

## **Cycling on a Public Footpath – reply to LAF from IWC Rights of Way Team to the CTC campaign briefing note February 2014**

Cycling on a Public Footpath is unlawful in the sense that it is an act of trespass against the landowner who could theoretically take civil legal action against offenders. Landowners are therefore quite within their rights to stop cyclists using a public footpath running across their land.

No other offence is committed and action by the Police or a Local Authority is not possible.

It is possible for a landowner to allow cyclists to use a public footpath running across their land. This is unlikely to pose any problems although it is possible that the public could make a complaint for public nuisance if for example the path was not appropriate for use by cyclists and was causing unreasonable or unsafe conditions for walkers.

Rights of Way's comment on the CTC article is that whilst it supports the network being opened up to as many users as possible it considers that any change in the law would be highly controversial and would be objected to by the majority of landowners. Damage caused to surfaces by bicycles is quite substantial compared to walking especially in wet conditions. It is also the case that many public footpaths are not suitable for cycling (e.g. too narrow, unsuitable terrain, stiles). A straightforward change in the law effecting all public footpaths would seem unworkable and further consideration needs to be given as to how public footpaths that are suitable for shared use could be opened up to cycling – perhaps some form of permissive grant scheme?

Another aspect is maintenance. Local Authorities are responsible for maintaining surfaces of public rights of way. Cycling on public footpaths will lead to increased wear and tear on surfaces and therefore a greater liability on a Local Authority for maintenance and repairs at a time when Public Rights of Way departments are facing continuing constraints in terms of staffing and budget. An increase in resources would therefore be necessary if any change in the law occurred.

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