

Policy Statement

- The County Council recognises the rights that motor vehicle users have to access parts of the rights of way and unsurfaced road network.
- The County Council does not encourage this activity but acknowledges that responsible use on some routes can be sustained.
- The County Council will take action to limit or prevent access by motor vehicles if this use is damaging to the route or local environment, or conflicts with the reasonable interests of walkers, riders, cyclists or carriage drivers. The County Council has a Policy on the use of Traffic Regulation Orders on rights of way.
- The County Council will prioritise repair and maintenance to benefit non-motorised users on Byways Open to All Traffic. Repair work on Unclassified Roads will be undertaken to a standard which is commensurate with the level and type of public use.
- The County Council will endeavour to ensure that surface damage caused by private use of the route (eg. by agricultural or forestry vehicles) is made good by those responsible.
- The County Council will work to encourage responsible behaviour by all countryside users and a better understanding of the network
- The County Council has a legal duty to record all public rights of way on the Definitive Map. Investigating applications to modify the map can be controversial and may lead to expensive Public Inquiries. The Council welcomes discussion with interested parties at an early stage in the Inquiry process to agree common ground and minimise expense.
- The County Council is opposed to the unlawful use of motor vehicles on rights of way and unsurfaced roads, and will work with the Police and others to prevent such access and to take action against offenders.

Explanation of terms

Motor Vehicles: Mechanically propelled vehicles, including cars, 4x4s, motorcycles, quadbikes, mini-motorbikes and mini motor scooters.

(Public) Rights of Way: Public footpaths, bridleways, restricted byways and byways open to all traffic ('BOAT's). BOATs are the only rights of way (often without a sealed surface) which motor vehicles have a legal right to use, although they are mainly used by walkers, riders, cyclists and carriage drivers.

Unsurfaced Roads: In this context, this refers to Unclassified County Road (UCRs) without a sealed surface and where motor vehicular rights are known or presumed to exist. UCRs are highways recorded by the County Council as maintainable at public expense and believed by highway managers to be public carriage roads.

Traffic Regulation Order: An order to restrict, prohibit, or regulate the use of roads (including rights of way) by traffic (which can include cyclists, horse riders and walkers).

Private Use: Use of a route by farmers, landowners or those who hold private rights of access to property.

Definitive Map: The legal record of public rights of way. Hampshire County Council has a legal duty to keep this map under continuous review and to investigate applications ('claims') to modify it under section 53(5) of the Wildlife and Countryside Act 1981.