

Annex 1

Balfour Beatty



Working for Herefordshire

Public Rights of Way

Advice for Farmers & Landowners



Do you have a Public Right of Way that crosses your land?

What are your legal responsibilities?

How can we help you?

Please note: The advice in this leaflet, of necessity, is only a general summary and not a full statement of the law.

This leaflet provides basic information about public rights of way for landowners

Public rights of way across your land may be footpaths, bridleways, byways and restricted byways. These give the public certain rights and responsibilities.

On Footpaths

The public has a right to walk. They are allowed to have dogs with them not necessarily on a lead, but under close control. This also applies to bridleways and byways.

On Bridleways

The public has a right to walk, ride or lead a horse or ride a bicycle.

On Byways

The public has the right to walk, ride or lead a horse, ride a bicycle or motorbike, drive a horse and carriage or motorised vehicle. Any vehicle using the route must have tax, insurance and MOT. The public has the same rights on a Restricted Byway as on a Byway except that they may not use motorised vehicles.

Identifying Public Rights of Way

Ordnance Survey maps ('Explorer' and 'Landranger' series) show the approximate position of public rights of way. The latest and most accurate rights of way mapping can be seen online at Herefordshire Council's Public Rights of way webpage.



Ploughing and Cropping

You must not plough any public right of way on the headland of a field, nor any cross-field byway, restricted byway or old road.

Where it is necessary to plough a cross-field footpath or bridleway, you are required to clear the crop from their surface so as to make them reasonably convenient for use. In a few instances the width of a path is recorded but otherwise paths must be cleared to at least the minimum width set out in the table below. If Herefordshire Council has to carry out work to clear paths itself, it may clear them to the maximum widths quoted.

Path type	Min width		Max width
Field edge footpath	1.5 metres	to	1.8 metres
Field edge bridleway	3.0 metres		
Cross-field footpath	1.0 metres	to	1.8 metres
Cross-field bridleway	2.0 metres	to	3.0 metres
Any other Highway	3.0 metres	to	5.0 metres

In the case of ploughed rights of way, the minimum widths are to be made available to the public within 14 days of the first disturbance and within 24 hours of any further disturbance.



Livestock and other animals

You must not keep a dairy bull over ten months old in a field crossed by a public right of way. A beef bull over ten months old must be accompanied by cows or heifers.

You must not allow dogs to impede the free use of the right of way e.g. by threatening or aggressive behaviour. There are serious penalties for allowing a dog to injure or intimidate users of a right of way.

Gates and Stiles

You are responsible for gates and stiles on public rights of way. You must maintain them in a safe condition, ensuring that they can be used without difficulty.

Herefordshire Council may contribute towards maintaining gates and stiles – please contact us to find out how.

You must not put a gate or stile at a new location without permission from Herefordshire Council.

Planning

Planning permission, and permitted development rights, DO NOT allow you to build over or illegally divert a right of way. Herefordshire Council Planning Service can provide help and advice.



Fences, hedges and other barriers

You must not erect or leave any structure or object across the right of way that obstructs the public. This includes not allowing any hedge or other vegetation to grow over any gap, gate or stile on the public right of way.

Signs and Waymarks

To ensure the public knows where they are allowed to walk, Herefordshire Council will provide waymarks along the route at key points. This helps to avoid trespass by people losing their way.

You may not place signs of a false or misleading nature on or near a right of way, that are likely to deter its lawful use.

Overgrowth

You are responsible for ensuring hedges, trees or other vegetation on your land does not cause an obstruction to the user on foot, horse, bicycle or in a carriage or vehicle as appropriate.

Moving Public Rights of Way

Public Rights of Way can only be moved by legal order. You can apply to divert the line of a path but a charge will generally be made for this service and the process may be lengthy and with no guarantee of success.



Where you can get help and advice?

Parish Councils have various powers with regards to rights of way and may be able to help with the maintenance and improvement of paths, particularly where they participate in the Parish Lengthsman scheme funded by Herefordshire Council.

We Can Help You

Each of Herefordshire Council's localities has a dedicated steward who understands the needs of their locality acting as a first point of contact for day to day enquiries on the Rights of Way network. Where required they can refer to our team of specialist Rights of Way staff.

Further information is available on the Herefordshire Council's website where you can also log a query or request for service.

<https://www.herefordshire.gov.uk/public-rights-of-way>

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