

Types of rights of way

- **Public footpath** - access for pedestrians.
- **Public bridleway** - access for horse riders, pedestrians, and cyclists.
- **Restricted byway** - formally known as RUPPs (roads used as public paths) which were reclassified as 'restricted byways' under the Countryside and Rights of Way Act of 2000. The rights along them are the same as for a bridleway, plus a right to take a horse-drawn carriage, along with any pre-existing private vehicular rights.
- **Byway open to all traffic** - also called a byway. Access for horse riders, pedestrians, cyclists, and motor vehicles.

Widths of rights of way

The only statutory widths are in relation to instances of ploughing or cropping and are set out in the following table. In all other cases the width is a matter of fact to be determined on each occasion based upon the following:

- The width may be set out in a legal document.
- The width may be the full width of the way bounded between hedges or fences.
- The width may be that which the public have customarily enjoyed.
- In the absence of the foregoing the council will require a reasonable width to be made available for two users to pass. In the case of a footpath this can be regarded as 2m, bridleway 3m and byway 5m.
- Clearance height. 2m in relation to footpaths, 3m for bridleways and byways.

	MIN	MAX
Footpath - cross field	1.0	1.8
Footpath - field edge/headland	1.5	1.8
Bridleway - cross field	2.0	3.0
Bridleway - field edge/headland	3.0	3.0
Other unsurfaced highway	3.0	5.0

Common problems

A parish council may request the resolution of a problem by contacting the landowner or by reporting it to North Somerset Council.

Some common problems include:

- Obstructions, for example, barbed wire, electric fence, locked gates, flytipping.
- Ploughed or cropped field.
- Vegetation, for example, overhanging, surface, fallen tree.
- Bull in field.
- Broken stile or gate.
- Misleading signs.
- Missing signpost/waymarker.



Dogs and dog walking

It is an offence to allow a dog to be at large in the presence of sheep. 'At large' means not on a lead or otherwise under close control. The council advises path users to always keep a dog on a lead in the presence of sheep.

Cows with calves may be aggressive towards people and dogs and can inflict serious or occasionally fatal injuries. A dog owner may be safer if the dog can run free.

Public Rights of Way Parish council guide



For more information, contact:

Public Rights of Way, North Somerset Council, Town Hall, Weston-super-Mare BS23 1UJ

Tel: **01934 888 888** • www.n-somerset.gov.uk

Duties and powers of the highway authority

Some of the important statutory duties include:

- maintain the surface of most public paths
- maintain bridges over natural watercourses
- provide roadside signposts
- ensure farmers restore any path disturbed by ploughing or cropping
- prevent the closure or obstruction of public paths
- ensure misleading signs are not placed on public paths
- assert and protect the public's right to use rights of way
- continually review and update the definitive map and statement.

This is now produced in an electronic format (the working copy) and can be viewed at <https://n-somerset.gov.uk/my-services/libraries-leisure-open-spaces/parks-countryside/public-rights-way/definitive-map>

The definitive map can be viewed by appointment at North Somerset Council, Castlewood, Tickenham Road, Clevedon BS21 6FW.

Discretionary powers include:

- waymarking, with landowners' permission
- providing or maintaining gates and stiles
- carrying out any works necessary to maintain or improve rights of way
- authorising new stiles and gates
- creating new footpaths and bridleways by agreement with a landowner.



What parish councils can do

Parish councils have no duties for rights of way but are able to undertake tasks that can greatly improve the public's enjoyment of the local rights of way network, including:

- Maintenance of footpaths and bridleways. This could include repairing the surface, cutting back surface vegetation and replacing stiles with kissing gates, at the Parish's expense and with landowner's permission.
- Require the highway authority to keep rights of way free from obstruction and protect the public's right to use and enjoy them.
- Provide feedback on proposals to modify and amend public rights of way.
- Carry out waymarking, in consultation with the Highways Authority and with the landowner's permission.
- Require the highway authority to sign any right of way where it leaves a metalled road.
- Create new footpaths and bridleways by agreement with a landowner and in consultation with the Highways Authority.
- If parish councils wish to gain landowner permission for replacement of stiles with gates, this must be discussed with the Highway Authority.

The Local Government Act, 2003 allows parish councils to spend a maximum of £5 per elector, on any works that benefit the community, including rights of way. This could include benches, kissing gates, lighting, etc.

Landowner responsibilities

A landowner must:

- Cut back overhanging vegetation, including hedges and branches.
- Provide and maintain stiles and gates. 25% of the cost may be claimed from the highway authority. North Somerset Council may provide standard gates and stiles.
- Free of charge in place of the 25%.
- Keep all rights of way free from obstruction including barbed wire, locked gates, and machinery. Temporary electric fencing must be insulated, for example, with piping, or have a safe handle and hook.
- Comply with regulations relating to reinstating paths after ploughing and not allow any crop (other than grass) to grow on a right of way.
- Not keep any bull in a field crossed by a right of way, unless it is less than 10 months old, or is of a recognised beef breed and accompanied by heifers.
- Seek authorisation from the highway authority to install a stile or gate in a new boundary.
- Provide new bridges over new or widened drainage ditches.

Cross compliance

DEFRA regulations mean that the Single Farm Payment can be affected if a farmer fails to keep the rights of way on his/her land in good order.

For more information: (rpa.defra.gov.uk/GAEC8)

The definitive map - a legal record

North Somerset Council is the 'highway authority' and also the 'surveying authority', responsible for maintaining the definitive map.

The definitive map is accompanied by a statement describing various details of the route including start and end points, land parcels traversed, and sometimes width.