

# Electrified Fences and Public Rights of Way

## Guidance Notes

An electric fence positioned across a public right of way would constitute an obstruction of the right of way, whether electrified or not. However allowances will be made if strict guidelines are followed:

These guidance notes outline the necessary precautions to be taken if electric fencing is absolutely necessary to control livestock where no other means are practical.

### **SAFETY FIRST**

Where an electric fence is placed across a right of way, or closely bordering one, the public must not be exposed to the risk of receiving shocks.

Irrespective of whether the fence is across or merely bordering the right of way, it must be identifiable as being electrified. Appropriate warning signs should be displayed where the fence runs across the line of the right of way, or repeated at 100 metre intervals when the fence is alongside it.

One should be able to pass through or over an electrified fence in safety otherwise the fence will be deemed to be an obstruction or nuisance in law. The County Council have powers to enforce the removal of the fence should landowners prove uncooperative in making it safe.

### **TEMPORARY FENCES AND PUBLIC FOOTPATHS**

Where the right of way has footpath status only, the use of a single strand electrified fence to control stock is generally acceptable, providing the following conditions are observed: (1) hazard warning sign or signs need to be displayed as mentioned previously, such as to be clearly visible to users of the right of way, and (2) where the fence is across the path it should be routed through an insulated tube providing sufficient width to allow the wire to be held down so that it can be stepped over easily and without risk.

Alternatively, there must be a means of breaking the electrical current at this point by providing some form of safe option such as an expandable type barrier gate with insulated handle which can be easily and safely released by path users.

### **PERMANENT FENCES AND PUBLIC FOOTPATHS**

If an electrified fence is required to contain livestock on a permanent basis, a stile should be installed at the point where the fence is to be routed across the right of way. The wire should be

housed in a tube prior to being fastened to one or other of the middle rails of the stile. NB. Stile kits can generally be obtained free of charge from the County Council. Phone 01743 791984 for details.

### **ELECTRIFIED FENCES AND PUBLIC BRIDLEWAYS**

There is no legal reason why electrified fences may not be used alongside a bridleway.

However, it is difficult to envisage how they may be arranged so as to allow horse-riders to pass through in safety. It is certainly particularly difficult, and potentially hazardous for riders to struggle to disengage a spring held grip hook, whilst at the same time keeping control of their mounts.

Should it be absolutely necessary to run an electrified fence at right angles to a bridleway gate, you must ensure that sufficient space is available for a rider to manoeuvre a led horse whilst opening and closing the gate. This is absolutely essential to avoid any chance of the horse touching a live wire whilst manoeuvring to open or close the gate. Additionally, the electric fencing should be insulated within the vicinity of gate and for a sufficient length each side of the gate opening. The fence must also have the appropriate signage.

**PLEASE NOTE:** That if it is not possible to provide sufficient space, then electric fencing should not under any circumstances be used.

This Council has no objection to bridleways being crossed by electrified fences, if the latter can be routed either well above head height (which for someone on horseback will need to be at least 11ft), or conveyed inside an underground pipe.

Where electrified fences are routed above head-height across bridleways, the upright poles carrying the wire must be no less than 2 metres apart, so that there should be no danger of horses or their riders accidentally touching a bare wire on passing through the gap.

### **RIGHTS OF WAY OF A HIGHER STATUS THAN BRIDLEWAY**

Vehicular rights may exist over any public right of way of a higher status than Bridleway. Because of this, the Council's Rights of Way section must be consulted and approval obtained before work can be carried out to place an electrified fence across routes that are recognised either as Restricted Byways (RB), and Byways Open to all Traffic (BOATs).

Consent will only be given if livestock cannot be controlled by any other reasonable means. In instances where consent has not been given, Council officers have authority to seek the immediate removal of electrified fences when placed across either BOATs or Restricted Byways.

### **PUBLIC LIABILITY**

In the event of a user of a right of way coming into contact with an un-insulated electric fence and suffering harm as a result, it is possible that the injured party could sue for damages the person responsible for erecting the fence.