MINISTRY OF HOUSING
AND LOCAL GOVERNMENT
WELSH OFFICE

Report of the Footpaths Committee

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Preface

To the Right Honourable Anthony Greenwood, M.P.
Minister of Housing and Local Government.

SIR,

This report has been prepared by the Footpaths Committee which you appointed with the following terms of reference "To consider how far the present system of footpaths, bridleways and other comparable rights of way in England and Wales and the arrangements for recording, closure, diversion, creation and maintenance of such routes are suitable for present and potential needs in the countryside, and to make recommendations."

We started work on April 27th, 1967, and have met 16 times.

Complying with your request we dealt first with some specific matters on which the law might be amended by the Countryside Bill. We conveyed some conclusions on these matters to you in July before we had had an opportunity to consider all the written evidence or hear oral evidence; having now done this we see no reason to alter these conclusions substantially. In addition we considered a number of other points referred to us by your Department in September, and sent our views on them to the Department in the same month. These conclusions are embodied in the report which follows.

In response to a general invitation through the Press and special invitations to bodies known to have knowledge and experience of the questions before us, we received letters from individuals and evidence from the organisations listed in Appendix I : the names of those who gave oral evidence are marked by an asterisk. We also considered statements submitted to us by your Department, the Welsh Office, the Ministry of Agriculture, the Ministry of Transport, the National Parks Commission, the Forestry Commission and the Nature Conservancy. We are grateful to all these for their help.

We desire to express our gratitude to Miss C. E. Barson for her tireless work as our Secretary. We have also been assisted by Miss E. Treanor and Mr. H. B. Lang who are members of your Department.

Introduction

The present law concerning public rights of way is principally contained in the National Parks and Access to the Countryside Act, 1949, the Highways Act, 1959 and the Town and Country Planning Act, 1962. A general note on present legal arrangements, derived from a paper provided by the Ministry of Housing and Local Government, will be found at Appendix 2.

Although we are concerned with rights of way in the form of footpaths, bridleways and roads used as public paths, for simplicity in this report we use the single word "footpaths" (as in the name of our Committee), except where we need to differentiate between them. In the National Parks and Access to the Countryside Act they are defined as follows:

Footpath —means a highway over which the public have a right of way on foot only, other than such a highway at the side of a public road.

Bridleway —means a highway over which the public have the following, but no other, rights of way, that is to say a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway.

Road used as a public path —means a highway other than a public path, used by the public mainly for the purposes for which footpaths and bridleways are so used.

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Part I: The Purpose of Footpaths

The purpose for which footpaths are needed and the principles which should govern the making of changes in the footpath pattern.

1. The origin of many of our footpaths is fairly said to be 'lost in antiquity'. Their pattern, as that of our roads, has developed over the centuries in response to local and national needs. Although some footpaths were deliberately planned, many evolved as simple accommodation routes, from farm or cottage to village, and by usage they have acquired the status of legal rights of way. Others developed as drove roads or pack horse routes and often cover long distances. Those which existed before the large scale inclosures of the Georgian era may have been regulated by particular Inclosure Acts. Those which followed the inclosures are often found to be the result of express or implied dedication by landowners.

2. For our part we have not dwelt overmuch on the historical aspect of footpaths but rather we have turned to the subject in the light of today's and tomorrow's needs and conditions. It is now generally accepted, and much of the evidence before us confirms, that the majority of footpaths today have a recreational purpose in sharp contrast to the utilitarian purpose which gave rise to many of them.

3. What then are the principles that should govern alterations in the footpath pattern? Paragraph 47 of the White Paper entitled Leisure in the Countryside (CMD 2928) says that "in the Government's view a more radical reform may well be needed to provide a legislative framework which would permit the development of a system of footpaths and bridleways, some based on existing routes, but others newly created, which would be more suited to modern needs. Such a system might ideally consist of a carefully planned network. . . ." We approach suggestions of a "system" and a "carefully planned network" with great caution because much of the value and charm of footpaths lies in their waywardness.

4. We do not share the view that because of changes in use of footpaths and in farming techniques, the present pattern should be re-planned anew. It would be unrealistic to think in this way. Undoubtedly improvements can and should be made; and the approach must be forward looking and capable of simple adaptation to meet changing circumstances. Future needs are often difficult to assess and further research is needed. In this connection we commend the work of the Dartington Amenity Research Trust and hope that similar research work will be undertaken elsewhere.

5. In current legislation we find various criteria. For instance, in the Highways Act, 1959, section 28, which deals with compulsory powers of creation, we find the words, "for the convenience or enjoyment of a substantial section of the public" and "the rights of persons interested in the land". In Section III of the same Act. in relation to diversion, we find the phrase "for securing the efficient use of the land or other land held therewith"; and there is reference to providing a "shorter or more commodious" route. Later in the same Section the Minister is required to consider "the public enjoyment of the path or way as a whole".

6. In so far as criteria are concerned we see no cause to distinguish between creation, diversion or closure of footpaths. All are parts of a continuous process and one set of criteria should suffice. The great variety of local circumstances has prevented us from attempting to give more than a very general indication of them.

7. We think that the criteria must vary with the purpose of the path and that it is helpful to make a distinction between footpaths used primarily for utilitarian reasons—to go directly from one place to another—and those primarily for recreation. We do not accept evidence put to us which suggested that there should be rigid classification of all footpaths into these two categories because we think that would be unnecessary and unworkable.

8. We conclude that the governing consideration for footpaths needed mainly for utilitarian purposes should be the convenience of pedestrians. For paths used primarily for recreation a fair and reasonable balance should be struck between recreational, agricultural, and other interests. But there should, in all these cases, be a recognition of the difference between high-grade agricultural land where rights of way can be a very serious handicap to the farmer, and other kinds of land where such rights present relatively much less difficulty. Here again we would emphasise the changing character of the countryside and agriculture. What may be right today may need alteration tomorrow.

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Part II: Recording of Footpaths

The ways in which details of the footpaths pattern should be recorded, both for official purposes and for the information of the public.

9. In any review of law and practice it is essential to have a base from which to set out, and this is certainly true of footpaths. Before the National Parks and Access to the Countryside Act, 1949 there was no comprehensive statutory provision for recording these rights of way. We are sure that the definitive maps, prepared in accordance with that Act, must be the basis on which to start. The great value of definitive maps is their legal certainty. (An outline of the procedure for creating definitive maps is at the start of Appendix II.)

10. We are concerned therefore that 19 years after the passing of the Act there are still 14 counties in England and six in Wales which have not completed the definitive maps for the whole of their area. Very few county borough councils have exercised their discretionary powers to survey their areas and we think that there should be an obligation on county borough councils to survey their areas and not simply, as at present, power to resolve to do so.

11. We accept that the required procedures for completing these maps are laborious and time-consuming; but this is the first attempt to reach the legal definitiveness of footpaths and we see no real way to an easier solution. Until the job is done there is no foundation on which to work. If the powers available to the Minister of Housing and Local Government and the Secretary of State for Wales are not sufficient we recommend that they be extended so that the Ministers can take positive steps to ensure that county and county borough councils who have not yet completed their definitive maps should do so now.

12. Once there is a definitive map we see no reason to repeat the complicated and lengthy procedure at present required for every review. Reviews are necessary because the revised definitive maps must have the same legal status as the original maps. These reviews consist essentially of picking up details of subsequent creations, diversions and closures, and as each change will have been derived from some order procedure the fact of the change and its merit should not be in dispute. In our opinion, therefore, these reviews are no more than a matter of recording and should be dealt with as such but with a simple right of appeal solely on the accuracy of recording. We recommend that these reviews should be made at ten yearly intervals or more frequently if there have been very many changes since the last review.

13. To facilitate reviews we suggest that the authorities concerned might adopt a practice of recording continuously on footpaths maps, possibly by means of overlays, changes effected by orders as they are made. In this way also members of the public might see the up-to-date position, even though these footpath maps (to give them a name) would not have the status in law of the current definitive map.

14. We realise that there are a number of bodies, for example water authorities, Service Departments etc., with powers to alter footpaths and we recommend that these bodies having powers which affect footpaths should be required to

notify the relevant recording authority of any changes in footpaths which they may make so that they can be recorded.

15. Copies of the current definitive map, with an overlay revised at regular and frequent intervals, should be available for public inspection at county and district council offices and at other public places including libraries. A copy should also be available in each parish by arrangement with the parish council or chairman of the parish meeting and this should show the relationship of paths in that parish to those in surrounding parishes. All these maps and overlays should be dated.

16. We had the opportunity to see several definitive maps and were surprised how much they varied in scale and form. We agreed that there would be real advantage, especially in the costs of reproduction, if there were uniformity in the scale, type and notation of definitive maps. We therefore suggest that the Minister of Housing and Local Government and the Secretary of State for Wales should send out to all planning authorities a clear form of map to be used for this purpose.

17. Quite apart from the definitive map we know that some counties publish copies of a footpaths map for sale to the public and we think this is a valuable service. We think also that these maps should be dated.

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Part III: The Pattern of Footpaths

The administrative processes by which the footpath pattern should be planned or designed and by which changes in it should be made.

18. Evidence from users and public authorities has satisfied us that existing arrangements for dealing with footpaths are unsuited to present needs. We agree therefore with the Government's view as expressed in paragraph 46 of the White Paper (referred to in paragraph 3 above) that some amendments to the legislation are required. There is need for simplification in the law and flexibility in the administration.

19. Simplicity is necessary because so many people of all kinds are concerned with footpaths; the law should be clear for them to understand, straightforward for them to take part in and inexpensive to operate. Furthermore, a simple code may produce quick decisions. A major failure of the present law to produce the intended results is in our estimation due quite directly to its complication. Flexibility in administration is needed because the rich variety of English and Welsh country makes a uniform system neither practicable nor rewarding.

20. The National Parks and Access to the Countryside Act, 1949, which was the first attempt to deal comprehensively with footpaths, provided for their creation, diversion and closure. The Highways Act, 1959 repealed these sections of the 1949 Act and re-enacted them as part of the law relating to highways generally.

21. Whilst footpaths are of course part of the highway system we have been impressed by much evidence before us to the effect that they are primarily a matter of land use and would be more appropriately dealt with under procedures in the Town and Country Planning Acts. These procedures provide not only for the preparation and review of a development plan for each area of the country, but also for the determination of applications for specific changes in land use, by familiar and well-tried procedures.

22. We recommend that in future the creation, diversion and closure of footpaths and bridleways should be regarded as aspects of land use and so become planning functions. This means that the powers now vested in district councils by virtue of the Highways Act, 1959 should be transferred to local planning authorities. We also recommend that planning authorities should have the power and duty to initiate changes in footpath patterns when they are needed and, equally, power to consider applications for changes both from users and from landowners.

23. The effect of these recommendations would be a useful step towards making footpaths less of a Cinderella among the cares of local authorities and would encourage forward planning of them as an integral part of the wider and more responsible use of the countryside by the public. Publication of the plans, with the associated rights of objection would enable footpath proposals to be properly debated.

24. The preparation and subsequent reviews of development plans are the

subject of statutory consultation with county district councils. They are also advertised and open to public inspection in draft form. At this stage any member of the public may register an objection which, if no agreement is reached, may proceed to public inquiry and be decided by the Minister. The nature and degree of public interest in footpaths is such that parish councils, as well as county district councils, should have a statutory right to be consulted during the preparation and revision of any footpath plan.

25. We have noted provisions in the Town and Country Planning Bill now before Parliament for structure and local plans which are gradually to replace development plans. The footpaths policy of a planning authority should be stated in the structure plan, and details of its application should appear in the local plan. In addition we hope that planning authorities will keep under periodic review the footpath pattern in those areas not covered by local plans.

26. There is already, under Section 16 of the Town and Country Planning Act, 1962, which refers to the making of applications for planning permission, a framework which, with some adaptation, would enable the law relating to footpaths to be introduced into the planning structure. Any person may apply to a local planning authority for permission to carry out development on another person's land. But under this Section he must give a certificate when making his application to the effect that he has notified the owner and the occupier of any agricultural land to which the application relates and he must give the owner's name and address.

27. In applying the system referred to in the previous paragraph to footpaths we suggest that the law should provide for the following steps to be taken by any person or body applying to the local planning authority for an order for the creation, diversion or closure of a footpath:

(*a*) The application to be submitted to the planning authority and to contain a certificate that the owner and occupier of the land affected have been served with an appropriate notice of the application.

(*b*) The planning authority would themselves notify the owner that the application had been made to ensure that, as the most affected party, he is properly notified. They would also advertise in local newspapers and notify such other interested parties including national bodies as are prescribed by Regulations, or advertise in the *London Gazette* as they shall decide.

(*c*) After the expiration of twenty-eight days, the planning authority would, taking into account any objections or observations received from any interested party, determine the application.

(*d*) Whether the planning authority grant or refuse an application, any interested party who has made representations on the original application should have the right to appeal to the Minister against the decision provided they lodge their appeal within a period of twenty-eight days of being notified of the authority's decision. (The present law restricts appeals against refusal of planning permission to the applicant.)

(*e*) The Minister, on receipt of objections, would hold a local inquiry if asked to do so by any party mentioned in (*d*) above, but he should have

power to deal with the question of costs in order to discourage what might otherwise be frivolous objections in every case irrespective of the merits.

(*f*) If the application is approved, either on appeal or otherwise, the local planning authority should be empowered to make an order implementing the decision. This order would be served on all interested parties and its effect recorded on the definitive map. This order would be final and would not require the approval of any Minister.

(*g*) The local planning authority would be empowered to negotiate the question of compensation with any owner of land or other interested party whose rights were affected. In the absence of agreement any owner or authority should have opportunity to appeal to the Lands Tribunal.

28. We suggest in 27(*f*) above that the making of the order should be left at local planning authority level because the present procedure of submitting these matters to the Minister of Transport or the Secretary of State for Wales involves a considerable amount of paperwork which seems to us to be unnecessary in view of the fact that if this procedure is adopted either the owner will have no objection or, alternatively, the matter will be decided by a Minister on appeal.

29. As we have stated in paragraph 26 above under Section 16 of the Town and Country Planning Act, 1962 occupiers of agricultural land are required to be served with the statutory notice. An extension of this provision to cover all land, as we suggest in paragraph 27(*a*), would be necessary in dealing with footpaths.

30. We think that appellate jurisdiction in relation to these footpath applications should rest with the Minister responsible for town and country planning, and our references to "the Minister" in the foregoing paragraphs mean the Minister of Housing and Local Government in England and the Secretary of State in Wales.

31. An order for creation or diversion of a footpath would specify the necessary easements, the works required and the date on which it would become operative. Sufficient time should be allowed for the highway authority or the owner to complete the necessary works.

32. Planning authorities should consider applications for creation, diversion or closure of footpaths at the same time as they consider applications for planning consent for development. This procedure would be vastly superior to that under Section 153 of the Town and Country Planning Act, 1962 and we recommend that that Section be amended accordingly.

33. We are concerned that the machinery we have suggested for creating footpaths should be made to work effectively. Instances of inordinate delays have been quoted to us. No doubt part of the trouble has been the low priority given to these matters by many councils preoccupied with other problems. We hope that one effect of the Countryside Bill will be to change this so that things pertaining to leisure in the countryside will be accorded their full measure of priority.

34. We are also aware of other difficulties. One is the cost of compensation due to an owner over whose land a new footpath passes. Present day use of footpaths is far from being limited to local people and we consider that the whole burden of compensation costs should not fall on local authorities but that Exchequer grant should be available to mitigate that burden unless the path is purely for local use.

35. Another problem is that paths once created are regarded as permanent and this at a time when agricultural methods and practices are changing, understandably causes among farmers a reluctance to agree to new permanent rights of way through their land. Nonetheless we believe that farmers generally want to co-operate in finding a right compromise between use of the country for pleasure and recreation and its use as a means of their livelihood.

36. We accept that there have been more closures than creations of footpaths but we recognise that there are paths in the present pattern which are not used and which could be closed without real loss to the public. We believe that the procedures we have recommended will enable a decision to be reached quickly on the value of a path when an application for closure or diversion is made by a land owner or occupier, by the planning authority itself or, indeed, by any interested party.

37. We referred in paragraph 34 to compensation payable to owners for the creation of a new footpath over their land. We have considered the reverse side of the picture, that is to say whether, when an existing right of way is removed an owner should be charged for the benefit which ensues to his property. We find that in principle this is undeniable and we recommend that, in appropriate cases, planning authorities should have power to claim compensation. It is, however, clear to us that in a considerable number of the cases which are likely to arise in practice it would be very difficult to prove any substantial gain from closure. Certainly it would be quite unrealistic to expect contributions from owners to balance compensation payable for the creation of paths.

38. We have been told of serious delays in completing long distance paths despite the fact that they have been designated by the National Parks Commission and that 100 per cent. grant is payable for their establishment and maintenance. Delay often occurs in negotiations with separate landowners which can take considerable time; and in the case of these paths the alternative to reaching agreement is an order for compulsory creation. We can understand that there may be reluctance to force a route through for a long distance path but we hope that in the climate of intentions created by the Countryside Bill it will be possible to complete these negotiations more quickly. We consider that under our proposed procedures the National Parks Commission should be empowered to apply for creation orders for new rights of way to complete long distance routes.

39. Whilst we have been considering mainly rural paths, we are conscious that our terms of reference also include urban paths. Many paths in towns, particularly where they follow a river or canal, can be both pleasant and useful for pedestrians. Traffic free precincts in towns are becoming more popular and we believe that the suggestions we have outlined for making paths part of the planning process are equally applicable to urban paths. Some borough councils have taken powers in private acts for the creation of "walkways",

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a type of path which may even pass through a building. We believe that where walkways have been created—for example in the area between Waterloo Station and the Thames in central London—they serve a most useful purpose and we recommend that power to make walkways should be included in general legislation.

40. Suggestions have been put to us that there should be a recognised category of footpaths not currently in use and not worth maintaining; and that the right to use them should continue, as it were in cold storage, so that any could be revived if a need should arise. These suggestions do not appeal to us. We think they would complicate and confuse and in the light of our recommendations are unnecessary. Our whole approach to this subject has been that the pattern of footpaths should be clear and that flexibility should be achieved by simpler procedures for creating, diverting and closing them.

41. If our recommendations about creation, diversion and closure of footpaths are adopted it seems to us that the procedure of applying to the Magistrates Courts for closure or diversion orders would not any longer be necessary and we recommend that it be abandoned.

Part IV: The Management of Footpaths

The procedures by which the footpaths themselves should be managed and maintained, including repair, signposting, obstructions.

42. We have come to the conclusion that the management of footpaths, including the duty to repair and maintain them, should remain a function of the highway authority, which is equipped to do the job. But, in view of the growing interest shown by many parish councils, we recommend that they should retain their present powers to repair and maintain footpaths.

Stiles and gates

43. The intention of the present law on maintenance of stiles and gates is not immediately apparent. There is much confusion because it is not clear whether the liability rests on the landowner or occupier on the one hand or on the highway authority on the other. We also know that practice varies between county and county and some times it seems, no one exercises responsibility.

44. We have heard evidence that, bearing in mind the present and prospective recreational use of footpaths there is a strong case for a substantial part of the cost of maintenance of stiles and gates to be met from the public purse. But in the interest of keeping these costs to a minimum and also for practical reasons we recommend that owners and occupiers should be responsible for the task of maintenance. They will certainly be able to discharge this responsibility more promptly and economically than contractors or workmen employed by a local authority.

45. But at the present time when positive efforts are being made for public enjoyment of the country it seems to us fair and we recommend that owners or occupiers should, as of right, receive a reasonable contribution from the highway authority towards maintenance costs, subject only to the work being carried out to an acceptable standard. This should apply whether or not any ancient or modern legal liability attaches to the owner and occupier. Where an owner can establish that he has dedicated a path expressly excluding liability for maintenance he should be reimbursed in full.

46. We suggest no alteration in the law regarding the maintenance of footbridges which are normally the responsibility of highway authorities.

Obstructions

47. Under this heading there are a number of things which may detract from the usefulness of footpaths and the pleasure they provide. Because of the many complaints we have received we examined the law on this point and it appears to us adequate if properly operated. It is clear that obstructions are not being effectively dealt with and more attention should be given by the highway authority to this problem. District and county councils should continue to have powers to deal with obstructions.

48. There are natural and man made obstructions on footpaths. We have been told of many examples of the former where local keenness and voluntary help have brought about great improvement in the condition of paths. Volunteers, sensibly organised and (where necessary) supplied by the local authority with

simple tools can work wonders; and this kind of self help is invaluable and should be encouraged. We know that some open-air Societies organise groups for clearing operations and we hope that they will continue to do so. We appreciate also that local authorities have power in Section 134 of the Highways Act, 1959 to cut hedges in certain circumstances and we do not want to see that altered in any way.

49. We regard the wilful obstruction of a right of way, particularly by any impassable obstruction such as a building, brick wall or barbed wire as a serious offence which calls for heavier penalties than a minor obstruction.

50. One type of technical obstruction is the electric fence which is common in modern farming but we do not regard these fences across a path as an obstruction as long as they are properly insulated to the width of the path.

Signposting and waymarking

51. By signpost we mean a sign indicating the direction of the right of way and whether it is a footpath or bridleway. A waymark on the other hand is a recognisable guide or mark along the route and may be found on posts or cairns or buildings. We received much evidence on this subject, especially from the National Parks Commission, the Dartington Amenity Research Trust, the Chiltern Society and other organisations with practical experience.

52. We are sure that responsibility for signposting should rest with highway authorities.

53. A signpost should be simple and clear to read. To reduce initial cost and subsequent maintenance we suggest that highway authorities should give careful consideration to the most durable and lightweight material suitable to their area so that signposts can be produced economically in large numbers. There is scope here for co-operation between authorities, for example, in arranging for a design common throughout a region and for centralised buying.

54. For waymarks a standard symbol, which could become nationally recognisable, would be helpful both to guide walkers and protect the interests of farmers. These waymarks should be supplied by highway authorities to owners or occupiers where they undertake to put them in place. In some areas it may well be that members of open air Societies would undertake this work in agreement with the land owner or occupier and the supplying authority. Highway authorities should also have power themselves to put waymarks in place.

55. We have not regarded it as consonant with our terms of reference to express opinion on particular forms of signposts or waymarks but we think that the countryside should not be spattered with a bewildering variety of signs; nor is there need for nation-wide uniformity. We know that in some parts of the country good arrangements have been made for producing suitable signposts at reasonable cost.

56. We recommend that:

(*a*) There should be a signpost wherever a public right of way leaves a road; where there is an identifiable destination this should appear on the sign;

(*b*) All footpaths should be marked by signposts or waymarks;

(*c*) It should be the duty of highway authorities to provide, erect and maintain these signposts unless, after consultation with any relevant parish council, it appears to the highway authority that it is unnecessary to do so.

(*d*) Any person, voluntary body, or parish council should be able, with the consent of the highway authority, to erect and maintain waymarks or direction notices on a footpath if agreement has been reached with the owner or the occupier.

(*e*) Highway authorities should provide waymarks to be put in place by owners or occupiers, or, with their agreement by members of open-air Societies, along the length of footpaths and highway authorities should themselves have the duty and power to put up waymarks.

Bulls in fields

57. We have considered this subject having in mind that most county councils have a bye-law, made under Section 249 of the Local Government Act, 1933, prohibiting owners and occupiers from grazing bulls over twelve months old in fields through which there is a public right of way. Infringement of the bye-law carries with it a fine. We do not know how energetically the bye-law is enforced but clearly the circumstances do not make it easy.

58. We know from evidence put to us that people are deterred from walking on paths when there is a bull in the field. We have also been told that in some kinds of livestock production modern pasturing methods require farmers to graze bulls in fields with the cows and heifers; and that to prevent farmers from doing this would in some cases seriously prejudice production and the economic viability of the farm.

59. This is not a problem where it is easy to be fair to both sides. On the one hand the prohibition of pasturing bulls in fields where there are public footpaths should be clear and unequivocal; but on the other hand it should be much easier to make temporary alterations to the line of a footpath to meet agricultural needs. The prohibition of the pasturing of bulls should, in our opinion, be a matter for the statute rather than for bye-laws. But an owner or occupier should be able with the consent of the highway authority temporarily to divert or close a footpath for any period not exceeding three months. This arrangement should ensure the necessary public protection and at the same time be flexible enough to meet local circumstances.

60. We therefore recommend that the pasturing of bulls over twelve months old at large in any field through which there is a footpath should be prohibited; but that an owner or occupier should be able to apply to the highway authority for an order temporarily to divert or, if that is not practicable, to close a footpath for a period not exceeding three months on grounds of agricultural necessity. Advice from the Divisional Land Commissioner of the Ministry of Agriculture should be available when the application is considered.

61. Public notice of the making of an order of this kind and transmission of

a copy of it to the parish council should be obligatory. Where such an order is in force the diversion or closure should be clearly indicated at the place.

Ploughing of footpaths

62. Many representations have been made to us about the difficulties resulting from the ploughing of public paths and we are completely satisfied that a major weakness in the present law is the imprecision, in Section 119 of the Highways Act, 1959, of the phrase "as soon as may be" in defining the period in which a footpath must be restored after ploughing. The law refers only to ploughing, but obviously other agricultural operations may interfere equally with footpaths and we have considered them accordingly and have taken the word "ploughing" to mean all necessary farming operations from ploughing to sowing.

63. To meet the different requirements of cultivation between area and area or between season and season a method of flexible control is needed. We have been told that while restoration of a path would be reasonable and practicable shortly after spring ploughing, cultivation after winter ploughing could often not be completed for some months because of weather and soil conditions. This means that early restoration of a path after winter ploughing would usually be impracticable and probably wasteful in labour and effort. In such cases a temporary diversion would often be a more sensible solution.

64. There is understandably confusion where walkers find a crop growing over a path and consternation where they find it ploughed. They may try to use the headland but they run the risk of being trespassers. Some fear was expressed to us that a number of diversions around headlands of fields would detract from the enjoyment of a walk and lead to zig-zag patterns of paths. This difficulty could be reduced if neighbouring farmers would co-operate to consider fields in groups so that reasonable diversions are made possible. We see the difficulties but we believe that they are capable of solution with good will and we consider that where farming operations require diversions in a number of fields in different occupation care should be taken to avoid zig-zag routes.

65. We do not suggest any alteration to the requirement in subsection (2) of Section 119 of the Highways Act, 1959 whereby notice of intention to plough must be given but we consider that the Section needs amendment quite apart from that.

66. We recommend that the law should provide that after giving seven days notice of intention to plough or cultivate over a public path an occupier should either

(1) (*a*) Cultivate the footpath and restore it within twenty-one days of each cultivation, or

(*b*) apply to the highway authority for an order temporarily to divert or, where that is not practicable, close the footpath. The period of diversion or closure should be adequate for necessary spring or autumn cultivation but there would never be any justification for such an order during summer months.

(2) Where application for a temporary diversion or closure order is refused the path should be made good within twenty-one days of cultivation;

but the highway authority should have power to extend this by a further period of not more than twenty-one days if they consider it reasonable in exceptional circumstances to do so.

(3) It should be the duty of the highway authority to ensure that a footpath reopened after the expiration of a diversion or temporary closure order is left in no worse condition than it was before the order was granted.

(4) Where a footpath follows the headland of a field the path should not be ploughed. Where a field boundary is altered so that the path no longer follows the edge of the field the prohibition should no longer apply.

67. For the purposes of their duties in relation to our recommendations concerning signposting and waymarking, maintenance and ploughing, highway authorities should be given right of entry, subject to any necessary provision for compensation for damage which they may cause.

Part V: The Use of Footpaths

Concerning the specific use of types of footpaths and bridleways.

Roads Used as Public Paths

68. As far as we can discover this kind of "way" was not formally defined until the passing of the National Parks and Access to the Countryside Act, 1949. We have heard from many quarters that the definition has led to a great deal of confusion and it does seem confusing to us. At a much earlier time many of these paths, or ways, were used as drove roads or pack-horse ways or by farm carts and they might have been described as carriageways. They fell into disuse in the nineteenth century and did not become motor roads in the twentieth century. Many are still used to a considerable extent for agricultural purposes and it has been foremost in our minds in considering the future of these roads that their continued use by farmers for their vehicles and livestock should not be questioned whether or not their land is adjacent to the path. We have received representations that most of these roads are not suitable for any form of motor traffic.

69. We recommend that the definition "roads used as public paths" should be abandoned; not only is it confusing but the majority of them are unsuitable for motorised traffic. We also recommend that these roads should be surveyed by the responsible authorities who should decide in each case whether the road should be designated as an unclassified road, a bridleway or a footpath. Once taken the decision will be recorded on the definitive map and should be clearly marked by signposts on the road which becomes a bridleway or footpath.

Motorcyclists

70. We received quite clear representations from the motorcycling organisations, and we have sympathy with their difficulties. Motorcycling is a popular sport and should have a place in the overall scheme of open air recreation in the countryside which will be encouraged by the Countryside Commission, as described in the Bill now before Parliament. But within the scope of our considerations of footpaths we cannot recommend that motorcycling should have a place. We see that there is a difference between motorcycle tours and motorcycle trials but we do not think that footpaths or bridleways are suitable for any form of motorcycling. It is in our opinion incompatible with their other uses.

Cyclists

71. We appreciate from evidence put to us the unhappy lot of the cyclist between the walker and the motorist. He is not welcome on roads and seems to have no legal right to use footpaths. The cyclists' plea to us was that they be given a right to use footpaths although they accepted that walkers must retain their prior right of passage. There is an obvious distinction between a pedal cycle and a motorcycle and we have concluded that pedal cyclists should be allowed to use footpaths and bridleways but by the very definition of these two public rights of way the priority on them must be given to walkers and horse-riders respectively.

72. We recommend therefore that pedal cyclists be allowed to use footpaths and bridleways but always with proper care for the safety of walkers and other users. Also we endorse the power of local authorities to make bye-laws prohibiting the use of cycles on footpaths in particular areas where there are valid reasons for doing so.

Horse Riding

73. Evidence given to us shows the very marked increase in recent years in the number of people who ride for pleasure. It is, as the Sports Council has said, a growing sport. In the Greater London Area alone a census taken in 1966 showed that about 25,000 people ride regularly every week. We were told, and we accept, that there is a need, particularly in urban areas, for the creation of bridleways to connect stables with longer routes for horse riding. For enjoyment of this sport bridleways of 15–20 miles are needed and they should always be signposted or waymarked to help strangers.

74. We see the likelihood that many of the present "roads used as public paths" may, after survey, be designated as bridleways and this we hope will be the case. We recommend that local authorities in considering their plans for recreation in the country should assure themselves that the provision of bridleways is adequate in their areas.

75. We do not think that horses should be ridden on footpaths. They can turn a footpath into a quagmire and they may be a hazard to walkers.

76. We have noted that Section 1 of the Road Traffic Regulations Act, 1967 deals with contravention of a restriction of use of vehicles on certain roads but it does not apply to horses. It seems to us that this point might be considered at the next review of the Road Traffic Acts.

77. We recommend that highway authorities should be given powers to deal effectively with anyone unlawfully riding a horse on public footpaths which are not bridleways.

Part VI: Miscellaneous

Footpath Agreements for Specified Periods

78. If the difficulties about the creation of footpaths to which we refer in paragraphs 33, 34 and 35 are overcome there would be no need to act upon another suggestion which has been put to us; but which we think it right to mention because in some circumstances it would enable a path to be created which would not otherwise be available.

79. We have received evidence that there is a good case for considering footpath agreements for specified periods. The path would be created on the basis of an agreement between the landowner and the planning authority. It would operate for a stated period of ten, fifteen or twenty years with provision for either side to ask for review at agreed intervals. We in no way minimise the importance of permanent paths but arrangements limited in time would allow a degree of flexibility in footpath patterns to meet changing needs, whether of the public or the farmer and might be more readily acceptable to landowners and occupiers. These paths, like all other footpaths should be clearly signposted.

80. We recommend therefore that planning authorities should be empowered to enter into footpath creation agreements for specified periods of time.

Prescriptive Rights

81. Evidence given to us, although it was not unanimous, suggested that the time had passed when it should be possible to establish a right of way by prescription, that is, by proving that it had been so used for a period of not less than twenty years. Here again we think that if our recommendations about the creation of rights of way are adopted the establishment of such rights by prescription may well cease to be useful and the power could be abandoned without loss. But we do not make any recommendations on the matter because it would not be appropriate to suggest changes in the law governing prescriptive rights for footpaths without dealing with the wider question of prescription generally. Further, we understand that the whole subject is now under review following a report by the Law Reform Committee on easements and profits.

Emergency Powers

82. We have been surprised to learn that no powers appear to exist for councils to close or divert a footpath where there is a danger to the public using it. Erosion or subsidence are perhaps the most frequent causes but we have in mind any happening which might give rise to public danger. In such cases we recommend that highway authorities should have power immediately to close a footpath for a sufficient time, not exceeding two months, to allow for the danger to be removed or for alternative permanent arrangements such as a diversion to be made.

Towpaths

83. We were glad to hear from the British Waterways Board of their wish to extend enjoyment of waterways to people who like to walk along towpaths.

A combination of recreational uses should be encouraged. We agree with the recommendation of the Bowes Committee on Inland Waterways that towpaths should be public rights of way but we see that there are some obstacles to a general opening up of them particularly perhaps in towns where there may be warehouses and other buildings along the narrow path. The British Waterways Board are very willing to co-operate with local authorities in carefully worked out schemes similar to the one they are now operating with the Greater London Council for opening the towing path on the Regents Canal between Marylebone and Regents Park.

84. In some parts of the country footpaths along canal banks would provide very pleasant walks and we were interested to hear from the Board that some local authorities are now considering giving physical and financial help towards the upkeep of towpaths to be used as footpaths. We hope that wherever it appears rewarding to do so local authorities will co-operate in this way. We see no reason why towpaths should not remain under the jurisdiction of the British Waterways Board when they are being used also as footpaths.

85. One serious problem is that of maintaining the canal bank over which a towpath runs. If a bank carrying a towpath is damaged, very often nothing can be done, for the Waterways Board have a duty to repair only in the interests of navigation and the highway authority has a duty to maintain only the surface of the path, not its supporting bank. We note that the Transport Bill, now before Parliament, proposes that there should be a statutory division of the Board's canals into "commercial" and "cruising" waterways, the latter to be maintained primarily for recreational purposes. The Bill envisages an increased use of these "cruising waterways" by pleasure craft. This is welcome, but such use, especially by powered craft, may accentuate the problem of maintaining banks carrying towpaths; and it seems right that the primary burden of repairing the banks should rest with the Board.

86. We therefore recommend that the duty of the Board, as proposed in the Transport Bill, to maintain cruising waterways fit for pleasure craft should include the duty to maintain banks carrying a footpath in a reasonable condition. Local authorities should be given express power to assist financially in appropriate cases.

Cliff Paths and Riverside Paths

87. If a public path along a shore or river bank is lost by erosion there is at present no duty resting on a highway authority to reinstate it either by agreement or order. We consider that where the continuity of a cliff, shore or riverside path is broken by erosion there should be an obligation on the highway authority to create a new length of path to restore the continuity. If, as a consequence of the reinstatement, fencing or a hedge is necessary the cost should be met by the highway authority.

Conclusion

We conclude our report by recording the encouragement we have derived from the obvious and genuine desire of those who have given us evidence to contribute to a fair and reasonable solution of the problems with which we have been concerned. We believe local authorities are realising that they must give greater priority to footpaths; that owners and farmers generally have a wider appreciation of the real and increasing needs of the general public than ever before; and that there is a growing understanding by the public that when they are in the country for their pleasure they must respect the farmer's requirements and behave themselves responsibly.

But instances of deliberate obstruction, sheer carelessness and irresponsible behaviour can still be encountered. The best hope of overcoming them is by education and we think the time is ripe for an intensification of the educational effort which may be said to have begun officially with the issue of the Country Code in 1951. Much credit is due to the National Parks Commission for compiling and issuing it and also to bodies such as the Y.H.A. and Ramblers' Association who have consistently taken pains to bring it to the notice of their members. It deserves even wider publicity. We would like to see it as well known and as widely respected as the Highway Code and we think it should be reissued in a new form more likely to arrest attention than the somewhat dated current issue. As G. M. Trevelyan wrote in his foreword to the Code, "A great deal of the future value of life in this island will depend on the degree to which the Country Code is observed".

Signatures A. H. GOSLING
ERNEST RICHARDS
MICHAEL DARKE
IAN CAMPBELL
TOM STEPHENSON
GERALD MCGUIRE
T. E. FAIRCLOUGH
J. E. BLOW
G. B. HEYWOOD
JOHN CRIPPS
H. E. G. READ

C. E. BARSON
Secretary.

March 26th, 1968.

Summary of Recommendations

Figures in brackets refer to paragraphs.

1. If the powers now available to the Minister of Housing and Local Government and the Secretary of State for Wales are insufficient these powers should be extended to enable them to take positive steps to ensure that county and county borough councils who have not yet completed their definitive maps should do so now. (11)

2. Reviews of definitive maps should be made at ten yearly intervals or more frequently if there have been many changes since the last review. (12)

3. Bodies having powers which affect footpaths should be required to notify the relevant recording authority of any changes in footpaths which they may make. (14)

4. Creation, diversion and closure of footpaths and bridleways should be regarded as aspects of land use and become planning functions and the responsibility of the local planning authority. (22)

5. Planning authorities should have the power and duty to initiate changes in footpath patterns and to consider applications for changes both from users and landowners. (22)

6. Section 153 of the Town and Country Planning Act 1962 should be amended in so far as it relates to footpaths. (32)

7. Planning authorities should have power, in appropriate cases, to claim compensation from an owner when a footpath over his land is removed. (37)

8. Power to make "walkways" should be provided in general legislation. (39)

9. If the procedures for creation, diversion and closure of footpaths recommended in this Report are adopted the power to apply to Magistrates Courts for closure or diversion orders should be abandoned. (41)

10. The management of footpaths, including the duty to repair and maintain them, should remain a function of the highway authority; but parish councils should retain their present powers to repair and maintain footpaths. (42)

11. Responsibility for maintenance of stiles and gates should rest with landowners and occupiers who should, as of right, receive a reasonable contribution towards the cost from public funds. (44 & 45)

12. (*a*) There should be a signpost wherever a public right of way leaves a road; where there is an identifiable destination this should appear on the sign.

(*b*) All public footpaths should be marked by signposts or waymarks.

(*c*) It should be the duty of highway authorities to provide, erect and maintain signposts unless after consultation with the relevant parish council it appears to the highway authority that it is unnecessary to do so.

(*d*) Any person, voluntary body or parish council should be able with the consent of the highway authority, to erect and maintain waymarks or

direction notices on any public right of way if agreement has been obtained from the owner or occupier.

(*e*) Highway authorities should provide waymarks to be put in place by owners or occupiers, or with their agreement, by members of open-air Societies where they are willing to do so, along the length of footpaths, and highway authorities should themselves have the power and duty to put up waymarks. (56)

13. Pasturing bulls over twelve months old at large in any field through which there is a footpath should be prohibited; but an owner or occupier should be able to apply to the highway authority for an order temporarily to divert, or if that is not practicable, to close a footpath for a period not exceeding three months on grounds of agricultural necessity. (60)

14. After giving seven days' notice of intention to plough or cultivate over a public path an occupier should:

(*a*) either, cultivate the footpath and restore it within twenty-one days of each cultivation, or,
apply to the highway authority for an order temporarily to divert, or where that is not practicable, close the footpath. The period of diversion or closure should be adequate for necessary spring or winter cultivation but there would never be any justification for such an order during summer months.

(*b*) Where application for these temporary orders is refused the path should be made good within twenty-one days of cultivation but the highway authority should have power to extend this to a further period of not more than twenty-one days if they consider it reasonable in exceptional cases to do so.

(*c*) It should be the duty of the highway authority to ensure that a footpath reopened after a diversion or temporary closure order is left in no worse condition that it was before the order was granted.

(*d*) Where a footpath follows the headland of a field the path should not be ploughed. (66)

15. The definition "roads used as public paths" should be abandoned. These roads should be surveyed by the responsible authorities who should decide in each case whether the road should be designated as an unclassified road, a bridleway or a footpath. (69)

16. Pedal cyclists should be allowed to use footpaths and bridleways but always with proper care for the safety of walkers and other users. (72)

17. Local authorities when considering their plans for recreation in the country should assure themselves that the provision of bridleways is adequate in their areas. (74)

18. Highway authorities should be given powers to deal effectively with anyone unlawfully riding a horse on a public footpath which is not a bridleway. (77)

19. Planning authorities should be empowered to enter into footpath creation agreements for specified periods of time. (80)

20. Highway authorities should have power immediately to close a footpath where there is danger to the public, for a sufficient time, not exceeding two months, to allow for the danger to be removed or for alternative permanent arrangement, such as a diversion, to be made. (82)

21. The duty of the British Waterways Board to maintain cruising waterways fit for pleasure craft should include the duty to maintain banks carrying a footpath in a reasonable condition. Local authorities should be given express power to assist financially in appropriate cases. (86)

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Appendix 1

List of the organisations who submitted evidence or comment.

Oral evidence was given by those organisations whose names are marked with an asterisk.

Ministry of Agriculture, Fisheries and Food
The Ancient Order of Pack Riders
*The Association of Municipal Corporations
*The Auto-Cycle Union
The Auto-Cycle Union—East South Wales Centre
The Auto-Cycle Union—Yorkshire Centre
Bampton Footpaths Committee
Bedfordshire Preservation Society
Birmingham C.H.A. Rambling Club
Bishop's Stortford and District Footpaths Association
*The British Horse Society
*The British Motorcyclists' Federation
*The British Waterways Board
The British Waterworks Association
Bromley and District Consumers' Group
Byfleet, West Byfleet and Pyrford Residents' Association
The Central Rights of Way Committee
The Chartered Land Societies Committee
*The Chiltern Society
*The Commons, Open Spaces and Footpaths Preservation Society
The Confederation of British Industry
The Council for the Preservation of Rural England (Billericay Group)
*The County Councils' Association
*The Country Landowners' Association
*The Cyclists' Touring Club
*Dartington Amenity Research Trust
Dartmoor Preservation Society
Ditchling Footpaths Society
Eastbourne Rambling Club
*Enfield Preservation Society
Flintshire County Council
*The Forestry Commission
Friends of the Ashwell Village Museum
Friends of the Lake District
*The Gamekeepers' Association of the United Kingdom.
*Hampshire County Council
Haverfordwest Rural District Council
Headley and District Bridleways Protection Group
Helston and District Footpaths Preservation Society
Ministry of Housing and Local Government
Kingston upon Hull City Council
Lake District Planning Board
The Law Society
Lewes Footpath Group

Liverpool Catholic Ramblers' Association
Meopham Footpaths Group
Mid-Herts Footpaths Society
Mill Hill Preservation Society
*The National Association of Parish Council
*The National Farmers' Union
The National Parks Commission
The National Trust
The Nature Conservancy
The Ordnance Survey
Oxford Fieldpaths Society
Oxfordshire County Council
The Peak District and Northern Counties Footpaths Preservation Society
The Pedestrians' Association for Road Safety
*The Ramblers' Association
The Rochford Hundred Amenities Society
The Rough Stuff Fellowship
The Rural District Councils' Association
The Society of Sussex Downsmen
Staffordshire County Council
The Standing Committee on National Parks of the Councils for the Preservation of Rural England and Wales
The Town and Country Planning Association
*The Town Planning Institute
*Ministry of Transport
Tring Urban District Council
The Urban District Councils' Association
*The Welsh Office
Wetherby and District Motor Club
West Sussex County Council
Women's Institutes
*The Youth Hostels Association (England and Wales)

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Appendix 2

Present Legal Arrangements

1. *Rights of way survey.* Under Part IV (Sections 27–39) of the National Parks and Access to the Countryside Act 1949 all county councils, except London, are required to survey their areas and prepare maps showing public rights of way on foot or on horseback as well as any way alleged to be a road used as a public path. They have to do so in three stages, draft, provisional and definitive. County borough councils may by resolution adopt the relevant sections of the Act in respect of the whole or part of their area (Section 35). Formerly this included the London County Council but by virtue of Section 60 of the London Government Act 1963 the surveying authorities in Greater London now include certain county councils (who may by agreement with the appropriate London boroughs act in respect of former county areas), London borough councils, the Common Council of the City and, in respect of any delegation by a London borough council or the Common Council, the Greater London Council.

2. Anyone may object to the *draft map* and be heard by the council. If the council modify the map they are required to hear any objections to the modifications which may then be retained or revoked. At this draft stage the Minister hears any appeals against omissions or deletions of paths by the council.

3. All these decisions are recorded on the *provisional map.* The rights of way shown on this map may be challenged at Quarter Sessions by owners or occupiers of the land affected. There is also provision for appeal to the High Court on a point of law against Quarter Session decision.

4. *The definitive map* follows and this is conclusive evidence that the rights of way it shows existed at the date of the survey. Councils are required to review the definitive map from time to time so that enactments for creating, diverting or closing public paths, made between the survey date and the review date, may be shown on the revised map. The revised maps must also go through the draft, provisional and definitive stages.

Creation of Footpaths and Bridleways

1. Footpaths and bridleways may be created by agreement. Any local authority, other than a county council, may under the provisions of Section 27 of the Highways Acts 1959 enter into an agreement with any person who has the power to dedicate a footpath or bridleway over land. The agreement may contain terms of payment and conditions affecting the public right of way.

2. Section 28 of the 1959 Act provides compulsory powers for creating footpaths and bridleways exercisable by local authorities, other than county councils. Where they are satisfied that it is right to do so local authorities may make an order to create a path and it has to be submitted to the Minister for confirmation.

3. Before taking action under Sections 27 and 28 rural district councils must have the consent of the county council and all district councils, including county borough councils if they are not the local planning authority, must have the consent of the local planning authority.

4. Section 29 of the Act gives the Minister the power to direct that the powers of Sections 27 and 28 be conferred on a county council and be not exercised by the district council. The Minister is also empowered, if he is satisfied that there is a need, to direct an authority to make a creation order or to make one himself.

Closure and Diversion of Public Paths

1. Public paths may only be closed or diverted by statutory orders or enactments. These fall roughly into four categories:

(i) Orders made by a magistrates court.

(ii) Orders made by a Minister or local authority subject to confirmation by a Minister.

(iii) Orders made for special purposes by general and field officers of the army and Inspectors of the Ministry of Agriculture, Fisheries and Food or of a local authority appointed under the Diseases of Animals Act.

(iv) Local Acts subject to Parliamentary procedure.

2. The Acts most commonly used are the Highways Act 1959 (Sections 110 and 111) which contain provisions mainly concerned with country areas not affected by development, and the following which are mainly concerned with large schemes in which footpath closures and diversions are consequential:

Water Act 1945	Consequential provisions for large reservoirs, etc.
Acquisition of Land Act 1946	Compulsory purchase of land.
Mineral Workings Act 1951, and Opencast Coal Act 1958	Temporary measures to allow working.
Housing Act 1957	Slum clearance areas.
Highways Act 1959 (Sections 9 and 13)	Trunk and special road schemes.
Town and Country Planning Act 1962	Land held for planning purposes.
New Towns Act 1965	New town development land.
Local Acts	Specialist schemes, e.g. Lee Valley Regional Parks Bill, British Railways Closure Bills.

3. *Application to a magistrates court* is made by a highway authority under the Highways Act 1959 Section 108 for the closure or diversion of a footpath if it appears to be unnecessary or can be diverted so as to make it shorter or more commodious to the public. (This procedure may also be used for the purpose of the Military Lands Act 1892.)

4. When the highway affected is in a rural district the rural and parish authorities have to be given two months' notice and may refuse to give consent. Various notices have to be given 28 days before the application is made and it has to be advertised on the highway, in a local paper and in the *London Gazette*. Anyone notified or aggrieved has a right to be heard. Appeal is to Quarter Sessions.

5. Under Section 109 of the Act a person may request the highway authority

to make an application. If the authority agrees to do so they may as a condition require payment of costs.

6. *Orders made by a Minister or local authority subject to confirmation by a Minister* are made after local consultation with planning and highway authorities. They are advertised by the local authority or a Minister, as appropriate, and there is a stated period for objections to a Minister. There is also provision for holding an inquiry or hearing into objections.

7. The objection period varies from three weeks to three months: advertisement requirements may be a notice in the local paper and on the path, or two local papers, the path and the *London Gazette*; and an inquiry or hearing may be obligatory or permissive.

(Under the Diseases of Animals Act 1950 closure is by notice and for a temporary period only. There is no provision for notice, objection or inquiry in the Defence Acts.)

The most commonly used provisions are:

8. *Acquisition of Land Act 1946—Section 3:* Orders are made by the Minister of Housing and Local Government on application from a local authority in respect of land which has, or which may be, compulsorily acquired. The objection period is 21 days and the Minister must hold an inquiry if objection is not withdrawn.

9. *Town and Country Planning Act 1962:* Orders are made by the Minister of Transport under Section 153 to enable development with Part III planning permission to be carried out or development by a government department.

10. Orders are made by the Minister of Housing and Local Government under Section 155 where a local authority holds land for planning purposes.

11. The objection period under both Sections is three months and an inquiry is permissive unless objection is made by a local authority or statutory undertaker. Land may be acquired compulsorily for alternative rights of way under these provisions.

12. *Highways Act 1959:* Orders are made by a local authority under Section 110 to stop up a footpath or bridleway if satisfied that it is expedient to do so or that it is not needed for public use.

13. Orders are made by a local authority under Section 111 where an owner, lessee or occupier satisfies them that they should divert a footpath or bridleway to secure the efficient use of the land or of other land held therewith or to provide a shorter or more commodious path.

14. The objection period is 28 days and orders are confirmed by the Minister of Housing and Local Government. If a local authority object an inquiry must be held otherwise an inquiry is held or an opportunity for a hearing is offered. (In practice individual objectors often prefer decision on written representations to a hearing when offered.)

15. The Minister may also make orders himself under these Sections if he is satisfied that it is necessary.

16. Orders are made by the Minister of Transport under Section 9 to stop up

or divert a highway which crosses or enters the route of a trunk road or is or will be otherwise affected by the construction or improvement of a trunk road.

17. Orders are made by a highway authority or the Minister of Transport under Section 13 to stop up or divert a highway which crosses or enters the route of a special road or is or will be otherwise affected by the construction or improvement of a special road.

18. The objection period is three months. The orders are made or confirmed by the Minister. If objection is made and not withdrawn a local inquiry must be held unless the objection is from a specified council or authority and the Minister is satisfied that an inquiry is unnecessary.

Definitions

In Section 27 of the National Parks and Access to the Countryside Act 1949, the following words are defined as meaning:

footpath	means a highway over which the public have a right of way on foot only, other than such a highway at the side of a public road;
bridleway	means a highway over which the public have the following, but no other, rights of way, that is to say a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway;
public path	means a highway being either a footpath or a bridleway;
road used as a public path	means a highway, other than a public path, used by the public mainly for the purpose for which footpaths or bridleways are so used.

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