special website which allows you to search for rides, and some other permissive paths are shown on Ordnance Survey maps. In some areas routes have been made available for use by horse-riders on payment of a fee.

Some cycle routes are permissive routes where they do not follow rights of way or roads. These are often shown on Ordnance Survey maps as cycle routes or part of the National or Regional Cycle Network rather than as permissive paths.

Over permissive access areas

Permissive access can also apply over areas where you can ride or cycle freely. Many country parks, as well as parks and open spaces in and around urban areas, come within this category, as does some of the land owned by local authorities and bodies such as the National Trust and Woodland Trust. Some permissive access areas are shown on Ordnance Survey maps as access land, and details of permissive access areas provided under agri-environment schemes can be obtained from a website.

See section 11 for details of useful websites and other information.

4 Where you can go if you are disabled or your mobility is impaired

The countryside is not always easy to get around on foot, let alone with a wheelchair or buggy! Overcoming natural features such as slopes can be part of the experience of being in the countryside but man-made barriers such as fences, steps and stiles or uneven surfaces can restrict the choice of places available for people who find it difficult to get around. The Disability Discrimination Acts 1995 and 2005 require public bodies and those who provide recreation facilities to take reasonable steps to avoid discrimination.

Much can be done to make it easier for people who are disabled or whose mobility is impaired to gain enjoyable access to the countryside. Natural England wants to improve access to the countryside for everyone, and to ensure that people are provided with reliable information, so that they can be confident about the conditions and facilities they will find when they get there. Natural England has published a good practice guide *By All Reasonable Means*, which can be ordered or downloaded from its website. This promotes the principle of Least Restrictive Access, which requires that all work, whether planned improvement or ad hoc maintenance work, must meet the highest possible access standards. It also stresses the need for proper off-site information, so that people know in advance what they will find on a particular site or route, and can decide whether it will suit them.

Highway authorities now have powers to enter into agreements with landowners to replace barriers with ones that are more user-friendly, for example to replace a stile with a kissing gate. These agreements are binding on any future landowner.

Many authorities have developed or identified walks and rides that are suitable for those with disabilities or mobility impairments and have published leaflets or made details available on their websites. In their rights of way improvement plans they have to say what action they propose to take to make their networks easier for people with mobility impairments to use.

The Defra database of access provided under agri-environment schemes can be searched for easy access routes. The Ramblers' Association website provides information on walking for people with disabilities.

See section 11 for details of useful websites and other information.

5 Where you can drive a vehicle

Although, historically, the law treated all vehicles as 'carriages' and the route that they had a right to travel over as 'carriageways', current legislation distinguishes between vehicles that are mechanically-propelled, such as a motor car or motorcycle and those that are not, such as a horse-drawn cart. In this section they are referred to as MPV (mechanically-propelled vehicle) and NMPV (non mechanically-propelled vehicle).

On public rights of way

You have a right to drive or ride any vehicle on a byway open to all traffic. You can also normally use a route shown on an Ordnance Survey map as an 'other route with public access' (see page 14): if in doubt check with the local highway authority. All the normal 'rules and regulations' that apply to any other highway must also be observed on rights of way. For example, a vehicle that is used on a byway must still be taxed and insured. It is an offence to drive a vehicle on a byway or restricted byway in a reckless or careless manner, or without consideration for other users. NMPVs can also be taken on a restricted byway.

For a summary of rights of way see section 2 and for more detail see section 9.

Over open access areas

Over an open access area you can only drive or ride a vehicle if there is a right of way open to vehicles across the area. Driving a MPV off that route is likely to be an offence under general legislation or byelaws applying to the particular area of land. For more detail of open access areas see section 10.

On permissive paths

Permissive paths are not normally open to vehicles, although it is possible that permissive access may be given on some routes to NMPVs.

Over permissive access areas

Permissive access areas are not normally open to vehicles, although it is possible that permissive access may be given on some areas to NMPVs.

See section 11 for details of useful websites and other information.

6 Finding out about where you can go

Get to know the countryside you want to visit

It is worthwhile spending some time getting to know the countryside that you want to visit. A lot of information - from a variety of sources - is available on where you can go and what you can do.

Your own library or tourist information centre is a useful starting point. They may have leaflets and information on circular walks, organised guided walks, farm open days or other attractions. They should also have some OS maps to buy or borrow. The county and district councils are a good source of information and advice: most have websites which include information about visiting the countryside. As well as being responsible for rights of way and definitive maps, they should know about access to open land in the area. Many local authorities now have a countryside ranger or warden service. Part of their job is to help you enjoy the countryside, and many of them are based in visitor centres.

The Forestry Commission, British Waterways and many water companies publish leaflets about access and recreational facilities on their land. *The National Trust Handbook*, available from bookshops, gives details of access to their land as well as information about visiting their historic buildings. Most bookshops stock guidebooks to local walks and rides as well as OS maps of the area.

The website addresses of many national organisations that deal with a wide range of countryside activities and issues are listed in section 11. There are often more local groups; they may have their own websites or the national websites or your local authority, library or tourist information centre can put you in touch with them.

Most bookshops and outdoor equipment shops have a wide range of walking guides available, with a variety of prices and designs. The better guidebooks, including the official guides to the National Trails (published by Aurum Press), contain detailed maps showing the route as well as transport and accommodation information.

It is well worth making the effort to seek out information about local walks rides near home or in an area you intend to visit. Try the local tourist information centre or library, or write to the highway authority to see if they produce booklets themselves or know who does. Village shops, post offices, cafés, pubs or hotels might also have information.

National, regional and local walks and rides

Rights of way and short stretches of country lanes are often joined together to form continuous routes for walking, riding and cycling. These make it easy to enjoy the countryside - especially if you are new to map reading. There are hundreds of these routes up and down the country, ranging from circular walks of just a few miles to National Trails, which run for hundreds of miles across several counties.

Local walks and rides are devised by parish, district or county councils, by voluntary groups, by enthusiastic individuals, and by professional authors writing guidebooks. Many are circular routes, starting from and returning to a pub, station or car park, often in an attractive village. A leaflet or guidebook is often available. Sometimes a route may only be shown on a map-board and indicated by special waymarks along the way, but this is all you should need to follow the way.

Regional routes are longer, requiring an entire day or perhaps several days to complete. Often they are arranged around a particular theme - following a range of hills, exploring a river valley, tracing a pilgrim route, looking at geological features, or discovering literary connections.

The Long Distance Walkers Association maintains a database of routes, accessible via its website. It covers mainly routes that are 20 miles or more in length and are mainly off-road, but also includes some shorter routes where they have some strategic significance or if they are the only routes available in an area.

National Trails

Thirteen National Trails have been formally designated by Natural England. They allow for longer journeys to be made through some of England's wildest and most characteristic landscapes, including the Pennines, the North and South Downs, and along the South West Coast. National Trails are signposted and waymarked on the ground by an acorn symbol, and are shown on Ordnance Survey maps (see below). You do not have any additional rights or privileges when travelling along these routes, nor do they take away any rights that other people have. **Because some sections are along bridleways or byways, you may occasionally meet horse riders, cyclists or vehicles.**

National Trails facts and figures				
National Trail	kms	miles	Start	Finish
Cleveland Way	176	109	Helmsley	Filey Brigg
Cotswold Way	163	101	Bath	Chipping Campden, Gloucestershire
Hadrian's Wall Path	130	81	Wallsend, Newcastle upon Tyne	Bowness-on-Solway, Cumbria
North Downs Way	246	153	Farnham, Surrey	Dover or Canterbury, Kent
Offa's Dyke Path	288 (87 in England)	179 (54 in England)	Chepstow, Severn Estuary	Prestatyn, North Wales
Peddars Way & Norfolk Coast Path	150	93	Knettishall Heath, Suffolk	Cromer, Norfolk
Pennine Bridleway (not yet fully open)	330	205	Carsington Reservoir or Middleton Top, Derbyshire	Kirkby Stephen, Cumbria
Pennine Way	412	256	Edale, Derbyshire	Kirk Yetholm, Scotland
Ridgeway	137	85	Overton Hill, Avebury, Wiltshire	Ivinghoe Beacon, Buckinghamshire
South Downs Way	161	100	Eastbourne, East Sussex	Winchester, Hampshire
South West Coast Path	982	610	Minehead, Somerset	Poole, Dorset
Thames Path	288	179	Kemble, Gloucestershire	Thames Barrier, Woolwich, London
Wolds Way	127	79	Hessle, Kingston upon Hull	Filey Brigg

All of the Pennine Bridleway (not yet fully open), most of the South Downs Way and certain parts of Peddars Way and the Ridgeway are suitable for walkers, horse riders and cyclists. Some sections of the Ridgeway are also open to motor cycles and other motorised vehicles.

Cycle routes

There is an extensive, and growing, network of routes for cyclists. These include the National Cycle Network being developed by Sustrans, as well as regional and local cycle routes. Many of these routes are now shown on Ordnance Survey maps.

Ordnance Survey maps

With a detailed, large-scale map you can plan and follow a route through the countryside. They are especially useful when a path is difficult to see on the ground. Although there are many walking guides which contain maps as well as text, Ordnance Survey (OS) maps are recommended because they show a variety of land features as well as rights of way.

The most useful OS maps to help you enjoy the countryside are the 1:25,000 Explorer maps. This scale is about 2½ inches to 1 mile or 4cm to 1km. All public rights of way on these maps are shown in green and are based on information from the highway authority's definitive map. Many small details of the countryside are shown, such as field boundaries. These maps also include useful information such as camp sites, permissive paths and areas of open access. The 1:50,000 Landranger map (about 1¼ inches to 1 mile or 2cm to 1km) also shows most public rights of way (in red) but does not show as much detail as the 1:25,000 maps.

As well as showing public rights of way from the definitive map, OS maps show other roads, tracks and paths. Not all of these are open to the public and therefore OS maps include a statement that 'the representation on this map of any other road, track or path is no evidence of the existence of a right of way'. It is usually safe to assume that you can drive, walk or ride along those roads and lanes which are shown in colour on the maps, unless there are indications to the contrary. But some minor lanes and tracks are shown uncoloured; these are sometimes known as 'white roads'.

Some 'white roads' have been given a symbol of green (Explorer maps) or red (Landranger maps) circles to denote that they are depicted as 'other routes with public access'. These are routes which are not recorded on the definitive map, but which are listed in the highway authority's records as being highways which it has a responsibility to maintain. The public's rights over these routes are not defined in a legal record, but they will be likely to include a right to walk or ride a horse or pedal cycle, and may also include the right to drive a vehicle. If there is any doubt or dispute about using a route shown as an 'other route with public access' or as a 'white road' contact the highway authority.

If you find that a right of way does exist on a white road ask your highway authority if it can be added to the definitive map, so that it will eventually appear on the OS map as a right of way.

Of course, maps cannot show changes which occur after they have been published. The only up-to-date source of information is the definitive map itself, together with any subsequent amending orders.

The Explorer and Landranger maps are useful for obtaining information about the terrain, the type of landscape, and even the location of some pubs, post offices and public telephones. Both maps also show the routes of National Trails and some other regional routes (see page 12) as well as some nature reserves, picnic sites and country parks. However the maps differ in the way that they show land open to public access. The Explorer map shows 'access land' which includes land by right open under the Countryside and Rights of Way Act as well as land owned or managed by bodies such as the Forestry Commission, National Trust or

Woodland Trust, and without distinguishing one type of land from another. The Landranger map shows only the Forestry Commission and National Trust land that is open to access.

The Ordnance Survey website gives details of all its maps: a free brochure listing Explorer and Landranger maps is also available. Many libraries keep a good supply of OS maps, in either the lending or reference sections. You can buy OS maps from the OS and also from most bookshops, which can order those not in stock.

On the ground: signposts and waymarks

Highway authorities are legally required to erect a signpost at every point where a footpath, bridleway, restricted byway or byway open to all traffic leaves a metalled road (ie one with a hard, usually tarmac surface), unless the parish council agrees that it is not necessary. The sign must state whether it is a footpath, bridleway, restricted byway or byway open to all traffic, and may give a destination and distance. Most rights of way are now signposted.

To help people follow the route, signposts or waymarks can be installed along a right of way. The latter are small marks (often arrows) that are fixed or painted to stiles, gateposts and sometimes trees. Natural England has designed an arrow with standard colours - yellow for footpaths, blue for bridleways, Victoria plum for restricted byways and red for routes that can legally be used by vehicles. These colour codes are sometimes repeated on finger posts. But you may find other colours and designs used locally.

The waymark's colour usually reflects the legal status that is currently shown on the highway authority's definitive map (see page 31). Waymarks cannot, by themselves, change that status nor take away any other rights that might exist. For example, a path might be shown on the definitive map as a bridleway and be waymarked in blue. But this does not invalidate any unrecorded vehicular rights - if they exist. Anyone who is certain they can prove those additional rights may want to exercise them. If they are prosecuted for doing so, the onus will be on them to prove that the rights do exist.

In addition to waymarking, there are many routes for walkers and riders that are marked with their own distinctive symbols to identify the route and help people to follow it. These may be used alongside, or incorporated into, the waymarking arrow. An acorn symbol is used to waymark National Trails. If you are following a particular route from a guidebook or leaflet, you may encounter other waymarked paths that are not part of that route.

Waymarking schemes carried out by volunteers, landowners and parish councils can help the highway authority to protect and enhance rights of way. More details can be found in a free booklet published by Natural England (see section 11). Signposts and waymarks are protected as 'traffic signs', and it is an offence to remove or deface them.

Where National Parks fit in

England's nine National Parks (including The Broads) cover about 10,500 square kilometres (4,000 square miles). There are also three National Parks in Wales. Proposals to make the South Downs England's tenth National Park have been the subject of a public inquiry and a final decision is awaited at the time of going to press. Each National Park is managed by a National Park Authority, which is the best source of information about ways to enjoy recreation and access in the Park area.

National Parks are designated under the National Parks and Access to the Countryside Act 1949 because of their natural beauty, their position in relation to centres of population and their extensive tracts of open country, where people can enjoy extensive outdoor recreation

opportunities. Their purpose is to conserve natural beauty, wildlife and the cultural heritage, to promote opportunities for public understanding and enjoyment, and to foster the economic and social well-being of local communities within National Parks.

Much of the land in National Parks is open country - in the mountains or on the high moors. These areas are particularly important for both recreation and conservation. But the majority of the land in England's National Parks is owned by individuals or organisations - not by the state, as in other countries. Land is used for farming, forestry, or in some other way, even on the moors.

Although National Parks usually include large amounts of land that is open for you to enjoy, there is no general right of public access simply because land is within a National Park. The normal rules about access to land still apply (see sections 2 to 5).

Nature reserves

These are areas which have special conservation interest. The site might contain rare plants, be a nesting area for rare birds or contain an unusual geological feature. Many nature reserves are on land that is open to the public by right or tradition, or through the policy of the owner, or are crossed by a right of way.

Many reserves are managed by Natural England, the National Trust, the Royal Society for the Protection of Birds, one of the county trusts for nature conservation, or by a local authority. It may be possible to visit a site that is not open to the general public if you contact the appropriate organisation.

When visiting a nature reserve, take care not to disturb anything or cause damage. As with any access to land, you must not take away plants or animals, light or cause fires, or damage rock structures. Sometimes it is possible, with permission, to erect hides. Dogs are allowed into some reserves, provided they are kept on a lead. Reserves may have special rules, so it is important to read and comply with any notices.

See section 11 for details of useful websites and other information.

7 Taking care of yourself and those with you

The countryside can be very beautiful and on a fine summer's day looks benign and welcoming. But if you are going on a walk or ride, even in the lowlands or close to home, some basic preparation will help you enjoy your visit, keep dry and be able to cope with any minor emergencies.

If you are planning to walk or ride in an upland or remote area, even for a short distance, then thorough preparation is essential. You should be able to cope with sudden changes in the weather, find your way in poor visibility and know how to avoid suffering from exposure. If you do lose your way, or if you hurt yourself, it may be some time before anyone finds you. So you will also need to know what to do in an emergency.

Basic precautions

Many difficulties can be avoided by preparing yourself adequately. If you plan to walk any distance you will need strong, waterproof footwear and appropriate clothing. Make sure your boots or shoes have soles with a coarse tread to give a firm grip. Take a waterproof jacket - a thigh-length anorak with a hood will keep out all but the worst weather. Wear strong trousers to protect your legs against brambles and other vegetation, but avoid denims, which can be cold and uncomfortable when wet. Several thin layers of clothing are better than one or two thick ones. You should also take something to eat and drink, taking extra amounts in case you are out for longer than planned.

Although you may want to follow a walk in a guidebook that has maps, it is always helpful - and sometimes essential - to have the relevant OS Explorer (1:25,000) or Landranger (1:50,000) map with you (see page 14). A map is essential for exploring an area of countryside on your own for the first time. If you carry a compass, and learn how to use it, you will reduce the chances of getting lost and be able to plan a more enjoyable day.

A simple first aid kit can help deal with minor injuries. The St John Ambulance and St Andrew's Ambulance Association and the British Red Cross Society have manuals that recommend which items to carry and how to use them (see section 11). A whistle and torch are helpful in an emergency.

Check the local weather forecast before setting out, so that you can prepare for any changes. If you plan to walk along the seashore you should also check the times of the tides so that you are not cut off by rising water. In seaside areas tide tables are obtainable from newsagents and bookshops, or may be published in the local paper. Remember that on the coast, fog or mist can appear very suddenly.

Even in 'ordinary' countryside there are a few places where you need to take extra care. Crossing main roads is one of them; outside built-up areas, road traffic speeds are much higher than in towns. But you also need to take great care when crossing a railway; many trains travel at well over 100 mph. Be particularly careful if your visibility is restricted or when crossing with children, on horseback or on a cycle. At a railway line, follow the instructions on any notices that are displayed.

If you have to walk along a road or lane, keep in single file and face the oncoming traffic. If you are driving along a country lane, keep within the speed limit and be prepared to meet walkers, riders or cyclists.

You should also take special care beside any canals or rivers, and keep away from cliff edges. Do not dislodge rocks that might fall on someone below you.

In upland and remote areas

Thorough preparation is essential if you are visiting mountainous or remote country. Even on a fine summer's day, the weather can change rapidly and mist or fog can reduce visibility to just a few yards. People often underestimate how difficult a walk in a mountainous area can be, or how long it might take. The emergency services could have trouble reaching you if you get lost or injured.

Never venture alone into a remote area, and make sure that you are always adequately dressed. This means having an extra layer of warm clothing with you, taking gloves even in the summer, and having footwear that is appropriate for the terrain and time of year.

Calculate the amount of food and drink needed, then take extra supplies in case you are out for longer than planned. Make sure you know how to use a large-scale map and compass - and have both with you. Many local authorities and outdoor centres run courses on map reading and navigating skills, and it makes sense to practice them in easily accessible terrain before going into remote areas. Take a mobile phone (full-charged) if you have one and some emergency telephone numbers. Remember that in remote areas you may not be able to get a strong enough signal to make a phone call and if you make a telephone call, keep your phone switched on in case you are called back.

Before setting out on a long journey tell someone your departure time, route, destination, and estimated time of arrival. Then notify them when you reach your destination or return to base. If your destination is a hotel or hostel, tell them your route and estimated time of arrival so they can alert the rescue services if you fail to arrive. If you do not know anyone in the area, contact the police.

Mountaineering, caving and pot-holing are all activities which require special skills, and can involve considerable danger. If you want to engage in them, contact one of the recognised clubs or societies. They will have experienced members who can introduce you to the activity safely, and can help you choose the right equipment. The British Mountaineering Council and outdoor bookshops sell books containing practical advice for anyone who is new to hill walking and mountaineering.

Electric fences

Electric fences are sometimes used to contain farm animals. There are many different types of electric fence.

They are powered by mains electricity or batteries, which send a 'pulse' of current along the wire every second or so. They are designed not to be dangerous to humans, but they can still be very unpleasant if you touch them. You should be particularly careful not to get entangled in them and to keep dogs well away from these fences. Horseriders may find it safest to dismount.

An electric fence beside a public road or right of way should have yellow warning signs at frequent intervals. If an electric fence crosses a right of way, a non-electrified gate or stile with insulated wires should be provided, and the fence on either side should have warning signs. Barbed wire should never be electrified, nor should any metal that is not part of the fence (such as the hand rail on a bridge). If these safety precautions are not observed, you should inform your local highway authority or the Health and Safety Executive immediately.

Crop spraying

The chemicals that are sprayed on crops to eliminate weeds, insects and fungal diseases can also be dangerous to people. There are, however, strict controls on the use of chemicals and anyone using them should understand and obey the law. When using chemicals they must ensure that the public is not endangered. Public rights of way should normally be safe from chemical spray. When fields are to be sprayed, warning signs must be posted on any gates into the fields. If the public is likely to pick fruit from plants or bushes which have been sprayed, then further notices should be erected.

For your own safety, do not touch any spraying equipment or chemical containers (even if empty). If you know, or suspect, that crops have been sprayed very recently it is advisable to avoid walking through them; nor should you eat, drink, or pick any fruit in the area. Horses should not graze on sprayed grassland or verges.

If you think you have been contaminated, wash any exposed skin in plenty of clean water. Change your clothes as soon as you can and rinse them separately. If the farmer is in the area ask him which chemicals are being used. Seek medical advice as soon as possible if you feel sick, have difficulty breathing or trouble with your eyes. Report any problems concerning crop spraying to the local highway authority and the Health and Safety Executive.

If something goes wrong

If a member of your party is lost, stop and organise a search. But do not allow the party to become separated, or another person may get lost. Remember the international distress signal - six blasts on a whistle followed by a one minute pause, then repeated. The recognised acknowledgement is three blasts repeated several times at one minute intervals. The same signals can be made with a torch or by waving a cloth.

If someone is injured and can travel no further, administer first aid and make sure the person is kept warm with all available spare clothing - and a survival bag if you have one. Do not try to move someone who is seriously injured. If there are more than two of you, one should stay with the injured person while the other seeks help. Before seeking help, make sure you know exactly where the injured person is. If you think you might have trouble finding your way back, use whatever materials may be around to display some kind of marker.

Liability for injuries in the countryside

Some visitors to the countryside are injured through their own fault - using the wrong equipment, or not looking where they are going - but occasionally someone else is liable. Everyone using the countryside must take reasonable care for the safety of others. You should not ride a horse or cycle carelessly and you should not move signposts, dig holes or otherwise endanger other users. You will be liable to pay damages if others are injured or their property damaged owing to your carelessness; you might also commit a criminal offence.

The landowner or occupier has no obligation for the safety of people using rights of way, beyond ensuring that his activities do not endanger people on the highway. He must not deliberately set up obstacles to injure you, but he need not take a lot of steps to protect you. If you are on his land with his consent, he has a duty to take care of your safety.

Whether someone has taken enough care is a difficult question, requiring legal advice. Landowners, occupiers and anyone using the countryside can be liable to each other for injury and damage they cause through carelessness, even though there are differences in detail. A lot can depend on what is known or ought to be known by the landowner, and what is known or ought to be known by the visitor.

If you engage in a dangerous activity such as climbing or caving, and have willingly accepted the risks, the landowner will not be responsible for any injuries you sustain. A landowner may meet the duty of care by offering a warning, verbally or in writing, of any danger on his land, but it must be clear enough for users to avoid the danger.

Tenants and other occupiers of land also have a duty to take care of the public, although a tenant may be able to blame his landowner if he had warned him of the problem. A tenant can ask trespassers to leave land, and can sue people for trespass or nuisance. Other people, such as members of the tenant's family or contractors, cannot sue for nuisance or trespass. But they will probably have the authority of the landowner or tenant to order you off the land if you are trespassing.

Organising walks and riders for others

If you are organising a walk or a ride for a group, you should plan the outing well in advance and take steps to ensure everyone's safety and comfort. Walk or ride the route yourself before finalising any plans. Think about the impact your group will have on the countryside and try to minimise it. Make a note of any difficulties you encounter. When planning the day, allow extra time for slow walkers, sight-seeing and meal stops; and ask cafe or pub owners if they can deal with a large number of people all at once.

When you advertise your walk, give an indication of its time and distance, the need for any special clothing, and information about refreshments (a pub stop, bring your own picnic lunch).

Think about how people are going to get to the start of the walk or the ride - whether there is parking or public transport - and how they are going to get back at the end of the day.

Organised walks are often very popular. You may have to limit the size of your group. The level of supervision you will have to exercise depends on the group (their age and experience) and the nature of the event (the amount of road walking or number of stiles). The most convenient size for a group of walkers is between 10 and 20 people; it is difficult for one person to control more than 30.

Before the group sets out, brief people about the walk; they may not be as familiar with the countryside as you are. The extent to which you will be responsible for the group's safety and well-being, or its actions and any damage it causes, depends on individual circumstances, and on the amount of control you could reasonably be expected to have over the group. Some leaders of walks can arrange insurance to cover claims against them from members of the group, and claims for any damage done by the group.

Think carefully before taking any group into upland or remote areas; is everyone capable of dealing with the terrain they are to cross over? To help ensure that the party stays together at all times, appoint a leader and a back marker. Don't walk faster than the pace of the slowest member, and tell everyone to stay in front of the back marker. You should abandon your walk if the weather is not suitable, and have a contingency plan to cut the walk short if bad weather develops.

The websites of the British Horse Society, the Cyclists Touring Club and the Ramblers' Association all provide advice and information for those planning walks or rides for groups.

Sponsored walks and campaign events

Organising a sponsored walk needs meticulous planning, often over several months. It cannot be done quickly. In addition to the advice outlined below, you should notify the landowner if the event is to be a large one. You will need permission to waymark the route specially for the walk (remember to remove all waymarks afterwards).

You will need to appoint first aid experts to be on duty, assign marshals to monitor strategic points, and organise bases and checkpoints. You must make arrangements for insurance cover, car parking, refreshments, control of the route and litter clearance.

Any walk held to publicise a campaign, demonstrate support or opposition to any body or person, or commemorate an event, is considered to be a 'public procession'. It is an offence to hold such a walk without giving at least six day's notice, in writing, to the police. The notice must be handed in at a police station in the area, or posted by recorded delivery; it must state the route, the date and time of the walk, and the name and address of the organiser.

See section 11 for details of useful websites and other information.

8 Caring for the outdoors

This booklet describes the many legal opportunities to enjoy the countryside. But your use and enjoyment of it must always be considerate. You must not damage it - or the wildlife it supports. Remember that many people live and work in the countryside. They too have rights which the law protects and which you should respect.

Taking a dog with you

The countryside is a great place for you and your dog to explore and enjoy. But if you take your dog into the countryside, you should take some simple steps to ensure that your dog comes to no harm and that it behaves in a way that respects the interests of those who work there, other visitors and wildlife in the countryside. Together with the Kennel Club, Natural England has produced a free leaflet (see section 11) which contains practical advice and information about how to make your dog's visit to the countryside an enjoyable one for all concerned, and what to do if a problem arises.

You can take a dog along a right of way but you must keep it under control at all times. You should not let it foul the right of way (or farmland or any place that the public may use). Watch your dog carefully on a bridleway, restricted byway or byway open to all traffic where you may meet horses and cycles. You may be liable for damages if your dog injures a person, another animal or any property.

On open access areas where the right has been granted by the Countryside and Rights of Way Act 2000 you must keep your dog on a short lead between 1 March and 31 July – and all year round near farm animals. On some areas there may be additional restrictions. On other open access areas similar restrictions may apply – check locally.

You must be especially careful where there is livestock. If your dog worries them it can have serious consequences; not only may you be prosecuted and fined, but you may be ordered to pay compensation and have the dog destroyed. 'Worrying livestock' means attacking or chasing any farm animal or poultry. In a field or enclosure in which there are sheep, a dog that is not a working dog can be regarded as 'worrying livestock' simply by not being on a lead or otherwise under close control. 'Close control' has not been defined, but clearly a dog on a short lead will be, while an unrestrained dog may not.

A landowner can also shoot a dog that is apparently out of control and worrying sheep, and the dog's owner will not be compensated. Don't allow your dog to run through arable crops or to flush out game from hedgerows or scrub. Such actions will not be appreciated by the farmer, and can easily harm wildlife, especially nesting birds. Also see the section below on farm animals.

Farm animals

You are likely to meet livestock in the countryside, and sometimes they may react to your presence, particularly if you have a dog with you. When you enter a field which contains livestock move carefully and quietly; if possible, walk around them. While sheep and lambs may run away, cows and heifers are naturally inquisitive and may follow you across a field.

Cattle, particularly when accompanied by calves, can be suspicious of dogs and on occasion may react aggressively to them. If this happens and you feel threatened, you should let go of your dog's lead and move quickly to safety, taking the shortest route to a suitable exit along the field boundary. Whether you are walking a dog or not, where possible give farm animals

a wide berth, and avoid walking between cows and their young, or among groups of cattle. Horseriders should be prepared for other horses to react to their presence.

Remember to close gates behind you whenever you are walking through fields where there is livestock, unless, of course, you find gates fixed open.

Horses

Horseriders often find that they cannot avoid using country roads and lanes. If you are driving in the countryside, you should be prepared to meet them and must slow down for them; they have a right to be on the road and the law requires you to take special care when passing them.

The Highway Code gives specific instructions to motorists to be particularly careful of horses and riders, especially when overtaking: 'Always pass wide and slowly. Horse riders are often children, so take extra care and remember riders may ride in double file when escorting a young or inexperienced horse or rider. Look out for horse riders' and horse drivers' signals and heed a request to slow down or stop. Take great care and treat all horses as a potential hazard; they can be unpredictable, despite the efforts of their rider/driver.'

If a horse (or any other animal) injures a person, another animal or property, the owner or rider is liable if he or she knew that the horse was likely to behave in such a way as to cause the injury, or was responsible for the horse's actions.

Trespass

If you enter someone else's land you may be trespassing unless you have some form of permission or right to be there. Permission may vary, from a formal agreement about access to informal tolerance of it. A right may take various forms, from one provided by an Act of Parliament to one established by long use. In either case there are usually explicit or implicit conditions attached to the public use of the land, and if you contravene these you will be trespassing.

Where trespass occurs it is rarely a criminal offence, so you cannot be prosecuted simply for being in the wrong place at the wrong time. But if you cause actual loss or damage you can be fined for compensation, and if you trespass persistently the landowner or occupier may seek a court injunction to keep you out. If you trespass inadvertently and a landowner or occupier asks you to leave or to return to the footpath, you should do so. You must be allowed to do this freely. If you fail to leave, the use of reasonable force to make you leave may be justifiable, depending on the circumstances, but is rarely exercised.

There are exceptions to the general rule. In the case of certain railway land, Ministry of Defence land and sites designated by Parliament, trespass is a criminal offence for which you can be prosecuted. It is also an offence for a trespasser intentionally to disrupt any lawful activity on land.

If you trespass you do so at your own risk. Even so, trespassers may sue for damages if they suffer injuries through any deliberate attempt to injure them, or any reckless disregard for their safety. It is a criminal offence for a landowner to threaten a trespasser with a firearm.

Protecting wildlife in the countryside

Observing the natural life of the countryside such as watching birds or studying wild flowers, are increasingly popular pastimes. Many nature reserves welcome visitors (see page 16); some have hides or guided walks. But wherever you are, it is important to observe the laws that aim to protect our wildlife for future generations. The Wildlife and Countryside Act 1981 gives it strong protection. The spirit of the Act is that visitors must not deliberately harm or interfere with wild animals in any way. It is an offence to kill, injure or take any wild bird, and to take, damage or destroy the nest or egg of any wild bird. It is an offence to possess anything derived from a wild bird, its nest or egg. In addition to this general prohibition, more than 80 species of birds have protected status and must not be harmed by anyone at any time. The list includes most of our birds of prey, many waders and sea and coastal birds, as well as a large number of inland species found in woodland and open country. Dogs should not be allowed to disturb birds that nest on the ground. There are also special legal controls on hunting, shooting and fishing.

Many species of invertebrates, amphibians, reptiles and mammals are also protected. Deer, seals and badgers are subject to special forms of protection which specify the persons who may be entitled to kill them, and how and when this may be done.

A long list of plants have special protection, and must not be intentionally picked, uprooted or destroyed. To do so is an offence unless the damage is an unavoidable consequence of some necessary and lawful operation. This applies to landowners, occupiers and visitors.

You are allowed to pick wild flowers or foliage that are not protected. Picking small amounts of common flowers, for your own use, is accepted by custom - but this deprives others of seeing them. You should never pick wild flowers unless there are plenty left for others to enjoy, nor should you ever uproot any plant.

The same rule applies to wild fruit, such as blackberries, or wild mushrooms. The law allows you to pick these for your own use, although not to sell. There is an important exception in that any fungus containing the controlled drug psilocin or an ester of psilocin – commonly known as magic mushrooms – is now classed as a controlled drug and it is an offence to possess one.

As a rule, it is best to pick berries from bushes along a right of way to avoid trespassing off the route. Picking wild fruit, fungi, flowers or foliage for any commercial purposes is an act of theft unless the landowner has given permission.

Further details on protected wildlife can be found in the Conservation section of Natural England's website.

Protecting rocks and stones

Important geological sites may be designated as Sites of Special Scientific Interest and it is an offence to disturb them. You should not, for example, remove rocks or pieces of rock to take home. Rock formations known as 'limestone pavements' may be protected by orders. But regardless of whether or not an area is protected, you should avoid removing any rocks or stones for any purpose - even studying them. This applies to dry stone walls and old buildings, and even to rocks that have fallen down and appear to be useless. It may be theft to remove such rocks, and it is certainly irresponsible.

The Geologists' Association issues a free Fieldwork Code which gives advice on conserving geological sites. If you wish to go on geological field trips, no matter how informal, you

should study the code and observe it. The Association also invites landowners to familiarise themselves with the code so they can encourage visiting geologists to observe it. The landowner can report offenders to the institution or society they belong to.

On some geological sites, including all quarries, you are required by the Health and Safety at Work Act to wear protective clothing, and especially a safety helmet.

Further details on the protection of geological sites can be found in the Conservation section of Natural England's website.

Archaeological sites

People have lived in and shaped the English countryside for thousands of years. Today's countryside contains many reminders of past activities, ranging from neolithic burial mounds to lime kilns, from Iron Age hillforts to wayside crosses. Our rich collection of archaeological remains and historical sites may seem permanent, but can be surprisingly fragile. It is an offence to damage or destroy those that are scheduled ancient monuments. Others are in designated areas of archaeological importance, where notice is required for any operation that disturbs the ground. But some have no protection at all.

Archaeological sites are often marked in some way on the ground or on the map. All sites deserve to be treated with care. Unintentional damage can be caused by too many people clambering over burial mounds or barrows. It is an offence to use a metal detector to locate objects of archaeological or historical interest in a protected place - a scheduled monument or area of archaeological importance. Moving or taking away anything (even stones just lying on the surface) can make it difficult for archaeologists to learn more about these sites and the lives of those who built them. Taking anything away from a site can also be regarded as theft. English Heritage offers advice about archaeological sites.

Metal detectors

You may carry and use a metal detector on a right of way. But you are not permitted to disturb the ground in order to remove anything, without the landowner's permission. To do so may be trespass, criminal damage, or theft. This prohibition also applies to beaches. It is also an offence to use a metal detector on the site of a scheduled monument or area of archaeological importance in order to find objects of historical or archaeological interest without written permission from the Secretary of State for Communities and Local Government.

Public rights of access to open access areas do not extend to taking a metal detector with you or using it. The National Council for Metal Detecting publishes a code of conduct for detector users.

Picnics and camping

You may usually picnic on land to which you are allowed access, provided you remove your litter, do not light a fire without the landowner's permission, and do not trample on crops or interfere with animals. When following a right of way you may stop for a short time to eat something, provided you do not cause an obstruction for others or stray from the route.

You may not pitch a tent or park a caravan or motor caravan anywhere without the landowner's permission. If he or she regularly permits these activities, the land may be deemed a caravan or camp site, and a licence and planning permission may be necessary.

It may be an offence to camp on any common or town or village green, or to park overnight in a layby or beside the road. You should always comply with any signs. It is much better to check your OS map for camp sites, or consult guides produced by the camping and caravanning clubs.

Fires

You must always obtain permission from the landowner or occupier before you light a fire. Otherwise you may be liable to prosecution for criminal damage. It is also an offence to light a fire on a common or town or village green.

Parking and driving along rights of way

Car parking facilities are provided at many beauty spots, picnic sites, country parks and other popular areas. If you park on the roadside, make sure this is legal and you are not causing an obstruction to any entrances or gateways. Farmers must be able to get into their fields at all times. Do not park so close to a road junction or farm entrance that your car obscures the view of the junction for other road users.

You may not drive a motor or horse-drawn vehicle off the road and on to a field, a common or open land, even if the area is open to the public, unless the landowner or occupier has given permission. It is a criminal offence to do so. If your vehicle damages the ground or vegetation you may be liable to prosecution for criminal damage, and in any case you will be trespassing.

It is an offence to drive a mechanically-propelled vehicle on a footpath, bridleway or restricted byway unless you have the express permission of the owner of the highway, which in most cases is the highway authority, and of the owner or occupier of the land the highway crosses. Since the highway is usually used only by walkers, horseriders or cyclists, who will not expect to meet a vehicle, you should drive very carefully. Less care than this is a criminal offence. Mechanically-propelled vehicles, including motor cycles, can be driven along ways recorded on definitive maps as byways open to all traffic, although great care must be taken. Their use may be subject to Traffic Regulation Orders (see page 32).

Firearms and other weapons

If you wish to use firearms in the countryside you must know the law and observe it. You may not carry a firearm while using a right of way, unless you have a good and lawful reason for doing so. More generally, in any public place you must not carry a loaded firearm or air gun, an unloaded one together with ammunition, or anything that has a blade or is sharply pointed (other than a small folding pocket knife).

It is not an offence to fire a gun across a public right of way as such. But anyone doing so may be guilty of causing a nuisance, of wilfully obstructing the highway, of intimidation, or of contravening the Health and Safety at Work Act 1974 or Occupiers' Liability Act 1957.

Bylaws

Local authorities, the National Trust and a number of statutory bodies, water companies and railway operators have the authority to enact and enforce bylaws within their areas of jurisdiction. They are local and therefore vary from place to place. A failure to observe them is dealt with in the criminal courts, generally by fines.

Bylaws are sometimes used to limit what you may do or how you behave in public places and occasionally on rights of way. For example, you may be restricted from flying noisy model aircraft. Or a bylaw may require dogs to be kept on a lead, or prohibit cycling on a right of way.

Where bylaws apply, a notice must be displayed prominently. You can obtain a copy of the bylaws from the authority that made them. In the case of highways or open country this will be the local highway authority, or the district council or National Park Authority if there is one. In the case of waterways or land adjoining them it may be the Environment Agency, the water company or British Waterways.

See section 11 for details of useful websites and other information.

9 More about rights of way

How rights of way come into existence

The legal phrase used to explain how rights of way come into existence is 'dedication' - a landowner dedicates to the public a right of passage over an area of land. Sometimes the landowner does this through a formal dedication process. But usually it can be inferred or 'presumed' that the path was dedicated, based on the landowner's and the public's behaviour over many years.

For example, if the public uses a path without interruption or challenge for at least 20 years, a right of way is presumed to have been dedicated, even though the landowner made no formal dedication. The use must have been by the public and not by a special group of people such as employees of the landowner. The landowner must not have objected, and the public's use must have been so open and frequent that he ought to have known about it. 'Interruption' means that the landowner has not asked people to leave, put up a notice (such as 'Private Road'), locked a gate or obstructed a path in order to exclude people.

A landowner may not want to dedicate a right of way even though he knows that the public are crossing his land and he has no objection. In such cases he will probably notify the highway authority of his position (there is a formal procedure for maps and declarations) and may put up a notice saying that he does not intend to dedicate a right of way. If he does neither of these, then his actions have to be clear to the public in order for them to be effective in showing that he has no intention to dedicate.

Responsibilities for rights of way

The highway authority

The main responsibility for rights of way falls on the highway authority. The highway authority is the county or unitary authority for the area. It has a wide range of statutory duties - that is, action it must take - to protect and maintain rights of way; and it has discretionary powers - that is, action it may take if it wants to.

Duties and powers of the highway authority

Some of their most important statutory duties include:

- protecting the public's right to use and enjoy rights of way;
- maintaining the surface of most rights of way;
- preventing the closure or obstruction of any highway;
- ensuring that farmers comply with the law that paths over cultivated land are properly restored after they have been disturbed and remain apparent on the ground thereafter;
- ensuring that farmers do not allow crops to make any right of way inconvenient to use;
- ensuring that the legal record of all rights of way, called the 'definitive map and statement', is kept up to date;
- signposting rights of way from metalled highways and providing additional signs and waymarks where these are necessary along any path;
- producing a 'rights of way improvement plan', setting out how it will manage and improve the network of rights of way in its area.

The highway authority's discretionary powers allow it to:

- create new paths by agreement with the landowner;
- make orders to create, divert and extinguish rights of way;
- improve rights of way, including the provision of seats and street lighting; and
- provide footpath wardens.

These various duties and powers are referred to in more detail below.

Other local authorities and parish councils

If the highway authority is a county council, there may also be a district council and a parish council. Both of these bodies have discretionary powers, allowing them to work with the highway authority to manage, protect and maintain rights of way. For example, a district council can maintain footpaths, bridleways and restricted byways, make orders to create, divert or extinguish rights of way, and carry out other functions on behalf of the county council. Parish councils too can maintain footpaths, bridleways and restricted byways. They can take action against anyone who unlawfully obstructs a right of way - or require the highway authority to act. They can insist that a path or byway be signposted where it leaves a metalled road, and they can put up signposts and waymarks with the consent of the highway authority.

None of these extra powers relieve the highway authority of its basic duties and responsibilities. **If you encounter a problem with a right of way, or if you want help or advice, it is the highway authority that you should always contact in the first instance.**

Landowners and occupiers

The landowner and occupier must respect the public's rights of passage and not do anything that would inconvenience or endanger the public in any way. As most rights of way are over farmed land, there are special provisions to deal with gates and stiles and to allow cultivation (see pages 32 and 33). In a very few cases the landowner is responsible for maintaining the surface of the path - normally it is the duty of the highway authority (see below).

Rights of way improvement plans

Each highway authority has had to produce a 'rights of way improvement plan' setting out the steps it proposes to take to improve the management of the rights of way in its area and to improve the network as a whole to meet the public's needs better, including the needs of those with disabilities or whose mobility is impaired. The rights of way improvement plan can be obtained from the highway authority: plans are often available for downloading from an authority's website.

Maintenance and improvements

The highway authority has a duty to maintain nearly all rights of way. The exceptions are those footpaths, bridleways and restricted byways created by presumed dedication (see page 28) since 1960 (where no-one is responsible unless the highway authority has agreed to assume responsibility) and some byways open to all traffic. To allow the highway authority to do its maintenance work, it is, in effect, the owner of the surface (the top two spade depths or so) of any highway it is liable to maintain.

A district or parish council may also maintain footpaths, bridleways and restricted byways, either on their own account or on behalf of the highway authority. Or the highway authority may arrange for work to be carried out by a farmer, contractor, or group of volunteers.

Maintenance includes keeping the surface of the highway in good repair and dealing with natural vegetation growing from it. Overhanging vegetation (from a hedge, for example) is the responsibility of the landowner or occupier. Crops growing from the surface or alongside a path, and problems of drainage caused by the farmer's activities, are also the farmer's responsibility.

Tunnels and bridges along a right of way are usually the highway authority's responsibility (although the railway authority or British Waterways may deal with maintenance and safety where railways and canals are being crossed). If a landowner widens or deepens a stream or drainage channel, they would normally be responsible for providing a safe, convenient crossing, and may be responsible for its continued maintenance.

There is no set standard to which rights of way have to be maintained and it is acceptable for some paths to be in a better condition than others. A path leading to a village church or school may be easier to use than a remote country path. On a byway open to all traffic, the highway authority is not obliged to provide a hard, metalled surface or to maintain one. Country footpaths, bridleways and restricted byways certainly won't have a firm dry surface at all times. It is normal for them to be a little overgrown in summer or muddy in winter - so be prepared and dress appropriately. A path should never be so overgrown or muddy that it is impossible to use. All rights of way should be appropriate for their expected use, with reasonable care taken by the highway authority to ensure that they are safe.

A highway authority can be taken to court to force it to carry out its maintenance duties - see page 36. Highway authorities do have some powers to improve rights of way - although they have no duty to do so. They can provide and maintain fences or rails at the sides of paths; erect bollards, gates or stiles at the entrance to a right of way; build bridges, level surfaces, improve drainage and install cattle grids. Parish and community councils have powers to provide seats, shelters and lighting, and to make many other small improvements if the landowner agrees.

Changes to the path network

County and district councils have powers to create new footpaths, bridleways and restricted byways by agreement with landowners and to pay compensation. Parish councils may also create new rights of way by agreement, but cannot pay compensation.

Orders to create, divert or extinguish rights of way can be made by the highway authority or district council, but only for a specific reason that is set out in the legislation. For example, a right of way can be extinguished only if it is no longer needed for public use. If it is obstructed and cannot be used, this does not justify it being extinguished. Nor can a right of way be extinguished simply because it is inconvenient to the landowner.

Notice of all such orders must be published in a local paper, posted at the site and displayed at the council's main offices. You may ask the local authority to notify you of any orders made for an area, but they may charge for this service. If anyone writes in objecting to an order then a decision on whether the order should be confirmed is made by an independent inspector from the Planning Inspectorate (acting on behalf of the Secretary of State for Environment, Food and Rural Affairs) who may first hold a local public inquiry. Orders dealing with byways follow a different procedure and are decided by the local magistrates

after a hearing in court. This procedure may also occasionally be used for footpaths, bridleways and restricted byways.

The Secretary of State for Defence may close a public footpath or bridleway for military purposes without public notification; depending on the purpose used to justify the closure, an alternative path may be provided. Paths that run across or very close to military land may be changed temporarily, with approval by a magistrates' court, usually to protect the public from injury. Rights of way may occasionally be closed or diverted temporarily, when the highway authority undertakes work near to or on the path that could endanger the public. The Department for Environment, Food and Rural Affairs may close a path temporarily to prevent access to livestock infected by a notifiable disease. Farmers are not entitled to close paths for this reason themselves.

Natural England publishes a booklet giving more information about changes to rights of way (see section 11).

Keeping rights of way in use

There is a lot of truth in the saying 'Once a highway, always a highway'. A right of way still exists in law even if it is built over, obstructed or not used regularly. The legal right to use it remains, even if it is physically impossible to do so. It is not necessary (as is sometimes thought) for someone to walk or ride a path at least once a year. Many user groups try to walk or ride all of the paths in their area regularly. But if a right of way has not been used for many years, the right of passage remains - until the path is formally extinguished or diverted by the correct legal process.

If a right of way in your area is impossible to use, you should notify the highway authority and ask them to bring it back into use. Rights of way which have been 'lost' through erosion - by land being washed into the sea or a river - are treated differently. You may use the part of the path that remains but you may not divert around the missing section. The local authority will need to replace the missing section, by reaching agreement with the landowner or by making a public path creation order.

Definitive maps - the legal record

Special maps have been drawn up so that walkers, riders, farmers and landowners may know which paths are public rights of way. These 'definitive maps' show rights of way in four categories:

- footpaths – a right of way on foot only;
- bridleways – a right of way on foot and on horseback. An additional right has been granted to pedal cyclists to ride on bridleways, provided that they give way to walkers and horse-riders;
- restricted byways – a right of way on foot, on horseback and in or on a vehicle that is not mechanically-propelled;
- byways open to all traffic – a right of way on foot, on horseback and in or on any kind of vehicle.

If a right of way is shown on the map, that is conclusive evidence, in law, that the public had those rights - and still has them unless there has been a legally authorised change. However, a right of way may have been omitted from the definitive map. For this reason, the fact that a path is not shown on the definitive map does not necessarily prove that the public has no rights over it. Similarly, the status of a path may be incorrectly shown on the map, so a right of way that is shown as a footpath may have additional, unrecorded rights, for

example for horse riders to use the way, and ought properly to be recorded on the map as a bridleway.

Every definitive map is accompanied by a statement describing each right of way in greater or lesser detail. The statement might define the position or width of the path, or give details of any conditions attached to the public's rights. These details are conclusive evidence in law but with the same proviso that they may not give the full picture.

It is the job of the highway authority to prepare the definitive map and statement for its area, and to keep it up to date. Maps do not have to be compiled for the inner London boroughs. You may ask to see the map and statement, along with any amendments to it, at the authority's office. In some cases they may sell copies of the map. If there is a district council for the area, they will also have a copy of the map and statement available for inspection. Some councils arrange for copies to be kept at local libraries, and many parish councils hold a copy.

Natural England publishes a booklet giving more information about definitive maps (see section 11).

Traffic Regulation Orders

It is common in towns and cities for the highway authority to make orders to restrict or prohibit the use of a highway, for example at certain times of day or by certain types of vehicles. The same kind of order - a Traffic Regulation Order - may occasionally be made in the countryside in the interests of conserving natural beauty and promoting recreation and nature study. They are mainly used to limit vehicular traffic, but can also be applied to footpaths, bridleways and restricted byways, for example to forbid cycling or horse riding. Notices explaining the restriction or prohibition must be conspicuously displayed. It is an offence punishable by a fine to disregard them.

Before a Traffic Regulation Order can be made, a notice is normally published in the local paper allowing time for objections to be made. Any objections must be considered by the highway authority. In an emergency an order can be made by the highway authority without prior warning.

In National Parks the national park authority may make a Traffic Regulation Order for a right of way or unsurfaced road.

Stiles and gates

Stiles come in a wide variety of designs, often reflecting the local character of our footpaths. But all stiles, gates and similar structures must be maintained in a safe condition, and must enable you to use the right of way without unreasonable interference. A stile that is dilapidated, difficult to use or topped with barbed wire is unlawful. On a bridleway or restricted byway, a stile or padlocked gate that obstructs the route for horse riders is also unlawful. Both should be reported to the highway authority.

It is normally the landowner's or occupier's duty to maintain gates and stiles in a safe condition. They can recover at least 25 per cent of the cost from the highway authority. If the landowner or occupier fails to maintain their gates and stiles in a safe condition, the highway authority can require the work to be done, or carry out the work itself and recover its costs. Many authorities provide free stile or gate kits which the farmer or volunteers can install themselves.

In repairing a stile or gate the farmer does not have to make the path more convenient to use. But the highway authority or parish council may be able to arrange with the farmer for improvements such as kissing gates or dog latches. Highway authorities can enter into agreements with landowners for a structure such as a stile to be replaced with one that is easier for people with mobility problems to use. Defra has issued guidance to authorities encouraging them to make use of this power.

The highway authority's permission is required before a new stile or gate can be erected across a right of way (although not if the landowner is simply replacing an existing, old stile with a new one). Putting any sort of fence, including an electric one, across a right of way without providing a safe means of crossing is an obstruction.

Ploughed paths and growing crops

One frequent problem encountered by users is to find a path obliterated by ploughing or covered by a crop. Highway authorities have strong powers to enforce the law relating to ploughing and cropping. They may prosecute the landowner or occupier, and they may swiftly put matters right by carrying out the necessary work themselves and then recovering the costs from the farmer.

If a footpath or bridleway runs along the edge of a field then its surface must not be ploughed or disturbed at all. Ploughing or disturbing the surface of a restricted byway or byway open to all traffic is also prohibited, regardless of whether it runs along the edge of a field or across it.

If a footpath or bridleway runs across a field, and cannot conveniently be avoided, the farmer is entitled to plough or disturb it in order to sow, cultivate or harvest a crop. But he then has a duty to restore the surface to make the path reasonably convenient for walkers and riders to use; and he has a duty to make sure that the line of the path is (and remains) apparent on the ground. Normally this must be carried out within 24 hours of the start of the disturbance. An exception is when the land is first disturbed for that crop; then a longer period of 14 days is allowed (to provide for the initial preparation of the land). Either period may be extended if agreed in advance with the highway authority.

Crops must not be allowed to grow on or overhang any footpath, bridleway or other right of way in a manner that inconveniences the public, or prevents the line of the path from being apparent on the ground. 'Crops' include cereals, oil seed rape and root crops, but do not include grass being grown for pasture, silage or haymaking.

The law specifies minimum widths for rights of way that are restored after disturbance or kept clear of crops. For rights of way across a field the minimum widths are 1 metre for a footpath, 2 metres for a bridleway and 3 metres for other rights of way. On the field edge, these widths are increased to 1.5 metres, 3 metres and 5 metres respectively.

If you think the law is not being complied with you should report it to the highway authority, giving the date, the exact location and an explanation of the problem. You are, in the meantime, still entitled to follow the route even if this means treading on the crop. Another option may be to walk round it; but please see page 34 for advice in dealing with problems.

Widths of rights of way

The widths mentioned above apply only to rights of way that are being restored or kept clear of crops. Otherwise the law prescribes no fixed widths for footpaths, bridleways, restricted byways and byways open to all traffic. The highway authority can require a gate across a

bridleway to be at least 1.5 metres wide. The recommended width for a stile is 1 metre, although this is not a legal requirement.

If a right of way is shown on the definitive map, or has been recently diverted or created, then the statement accompanying the definitive map or the path order may specify a width. Some historic documents such as inclosure awards also record the width of paths. In the absence of such information, the 'rule of thumb' is to allow paths to be wide enough for two walkers or horseriders to pass one another. If the right of way has fences on both sides you can usually assume that you are allowed to use the full width, from fence to fence.

Other obstructions

You may find a path blocked by a tree, rocks, barbed wire or rubbish, or just overgrown with vegetation. These can all be considered obstructions and should be reported to the highway authority. The authority should clear natural obstructions as quickly as possible. It can order overhanging vegetation or barbed wire to be removed and can clear anything placed or planted on the right of way. If the authority orders an obstruction to be removed within a stated time and it is not removed within that period, the authority can remove it and recover the cost from the person concerned. Legal action can be taken against a highway authority over certain types of obstruction – see page 36.

Misleading signs

Misleading signs can deter some people or make them feel uncomfortable, even when they know they are on the right path. If a right of way is shown on the definitive map, it is an offence for anyone to put up any sign or notice containing false or misleading information that is likely to deter people from using the route. You should report any problems to the highway authority.

Bulls

Keeping bulls of the recognised dairy breeds (Ayrshire, British Friesian, British Holstein, Dairy Shorthorn, Guernsey, Jersey and Kerry) in a field or enclosure crossed by a right of way is an offence punishable by a fine. It is only permitted to keep bulls in a field or enclosure crossed by a right of way if they are:

- under ten months old, or
- not a recognised dairy breed and accompanied by cows or heifers.

Although this means that some bulls are allowed in fields crossed by rights of way, a person responsible for a bull that is known to be dangerous (eg irrespective of its breed) can be liable for damages if it injures someone. The law also requires employers and employees to take precautions to ensure that their activities do not endanger the health and safety of third parties

You should report any problems to both the highway authority and the Health and Safety Executive.

Dealing with problems at the time

If a right of way is obstructed you may remove just enough of the obstruction to allow you to pass, but you must be careful. You must do the minimum of damage to the obstruction, and be careful not to let livestock escape. If your way is blocked by someone you believe to be the landowner or occupier or a person representing them, you must not use or threaten force

against them or their property, although you can politely but firmly continue to exercise your rights.

An alternative to removing an obstruction is to pass round it, deviating from the line of the right of way. If the path really is impassable you are entitled to deviate, but you must take care to avoid causing damage. If the deviation takes you on to land belonging to someone other than the person responsible for the obstruction, you may be trespassing.

You are not entitled to remove anything that does not obstruct a path but which you feel is dangerous to path users, such as barbed wire or electric fencing alongside the path. If you report the problem to the highway authority they can have it removed.

Intimidation and nuisance

If anyone tries to prevent you from using a public right of way by telling you to leave, by keeping a fierce dog close to the highway to deter you, or by any other form of intimidation or harassment, you should notify the highway authority. If anyone threatens or uses force against you, the police should be notified as well. You may also be entitled to prosecute privately or to apply to the magistrates to have the offender bound over to keep the peace. Committing a breach of the peace, or behaving in a way likely to provoke one, is an offence; the penalty is imprisonment or a fine or both.

Anyone behaving unreasonably and thereby interfering with the use of a public right of way may also be committing a nuisance, for which they can be sued privately, or prosecuted for a criminal offence, or both, depending on the nuisance. If you are injured by something on the path, you should report it to the highway authority; you may be able to sue privately for damages, but your own actions will be examined carefully.

Reporting problems to the highway authority

If you encounter any, you should make an effort to report them to the highway authority. They will usually be responsible for taking action. Even if they have to pass your complaint to another body, they will still find it useful to be aware of the problem. You might prefer to approach the landowner or occupier yourself. This can often be the easiest way of resolving small problems, although finding out who to approach can sometimes be difficult and time-consuming.

If you report a problem to the highway authority give them as much information as possible about what was wrong, where and when. Give the exact location, including a grid reference if you can, or mark the place on a photocopy of a map. A photograph of the problem, noting the date and time it was taken, can be useful to the authority, as can the names and addresses of other witnesses. If you have spoken to the owner or occupier, that too should be reported.

The highway authority will investigate complaints as quickly as it can, but bear in mind that it has hundreds - sometimes thousands - of miles of rights of way to look after. If the authority's officers do not respond in a reasonable amount of time, you may raise the issue with one or more local councillors - your own councillor, or a councillor for the area where the problem arose, or the chairman of the appropriate committee. The highway authority will give you their names and addresses. Bear in mind that district and parish councils have powers to take action or to require the highway authority to act (see page 29).

In exceptional cases you may ask the Local Ombudsman to investigate the way a complaint has been handled, or you may take action in the courts to compel an authority to act. The

Local Ombudsman (or 'Commissioner for Local Administration') can investigate complaints of maladministration by local authorities, including excessive delays and neglect of duty. Most authorities respect the Ombudsman's findings and act on them, although they are not bound to do so. Information about what the Ombudsman can, and cannot, do is available on the Local Ombudsman's website.

Sometimes it is possible to apply to the magistrates' court for an order compelling the highway authority to maintain a highway that is 'out of repair' or to get an obstruction removed. The initial steps of this procedure are relatively simple, and may prompt the authority to resolve the problem. Before applying to a magistrates' court you should obtain legal advice, either independently or through one of the user groups (see section 11). Defra has published advice on using the procedure for getting the highway authority to remove an obstruction.

Initiating your own prosecution against a landowner or occupier is a different matter. Not only are the circumstances in which an individual can take such action very limited, but you will also need to consider carefully the evidence that you will have to produce to secure a conviction, and the consequences should you fail to do so. Again, you should take sound legal advice. It will almost invariably be preferable to persuade the authority to take such action than to do so yourself.

See section 11 for details of useful websites and other information.

10 More about open access

Open access areas - where you can wander by right

The public have had rights to wander freely over certain land for a long time, but the extent of land where there is such a 'right to roam' has been greatly extended recently by provisions in the Countryside and Rights of Way Act 2000. That Act required Natural England's predecessor, the Countryside Agency, to draw up maps of 'open country' (defined as mountain, moor, heath and downland) and registered common land. Once those maps had been through public scrutiny and any objections resolved, they became known as conclusive maps, which are available for public inspection at local authority offices and via a website maintained by Natural England. The public have a right on foot to any land shown on those maps, subject to the following exceptions:

- any land to which there was a right of access under earlier legislation remains subject to that legislation. Natural England has researched the extent of this land and made the information available on a website;
- land may be excluded from access for restrictions for nature conservation or defence purposes;
- certain land, known as 'excepted land', is excluded from the right of access even though shown on maps. This includes land covered by buildings or within 20 metres of a dwelling, land used as a golf course and land used for quarrying;
- access may be restricted at times of high fire risk;
- all access is subject to the user behaving responsibly, and not contravening any of the requirements listed in Schedule 2 to the Act. These include not lighting fires, not driving or riding a vehicle other than an invalid carriage, not having an animal other than a dog with you, and not intentionally damaging any trees or plants. Restrictions on dogs on access areas are covered on page 22.

A landowner can dedicate as an open access area under the Act land that is not on the maps drawn up by the Countryside Agency, or can dedicate additional rights over land that is already on the map.

The Ordnance Survey shows on its Explorer maps 'access land', which includes land open to access under the Countryside and Rights of Way Act 2000 as well as other land such as National Trust land. See page 14 for more details.

Commons

There are over 7,000 commons in England, covering a total of about 4,000 square kilometres (over 1,500 square miles). They range from Lake District fells to Surrey picnic spots; from Norfolk marshes to Dartmoor hill grazings. Some are famous open spaces such as the Malvern Hills, Cannock Chase or Hampstead Heath, others are small areas known only to local people.

Commons are a legacy from the time when much of our land was wild and used in common by the local population. Many rights to use land in common were eradicated by the feudal system and later by the Inclosure Acts, but some have survived until the present day. The land these rights apply to is still owned by someone - three-quarters of it privately - but certain people other than the landowner often have some rights, for example to graze a specified number of animals. These people are called 'commoners' and their rights usually attach to particular local properties, such as farms. There is an official register of commons

accompanied by maps, and you can see these at county council and unitary authority offices. It is best to make an appointment to inspect them.

The public was granted access rights in the 19th and 20th centuries over commons in and around our older towns and cities and to some rural commons: some of these rights extend also to horse-riding. Often these commons belong to the local authority and are used solely for public enjoyment. Other common land, became, as mentioned above, subject to a right of access on foot under the Countryside and Rights of Way Act.

Access to coastal areas

Beaches are owned, like any other area of land. The public is usually allowed on them, although there is no right to cross private land in order to reach a beach.

Many beaches are owned by local authorities and dedicated for public use. Many others have been used by the public for many years and are presumed to have been dedicated for public use. Certain activities may be restricted, such as camping, driving vehicles or lighting fires. There are also a few private beaches, closed to the public, with a notice displayed that explains this.

The foreshore is slightly different. This is defined as the region lying between the high and low tide line, limited on the landward side to the medium line between neap and spring high tides, and is marked on OS maps. This strip usually belongs to the Crown. There is not necessarily any right of public access to it, but in most cases you cannot be barred from walking on the foreshore because there is an absolute right of navigation along it when the tide is in, which prevents the erection of barriers.

The government consulted in 2007 on extending the public's access to the coast, and has announced its intention of introducing legislation for this purpose at a future date.

Access to lakes, rivers and canals

Natural lakes and their shores may or may not be open to the public. Any access to the land surrounding the lake does not necessarily give you rights of access to the water, nor rights to swim, fish or launch a boat.

Reservoirs and their surrounding land belong to water companies, British Waterways, or private industries. There is no general right of access to them, although in some cases there is access to car parks, land areas, footpaths and other public facilities.

There is no general right of access to river banks, although some banks have traditionally been used by custom. Remember that rivers, as well as the land adjacent to them, are the property of the landowner. Even if a right of way exists beside a river, this does not give you the right to fish. Sometimes the owner may lease the fishing rights to a club, whose members may have exclusive access to the waterside.

Canal towpaths are legally part of the canal. The towpath besides a canal is usually available for public use on foot, and sometimes by cycle. This is normally on a permissive basis but some towpaths are public rights of way. Many towpaths are owned by British Waterways. You should follow any bylaws or restrictions on towpaths and be especially careful at locks.

Access by local permission

In some places, where there is no formal right or access agreement, the landowner allows the public to use the land subject to specific conditions.

The National Trust, for example, owns many miles of coastline, and many thousands of acres of common land and open country, especially in the Lake District and other National Parks. The Trust allows the public on to this land whenever possible. If you find such an area closed off, or you are asked to keep to paths and tracks, it is probably because conservation work is being carried out or the land is being farmed.

Most Forestry Commission and Woodland Trust woodlands are open to the public. Paths and trails are often clearly marked and well maintained, and car parks and other facilities are sometimes provided. Some private woodlands are also open to the public.

Access by custom

There are many areas where the public has never been given specific permission to enter, but access for some form of quiet recreation has been customary (this is sometimes known as 'de facto' access). In areas of open country such use is frequently possible because it does not interfere with low-key uses such as grazing by stock.

Town and village greens

There are many areas of land in or near cities, towns or villages that have customarily been used by local residents 'as of right' for recreation and enjoyment. These are known legally as town or village greens. Some are just small patches of mown grass. Others are larger and more natural in their appearance.

Special registers of greens are held by commons registration authorities, and over 3,000 have been registered. New claims for registration are possible if local people have openly used the land for recreation for at least 20 years without permission from the owner. The Open Spaces Society publishes a detailed guidance manual on getting village greens registered. Successful registration of a green confirms local residents' rights to use the land, and gives it protection against future development.

Millennium Greens and Doorstep Greens

People from all over England have been able to create new green spaces with Lottery money, through help from the former Countryside Agency (now part of Natural England).

Millennium Greens was an initiative supported by the Millennium Commission to help people mark the year 2000 with a permanent green space close to their homes, whether they are in cities, towns, villages, or hamlets. Over 200 Millennium Greens were created. The Greens are informal 'breathing spaces' for people to relax, play, or simply get out for some fresh air. Millennium Green trusts own the land and will look after it into the future.

Doorstep Greens are similar informal open spaces in the centre of communities where people lack existing communal green space, or where greens are under-used because they're not accessible or attractive to use. 200 projects have been supported with funding from the New Opportunities Fund. Further information about Millennium and Doorstep Greens is in the recreation section of Natural England's website.

Picnic sites and country parks

Throughout England there are hundreds of picnic sites, some opened with the support of Natural England, others provided by the Forestry Commission or the National Trust. They usually cover a few acres, and are chosen for their scenic views. Seats, tables and car parking are provided.

Country parks are larger, sometimes covering several hundred acres. They have been created for the enjoyment of the public, and include a wide range of scenery. In some parts of the country abandoned industrial land, worked-out gravel pits or disused reservoirs have been transformed to create attractive landscapes that have become country parks.

All country parks have areas where you may roam freely. Often you are free to go where you choose. Depending on the site, there may be woods to walk through, a lake to sail on, or streams to picnic beside. There may also be opportunities to study wildlife, go fishing, play sports, or ride a horse. Toilets are normally provided and there may be a supervisory ranger presence.

Over 200 country parks in England have been supported by Natural England. A few are owned and managed privately or by the National Trust but most belong to local authorities or other public bodies. Entry is usually free, although there may be a charge for parking a car or using some facilities.

See section 11 for details of useful websites and other information.

11 Further information and contacts

Central and local government bodies	
Countryside Council for Wales	www.ccw.gov.uk
Defra	www.defra.gov.uk includes pages devoted to public rights of way, access to open country and extending coastal access
Environment Agency	www.environment-agency.gov.uk
Health and Safety Executive	www.hse.gov.uk
Local Government Association	www.lga.gov.uk
Local Government Ombudsman	www.lgo.org.uk
National Association of Local Councils	www.nalc.gov.uk
Natural England Natural England publications can also be ordered from: Publications Natural England PO Box 1995 Wetherby West Yorkshire LS23 7XX Telephone: 0870 120 6466 Fax: 0870 1214 178	www.naturalengland.org.uk includes sections on access, conservation and recreation and a publications area from which the following can be downloaded or ordered: <i>Waymarking public rights of way</i> (CA 77), <i>A guide to definitive maps and changes to rights of way</i> (CA 142) (download only), <i>You and your dog in the countryside</i> (CA 205), <i>Managing public access</i> (CA 210), <i>On the right track: surface requirements for shared use routes</i> (CA 213) and <i>By all reasonable means: inclusive access to the outdoors for disabled people</i> (CA 215)
Scottish Natural Heritage	www.snh.org.uk
Sport England	www.sportengland.org

Countryside and nature conservation voluntary bodies	
Butterfly Conservation	www.butterfly-conservation.org.uk
British Trust for Conservation Volunteers	www2.btcv.org.uk/display/btcv_home
Campaign to Protect Rural England	www.cpre.org.uk
Environment Council	www.the-environment-council.org.uk
Geologists' Association	www.geologists.org.uk
Royal Society for the Protection of Birds	www.rspb.org.uk
The Wildlife Trusts	www.wildlifetrusts.org

First aid and safety	
British Red Cross Society	www.redcross.org.uk
St John Ambulance	www.sja.org.uk

Historic heritage	
Council for British Archaeology	www.britarch.ac.uk
English Heritage	www.english-heritage.org.uk
National Council for Metal Detecting	www.ncmd.co.uk

Information sites	
Access under agri-environment schemes	http://countrywalks.defra.gov.uk/default.aspx can be searched for walks, horse-riders, easy access routes
Access land under the Countryside and Rights of Way Act 2000	www.countrysideaccess.gov.uk
Highway Code	www.direct.gov.uk/highwaycode
Maps of other land to which there is a right of access	www.openaccess.gov.uk
National Cycle Network	www.sustrans.org.uk
National Parks	www.nationalparks.gov.uk
National Trails	www.nationaltrail.co.uk
National Rail Enquiries	www.nationalrail.co.uk
Ordnance Survey	www.ordnancesurvey.co.uk/oswebsite/
Traveline public transport information	www.traveline.org.uk/index.htm
Transport Direct – Britain’s free online journey planner	www.transportdirect.info
Visit Britain	www.visitbritain.com
Youth Hostels Association	www.yha.org.uk
Institute of Public Rights of Way Management	www.iprow.co.uk

Land owning and managing bodies	
British Waterways	www.britishwaterways.co.uk
Country Land and Business Association	www.cla.org.uk
Forestry Commission	www.forestry.gov.uk
National Farmers' Union	www.nfuonline.com
National Trust	www.nationaltrust.org.uk
Woodland Trust	www.woodland-trust.org.uk

Recreational interests voluntary bodies	
British Horse Society	www.bhs.org.uk includes an online shop and downloadable advice on horse-riding in the countryside
British Mountaineering Council	www.thebmc.co.uk includes an online shop selling guidebooks on hill-walking and mountaineering
British Orienteering Federation	www.britishorienteering.org.uk
Byways and Bridleways Trust	www.bbtrust.org.uk
Camping and Caravanning Club	www.campingandcaravanningclub.co.uk
Caravan Club	www.caravanclub.co.uk
Cyclists' Touring Club	www.ctc.org.uk includes an online shop and downloadable advice on cycling and mountain-biking in the countryside
Fieldfare Trust	www.fieldfare.org.uk includes details of the Good Practice Guide CD on improving access to the countryside for people with disabilities or mobility problems

Long Distance Walkers Association	www.ldwa.org.uk includes searchable database of long-distance routes
Motoring Organisations' Land Access and Recreation Association (LARA)	www.laragb.org
Open Spaces Society	www.oss.org.uk includes details of publications <i>Our Common Land</i> and <i>Getting Greens Registered</i>
Ramblers' Association	www.ramblers.co.uk includes an online shop and details of publication <i>Rights of way : a guide to law and practice</i> , downloadable advice on walking in the countryside and a searchable database of led walks
Rough-Stuff Fellowship	www.rsf.org.uk for off-road cycling

12 Glossary of terms

NOTE: The information and definitions in this glossary apply only to England. Although in many cases the information is the same or very similar for Wales, in some cases it is different. For further information visit the websites of the Countryside Council for Wales (www.ccw.gov.uk) and the National Assembly for Wales (www.wales.gov.uk).

Name	What is it?	What are my rights?	How do i find out about them?
Access land	Land defined under the Countryside and Rights of Way Act 2000 as being land to which the public normally have a right of access on foot. It includes open country , registered common land and other land dedicated for the purpose by its owner (see dedicated land). See also legislation references . (Note: The term 'access land' may also be used, for example by Ordnance Survey, to describe other land to which there is open public access, though not necessarily as of right.)	The rights are normally for open-air recreation on foot. They do not apply on 'excepted land' (eg developed or cropped land) even where it appears on maps within an area of open country or common land. There may also be some local restrictions of access, eg for land management, safety or conservation reasons.	Some Ordnance Survey maps show access land as part of areas open to public access on foot. Information is also available on the Natural England website at http://www.countrysideaccess.gov.uk/
BOAT	An abbreviation used for a byway open to all traffic .		
Bridleway	A public right of way for walkers and those on horseback or leading a horse, but not a way at the side of a road (see highway verge). Pedal cyclists also have a right of way, but must give way to walkers and horse-riders. A bridleway can run along a way where certain individuals have a right to drive other vehicles, such as a farm access drive. See also legislation references .	On foot and on horseback or leading a horse. Pedal cyclists also have a right of way, but must give way to walkers and horse-riders.	Except in Inner London, all bridleways should be recorded by surveying authorities on definitive maps . But many are not yet recorded. Information from definitive maps is used to show bridleways on some Ordnance Survey maps . Highway authorities have a duty to signpost bridleways where they leave metalled roads.

Name	What is it?	What are my rights?	How do i find out about them?
Byway open to all traffic	A particular type of way shown on a definitive map. Although motorists are entitled to use them, the predominant use of byways open to all traffic is normally by walkers, horse-riders and cyclists. A carriageway has to be used, or be likely to be used, mainly by walkers and horse-riders to be eligible to be added to the definitive map as a byway open to all traffic. See also legislation references .	To walk, to ride a horse or cycle, to drive a mechanically-propelled vehicle (provided it is fit and licensed for road use) or to drive a horse-drawn carriage. Byways open to all traffic do not have to be improved in order to make their surface suitable for mechanically-propelled vehicles.	Except in Inner London, all byways open to all traffic should be recorded by surveying authorities on definitive maps . But many are not yet recorded. Information from definitive maps is used to show byways open to all traffic on some Ordnance Survey maps. Highway authorities have a duty to signpost byways where they leave metalled roads.
Carriageway	A public right of way for vehicular and all other kinds of traffic . A carriageway is the legal term for what people normally call a road, ie a route you can drive your car along . See also legislation references .	To walk, to ride a horse or cycle or to drive a vehicle or carriage (provided it is fit and licensed for road use if it is a mechanically-propelled vehicle).	There is no comprehensive list of carriageways. Certain carriageways are recorded on definitive maps as byways open to all traffic or restricted byways. These are normally carriageways used mainly by people not in cars, so you may not think them suitable for driving along . Most carriageways are identified by road signs and by road numbering on site and on maps. Highway authorities must also keep a list of all highways (including carriageways) in their area, but these lists do not have to identify which ones are carriageways. They must also keep a list of streets which are highways which they have a duty to maintain. See also legislation references .

Name	What is it?	What are my rights?	How do i find out about them?
Common land	Land over which people other than the owner have (or had) rights, such as rights to graze animals. Common land (both urban and rural) has been registered on maps held by commons registration authorities.	There is a public right of access on foot, and sometimes also on horseback, to all common land, mostly under the Countryside and Rights of Way Act 2000, but in some cases under the Law of Property Act 1925 or other local Acts.	If in doubt about which land is common and what rights of access exist over it, check with the commons registration authority, or in a National Park, with the national park authority.
Cycle route	A term used to describe a continuous route being promoted for cyclists. Such a route is likely to be made up of different types of way, such as roads, cycle tracks, cycle lanes and shared-use routes.	There are no special rights attached to the designation of a route as a cycle route. The public's rights will be those that apply to the individual component parts of the route.	Some cycle routes are shown on some Ordnance Survey maps . Information can also be obtained from local authorities and Tourist Information Centres, and from cycling organisations such as the CTC and Sustrans.
Cycle track	A public right of way on pedal cycles with or without a right of way on foot. A cycle track may be alongside a carriageway or it may be off-road. See also legislation references .	On a pedal cycle and normally also on foot.	There are no requirements to record cycle tracks (whether on definitive maps or otherwise), but the highway authority may have a record. Some cycle tracks are shown on some Ordnance Survey maps .
Dedicated land	Land over which the landowner has voluntarily granted access rights over and above those granted by the Countryside and Rights of Way Act 2000 (see access land). Land of any type may be dedicated in this way.	The rights will depend on the terms of the dedication. In some cases they will be on foot only: in others they may allow wider access, eg on horseback.	Some Ordnance Survey maps show dedicated access land as part of areas open to public access on foot. Information is also available on the Natural England website at http://www.countrysideaccess.gov.uk/ .

Name	What is it?	What are my rights?	How do i find out about them?
Definitive map	<p>The legal record of public rights of way (footpaths, bridleways, restricted byways, and byways open to all traffic). Warning - not all rights of way are yet shown on definitive maps, so a way not on the definitive map may still be a right of way. Also a way which is shown on the definitive map may not have all the public's rights yet recorded, eg a way shown on the map as a footpath may really be a bridleway. See also legislation references.</p>		<p>The definitive map is the responsibility of the surveying authority. It has to keep it up to date by making modification orders as and when necessary. A copy of the relevant part of the map and any relevant orders must be available for public inspection in each district in a county: in unitary authorities the whole map and all relevant orders have to be available for inspection in at least one place. Information from definitive maps is used to show rights of way on some Ordnance Survey maps.</p>
Definitive statement	<p>A statement which accompanies the definitive map. Where it contains specific information about a route shown on the map, such as its position or width, that information is conclusive evidence as to, for example, the position or width of the right of way. The statement does not have priority over the definitive map, nor does the map have priority over the statement.</p>		<p>The definitive statement has to be available for public inspection alongside the definitive map.</p>
Environmental Stewardship	<p>A scheme administered by Natural England for the Department for the Environment, Food and Rural Affairs under which farmers are paid to manage their land in environmentally-friendly ways, and may also be paid to provide additional public access.</p>	<p>Access provided under Environmental Stewardship and predecessor schemes is normally of fixed duration. It may be along linear routes or may be area-wide access.</p>	<p>The Department can supply information about access provision under these schemes in a particular area or use the website at http://countrywalks.defra.gov.uk/default.aspx.</p>

Name	What is it?	What are my rights?	How do i find out about them?
Footpath	A public right of way for walkers but not at the side of a carriageway (see footway). A footpath can run along a way where certain individuals have a right to drive vehicles, such as a farm access drive. See also legislation references .	On foot only.	Except in Inner London, all footpaths should be recorded by surveying authorities on definitive maps . But many are not yet recorded, especially in major towns and cities. Information from definitive maps is used to show footpaths on some Ordnance Survey maps . Highway authorities have a duty to signpost footpaths where they leave metalled roads.
Footway	The legal term for what is usually referred to as a pavement - a right of way on foot at the side of a road or carriageway . See also legislation references .	On foot only.	There are no requirements to record footways (whether on definitive maps or otherwise), but the highway authority may have a record, for example of where a rural road has a footway.
Green lane	A descriptive term for a way. It is normally used where the way is bounded by hedges or stone walls, and where the surface is not, or does not appear to be, metalled or otherwise surfaced (sometimes there is an old surface under the grass or mud).	What rights the public has (if any) depend on its status as a highway.	There is no legal definition of a 'green lane' and no requirement to record.
Greenway	A descriptive term for a network of largely car-free off-road routes connecting people to facilities and open spaces in and around towns, cities and to the countryside.	A greenway is intended for shared use by people of all abilities on foot, bike, or horseback, for commuting, play or leisure. There are no special rights attached to the designation of a route as a greenway and the precise rights on any element of a greenway will depend on its status as a highway.	Natural England is promoting greenways - further information on the Greenways website at www.countryside.gov.uk/LAR/Recreation/Greenways/index.asp

Name	What is it?	What are my rights?	How do i find out about them?
Highway	Any way over which the public have a right to pass and re-pass.	Highways are classified in different categories, depending on the extent of the public's rights. See bridleway , carriageway , cycle track , footpath , footway as examples of different types of highway.	See the information for each of the different types of highway.
Highway verge	An area of unsurfaced land adjoining the surfaced part of a carriageway and forming part of the carriageway.	To walk, to ride a horse or cycle, to drive a mechanically-propelled vehicle (provided it is fit and licensed for road use) or to drive a horse-drawn carriage.	As for carriageways .
List of streets	A list which a highway authority is required to maintain, and keep up to date, recording all the highways in its area (including footpaths, bridleways, etc) which it is liable to maintain at public expense.	The rights will depend on the status of any individual highway in the list. The list itself does not provide conclusive evidence of the status of a way listed in it.	The list has to be available for public inspection free of charge at all reasonable hours at the highway authority's offices. Where the highway authority is a county containing districts, the list for a particular district must also be available at the offices of the district council.
Long-distance path/route (see National Trail)			
lost way	An historic right of way which has not been recorded on the definitive map .		
National Cycle Network	A network of continuous routes for cyclists being developed by Sustrans. The Network is made up of different types of way, such as roads, cycle lanes, towpaths, cycle tracks and shared-use routes.	There are no special rights attached to the designation of a route as part of the National Cycle Network. The public's rights will be those that apply to the individual component parts of the route.	Some parts of the Network are shown on some Ordnance Survey maps . Information can also be obtained from local authorities and Tourist Information Centres, and from Sustrans (www.sustrans.org.uk).

Name	What is it?	What are my rights?	How do i find out about them?
National Trail	A long-distance walking or riding route approved by the Government and developed and supported by the Countryside Agency in conjunction with the local authorities through which the route passes. See also legislation references .	There are no special rights attached to the designation of a route as part of a National Trail. The public's rights will be those that apply to the individual component parts of the route.	National Trails are shown on some Ordnance Survey maps . Information can also be obtained from the Countryside Agency (link to website).
Open access area	An area of land to which the public has a right of access to wander freely	See access land .	
Open country	A term used in the Countryside and Rights of Way Act 2000 to describe land which has been mapped, and over which the public has a right of access on foot. The term includes mountain, moor, heath and down.	See access land .	
other route with public access (ORPA)	A type of route shown on some Ordnance Survey maps . OS uses the symbol to depict those routes on a highway authority's list of streets which are not shown as rights of way or as coloured roads on its maps.	There are no special rights attached to the depiction by OS of a route as an other route with public access. However the route's inclusion in the highway authority's list of maintainable highways means that the authority regards it as a highway. In many cases such a route is likely to be a carriageway , and thus open to all users, but if in doubt check with the highway authority .	Some Ordnance Survey maps .

Name	What is it?	What are my rights?	How do i find out about them?
permissive path	A route that is not a public right of way but where the landowner has granted permission to use the way (or does not object to its use). In some cases the permission is the subject of an agreement with a local authority or government department, for example where it has been granted in return for payment.	The nature of the permission - who may use the way, what restrictions apply, and whether the route is closed at certain times - is likely to be displayed on site.	Some Ordnance Survey maps show permissive paths where information about their existence has been supplied to OS by local authorities or National Park authorities. But otherwise there is no requirement to record permissive paths, although local authorities may keep records.
private path	A route that is not a public right of way. If use by the public is permitted or tolerated, it is described as a permissive path .		
public bridleway	See bridleway .		
public footpath	See footpath .		
public right of way	Legally the same as highway , with the main difference in use being that highway is used to refer to the physical feature and right of way to the right to walk, ride or drive over it. But in many cases public right of way is used to refer to those highways shown on definitive maps (footpaths , bridleways , roads used as public paths and byways open to all traffic).	See highway .	

Name	What is it?	What are my rights?	How do i find out about them?
quiet lane	<p>Section 268 of the Transport Act 2000 makes provision for quiet lanes. This enables local traffic authorities to designate roads for which they are responsible as Quiet Lanes.</p> <p>In October 2001 the Department for Transport, Local Government and the Regions issued a consultation paper to help determine the regulations for Quiet Lanes. The paper considers the idea of introducing use and Speed orders.</p>	<p>Designation as a quiet lane will, in itself, make no difference to the roads in question. Any future precise rights or restrictions will be determined by the regulations which are currently being developed.</p>	<p>Natural England is testing and developing the concept of Quiet Lanes - further information can be found on the Quiet Lanes and Greenways website at: http://www.countryside.gov.uk/LAR/Recreation/Greenways/quietlanes/index.asp.</p>
recreational path/route	<p>A term used to describe a continuous route promoted for walkers or horse-riders. Such a route is likely to be made up of different types of way.</p>	<p>There are no special rights attached to the designation of a route as a recreation path or route. The public's rights will be those that apply to the individual component parts of the route.</p>	<p>Some recreational routes are shown on some Ordnance Survey maps. Information can also be obtained from local authorities and Tourist Information Centres, and from organisations such as the Ramblers' Association and British Horse Society.</p>
restricted byway	<p>A public right of way for walkers, horse-riders and carriage-drivers and pedal cyclists. Many restricted byways were created by the reclassification in 2006 of ways previously recorded as road used as public paths. See also legislation references.</p>	<p>On foot, on horseback or leading a horse, or driving a carriage, and on a pedal cycle. A right to drive a mechanically propelled vehicle may also exist over a way recorded on the definitive map as a restricted byway, either for the public or for private individuals such as owners of the land crossed by the way.</p>	<p>Restricted byways are recorded by surveying authorities on definitive maps. Information from definitive maps will be used to show restricted byways on some Ordnance Survey maps.</p>

Name	What is it?	What are my rights?	How do i find out about them?
Rights of Way Improvement Plan	A plan for the management and improvement of the whole network for non-motorised users which a highway authority were required to draw up by November 2007.		The plan will be available for public inspection and purchase at the authority's offices, and will normally also be available on the authority's website.
Road	The legal definition of road (see legislation references) encompasses all highways and rights of way and also some other places where motorists and others have access. Normally, though, the term is used to refer to ways which are, in legal terms, carriageways .	What rights the public has (if any) depend on its status as a highway.	Ordnance Survey maps and street maps show roads. See also the information about carriageways .
Road used as a public path (RUPP)	A particular type of way formerly shown on a definitive map . The test for adding a way to the definitive map as a RUPP (in the 1950s) was that its predominant use by the public was by walkers and horse-riders, even though it was not a footpath or bridleway. The term caused confusion all remaining RUPPs were reclassified as restricted byways in 2006.		Where an Ordnance Survey map shows a way as a RUPP the way will now be a restricted byway .
RUPP	An abbreviation used for a road used as a public path .		

Name	What is it?	What are my rights?	How do i find out about them?
shared-use route	A descriptive term for any route where use is shared between different types of user. Bridleways , byways open to all traffic , and restricted byways are examples of shared-use routes. In practice, though, the term has been used most often to describe a route which has been created or adapted for shared use by cyclists and walkers, whether or not it is a public right of way. A shared-use route may be signed to indicate segregation between users or it may be unsegregated.	What rights the public has (if any) depend on its status as a highway.	There are no requirements to record shared-use routes as such, but the highway authority may have a record, and those which are bridleways , byways open to all traffic and restricted byways are mostly shown on definitive maps . Some Ordnance Survey maps show these routes, and also, as cycle routes, some shared-use routes for cyclists and walkers.
towpath	A way alongside a canal or river created to facilitate the towing of boats by people or horses.	What rights the public has (if any) depend on its status as a highway. Most towpaths alongside canals owned by British Waterways are open to the public for access on foot, and in some cases also on pedal cycles. (link to BW website) Some towpaths are recorded as rights of way (mainly footpaths) on definitive maps .	British Waterways can supply information about access to towpaths alongside its canals, and some walking guides describe walks along towpaths. Some Ordnance Survey maps show rights of way information from definitive maps. OS maps also show canals.
traffic regulation order (TRO)	An order made by a traffic authority to restrict or regulate traffic on a road. TROs are most commonly used to regulate or restrict motor traffic, for example through speed limits or waiting restrictions, but can be used to regulate cyclists, horse-riders and walkers. A TRO may be permanent, temporary or experimental.		The traffic authority has to keep records of traffic regulation order it has made, and there have to be signs on the road to notify users of the restrictions.

Name	What is it?	What are my rights?	How do i find out about them?
traffic-calmed road	A carriageway or other road on which physical measures, such as speed humps, have been placed to reduce and control vehicle speeds.		The highway authority should know which of its roads have been traffic-calmed. Roads on land to which the public have access by permission (for example some National Trust land) may also be traffic-calmed.
trail	A term used to describe a route. See also National Trail .	What rights the public has (if any) depend on its status as a highway.	There is no legal definition of a 'trail' and no requirement to record.
TRO	An abbreviation used for a traffic regulation order .		
UCR	See unclassified road .		
unclassified road	Roads named 'A', 'B' or 'C' by the highway authority are regarded as classified roads - others are regarded as unclassified, and are sometimes given a reference beginning with 'U'. The term 'unclassified county road' (UCR) meant an unclassified road that the county council was liable to maintain.	The classification of a road as classified or unclassified makes no difference to the rights that exist over it.	Ordnance Survey maps show roads classified as 'A' or 'B' using information from the highway authority. The highway authority also has to keep available for public inspection a list of the highways it maintains, and is likely to use the classification of the road in that list (normally accompanied by a map).
verge (see highway verge)			
way	<p>1 A general term used to describe a route, which may be public or private and may be for any class of user.</p> <p>2 Forms part of the name of some recreational routes and National Trails, for example Pennine Way.</p>	What rights the public has (if any) depend on its status as a highway.	

Name	What is it?	What are my rights?	How do i find out about them?
white road	A term used to describe a way shown as a track (double lines) on an Ordnance Survey map but without the infill colouring used by OS to show either 'A' or 'B' roads or roads of a certain width and surface, and where it is not recorded on the definitive map as a right of way.	A white road may be public or it may be private. What rights the public has (if any) depend on its status as a highway. OS maps now show many of the public white roads as other routes with public access (ORPAs)	Ordnance Survey maps.

Notes

The local authorities which are commons registration authorities, highway authorities, surveying authorities and traffic authorities

The same local authorities or councils have been given the roles of commons registration authorities, highway authorities, surveying authorities and traffic authorities.

These authorities are :

- in London - the London borough councils;
- elsewhere in England:
 - the county council if there is both a county and district council in the area;
 - otherwise, the unitary authority, which may be called either a county, district, borough or city council.

In some counties, the county council has arranged with one or more of the district councils for that district council to act as its agent for some of these functions. In some National Parks, the National Park Authority acts as the agent for the highway or surveying authorities.

The relevant duties of these authorities can be summarised as follows:

- to record public rights of way on definitive maps and statements and keep those maps and statements available for public inspection;
- to maintain those highways which are maintainable at public expense;
- to signpost and waymark public rights of way;
- to protect and assert the public's rights of passage over all highways and to keep them free from obstruction, made good and defined after ploughing or other disturbance and kept free from crops which encroach on them;

- to register and map common land and keep those registers and maps available for public inspection;
- to make traffic regulation orders to regulate traffic (including cyclists, horse-riders and walkers) on highways and other roads.

Ordnance Survey maps www.ordnancesurvey.co.uk/oswebsite/

The Ordnance Survey (OS) shows information useful to walkers, riders and cyclists on its maps at 1:25,000 and 1:50,000 scale. There is coverage of the whole of England at both these scales. The 1:25,000 Explorer maps are the more detailed, and show field boundaries, a great help in finding your way around the countryside. The 1:50,000 Landranger maps cover a wider area. The information shown on these maps includes:

- rights of way information taken from [definitive maps](#) supplied to OS by [surveying authorities](#) together with additional information which OS obtains from orders made by surveying authorities, other local authorities and the government to record rights of way or to change them, for example by diversion;
- [other routes with public access](#) (ORPAs) using information obtained from the records of [highway authorities](#);
- [National Trails](#), the [National Cycle Network](#) and some [recreational routes](#) and [cycle routes](#);
- land open to public access, including access land and woodland owned by Forest Enterprise, the National Trust and Woodland Trust;
- some [permissive paths](#) and other features for visitors to an area, such as car parks and rural pubs.

In some cases the information will not be shown until the map is next revised.

Legislation references

Definitions of terms

access land	Countryside and Rights of Way Act 2000 section 1
bridleway	definition :Highways Act 1980 section 329 right to cycle: Countryside Act 1968 section 30
byway open to all traffic	Wildlife and Countryside Act 1981 section 66
carriageway	Highways Act 1980 section 329
cycle track	Highways Act 1980 section 329
footpath	Highways Act 1980 section 329
footway	Highways Act 1980 section 329
open country	Countryside and Rights of Way Act 2000 section 1
quiet lane	Transport Act 2000 section 268

registered common land	Countryside and Rights of Way Act 2000 section 1
restricted byway	Countryside and Rights of Way Act 2000 section 48
road	Road Traffic Regulation Act 1984 section 142
street	New Roads and Street Works Act 1991 section 48

Responsibilities

Definitive maps and statements	Wildlife and Countryside Act 1981 sections 53 to 58
Keeping highways free from obstruction	Highways Act 1980 section 130
List of streets (highways maintainable at public expense)	Highways Act 1980 section 36
Maintaining highways which are highways maintainable at public expense	Highways Act 1980 section 41
National Trails (long-distance routes)	National Parks and Access to the Countryside Act 1949 sections 51 to 55
Register of streets	New Roads and Street Works Act 1991 section 53 and the Street Works (Register, Notices, Directions and Designations) Regulations 1992 Statutory Instrument 1992 No 2985

How to find legislation

Acts of Parliament from 1987 onwards are available on the Internet www.legislation.hmso.gov.uk/acts.htm, but note that this site simply gives you the text of the Act as passed. It does not tell you whether or when the Act was brought into force, or if it has been subsequently amended or even repealed. The Statute Law Database (www.statutelaw.gov.uk/) gives details of legislation as subsequently amended.

The *Encyclopedia of Highway Law and Practice*, published by Sweet and Maxwell, (www.sweetandmaxwell.co.uk) is a loose-leaf volume containing the text of legislation as amended. It may be available in reference libraries.

The fourth edition of *Rights of way: a guide to law and practice*, published by the Open Spaces Society and Ramblers' Association contains the text of legislation as at 1 October 2006. Details available at www.ramblers.co.uk/rightsofwaybook.