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Guidance

Public rights of way: landowner responsibilities

As the owner or occupier of land with a public right of way across it, you must keep the route visible and not obstruct or endanger users.

From:

Natural England (<https://www.gov.uk/government/organisations/natural-england>)

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Applies to:

England

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These rules apply to agricultural or any other land.

Find out if there's a public right of way on your land

Your local authority (national park authorities, county councils, some district councils, metropolitan boroughs or unitary authorities) will normally have a 'definitive map' of your area showing public rights of way. Definitive maps (<https://www.gov.uk/government/publications/definitive-maps-of-public-rights-of-way-change-the-legal-records>) are a legal record of public rights of way in 4 categories:

- footpaths
- bridleways

- restricted byways
- byways open to all traffic

Keep public rights of way clear of obstructions

As the owner or occupier of land with a public right of way across it, you must:

- avoid putting obstructions on or across the route, such as permanent or temporary fences, walls, hedgerows, padlocked gates or barbed wire
- make sure vegetation does not encroach onto the route from the sides or above, bearing in mind the different clearances needed for users of different types of route, for example by horse riders

Obstructing a public right of way is a criminal offence. The highway authority has the right to demand you remove any obstruction you cause. If you don't, the highway authority can remove the obstruction and recover the cost from you.

You must not disturb the surface of byways, restricted byways and unsurfaced public roads, eg by cultivating.

Field-edge and cross-field public rights of way

You must not cultivate (eg plough) footpaths or bridleways that follow a field edge. The minimum width you need to keep undisturbed is:

- 1.5 metres for a field edge footpath
- 3 metres for a field edge bridleway

You should avoid cultivating a cross-field footpath or bridleway. If you have to cultivate make sure the footpath or bridleway:

- remains apparent on the ground to at least the minimum width of 1 metre for a footpath or 2 metres for a bridleway, and is not obstructed by crops
- is restored to at least the minimum width so that it's reasonably convenient to use within:
 - 14 days of first being cultivated for that crop
 - 24 hours of any subsequent cultivation, unless a longer period has been agreed in advance in writing by the highway authority

Waymarking and warning signs

If official waymarking leaves it unclear where a public right of way goes, you may add informal waymarks to remedy this so long as these are not misleading.

You must indicate the route of a reinstated cross-field footpath or bridleway.

If necessary, use signs to warn users of any dangers that are not obvious, such as slurry lagoons. Note that erecting misleading signs (such as signs about absent bulls) is an offence and local authorities have powers to remove them. See [Waymarking public rights of way](https://www.gov.uk/government/publications/signs-on-public-rights-of-way) (<https://www.gov.uk/government/publications/signs-on-public-rights-of-way>) for more details.

Structures for access

Where a stile or gate on a public right of way is your responsibility, you must maintain it so it is safe and reasonably easy to use.

You can claim 25% or sometimes more of the cost of any replacement work from the highway authority. Some authorities provide materials, or others may carry out the work themselves.

Where a stile needs replacing, always consider with the highway authority whether to do this with a gate or preferably a gap, so that it will be less of an impediment to people with mobility problems.

You must seek the local highway authority's permission before installing any new structure on a public right of way. Unauthorised structures are obstructions and may be removed by the highway authority at the landowner's expense.

If you add new ditches or widen existing ones (having secured any necessary permissions, including from the highway authority) you must provide adequate bridges for public rights of way users.

Cross Compliance requirements

See GAEC (Good Agricultural and Environmental Conditions) 7b: Public Rights of Way in the guide to cross compliance in England (<https://www.gov.uk/government/collections/cross-compliance>) for the 4 requirements you must meet.

Livestock on land crossed by a public right of way: banned animals

Bulls of recognised dairy breeds (Ayrshire, British Friesian, British Holstein, Dairy Shorthorn, Guernsey, Jersey and Kerry) that are over the age of 10 months are banned by law from fields containing a public right of way.

Bulls over 10 months of any other breed must be accompanied by cows or heifers when in fields with public access.

Make sure that any warning notices relating to a bull are displayed only when it is actually present in a field.

Horses may be kept loose in fields crossed by public rights of way, as long as they are not known to be dangerous.

You can be prosecuted if you keep any potentially dangerous animal on land crossed by a public right of way.

Spraying on land crossed by a public right of way

If you have to spray land crossed by a public right of way, use pesticides approved for such use and follow the product instructions. Where a public right of way crosses or runs alongside a field, you can provide an informal alternative route that they can use for this period if you wish, but this does not close the public right of way. If the public are still using the public right of way, despite warning notices, you must stop spraying temporarily.

Creating, closing, upgrading, downgrading or re-routing public rights of way

Highway authorities have certain powers to make changes to the public right of way networks in their area.

You can agree to create a new public right of way or apply to your local authority to make an order extinguishing, diverting, upgrading or downgrading a footpath, bridleway or restricted byway in some circumstances. You can get more information from the rights of way section of the highway authority.

See more details about making changes to the legal status of public rights of way (<https://www.gov.uk/government/publications/definitive-maps-of-public-rights-of-way-change-the-legal-records>).

Problems with public rights of way

If you experience a problem with a public right of way contact the rights of way section of the highway authority (<https://www.gov.uk/find-your-local-council>) through whose area the route passes.

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1. 7 December 2015

Revised section on 'Field edge and cross-field footpaths and bridleways'. Added paragraph to 'Structures for access' on requirement to seek authorisation. Replaced PROW abbreviation with public right of way.

2. 11 September 2014

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- Rights of way guidance booklet (<https://www.gov.uk/government/publications/rights-of-way-guidance-booklet>)
- Definitive maps of public rights of way: change the legal records (<https://www.gov.uk/government/publications/definitive-maps-of-public-rights-of-way-change-the-legal-records>)
- Cross compliance (<https://www.gov.uk/government/collections/cross-compliance>)
- Rights of way advice notes (<https://www.gov.uk/government/collections/rights-of-way-advice-notes>)
- Rights of way and accessing land (<https://www.gov.uk/right-of-way-open-access-land>)

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