

# IMPORTANT INFORMATION FOR LANDOWNERS WITH RIGHTS OF WAY



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You may find the following information useful if you are a landowner or tenant with public rights of way across your land.



## Widths

The minimal rights of way widths are as follows:

### Footpath

Cross field = 1 metre

Field-edge = 1.5 metres

### Bridleway

Cross field = 2 metres

Field-edge = 3 metres

### Other rights of way

Cross field = 3 metres

Field-edge = 5 metres

However, there are many instances where these above widths are not relevant – for example in relation to enclosed lanes, where usually the width will be the available area between the two hedges/boundaries.



## Rights of Way furniture

(gates & stiles)

All new gates and stiles must be authorised by the County Council prior to installation. Application forms are available from the Rights of Way Team.

Due to Disability Discrimination Act requirements, new stiles will now only be considered in very exceptional circumstances.

# Cattle & Public Rights of Way

## Legislation

- Section 59 Wildlife and Countryside Act 1981 bans bulls of recognised dairy breeds (eg Ayrshire, Friesian, Holstein, Dairy Shorthorn, Guernsey, Jersey and Kerry) in all circumstances from being at large in fields crossed by public rights of way. Bulls of all other breeds are also banned from such fields unless accompanied by cows or heifers, but there are no specific prohibitions on other cattle.
- Section 3 Health and Safety at Work etc Act 1974 requires employers and the self-employed to ensure, so far as is reasonably practicable, that they do not put other people, eg members of the public, at risk by their work activities. This applies to keeping bulls or other cattle in fields.
- The Management of Health and Safety at Work Regulations 1999 require that employers and the self-employed assess the risks from their work activities to which employees or others are exposed. This assessment should identify the measures employers, or the self-employed, need to take to comply with health and safety legislation.
- The Occupiers Liability Acts 1957 and 1984 require land managers to show a reasonable duty of care towards other people.
- The Animals Act 1971 makes the keeper of an animal 'strictly liable' in most cases for injuries caused by their stock (exceptions may apply).

## Precautions to minimise the risk to the public

- Wherever possible keep cattle in fields that do not have public access, especially when cattle are calving or have calves at foot.
- Check that fences, gates, stiles etc are safe and fit for their purpose.
- Check paths are clearly marked so that users do not enter fields without public access.
- Make arrangements for checking both the cattle (for illness or other possible causes of aggression) and the fences etc surrounding the field regularly – at least once each day.
- Plan how to safely move individual cattle, the whole herd, or part of it, from field to field.
- If bulls are on hire, lease, or loan, or if other cattle are new to the farm, check that they are suitable to keep in an area used by the public before putting them in such an area. A few days in another field or in a stock building, where they can be closely and regularly observed, should be enough.

Photo: G Martin. Charolais bull (beef): permissible if running with cows or heifers.



## Precautions if you graze dairy bulls or entire male cattle for bull beef

- Never keep them in fields with public rights of way, statutory or other permitted access. Remember, it is against the law to keep a recognised dairy bull in a field crossed by a public right of way.
- In other fields make sure that groups of animals older than 10 months are securely enclosed by stock-proof hedging or fencing at least 1.3 m high, strong enough to retain the animals and capable of restricting access to children. Erecting an electric fence 0.5 m inside the external perimeter hedge or fence will provide a greater degree of security.

## Signage

- Even though you should have made every effort not to keep aggressive, or potentially aggressive, animals in a field or area with public access, it is good practice to display signs informing the public when a bull, or calves with cows, are in the area.
- Consider putting a sign at any gate, stile or other access points to a field or open area such as fell, hill or moorland if there is a bull, or cows with calves, at large there.
- A suitable bull sign would be triangular with a yellow background and a black band around the outside. A bull or bull's head should be shown (black on yellow) on the sign, with text (also black on yellow) such as 'bull in field' if desired. Text should not suggest that the bull is aggressive, threatening or dangerous (ie avoid words such as 'beware' or 'danger').
- Signs should not be displayed, or should be securely covered, when the animals to which they refer are not present in the field or area. Misleading signs which deter the public from exercising their right of responsible access are likely to be regarded as obstruction and should never be used.
- Electrified stock fencing used near to public rights of way will also require warning signs located at suitable intervals along its length – generally 50 to 100m apart.

Further information can be found in the Health & Safety Executive Information Sheet 'Cattle and public access in England and Wales' available at [www.hse.gov.uk/pubns/ais17ew.pdf](http://www.hse.gov.uk/pubns/ais17ew.pdf)

Photo: R Pearce





## Landowner Responsibilities

Landowners must:

- Keep rights of way clear of obstructions and overhanging vegetation.
- Maintain stiles and gates across footpaths, and gates across bridleways in a safe and usable condition (assistance can be given by Somerset County Council).
- Not place new fences, ditches, stiles or gates (other than replacements) across rights of way, or install new bridges or culverts along rights of way, without permission from Somerset County Council.
- Restore/clear the surface of any cross field right of way that has been ploughed/disturbed or obstructed by crops to at least the minimum width shown above within 14 days.
- Not plough any footpath or bridleway which constitutes a headland, i.e. field edge path.
- Not erect misleading signs likely to deter use of rights of way.
- Not allow any prohibited bull or other animal known to be dangerous in a field through which a right of way passes.
- Not allow barbed or electrified wire to cross through stiles, or run adjacent to rights of way, which could injure users keeping to the correct routes. Electrified fencing should be insulated appropriately.
- Not undertake work to the surface of a public right of way without the authorisation of the County Council.

Somerset County Council's Rights of Way Team works with landowners to help keep rights of way open, for example by providing signs which help to ensure that members of the public use rights of way appropriately. We also offer advice on Section 31 Depositions whereby landowners may deposit a map and statement detailing all rights of way on their land. This can help protect the property from claims for additional or higher status rights of way.



The Team also actively encourages members of the public to follow the **Countryside Code**, which outlines effectively the simple measures that help everyone to respect, protect & enjoy our countryside.



## Enforcement

The common issues that are dealt with through enforcement:

- Dogs not under close control & livestock worrying
- Users not sticking to the correct line of the right of way
- Cropping
- Locked gates
- Fencing obstructions
- Over hanging vegetation
- Dangers to members of the public

Where an enforcement issue arises it is our usual practise, as a first step, to try and agree an informal resolution with the person responsible for the offence. We do understand that some issues may arise from honest mistakes and possibly as a result of not knowing the exact legal line of the path. The majority of issues are resolved on this way.

However, there are some instances where informal measures are unproductive, which leaves no choice but to employ formal enforcement procedures, which on some occasions does end in prosecution through the courts.

If you have to carry out any work involving a public right of way, contact us to discuss your options and how we can help. Somerset County Council's Rights of Way Team are here to help you resolve rights of way issues quickly and as cost effectively as possible.

## Contact us

- ☎ Somerset Direct [0300 123 2224](tel:03001232224)
- ✉ [rightsofway@somerset.gov.uk](mailto:rightsofway@somerset.gov.uk)
- 🌐 [www.rightsofway.gov.uk](http://www.rightsofway.gov.uk)

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