

## 1. INTRODUCTION

### Background

In the 1930s acts of mass trespass were organized by working people who were unable to walk across the Pennine Moors. The most famous of these was the 1932 Mass Trespas on Kinder Scout<sup>1</sup>.

The passing of the 1932

Rights of Way Act cleared the first hurdle in protecting public rights of ways. This Act enabled the existence of a right of way to be established by showing twenty years' uninterrupted use as of right.

However, the absence of a system of compulsory registration of paths meant that paths continued to be lost. The National Parks and Access to the Countryside Act 1949 placed a duty on local Highway Authorities to prepare maps showing footpaths, bridleway and roads used as public paths in their areas and to review the entire map at ten yearly regular intervals. This provision of the 1949 Act has now been repealed and replaced by the Wildlife and Countryside Act 1981. The 1949 Act requires the Surveying Authorities to keep the map, now known as the Definitive Map and Statement under continuous review.

The *Countryside and Rights of Way Act 2000*<sup>1</sup> extends these requirements and provides safeguards for landowners and occupiers. It also requires all Highway Authorities in England and Wales (except for the inner London Boroughs) to prepare and publish a Rights of Way Improvement Plan (ROWIP). The ROWIP is a strategic document, which demonstrates how the highway authority intends to improve the rights of way for the current and

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<sup>1</sup> Countryside and Rights of Way Act 2000 - S60

future needs of all users of the network. The legislation states that the ROWIP was to be in place by November 2007. Whilst this has not been achieved, it is noted that a draft version was available at this time but still required Member approval and public consultation.

### **Scope of the ROWIP**

Section 60 of the Countryside and Rights of Way Act 2000 states that the document must include an assessment of the current Public Rights of Way (PRoW) network and a Statement of Action (SoA) outlining future improvements.

The assessment must include:

- the extent to which local rights of way meet the present and likely future needs of the public;
- the opportunities that local rights of way provide to the public for exercise and other forms of open air recreation and for the enjoyment of the area; and
- the accessibility of the rights of way to blind or partially sighted people and others with mobility problems.

The Statement of Action (SoA) should:

- outline core actions that will meet the requirements as highlighted from the assessment; and
- highlight how local rights of way link to other strategic documents already in place with the Council.

Local Highway Authorities already have statutory duties to maintain and keep the definitive map and statement of public rights of way and to ensure that ways are adequately signposted, maintained and free from obstruction.

The duty to prepare improvement plans is a new duty.

Whilst the scope and objectives of the ROWIP are much wider than detailed in this particular document, it is recognized that the borough has fallen behind with delivery of their statutory responsibility by not having previously produced a Definitive Map and Statement (DMS) for their public rights of way network. This is now being addressed and the Council are committed to 'putting their house in order'.

To this end, all available resources are being put to work within the legislative framework to publish a DMS for both the currently mapped and unmapped areas, make all necessary amendments by publishing subsequent Modification Orders and have a consolidated DMS in place within 5 years.

Without having a clear understanding of the legally defined network it is thought that to produce improvements and make strategic statements about the use of the network would be misleading at this stage. It is therefore the intention of the council to complete the work with regards bringing the DMS up-to-date and then publish a revised ROWIP within 5 years from now which will be better placed to detail the true objectives required under a ROWIP.