

Bulls and dangerous animals

S66, Wildlife & Countryside Act 1981 & S2, Animals Act 1971

- It is an offence to 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.
- The Health and Safety Executive recommends that a sign should be displayed at access points to a field that contains a bull. This should say 'Bull in Field' and not use other text to suggest the bull is in any way dangerous or aggressive.
- It is an offence to keep any animal that is known to be aggressive or dangerous in a field crossed by a right of way. An individual injured by any animal whilst using a public right of way can sue the owner for personal injury.

Overhanging vegetation

S154, Highways Act 1980

- Trees and hedges that grow alongside a right of way are the responsibility of the landowner or occupier.
- Where a hedge, tree or shrub overhangs any public path so as to endanger or obstruct the passage of pedestrians, the council may request its removal within 14 days.

Dogs on rights of way

S1 Dogs (Protection of Livestock) Act 1953

Dogs must be kept under close control, especially in the presence of livestock. Trespass is committed if an owner allows a dog to run off the line of the public path without the permission of the farmer.



Dogs and general livestock

- It is an offence to allow a dog to attack or chase livestock. It is a defensible action for a farmer to shoot a dog caught attacking livestock (Animals Act 1971 S.9).

Dogs and sheep

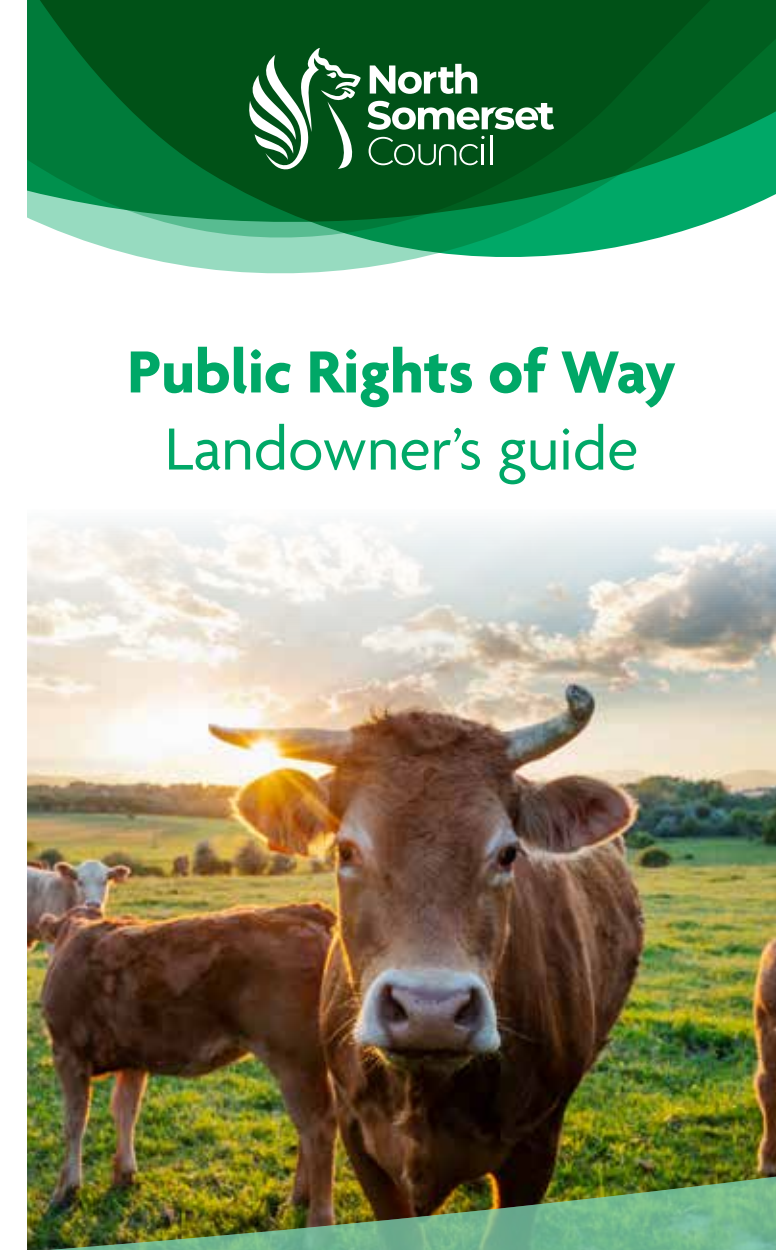
- It is an offence to allow a dog to be at large in the presence of sheep. 'At large' means not on a lead or otherwise under close control. The council advises path users to always keep a dog on a lead in the presence of sheep.

Dogs and cows

- 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. Steers, heifers and even horses may be aggressive towards dogs but are more likely to approach people out of curiosity. The council advises public path users to be responsible for their own safety when walking a dog in the presence of livestock.

Encourage responsible dog walking

- If you have a field with public access, where stock is not being kept, consider designating a dog exercise area to encourage responsible dog walking on your other public paths. Publicise through the parish council or notices on site.



Public Rights of Way Landowner's 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

The highway authority's duty

As highway authority for this area, North Somerset Council has a duty to assert and protect the rights of the public to use and enjoy the public rights of way network.

When a problem is reported, the council will contact the landowner or occupier and offer advice on legal requirements and practical solutions. Where this approach fails, enforcement will be undertaken in accordance with the council's Enforcement Policy, which came into effect in November 2006. This can be viewed on the council's website.

Landowners/occupiers responsibilities

- Keep all rights of way free from obstruction and encroachment. This includes barbed wire, locked gates, and electric fences.
- Provide and maintain stiles and gates.
- Seek authorisation from the Highway Authority before creating a new boundary feature or installing any new structure across a right of way.
- Cut back overhanging vegetation, including hedges and branches and fallen trees.
- Comply with the law relating to reinstating paths after ploughing and not allow any crop (other than grass) to grow on a right of way.
- Do 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.
- Not place misleading signs on or near a right of way.
- Provide new bridges over new or widened drainage ditches.

Frequently reported problems

Obstructions and encroachment

S137, S137ZA and S143 Highways Act 1980

- It is an offence to obstruct or encroach upon any public rights of way. Examples are locked gates, farm machinery, fencing, bales, buildings, waste materials and rubbish. Obstructions must be removed by the landowner/occupier.
- Where a long-standing obstruction is impractical to remove, the council may request the landowner to apply for a public path diversion order, for which there is a charge. An alternative route must be provided until the legal process is completed.

Barbed wire and electric fences

S137, S137ZA, S149 and S164 Highways Act 1980

- Placing barbed wire or electric fences across or alongside a right of way, without a safe means of passing on the line of the path, is an offence.
- If a temporary electric fence is necessary for agricultural purposes, it must be made safe to cross, for example, covering with a plastic pipe or using an insulated handle and hook.
- Allow for extra width if barbed wire or an electric fence is placed alongside a public path. See later for path widths.
- Barbed wire attached to the outside of a stile post must have the barbs flattened. It must not be attached around the post or across a rail.

Stiles and gates

S146 Highways Act 1980

- It is the occupier's responsibility to maintain gates and stiles.
- The Highway Authority will contribute 25% of the cost of a piece of path furniture. The council may provide standard gates and stile kits free of charge in place of the 25% to be installed by the landowner/occupier.

- New structures across rights of way are only permitted in certain, limited circumstances therefore you must obtain consent from the Council before any new structure is erected.
- The council has a duty under the Equalities Act 2010 to make improvements for the less able. Where possible, the council will seek to promote the least restrictive access option.

Ploughing and cropping

S134 and S137A Highways Act 1980, amended by the Rights of Way Act 1990

- Cross field paths that are ploughed must be reinstated and clearly marked within 14 days of the surface being disturbed and within 24 hours of any subsequent disturbance.
- Marking the line clearly is required by law and will prevent unintentional trespass and crop damage.
- Further details can be found in our 'Ploughing and Cropping' leaflet, available from www.n-somerset.gov.uk

	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

Misleading signs

S132A, Highways Act 1980

- Any sign that deliberately mis-informs a path user to the effect of discouraging use of a public path is an offence, for example, leaving a 'Bull in Field' sign up if the bull has been removed.
- The council may remove any sign it considers misleading or take steps in accordance with the Enforcement Policy.