

Notes of Public Rights of Way (PRoWs) for Stansfield Parish Council meeting on 11th September 2024 – incorporating comments from Callum Leslie PRoW Officer West Suffolk, where these contribute to better understanding of the necessary responsibilities and limitations

Public sources of information consulted for the preparation of this document

Suffolk County Council (SCC) Public Rights of Way (PRoW) Office

SCC Highways Authority (HA) in particular brochure entitled **A land manager’s guide to rights of way in Suffolk** also including Appendix A – Definitive Map data on PRoWs in Stansfield parish with specifically defined widths of certain sections of six Stansfield FPs.

The Country Land and Business Association (CLA) ref. GN20-21 Public Rights of Way – Rights and Responsibilities

Law & Your Environment UKELA website

Who is responsible for what?

Footpaths (FPs), Byways (BPs) Restricted Byways (RBs) and Byways open to all traffic (BOATs)

- 1 For Stansfield Parish in most circumstances the surface of a PRoW is vested in the Suffolk County Council (SCC) Highway Authority¹, therefore, they are responsible for the surface and keeping it clear of any vegetation that could impede the public right of passage².
- 2 The **surface** (horizontal) width of FP or BP is the responsibility of SCC Highways Authority³. This includes any excess vegetation growing upwards from the surface of the designated width. The one exception is where a FP or BP which crosses, or for a limited distance of the whole, crosses cultivated land (see details Paras. 4 & 5)
- 3 Any **intruding horizontal vegetative growth encroaching from the sides of the PRoW FPs, BPs, RBs and BOATs** across its stated width whether this is seasonal growth, multi-seasonal and including fallen timber or brush growth is the responsibility of the land manager (owner or tenant).
- 4 It is the landowner/land manager’s responsibility to clear any crops which have been planted on the PRoW, and also their responsibility to clear any overhanging vegetation from any PRoW for which SCC will work towards a solution with the landowner/land manager. The statutory minimum width for reinstatement is that which is recorded in the Definitive Statement. If the width is not recorded for a route, the following statutory minimum widths apply in metres (see table in Para.5 below.)
- 5 There is often confusion in connection with ascertaining the legal width of a PRoW and some people assume the ploughing and cultivation rules apply; this is not the case. Parish councils and local highway authorities alike should first review the Definitive Map and Statement to confirm whether or not the width of a PRoW is recorded. If it is, that should be the end of any doubt as the Definitive Map and Statement are the legal record. **However, it is not unusual for widths not to be recorded.**⁴

| Type of PRoW | Cross Field | Field Edge |
|--|-------------|------------|
| Footpath | 1m. | 1.5m |
| Bridleway | 2m. | 3m. |
| Restricted Byway and Byway open to all traffic | 3.m | 3m. |

- 6 Landowners and occupiers must not cultivate any field edge path.

¹ SCC PRoW staff emphasise that due to funding limitations this cannot always be ensured.

² SCC PRoW staff indicate that only about one third of the Suffolk PRoW network receives 2 cuts per year, while priority is given to advertised routes such as the Lark Valley and Gipping Valley paths receive an additional third cut per year, however SCC PRoW reviews existing schedules on a regular basis and is willing to discuss potential changes in line with the above considerations.

³ There are neither RBs nor BOATs within Stansfield parish but SCC Highways Authority feels that these should be mentioned as they may exist in abutting parishes with PRoWs that directly connect with Stansfield FPs.

⁴ However, see Appendix A to this document for list and width details of Stansfield PRoWs

Furniture and PRow

- 7 Under section 146 Highways Act 1980, it is a landowner's duty to maintain stiles, gates and similar structures (these are referred to as "furniture") on FPs, BPs and RBs crossing their land. The landowner who must keep any furniture in a safe and good condition. The Highway Authority will contribute at least 25% of the costs of maintaining such structures. For any new stiles or gates, SCC has an authorisation procedure which must be followed. SCC must also ensure correct alignment according to the Definitive Map. Any new fencing or hedging must also be installed according to planning guidance which require a minimum of 0.5m from either side of a PRow for a fence or 2.0m for a hedge.
- 8 In some circumstances, if the land owner is willing to change a structure to a less restrictive option, for example a stile to a gate, authorities may cover the cost of the gate and/or its installation. It should be noted though that such a change is unlikely to be reversible once it has been openly used for a prolonged period of time by the public.
- 9 If a user injures themselves as a result of a poorly maintained gate or stile then the landowner may be liable if they are found to have breached their duty of care.
- 10 As referred to above, the Highway Authority is responsible for the surface and as such, could be found liable for an injury which related to the surface.

Fencing along a PRow

- 11 Landowners and occupiers are allowed to enclose a PRow whether it be by hedges, walls or fencing, but must have regard to the information about widths (set out in Appendix A.) The Highway Authority will be concerned that there is no encroachment on the legal width and that the route is still safe for use by legitimate users.
- 12 If land managers wish to erect electric fencing alongside a PRow, the public must not be exposed to the risk of shocks. The land manager must place clear signs warning the public that the fence is electrified. An electric fence positioned across a PRow may be allowable the Highway Authority. Depending on whether the electric fencing is adjacent or across a PRow, users must be able to pass through or over the fence safely with ease otherwise the fence may deemed an obstruction. See also Para. 7 above.
- 13 If barbed wire is used alongside a path, it should always be fastened on the side away from the PRow. Land managers must not fix any barbed wire to a fastening or gate which the public need to use for opening or support.

Shooting and PRow

- 14 Land managers who host shoots or lease land for shooting should familiarise themselves with **the Code of Good Shooting Practice**. The Code has specific advice about PRow, the highlights of which are listed below:
 - Shoot managers and Guns must ensure that shooting does not obstruct, cause danger or alarm to users of the PRow, including roads, BPs, PBs and other rights of way.
 - Guns should note that to shoot across any form of PRow, e.g. a FP or BP that is in use by walkers or riders may constitute a public nuisance (a criminal offence) or wilful obstruction. There may also be a liability in negligence if it is known that people are on, or likely to be on, such a right of way.
 - In particular, care should be taken when siting Guns near carriageways including roads. Section 161 Highways Act 1980 makes it an offence to discharge a firearm within 50 ft of the centre of a highway with vehicular rights without lawful authority or excuse, if as a result a user of the highway is injured, interrupted or endangered.

Livestock and PRow

- 15 Land managers must not keep a **dairy** bull over 10 months old in a field with a PRow. **Bulls of other breeds in fields with PRow must be accompanied by cows or heifers.** It is advised that land managers consult Guidance Note Livestock and Public Access in England and Wales (issued by the CLA) in conjunction with **Health and Safety Executive (HSE) sheet 17** if they wish to turn out livestock where they have PRow crossing those fields.

Dogs and PRow

16. It is usually assumed that dogs are seen as a 'usual accompaniment' on PRow and as such are allowed although **the dogs should be under close control and stay on the dedicated route.** They do not have to be on a lead. However see Paras. 17, 18 and 19 below.
17. If a loose dog deviates from the footpath it is not under control.
18. A loose dog off the footpath could be taken as civil trespass.
19. Game birds that are still reliant on a human for feed and water are classified as livestock with the same degree of protection from being chased by dogs as are sheep, cattle and other forms of livestock.
20. The walking public with dogs should clear up their dog mess and take it home or to a bin.

Walking public and PRow

21. The public who choose to utilise parts of the extensive Suffolk PRow network should be aware Suffolk has over 3,500 miles of PRows, 82% of which are FPs. For budgetary reasons these are managed by just 12 SCC employees⁵ that have to deal with all manner of problems and complaints which obviously have to be triaged. It is therefore incumbent upon the walking public to be reasonable in their contacts over problems, with the exception of when reporting potentially dangerous conditions (see Para. 24 below.). It is suggested that regular FP walkers carry a pair of lightweight snips to deal with the occasional batch of tall nettles, thistles and the like growing from the designated width of the FP as the Parish Council does not have funds to pay for such minor clearances⁶. Also the Stansfield public should be aware that SCC HA has an established commitment to mow the surface of the motorised-accessible parts of FP1 and FP2, however for many years in the past Denston Hall Estate has kindly undertaken this task for which thanks are due to the owner and organiser of this care. Any future, further requests to SCC HA are likely to be turned down (but see footnote 2).
22. Deviating from the footpath could be taken as civil trespass.
23. For immediate problems, especially for potentially dangerous conditions, the walking public are invited to contact Stansfield PC via contact through their website⁷. Such contact should if possible include a mobile phone camera-shot which will normally supply the grid reference to where the photo is taken which will aid in locating the problem.
24. Stansfield Parish Council is not directly responsible for any PRow maintenance except under future special arrangements if made between Stansfield PC and SCC Highway Authority.

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⁵ 1 Operations Manager, 2 Rights of Way Managers (East/West), 7 Rights of Way Officers (3 East/ 3 West/ 1Capital Projects/infrastructure), and 2 Rights of Way Support Officers.

⁶ However SCC Highways Authority currently states this is at the public own risk. This needs follow-up with SCC Highways Authority.

⁷ SCC HA recommends that their Reporting Tool should be used where possible. However for multiple instances of the same problem e.g. excessive, tall weed growth within the designated width of the FP or FPs as happened early summer 2024; this is cumbersome.

Appendix A text from SCC HA

Email from Callum Leslie 30th August 2024

Please see a below listed comments concerning width for Public Rights of Way in Stansfield. Any routes not included had nothing listed and therefore work to the set minimum standards which are listed below for reference also.

Stansfield Definitive Statement widths:

Stansfield Footpath 7 - Width: From g/r 7825/5275 to g/r 7828/5300: minimum of 1.5 metres

Stansfield Footpath 8 - "Width: From grid ref. 7821/5347 to grid ref. 7810/5358: minimum of 1.5 metres of reasonably level ground

From grid ref. 7842/5425 for approximately 113 metres to a gate: minimum of 1.5 metres clear of a hedge

From a point for approximately 47 metres to a point along the Southern edge of a pond: minimum of 1.5 metres clear of the pond

From a point on a track for approximately 414 metres to a point between ponds and hedge: minimum of 1.5 metres clear of ground vegetation"

Stansfield Footpath 9 - Width: From Grid Reference TL 78282/52999 to Grid Reference TL 78230/53017: 1.5 metres

Stansfield Footpath 10 - "Width: From grid ref. 7804/5355 for approximately 30 metres to a point along the Eastern boundary of Parcel Number 0061: minimum of 1.5 metres clear of hedgerow vegetation. From a point along the Eastern boundary of Parcel Number 0061 for approximately 136 metres to a point along its Southern boundary: minimum of 1.5 metres clear of the rim of a ditch"

Stansfield Footpath 14 - "Width: From g/r 78645136 to g/r 78805131: track width 3 metres. From g/r 78805135 to g/r 78895121: clear width of 1.5 metres"

Stansfield Footpath 17 - Width: clear width of 1.5 metres

Otherwise where not stated by the Definitive Map these are the normal standards:

Cross-field paths:

Footpath – 1.0m

Bridleway – 2.0m

Restricted Byway/Byway – 3.0m

Field edge/headland paths:

Footpath – 1.5m

Bridleway – 3.0m

Restricted Byway/Byway – 3.0m

If you need to discuss anything further do get in contact or if you wish to speak to the Definitive Map team you can use - GHI Definitive Map Enquiries definitivemap.enquiries@suffolk.gov.uk