

Public Rights of Way

Your questions Answered

What is a public right of way?

A public right of way is a route over which the public have a right to pass and re-pass. Public rights of way are more commonly known as:

- Footpath: for use on foot only
- Bridleway: for use by horses, pedal cycle or on foot
- Byway: for use by motor vehicles, horses, pedal cycle or on foot

Rights of way can be found in towns, villages and the countryside. Some paths may be surfaced but many are tracks across countryside owned by farmers and landowners. Public footpaths are not to be confused with highway footways which are pavements to the side of the road.

How can I find out which paths are Public Rights of Way?

You can purchase a range of Ordnance Survey maps from any good book shop, the latest edition is "The Explorer" map which shows all public paths and roads.

Alternatively you may visit the Countryside Access department at The Shirehall in Shrewsbury and view the Definitive Map for Shropshire, Monday to Friday between the hours of 9am to 4pm.

What section of the Council is responsible for public rights of way?

The Countryside section is responsible for the protection, maintenance and signposting of Shropshire's 8000 footpaths, bridleways and byways. As the Highway Authority, the Council has a duty to erect signposts where a

public right of way meets a metalled (tarmaced) road. It also has the power, (but is not under a duty), to sign public rights of way to assist users who are unfamiliar with the route.

What is a permissive path?

A permissive path (sometimes called a 'concessionary path') is that which the landowner permits the public to use, with the intention that it should not become a public right of way. The landowner may erect notices to that effect and, perhaps, close the path once a year. To ensure that the public does not acquire a right of way, as might happen if a notice was removed and not replaced, the owner can take advantage of the alternative procedures.

Unofficial diversions of public rights of way made by landowners can be regarded as permissive paths, though if the above procedures are not used, the new route may in time become a public right of way, in addition to the existing right of way.

Can I wander off a public right of way?

No, the legal right to pass relates solely to the right of way.

Landowners can require you to leave land to which you have no right of access. However, you may take a short route around an illegal obstruction, or remove it sufficiently to get past it.

Who is responsible for cutting hedges growing alongside public rights of way?

The landowner, or occupier is

responsible for controlling side and overhead vegetation from inhibiting the use of public rights of way. Shropshire Council, as the Highway Authority, has a duty to control surface vegetation, although this is distinct from cultivated crops which are covered by specific legislation. (See crops on paths)

Can I cut back vegetation from a path or stile?

A pair of pocket secateurs may be carried in order to cut back only that vegetation which impedes progress along a path, providing that no more than necessary is done to enable you to make your way conveniently along the path. If more is done, for example you go out with the express intention of clearing a particular path, equipped with tools such as a saw, spade or pick-axe without the prior consent of the landowner, this risks going beyond what is necessary to enable convenient progress.

Can I ride a horse, or a bike on a footpath?

No, not without the prior consent of the landowner, otherwise you would be committing trespass against the landowner, or occupier concerned.

Can I take a pram, pushchair or wheelchair on a right of way?

Yes, if it is practicable as they are considered a 'usual accompaniment' of a person on foot.

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Can I take a dog on a public right of way?

Yes, a dog is considered a 'usual accompaniment' of a person on foot. Nonetheless this entitlement is confined to the line of the path and only exists whilst the dog is accompanied by its owner/ keeper. A trespass would be committed if the dog is allowed to run off the definitive line of the path, or if the owner/keeper stands at a gate and allows their dog to run free. See the Guidance notes - Dogs on Public Rights of Way.

Must a dog be kept on a lead whilst on a right of way?

The law does not rule that a dog be kept on a lead whilst accompanied on a public right of way, but rather that it must be kept under close control.

However the 'Dogs (Protection of Livestock) Act of 1953' makes it an offence to allow a dog to chase or attack livestock, or to be 'at large' in a field or enclosure in which there

are sheep. 'At large' is defined as not on a lead, or otherwise under close control. See the Guidance notes - Dogs on Public Rights of Way.

Why are all rights of way not recorded on the Definitive Map?

Omissions were made when the Definitive map was drafted in the early 1950s when Parish and Town Councils first recorded routes in their areas.

How can a right of way be added to the Definitive Map?

There are two main ways that this can be done:

- **Dedication:** If the landowner owns the land over which the right of way crosses they can dedicate a footpath or a bridleway.
- **Modification Order:** If the public have used a route for twenty or more years as of public right and without interruption, they may apply for a Modification Order under the Wildlife & Countryside Act 1981. Footpaths, bridleways and byways can all be added using this process.

Can a right of way be diverted?

Yes, footpaths and bridleways can be diverted under the Highway Act or the Town & Country Planning Act, if there is a planning application pending. The alteration of a byway must go before a Magistrate Court. See the Guidance Notes - Public Path Orders.

Can a right of way be extinguished?

Yes, it is possible to extinguish a right of way under the Highways Act, the Town & Country Planning Act or the Wildlife & Countryside Act, however such applications receive tremendous objection and are often not processed or confirmed as a result.

Is a bull allowed in a field where a public right of way passes?

Not if it is a dairy bull over 10 months old, or any other breed over 10 months old which is not accompanied by cows or heifers.

Similarly, if there is any question about a bull's temperament, it should not be allowed in a field where a public right of way passes.

The recognized dairy breeds are Ayrshire, British Friesian, British Holstein, Dairy Shorthorn, Guernsey, Jersey and Kerry. See the Guidance notes – Bulls on rights of way.

What if a public right of way is ploughed up?

Paths across fields may be cultivated if there is no reasonable alternative.

The path must then be reinstated within 14 days of the first disturbance and within 24 hours of any subsequent works. A width of at least 1 metre must be left for footpaths across fields and 2 metres for a bridleway. The Countryside section suggests that reinstatement be carried out whilst machinery is still in the field to ensure minimum disruption to the public. See the Guidance notes Ploughing and Cropping on Public Rights of Way.

What if there are crops on a public right of way?

It is an offence to plant crops, with the exception of hay and silage, across a public right of way.

Contraventions should be reported to the rights of way office on 01743 255055. See the Guidance notes Ploughing and Cropping on Public Rights of Way.



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How can we help?

The following information (in alphabetical order) will help you decide who you should contact in the event of a problem. If you don't find an appropriate listing, please contact Countryside Access Team on 01743 255061, or email countryside.access@shropshire.gov.uk

Barbed wire across a right of way	Countryside Access Team
Bikes being ridden on a footpath (unauthorised)	Civil trespass against the landowner
Cliff Falls & Slippages	Countryside Access Team
Criminal Damage	Police
Dangerous Animals (except Dairy Bulls)	Shropshire Council
Dairy Bulls (Dangerous)	Countryside Access Team
Dogs (Dangerous)	Police
Dogs (Fouling)	Shropshire Council
Environmental Health	Shropshire Council
Fallen tree across a right of way	Countryside Access Team
Firearms	Police
Fly Tipping (Domestic)	Shropshire Council
Fly Tipping (Industrial)	Environment Agency
Footways (pavements)	Div. Surveyor
Hedges on roadside	Div. Surveyor
Highway Verges	Div. Surveyor
Intimidation/Assault	Police
Litter	Shropshire Council
Land Drainage	Shropshire Council
Locked Gates on public rights of way	Countryside Access Team
Missing signage on public rights of way	Countryside Access Team
Motor vehicles and motorbikes on public rights of way	Police
Obstructions to a right of way	Countryside Access Team
Overgrown vegetation at the side of/above, a right of way	Countryside Access Team
Pavements (also known as footways)	Div. Surveyor
Pollution	Environment Agency
Rivers and Waterways	Environment Agency
Traffic Regulation Orders	Countryside Access Team/Development Control
Tree across a right of way	Countryside Access Team
Ploughing & Cropping	Countryside Access Team



Shropshire
Council

Countryside Access Team
For Further Information
Telephone 01743 255061