

Surface Maintenance of Public Rights of Way

Guidance Notes

The great majority of public rights of way in Shropshire cross land which is privately owned. However the County Council as highway authority own and are responsible for the surface in most cases.

Exceptions to this rule would be in the case of PROW (Public Rights of Way) which are privately maintainable as opposed to publicly maintainable, ie responsibility for maintenance is vested in an individual or body eg by way of tenure (as a liability attached to a property) or under a special enactment. Today, however most highways are publicly maintainable.

The County Council has a duty to maintain routes repairable at public expense up to a standard relevant to their legally defined status.

For instance:- A PROW which carries footpath status only is required to be suitable for the public to use on foot whilst suitably attired for walking in the countryside.

A path with Bridleway status is required to be maintained to a standard suitable for walkers, and users on horse back.

No duty is placed on the highway authority to improve routes.

Private vehicular rights along public rights of way

The County Council have no duty to maintain or indeed improve the surface of the route for use by anyone who may hold private vehicular rights along it, ie the landowner, or any residents or visitors.

To maintain the surface of public rights of way for private vehicular use, it may be appropriate for residents and others requiring access, to join together to make improvements and carry out routine maintenance.

However, it is important to obtain the written consent of the County Council prior to any works being undertaken which may affect the surface.

It is a criminal offence for anyone to wilfully obstruct or interfere with the surface of a PROW without lawful authority. Therefore prior to any type of work being carried out on a PROW it is important to consider whether a temporary diversion or closure order is required.