Public Access, Private Land and Spatial Politics: the Geographical Importance of the Right of Way in Coventry, England

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Public access, private land and spatial politics: The geographical Importance of the Right of Way in Coventry, England

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Abstract: The rights that guarantee public passage across private land are known as Rights of Way. In this paper, we argue that Rights of Way are a literal manifestation of a politics of space. The paper's purpose is to suggest Rights of Way are central to issues surrounding social and spatial inequality, specifically with

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regards to public access to urban and rural space. They are a neglected topic in geographical research, despite their relevance to many subbranches including landscape studies, urban natures, GIS and open-source geospatial research. Rights of Way in England and Wales are currently facing their biggest legal threat to date. On the 1st January 2026, unregistered Rights of Way (RoW) are set to be extinguished. Path Extinguishment threatens 1000s of kilometres of footpath, bridleway, restricted byway and byways open to all traffic. The paper concludes by examining how the aforementioned geographical approaches help reveal the cultural and historical value of two at-risk footpaths in Coventry, England.

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Article type : Regular Paper

1 INTRODUCTION

The passage of the UK's 2000 Countryside and Rights of Way Act (CRoW) is often celebrated for opening huge tracts of private land for public use. The CRoW codified a New Labour manifesto promise: to introduce the 'Right to Roam'. It made 2 million acres of private mountains, moorland, heathland and downs accessible to the public for walking and picnicking.

The media focus on the Right to Roam left other parts of the CRoW Act neglected. Sections 53- 56 of the Act discussed specific spatial rights that allow the public to travel through private lands: Rights of Way. They stipulated that any English or Welsh Right of Way (RoW) —a public easement over private land allowing a user to pass and repass along a specific route — that was not registered on a County Council or Unitary Authority's (also known as Highway Authority) Definitive Map and Statement by a specific deadline would be 'extinguished' or 'stopped up'. This would apply in England and Wales, but not in Scotland or Northern Ireland. The CRoW Act set the deadline date for this as the 1st January 2026. The government argued that 25 years was enough time to register missing routes once and for all.

In light of the 2026 deadline, this paper discusses the Rights of Way and their importance to new directions of geographical thought. Rights of Way are a poorly understood element in landscapes (Wylie, 2007). They are mundane, obvious, and seemingly innocuous; a well-worn footpath, bridleway, highway or track may appear as an unchanging line on a map. Yet their histories, cultural value and legal geographies and imprints in the landscape are of interest to human and physical geographers alike. In the UK, a RoW is not a physical route,

but a spatial right that applies to a specific route. Each RoW tells a story about the people who first created the path, the local legalities that led to its dedication in law and those that continue to use them today. Footpaths facilitate organised hiking, landscape photography and wildlife tours. Bridleways are vital to the equine industry (excluding racing) generating around £3.3 billion each year (BHS, 2013). In urban areas they provide shortcuts and alternatives from roads for walkers, runners, cyclists, and yes, geographers and other fieldworkers (Moles, 2017).

As public rights, RoW have the potential to help mitigate social and spatial inequality. While many only use footpaths when visiting rural spaces, access to and across private land is an important global issue, with implications for factors like accessible greenspace and, mental and physical wellbeing (Pasanen, Tyrväine and Korpela, 2014). Debates about greener, healthier methods of transportation (Maibach, Steg and Anable 2009) are becoming more important for sustainable futures. Sustainable Development Goal 9.1 explicitly focuses on the Rural Accessibility Index, which examines how well-connected rural populations are by road. Highways are vital markers of development but the benefits and politics of tracks, trails and routes -- that are not legally classed as highways -- are poorly understood. They provide access to greenspace but also cut through and across private land and provide pedestrian access where else it wouldn't exist.

Rights of Way were last seriously discussed by geographers in the 1980s, when researchers focused on their erosion and soil loss (Coleman, 1981; Garland, 1987). Since then, the spatial politics of RoW – and their role in the landscapes within which they are embedded – have not featured as central objects of geographic research. As 2026 approaches, many Rights of Way remain unregistered and at-risk. In 2010, Natural England estimated that 22,369 kilometres of historic routes needed investigating in England alone. Parker and Ravenscroft (2001, p. 394) noted after its passage, the CRoW Act would be 'precursive of further conflict and negotiation not only about countryside access but also regarding the trajectory of future rural land use'. The task of acknowledging political and legal histories of RoW has been left to anthropologists, archaeologists (Snead, Erickson, & Darling, 2011; Trombold et al., 1991) and increasingly, local activists.

The Right of Way, as a central part of rural and urban landscapes and a facilitator of routine travel, is not often featured in geographical studies of the spaces and practices of routine travel (Cook et al., 2007; Painter, 2006; Bissell, 2009) and urban and pedestrian walking in This article is protected by copyright. All rights reserved

urban settings (Middleton, 2011; Pinder, 2011). In this paper, we show how Rights of Way create physical manifestations of spatial politics. Their legal and political geographies are contested and changing and when threatened, the spatial politics of Rights of Way gain a quiet ferocity.

This paper shows that geographical approaches, methods and data -- from conceptual approaches to studying landscapes to the technical uses of GIS and Remote Sensing – can help conceptualise the spatial politics of RoW. It is split into two parts. The first argument is conceptual, suggesting that geographers focus on the spatial politics of the RoW more closely. It begins by reviewing work in legal geographies (Blomley, 2010) and landscapes (Wylie, 2007) before examining the social and spatial infrastructural inequality that RoW help mitigate. The paper then examines the non-human agency of landscapes (Barry, 2013; O'Donnell, 2015; Squire, 2016; Oliver, 2013) and the embodied geographies of walking (Edensor, 2000; Lorimer, 2016).

The second part examines the relevance of applied geospatial data collection methods and analysis in the context of at-risk RoW in England and Wales. Each subfield has conceptual and methodological tools for contextualising spatial rights embedded in paths, tracks, roads and routes in the UK and further afield, and applies these insights to two footpaths in Coventry, England. It discusses how volunteers are striving to protect the routes, engaging in a quasi-judicial disagreement about their history and role in the urban landscape and their legal status as a public resource.

Ultimately, we hope to demonstrate that the routes and rights that permit transit, movement and access to and through public and private land, be it a back alley or well-trodden bridleway, are mundane but important parts of geographical debates about landscapes and social and spatial inequality.

2 THE RIGHT TO PASS AND REPASS: THE LEGAL GEOGRAPHIES OF THE ROW

Rights of Way are obvious targets for geographers interested in the 'contradictions, gaps, and slippages in how 'law makes space' (Delaney, 2015, p. 100). 'Once a highway, always a highway' is a legal principle that was enshrined in English common law as early as the 12th century (Cooper, 2016). It turned *de facto* paths formed on popular routes into legal rights. A RoW is not a sidewalk or a pavement; it is a legal right to pass and repass along a specific This article is protected by copyright. All rights reserved

route. After largescale enclosure in the 1700s, the legal principle of 'implied dedication' guaranteed their existence. If a route was recognised via common law, used by the public and a landowner did not object to the route, they were deemed to be highways in perpetuity.

In the UK, Right of Way usage for leisure grew out of political struggles about public access through private land. Popular scholarly focus is on the Kinder Scout trespass (Harker, 2005) and subsequent boom in rambling (Holt, 1987). The Kinder Scout Trespass marked the first time that nascent rambling movement engaged in mass, organised civil disobedience. On 24th April 1932, a group of some 400 ramblers illegally entered Kinder Scout in the Derbyshire Peak District and engaged in scuffles with gamekeepers. That said, as Hey (2011) points out, Kinder Scout was not the first nor the last time that Rambling groups tried to establish public access to private lands. Much of the groundwork that lead to an organised rambling movement was laid in previous years as landowners shut access to moors. This meant that ancient Rights of Way established from common law became inaccessible. According to Hey (2011), the first political society with the goal of protecting footpaths was established in August 1894 at the Piccadilly Restaurant in Manchester, UK. It was called 'The Manchester and District Footpaths Preservation Society'.

These protests are credited with creating National Parks. In 1942, professional geographer L. Dudley Stamp was appointed Chief Advisor of the Rural Land Utilisation Officers and played an important part in the preparatory work for the 1949 National Parks and Access to the Countryside Act. This act created National Parks and Areas of Outstanding National Beauty (Anderson, 1990) and mandated each Highway Authority to complete a 'Definitive Map and Statement' (DMS). This remains the official, legal record of every RoW within a highway authority's boundaries today. While some diligently recorded each route, others did not. Some Highway Authorities delegated these tasks to district and parish councils. Routes that were not recorded were not mapped. Many were still used by the public even if they were not formally maintained by the highway authority. Lesser known routes, without a presence on public maps, became overgrown and lost. Many historic RoW are at-risk precisely because they do not obviously appear in the landscape and maps we use today, despite the public retaining the right to use them.

Aside from the 1949 Act and the CRoW Act, there are other Acts of Parliament that have altered the public's ability to access private land (in England and Wales, as Scotland and Northern Ireland have different laws). The UK Highways Act of 1980 continues this right, This article is protected by copyright. All rights reserved

allowing for the dedication of a Right of Way where a route is used by the public for 20 years consistently. The 1981 Countryside and Rights of Way Act made the Definitive Map and Statement subject to a process of 'continuous review', meaning it would be constantly reviewed and could be updated. Anyone can now apply to edit it. To do so requires submitting a Definitive Map Modification Order (DMMO) application to the respective Highway Authority. Once submitted, a DMMO application starts a complicated process of review, consultation and appeal where a highway authority determines if there is enough evidence, on the balance of probabilities, to modify the DMS to include the route.

Understanding the legal geographies of Rights of Way is complex but geographers have already completed useful work on the legalities of public spaces of transit. Nick Blomley (2010) views American sidewalks as a finite public resource that are inherently contested. Local governments try to make sidewalks a transitory place of traffic flows, whereas others use them for protests, street entertainment and advertising. Whilst this approach has relevance for RoW as contested resources and debates about who and what can access them, Blomley's focus on pedestrianism is concerned with flows rather than spatial rights. Unlike sidewalks and pavements, which are an attendant part of the highway they accompany, Rights of Way guarantee public access (for both motorised and non-motorised traffic) where highways do not exist.

The Right of Way's importance as a spatial right on a specific route can be demonstrated when compared to the 'The Right to Roam'. This receives far more media and scholarly attention as it allows more liberal roaming across all private land, rather than a specific route through it. The Right to Roam has been examined by scholars (Shoard, 1999) and activists (Ilgunas, 2018) alike. Pearlman, Hougie and Dickinson (2000) point out that variations between different versions of the 'Right to Roam' are significant. Versions of this right exist in England (Anderson, 2006), Scotland, Germany (*Betretungschrect* see Scott, 1991), Austria (*Wegefreiheit*), Estonia, Latvia, the Czech Republic and Switzerland. Nordic countries have enjoyed long traditions that allowed people to roam freely; Finland refers to this as *Jokamiehen Oikeus*, Norway *Allemannsretten*, and both Denmark (Højring, 2002) and Sweden (Campion & Stephenson, 2010) provide unparalleled public access. Norway's *Allemannsretten* allows anybody to camp, walk or hike if they remain 150 metres away from inhabited property. Sweden recently advertised the entire country on Airbnb, extolling their liberal access laws.

Public Access to private land is not always so permissive; it is dependent upon a nation's political histories of land, ownership and access. The English Right to Roam does not permit cycling, horse riding and camping unless permitted by the landowner. Scotland's 2003 Land Reform Act permits wild camping and hiking on any private land (with exceptions) but for cyclists and riders, the highway and Right of Way remains the only legal way to travel across private land. Jonathan Mitchell (2008, p. 356) suggests the English and Welsh Right to Roam is not 'really a "right", rather a toleration by the legitimate right-holder of limited public use'.

A Right of Way provides something a Right to Roam does not: efficient access between points of interest and population centres. Where a network of Rights of Way does not exist then public commodity of navigation is missing; stray from the highway or pavement and you risk getting lost. The Right of Way is the dominant method of travelling through public and private land because it is constant and dependable. People use the paths, tracks, trails and other routes to enjoy public land and the boundaries between where the public can and cannot go. While routes are often contested and disputes between councils, public and landowners are never ending, most Rights of Way are agreed upon and often physically and cartographically marked. In France, each departmental council has official hiking and footpath route plans. These are marked on the routes and many long-distance footpaths (*Grande Randonnée*) connect to similar trails in other European countries such as Belgium, the Netherlands (*Langeafstandswandelpaden*), Spain (*Gran Recorrido*) and Portugal (*Percursos Pedestres de Grande Rota*). As such, the right of way is mundane and essential; a set of agreed, legal routes that connect towns, cities and villages.

2.1 Imprints in the Landscape

Each Right of Way is historically and geographically specific, reflecting the needs and journeys of local communities. There is a real need for work that can weave Rights of Way into studies of landscape. Geography has a long history of studying landscape. Sauer's (1938) *The Morphology of Landscape* and W. G. Hoskins' (1955) *Making of the English Landscape*, followed by the work of D. W. Meinig (1979; 2016), were pivotal in bringing attention to the production of cultural and historical landscapes. By the 1990s, Cosgrove and Daniels' (1989) influential work helped situate landscape within the discipline as a cultural, symbolic resource that helps create and sustain communities: how communities viewed their landscapes was central to how they lived in them. Critical work on the concept of the rural (Cloke, Doel, Matless, Thrift, & Phillips, 1994; Marsden, 1998, 1999) soon followed, as did This article is protected by copyright. All rights reserved

work on the Englishness of landscapes (Matless, 1993, 2016; Tolia-Kelly, 2006) and geographies of British tourism and leisure (Squire, 1993). As such, geographical scholarship on the historical and cultural value of landscapes is well established.

The Right of Way's role in landscapes is not well understood. Harvey (2015, p. 920) calls for geographers to take note of the 'physical experiences of routine life'. He notes routine practices 'create embedded links between people, place and identity'. Walking opens new spaces of disclosure (Macpherson, 2016). It is both a method of discussing with research participants (Macpherson, 2008) and a way of measuring 'performative engagements with the city' (Middleton, 2011, p. 90). For psychogeographers such as Iain Sinclair (2003; also see Bonnett, 2009; Richardson, 2015), urban walking is a way of experiencing cities in ways that claim space and trace changes in everyday mundane and 'marvellous' (Rose, 2020) ways. Sidaway (2009) and Wylie (2005) explore narrations of self on the South West Coastal Path as phenomenological, auto-ethnographic experiments. For Wylie (2007, p. 11), such routes reveal the ways in which landscapes are produced by what he calls 'practices of landscaping - everyday things like walking, looking, gardening, driving, building'. Similarly, others have looked at embodied movement via rambling, pilgrimage (Slavin, 2003; Scriven, 2014), mountain biking (Scott, Carter, Brown, & White, 2009), commuting and running. Recent scholarship on 'desire paths' (Luckert, 2012), the shortcuts made by the public across space, show how landscapes are re-made by the movement of the public.

2.2 Rights of Way and Social and Spatial Inequality

If we accept that landscapes are relational, created by the experience, memories, symbols, ideas as well as the socio-spatial practice of living within them, it should come as no surprise that ideas and changes to them can amplify inequality. A recent review of new transport technologies concluded that 'mobility and accessibility inequalities are highly correlated with social disadvantage. This means that some social groups are more at risk from mobility and accessibility inequalities, than others' (Lukas et al., 2019, p. 6).

Thinking about movement and public rights is the next step. More focus on the RoW as a facilitator of mobility could help unravel their role in creating and sustaining more equal landscapes.

Geographers have developed new approaches to social and economic inequities in transport (Urry, 2016) and access (Cass, Shove, & Urry, 2005; Neumayer, 2006). These approaches This article is protected by copyright. All rights reserved

emphasise how access to transport can severely impact quality of life (Urry, 2016). Geographers view mobility as more than the distance between two points; mobility is differentially experienced (Middleton, 2010) and inequality is embedded in the journeys we make.

There is a diversity of ways and reasons people use Rights of Way. While many enjoy the access the Right of Way provides to rural and greenspace for leisure and recreational purposes, others depend on them daily for their mobility. However, some groups in society rely more than others on access due to alternative modes of transport being unavailable. For example, the lowest income groups have lower levels of car ownership and 40% still have no access to cars. Included in this group are female heads of house, children, young adults, older people, BME and disabled people (Lukas et al., 2019, p. 6). In 2018, the National Transport Survey (NTS) revealed that walking trips were at their highest level since 2006 with an average of 262 walking trips per year per person (NTS, 2018). Women make shorter trips, but 6% more than men. People in households in 'the lowest income quintile group make 23% more journeys on foot than the population as a whole' (Hodgson, 2012, p. 18).

Rights of Way help mitigate this inequality by providing the travelling public with a reliable and dependable set of routes. Threats to urban at-risk RoWs will disproportionately affect those without cars or the ability to afford public transport. Geographers have helped show how access to green spaces, parks and the countryside are inequitably distributed, calling for more critical studies into how these transport inequalities are linked to race, sexuality, disability, gender, and class (Byrne & Wolch, 2009; Lee, Scott, & Floyd, 2001; Werry, 2008). If parks are the lungs of cities, then paths are the arteries that carry people to, from and through them. Comber, Brunsdon, & Green (2008) have analysed disparate access to urban greenspace, focusing on the spatial and social factors that limit access to RoW.

While the public enjoys a guaranteed spatial right to use rights of way, this does not always translate into actual usage for the public. In the UK, despite legislation and standards designed to improve access for disabled people (The Disability Discrimination Act 1995 and BS8300, p. 2001), disabled people still struggle to access many RoW. Section 20 of the Chronically Sick and Disabled Persons Act of 1970 states that a mobility scooter may legally use a footpath. While off-road scooters now exist that can manage most unmetalled tracks, many gaps and stiles do not accommodate them if they are not wider than 3 metres. Although improvements have been made in National Parks through 'Miles without Stiles' campaigns,

the Disabled Ramblers charity continues to document illegal barriers that selectively exclude access to the countryside. Disability is too often perceived in terms of physical disability, with little attention payed to other impediments to access and how people with disabilities experience rural places (Burns, Paterson, & Watson, 2009).

Feminist geographers have done much to examine the way that fear is experienced in everyday settings (Pain & Smith, 2008) by different groups. The experience of people who must use, but negatively experience RoW remains an unexamined area of mundane, but essential travel. Pain and Smith suggest simple measures such as lighting and path widening have some impact on women's experiences of fear. They also point to a bi-directional relationship between place and fear (Koskela & Pain, 2000). At the turn of the century, geographers demonstrated how powerful imagined geographies of rurality continue to shape our understandings of who belongs in certain landscapes (Little, 2002; Marsden, 1999). There is much work to be done on people's experience of belonging, desire and sense that they should be able to access the Rights of Way network.

Geographers are concerned with how austerity and inequalities 'intersect and interact across space and populations' (Murphy, 2017, p. 122). If we are to consider inequality through the RoW network then we must link it to broader political factors. RoW deteriorate with the weather, climate and usage. They can become difficult to navigate if muddy and wet. Paths are damaged by natural and artificial causes such as livestock, flooding, unauthorised motor access and erosion. They are expensive to maintain, repair, light and make welcoming for users. Whether it is weeding, repairing path surfaces or removing blockages placed by landowners, RoW work is an expensive, continual effort to keep climate, relief, weather, human activity and even geology in check (Sutherland & Hill, 1995). The Paths4Communities (P4C, 2014) project, run by Natural England, allocated £2 million to develop and enhance RoW, costing, on average, £46.05 per square foot of path. The National Trust is currently fundraising for £250,000 to repair eroded paths in Snowdonia. Geographical work examining the legacy of austerity (Pearce, 2013; Stenning, 2020) has yet to link mobility, RoW and the quality of a transport journey, particularly in urban settings.

Geographers have seriously considered how non-humans impact on social and cultural life. Geographical scholarship on urban natures (Hinchliffe, Kearnes, Degen, & Whatmore, 2016; Hinchliffe & Whatmore, 2006) suggests that if we wish to take the non-human seriously, we must recognise it more readily (Anderson, Kearnes, McFarlane, & Swanton, 2012; Bingham, This article is protected by copyright. All rights reserved

2006; Hinchliffe & Whatmore, 2006; Matless, Merchant, & Watkins, 2005). Recently, these ideas have been applied to land politics. A good example is O'Donnell's (2015) book *Assembling Enclosure: transformations in the rural landscape of post-medieval North-East England*, which applies Actor-Network Theory to the Enclosure Acts of the 17th and 18th centuries. O'Donnell considers a range of actors including tenant farmers, parishioners and landowners rather than broader political forces or cultural shifts. As Robertson's (2016) review of *Assembling Enclosure* makes clear, more could be done to bring out the 'non-humans' that reshape the geographical landscape.

Geographers have examined colonised and vegetated wastelands as sites of local enjoyment (Herbst & Herbst, 2006) but the wastes and verges alongside a RoW have not been examined. Rights of Way are one space where human and non-human relations interact to create surprising results. Path verges are one of the few habitats which remain unploughed, unseeded and often, free of pesticides. They may house rare species and function as wildlife corridors. As such, all four types of ecosystem services (provisioning, regulating, habitat and cultural) are provided by RoW. Hampshire County Council recognises some verges as Road Verges of Ecological Importance (RVEI) due to the rare species they house. They are neither human creations nor wild spaces, but mixtures of both human and non-human ecologies. One estimate in 1977 put the total amount of verges in England and Wales at 178,200 Ha (Bellamy, Shore, Ardeshir, Treweek, & Sparks, 2000). RoW offer important green corridors for urban wildlife but also pose threats to human and animal life. The tracks that access rights exist upon are not static or unchanging; they are parts of broader urban and rural ecosystems.

2.3 Geospatial data and documenting change

Geospatial technologies (McCoy, 2020) have also produced data that can reveal the context within which routes were created, mapped and omitted from official records. The Great British Historical GIS (GBHGIS) draws on census data from 1801 to 1971 and has created a comprehensive record of administrative boundary changes in England and Wales since the mid-19th Century (Gregory, Bennett, Gilham, & Southall, 2002). The GBHGIS evolved into the *Visions of Britain* project, a comprehensive mapping and geosemantic database that deals with uncertain location data (Southall, 2012). *Visions of Britain* had a single key aim: to use 'diverse historical sources so as to create a coherent description of every community in Britain and to do this without writing any place-specific connecting text ourselves' (Southall, 2014, p. 42). These fragments are useful for situating place names found within historical This article is protected by copyright. All rights reserved

evidence. In 1949, UK County Councils often delegated their RoW mapping to parishes. Being able to track the changes in parish boundaries helps activists and researchers who find routes that stop at parish boundaries.

Crowdsourcing and citizen science generates geospatial data that is relevant to Rights of Way research. GPS devices and smartphones are now common on rambles and rides and there is a wealth of open source, user-generated data, or volunteered geographic information (VGI). VGI and open-source Geographic Information Systems (GIS) have been termed neogeography (Turner, 2006; Hudson-Smith, Batty, Crooks, & Milton, 2009). The *Rambler's Don't Lose Your Way* Mapping Campaign demonstrated the public interest in mapping RoW. In the space of six months, 3,200 volunteers mapped the entirety of the United Kingdom by comparing 6-Inch Ordnance Survey Maps with contemporary OS maps, noting where historic routes have disappeared from the current record. This map can now be viewed by the public to identify at-risk routes in their local area.

Some geographers have cautioned about over-emphasising the democratic and transformative benefits of neo-geography (Haklay, 2013) as a minority of users produce much of the content (Budhathoki, Haklay, & Nedovic-Budic, 2010). Nevertheless, a dedicated set of users, their data and its representation in open source GIS can reveal much about RoW. Platforms such as AllTrails, Flickr, OpenStreetMap, Outdooractive, Strava, ViewRanger and Wikimapia allow users to record routes and upload photographs of areas, providing rich geolocated data. One Flickr user has photographed Coventry City's boundary markers, helping us identify the city's historic limits (Slater, 2008). Public interest in Rights of Way should, in turn, be of interest to geographers concerned with the way the public helps create and define landscapes.

Researchers have used VGI and deterministic, density-based clustering to identify meaningful places (Zhou, Frankowski, Ludford, Shekhar, & Terveen, 2004). It is possible to infer the personal paths people take in remote areas with sparse GPS traces (Zhou, Shekhar, & Terveen, 2005). VGI has been used to inform patterns of use and trends in urban spaces (Norman, Pickering and Castley, 2019) as well as understand behaviours that may impact sensitive spaces (Korpilo et al., 2018). Transport geographers have mapped and predicted route choices from GPS data by creating route toolkits (Papinski & Scott, 2011) and Giuffrida et al., (2019) has outlined a framework to inform transport decision making using Public Participatory GIS (PPGIS). Collectively, these methods reveal much about a RoW usage: frequency; how often it is travelled and speed; measuring how long different users This article is protected by copyright. All rights reserved

take to complete it and distance and, how much of a route a user completes. Inferences about what transport methods are used on a RoW can be inferred from the distance and time taken to complete routes. From these variables, we can learn much about how the public uses and engages with RoW.

Measuring and managing trails — and the ecosystem services they provide (Swetnam, Harrison-Curran, & Smith, 2017) — requires new geographical techniques. Remotely sensed data has helped monitor footpath erosion at a regional scale (Olive & Marion, 2009) and researchers have found that usage of trails changes their width (Wimpey & Marion, 2010). More recent work using LIDAR (Light Detection And Ranging), aerial photography and onsite measurements were able to measure environmental damage to areas surrounding footpaths on heathland in Cornwall (Rodway-Dyer & Ellis, 2018). Other work has measured how riding, cycling and hiking differentially impact trails (Pickering, Hill, Newsome, & Leung, 2010).

3 A MANIFESTATION OF SPATIAL POLITICS: COVENTRY'S FOOTPATHS AND THE DEFINITIVE MAP MODIFICATION ORDER PROCESS

3.1 Coventry Ancient Paths 1 and 4

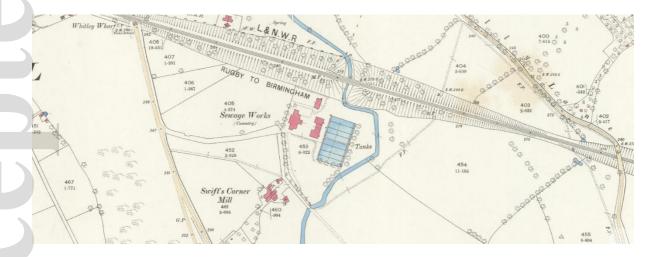


Figure 1: 1889 25 Inch Ordnance Survey Map, Warwickshire XXi.16, CAP 1 located South of the Sewage Tanks and Cap 4 East of the blue Tanks. Downloaded From the National Library of Scotlandhttps://maps.nls.uk/index.html.

Coventry Ancient Path (CAP) 1 and 4 are footpaths that connect the city's London Road to the Humber Road. They do not appear on Coventry City Council's DMS but do appear on the 1889 Ordnance Survey 25-inch map (Figure 1), suggesting they are at-risk routes. CAP 1 and 4 do not fit the imagined geographies of what many people think of as a 'footpath'. Located just outside of Blue-Sky Way, Coventry's busy ring road, they travel behind the Coventry & Solihull Waste Disposal Company and Coventry Recycling Centre. The London Road Allotments next to CAP 1 and 4 were subject to a British Geological Survey Report on cadmium exposure on home-grown vegetables (Palumbo et al., 2004). While this report found that consuming home-grown vegetables were within acceptable EU standards, the River Sherbourne is at the centre of debates about its water quality and potential value for the city's tourism (AECOM, 2014).

As such, CAP 1 and 4 are not rural beautiful routes but they are a vital of the transport network. CAP 1 begins at the edge of the Shortley Road, running through a playing field before following the River Sherbourne and CAP 4 travels underneath the Bar Road and Westcoast Mainline Railway, connecting to the Humber Way. CAP 1 and 4 provide multiple ecosystem services: alongside routes for dogwalkers one of these is quick access to the London Road Allotments, Charterhouse Fields and the River Sherbourne. They avoid traffic and a convoluted trip to the next nearest railway crossing, a busy road bridge. If they are extinguished, people will be forced to use different routes to cross the River Sherbourne and Westcoast Mainline Railway. Eve, so. CAP 1 and 4 are not welcoming to all users: they are unlit and strewn with litter. When it rains, the routes become muddy. The unmetalled muddy tracks running through urban woodland and industrial land (Figure 2, Figure 3) that is poorly lit.



Figure 2: CAP 1 Crossing under the Westcoast Mainline Railway. Author's Photo



Figure 3: CAP 1 from the Shortley Road. Author's Photo

Coventry City Council's Rights of Way Improvement plan from 2007-2017 argued that there were 5 priorities for improving the network: improving accessibility, quality of life, reducing congestion, improving safety and the recording of public paths. At the same time, the report noted that Coventry did not have a mechanism for 'a comprehensive maintenance or inspection system of public rights of way in place and no formal process for the public to report maintenance issues' (CCC, 2007, p. 9). There is clearly a need for applied scholarly work on RoW to help improve, educate and document RoW around the country.

Volunteers are trying to protect CAP 1 and 4. To do so, they must provide and interpret the evidence and demonstrate, on the balance of probabilities, the existence of a RoW. Appropriate evidence can take two forms. The 1980 Highways Act gave local authorities and Ministers power to create RoW. Section 31 states that a RoW can be evidenced by 'presumed dedication', where an applicant is able to present evidence of a route's usage by the public over a twenty-year period (unless a landowner makes a clear intention to not dedicate a route). Section 32 states that a court or other tribunal must take 'into consideration any map, plan or history of the locality or other relevant document which is tendered in evidence'. In other words, if a route's historical right can be proved, then it can be added to the Definitive Map and Statement via a Definitive Map Modification Order (DMMO). This is a complex document that asks the Highways Authority to consider editing the record based on the evidence collected.

There is a single book that explains the relevant geohistorical evidence that can be used in DMMO and how to navigate the process (Bucks and Wadey, 2017) and one broader text on Rights of Way Law (Riddall & Trevelyan, 1992). Breen (2017) notes the most powerful legal evidence that proves a RoW existence are legal acts that directly mention them and their associated maps. In chronological order these are: Enclosure Awards, Tithe Maps, and Apportionments and Land Valuation Maps generated from the 1910 Finance Act. A RoW identified in an Enclosure Award will generally retain its status in a Tithe Apportionment and Land Valuation Map. Other historical evidence in the form of old maps, river and drainage records, railway records and other documents can supplement a claim if they show or acknowledge a RoW (Bucks and Wadey, 2017). Such documents provide snapshots of landscapes that were themselves constantly changing.

Volunteers, and organisations such as the Ramblers need help collecting and understanding the landscapes within which at-risk routes exist. A DMMO application requires a narrative This article is protected by copyright. All rights reserved

section that explains the evidence for the route. This narrative section requires understanding the changing landscape within which it was found. It is here that geographical and historical scholarship is useful. Amongst the changing historical geography, changes to political geographies also impact the routes. Coventry was a county borough that was excluded from creating a Definitive Map and Statement until the Wildlife and Countryside Act of 1981 mandated that a DMS be created.

Historical evidence of CAP 1 and 4's legality can be found in records in the Warwickshire Local Records Office. On the 1849 Tithe Map of St Michael and St John (Whitley and Calluden), CAP 4 is first recorded as parcel 72. This is described as 'pasture, common land, occupation road and public footpath' in the accompanying book of reference (WCRO, 1848). Comprehensive enclosure in Coventry took place in 1860, reducing the common land from 3,000 acres in 1817 to 1,400 acres (Stephens, 1969). Enclosure awards noted salient features: on the 1875 Manor of Coventry Enclosure Award, CAP 1 is referred to as 'path I: Private Carriage and Occupation Road and Public Footway' in the Parish of St Michael and St John the Baptist (WCRO, 1875).

Volunteers in Coventry visited the archives and, photographed and analysed the evidence before collating it into a DMMO application currently under review by Coventry City Council. The evidence within tells us much about the city and its development was revealed. CAP 1 and 4 predate Coventry's rapid urban expansion. Prior to 1842, Coventry was largely confined within the city walls. CAP 1 and 4 were beyond the city perimeter on agricultural land. RoWs were subject to a discount on any titheable land and therefore were eagerly recorded by landowners. By 1928, the city had expanded to include wards beyond the Westcoast Mainline Railway to the South and the Coventry to Nuneaton line to the North and the Ward of St Michael. CAP 1 is mentioned on the deposited 1846 railway plans for the proposed Coventry, Banbury and Oxford Junction Railway (WCRO, 1846). Railway companies were obliged to divert or accommodate RoW when constructing railways, hence the underpass connecting CAP 4 to CAP 1.

There is much confusion over what RoW such as CAP 1 and 4 are. As we have shown, volunteers must navigate complex legal systems and historical documents just to identify and protect them. Fortunately, geographers have developed novel conceptual tools for explaining how physical objects are influenced by information about them. In his study of the protests of the construction of the Newbury Bypass, Barry (1999) argues demonstrations were both This article is protected by copyright. All rights reserved

political and technical: protestors were politically protesting, but also offering a technical assessment on the probability of environmental destruction that the bypass would cause. Barry's (2013) work on the material politics of the Baku-Tblisi Oil pipeline also helps explain how objects become entangled in webs of conflictual information. Barry argues that technical information about materials is essential to political controversies. Arguments about politics manifest through disputes about the quality or validity of evidence. Dissenting accounts and scientific studies concerning pipeline construction were offered from BP, the Georgian Government and, environmental and local activists.

We can observe similar disagreements in applications and hearings for at-risk routes. DMMO applications are quasi-judicial processes and technical demonstrations: it is not a question of whether a RoW *should* exist but whether the evidence proves, beyond reasonable doubt, that it does exist. When landowners and claimants disagree about a RoW they are often not disputing a path exists but disputing the evidence itself. Objections to DMMOs applications to register a path as a RoW cannot be made on the grounds a path is not evident in the landscape; instead, disputes focus on the quality or reliability of the evidence that a Right exists at all. As such, the quality of evidence becomes paramount. The Winchester Decision of 2008 [EWCA Civ 431] required that participants submit actual copies or real versions of the evidence to comply with Section 14 Wildlife and Countryside Act 1981, invalidating applications whereby an applicant had simply referred to location of evidence in an archive. Demonstration required presentation. This was true for CAP 1 and 4; the evidence itself is disputed in RoW conflicts.

As such, finding, understanding, and presenting the historical evidence is challenging. In 2001, a government led project entitled 'Rediscovering Lost Ways' was set-up to record the missing RoWs. Natural England reviewed the project in 2007 and in the six years that had passed, only 4 DMMO applications had been submitted, 20,000 cases were estimated and the projected cost of a single submission was £400. Regardless, some highway authorities have efficiently processed applications. Bath and Northeast Somerset Council, Bristol City Council and South Gloucestershire Council made 104 changes to their DMS' between 2007 and 2012. Other councils, such as Coventry City Council, have struggled to process more than one or two applications in a year with 100s outstanding (Coventry LAF, 2019). In 2012, Natural England commissioned a Stakeholder Working Group to review the DMMO application process. The group's report, 'Stepping Forward' (2010) made a series of

recommendations including a 'basic evidentiary test' that all applications must pass before being considered and powers to force a highway authority to consider an application after 12 months of inaction. In 2015, the Deregulation Bill passed, promising to implement these changes, yet no such laws have been enacted. Presently, there are roughly incomplete 4,400 DMMO applications under review.

4 CONCLUSION

In 2003, a landowner closed a footpath at Vixen Tor in Dartmoor, England, for fear of liability should walkers and climbers injure themselves, leading to mass trespasses and years of court battles about whether the route was permissive or a Right of Way. 81 years prior to this, scores of Ramblers illegally trespassed on Kinder Scout in the Peak District, paving the way for the creation of the Peak District National Park. More recent accounts of the politics of trespass (Hayes, 2020) make provocative arguments about the colonial histories of landscapes and their dwindling access. Debates and disagreement about public access to and through private land have a long heritage and strike at the heart of local and national politics today.

It is unclear what social impacts the 2026 deadline will have on these debates, as well as on other debates about greenspace, mobility and social and spatial inequality. As historian Tom Breen (2017, p. 56) puts it, with 2026 'fast approaching, our understanding of the status of rights of way has never had such important legal, political and historical ramifications.' In this paper, we have suggested that Rights of Way are much more than paths used for leisure or access to the countryside. Rights of Way are vectors that geographers can use to better understand the politics of space.

Rights of Way are important cultural, historical and ecological imprints in the landscape. They are the spatial manifestation of the public's right to dependable access to and through urban, semi-urban and rural spaces. The RoW network is tied to broader patterns of social and spatial inequality. Without a well-maintained RoW network, the public's ability to legally traverse urban and rural spaces is severely impeded. While National Parks provide access to greenspaces with those who have private transport or good public transport most people do not have daily access to them. The consequences are quietly concerning. For many, journeys on foot remain an important mode of transport; path extinguishment in 2026 will

only further limit their ability to travel. Riding and cycling are also at risk, along with other activities that Rights of Way facilitate.

Furthermore, we've suggested geographers bring specific conceptual and technological insights to help study and protect them. Geographers from many sub-fields already have the tools with which to help understand these spatial politics and inequalities, from conceptual approaches to landscape to methodological innovations in GIS and Remote Sensing. Work in urban natures highlights the value of footpath verges in protecting wildlife and biodiversity, whilst studies in mobility and transport reveal just how crucial RoW can be for improving experiences of commuting and access to greenspace.

In England and Wales, RoW research has been reliant on small groups of experienced volunteers to excavate information from local records offices and submit multiple DMMO applications to their respective highway authorities. Volunteers across will need help to save historic routes like CAP 1 and 4. Geographers can help not only better conceptualise Rights of Way as objects of scholarship but add to the growing number of voices concerned about the impacts of 2026.

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