

Public Rights of Way

What are Public Rights of Way?



Public footpaths

Public footpaths can be used by walkers and this includes wheelchair users and those pushing prams or pushchairs. As with all public rights of way, you may also take a dog, although you will need to keep it on a lead or otherwise under close control on paths where livestock are present. Expect to encounter stiles on footpaths. Be aware that there may be no way for dogs at stiles.

There is no right to ride a pushbike along a public footpath, although individual landowners may permit cycling on some routes which are public footpaths. There is no right to ride a horse or drive a motor vehicle without the express permission of the landowner.

You should be careful to distinguish between 'public footpaths' and 'footways'. Paths beside public roads are not public footpaths – it is better to refer to them as footways or simply pavements. Footways are not recorded on the definitive map as public rights of way. A footway is really a part of the main highway which has been set apart for pedestrians. Contact the appropriate area highways office for advice on footways.

You may take a short alternative route around an illegal obstruction, or remove sufficient of it to get past (but that does not extend to the right to carry e.g. pliers to cut barbed wire).



Bridleways

Historically, bridleways have been available for walkers and for horse riders. You can also lead a horse along a bridleway. These rights also extend to mules and asses but not, for example, to llamas or other animals. There may also be a right on some bridleways to drive animals along it.

The Countryside Act 1968 gave cyclists the right to use bridleways. However, cyclists are required to give way to both walkers and horse riders on bridleways.

The Countryside Act did not place a duty on highway authorities to maintain bridleways to a standard suitable for cyclists and so many will not be particularly suitable for cycling, even perhaps for mountain bikes. The push in recent years to encourage cycling does mean, however, that more attention is being paid to the needs of cyclists – provided that improvements for cyclists are not to the disadvantage of, say, horse riders.

Bridleways are sometimes referred to as bridle paths. You might also come across the term 'public path' which includes both public footpaths and bridleways.



‘Restricted byways’ and ‘Roads used as public paths’

‘Road Used as a Public Path’ (RUPP) was one of the three original categories of public rights of way, introduced by the National Parks and Access to the Countryside Act 1949. The term proved to be a confusing one, since it covered a variety of routes, often having the character of green lanes, but which may or may not have carried public vehicular rights in addition to rights for walkers and horse riders.

In Gwynedd, following contemporary advice, RUPP’s were designated as CRF’s or CRB’s. The definition was given as:

- CRF - A public carriage or cart road, or green (unmetalled) lane, mainly used as a footpath.
- CRB - A public carriage or cart road, or green (unmetalled) lane, mainly used as a bridleway.

All highway authorities had a duty to reclassify RUPP’s in their area after the passing of the Countryside Act 1968 (as subsequently amended by the Wildlife and Countryside Act 1981). Gwynedd conducted the research to reclassify one (of 90) RUPP’s. The research was thorough. The presumption in law was that the route was a bridleway unless it could be shown that:

- public vehicular rights existed (in which case it should be designated as Byway Open to All Traffic); or
- public vehicular and bridlerights could not be shown to exist (in which case it should be designated a public footpath).

In the case in question, after two public inquiries, the latter status was accorded to the route. It also became clear that without a public inquiry, it was unlikely all the information required to prove status would be forthcoming. In view of the resources required, no further attempts were made to reclassify RUPP’s in Gwynedd.

The Countryside and Rights of Way Act 2000 (as amended by the Natural Environment and Countryside Act 2006) addressed the problem of the lack of clarity of the rights along RUPP’s by automatically reclassifying all remaining RUPP’s as ‘restricted byways’. The public’s rights along a ‘restricted byway’ are:

- on foot
- on horseback or leading a horse
- by non-mechanically propelled vehicles

This last means you can take a pushbike or horse-drawn carriage along a ‘restricted byway’ but cannot take a motorcycle or other motor vehicles along one. There may also be a right to drive animals along a ‘restricted byway’.

The relevant section of the Act came into force on 11th May 2006 and so no RUPP’s remain on the Definitive Map – each is now a ‘restricted byway’.



'Byways Open to All Traffic' (BOATs')

This term was introduced by the Countryside Act 1968 and refers to certain carriageways (i.e. routes available to vehicles) which are used mainly for the purposes for which public footpaths and bridleways are used i.e. walking and riding. Members of the public enjoy the same rights on a BOAT as on an ordinary public road, but should not normally expect the route to have a sealed (tarmac) surface.

In Gwynedd, Council policy is to make up heavily used BOAT's (typically in "urban" areas) with tar planings and surface dressing and thereafter inspect and maintain them as part of the road network.

Each of these types of public right of way is shown on the Definitive Map – the legal record of such routes which is held by the Council. Note that all public rights of way are highways. Therefore any vehicles driven on them must be driven responsibly and the vehicle itself must be road legal with a qualified driver, insurance, road tax and MOT certificate.