

National LAF Conference (North) 1st March 2016, Leeds

Riding or cycling on footpaths

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Workshop notes

- Slides 1 & 2: JS introduced the topics, as per the points on the slides.
- Slides 3 & 4: Discussion around what the yellow arrow symbols means. Suggestions included “footpath”, that as it’s non statutory, it doesn’t mean anything legally, and JS’s interpretation that it’s meant to indicate that a footpath is recorded on the definitive map and statement.
- Slide 5: JS suggests that the description of the yellow arrow waymark here is wrong to say “open to walkers only” – as a route could carry higher rights.
- Slides 6 – 9: these illustrate how routes have been recorded over time throughout time (the maps are from Scotland) – JS’s point is that routes which were initially shown as tracks and bridleways can’t have had stiles. The final of the maps (slide 9) illustrates stile-free footpaths in red in a section of North Riding. JS noted that these are all through routes, linking to routes of higher status.
- Slide 10: JS explained interprets the case law quote as describing how RoW have grown organically, rather than being actively dedicated by a landowner and accepted by the public.
- Slide 11: Discussion point –were there stile free paths before the definitive map? Discussion around what the definition of a stile is (including the term coming from Old English ‘passing over a high/narrow place’). It was noted that sliding wickets were often used on bridleways for stock control in the past. Generally, the group felt that numbers of stile-free footpaths would have been low.
- Slide 12: this was an introduction to the following slides, rather than a discussion at this point.
- Slides 13 – 15: excerpts from case law which JS explains show how the concept of trespass has evolved. JS’s interpretation of slide 15 is that the public’s right to be on a highway, provided they do not obstruct or cause nuisance, could extend to riding and cycling.
- Slide 16: Discussion around whether it’s really trespass to ride or cycle on a highway. Views included no (from JS, for the reasons explained in slide 15), and in contrast views that it is trespass, as the case law quoted by JS relates to activities carried out whilst walking (mainly poaching), which is not comparable to riding or cycling. There was discussion around whether it’s

lawful to wheel a bike (apparently DfT have a leaflet which says it is?), and what landowners can do in response to trespass (ask trespasser to leave, pursue legal action).

- Slide 17: Discussion point around whether single status path is feasible. JS suggests that there is a cost saving to be made in this.
- Slides 18 – 21: JS's suggestions for single status paths and the benefits.
- Slide 22: Final discussion point – is the proposal of single status paths on the definitive map feasible? JS queried why the Stakeholder Working Group hadn't proposed this. Alan Kind explained that some users are opposed, as are many landowners. It would require primary legislation. The group briefly discussed whether LAFs would want to pursue this idea, but time ran out before any conclusions was reached.