



Rights of Way and Landowners/Land Manager's Responsibilities

The Countryside Code has sought for years to educate the public to behave responsibly in the countryside so their visits do not cause unnecessary problems for those who live and work there. The National Park Authority takes many steps to reduce the impact of Rights of Way users on land use.

Landowners/land managers too have responsibilities in respect of Rights of Way and access, most of which are legal obligations. The National Park Authority is always willing to advise and assist landowners/land managers in meeting these responsibilities, which are summarised here.

Gates and Stiles

Existing Gates and Stiles across Rights of Way: The maintenance of any gate or stile across a Right of Way is the responsibility of the landowner, even if the National Park Authority installed it in the past on their behalf. Please note that this Authority recognises the additional demand for Rights of Way here in the National Park and seeks to keep a high standard of access furniture. It has therefore been able to provide and, under normal circumstances, erect new gates on the landowner's behalf free of charge. This discretionary work, arranged through the Senior Rangers, is dependent on available resources and may need to be scaled back in the future.

New Gates and Stiles across Rights of Way: It is sometimes necessary for landowners/land managers of agricultural, livery or forestry land holdings to erect new fences to manage and control livestock and other animals. In situations where these fences cross Rights of Way, in law it is the responsibility of the landowner to provide and maintain a gate or stile to maintain public access.

Work of this nature requires consent from the National Park Authority beforehand and such structures must adhere to the British Standard (specifications can be supplied upon request). This consent, known as a "s.147 Highways Act 1980 agreement", is explained in another Advice Note, which is available upon request. Please note that to facilitate easy access, stiles will only be authorised if no reasonable alternative is available. Further advice is available from the Senior Rangers.

Landowners must provide safe and easy to open gates. On Bridleways and Restricted Byways they must be openable from horseback with one hand to a minimum width of 1.5m (5ft). Gates must open to a minimum width of 1.2m (4ft) on a Footpath.

Animals

Any animal that could injure a person or horse using a Right of Way should not be kept where there is a Right of Way. This includes dogs and horses as well as livestock. If a landowner/land manager is aware that an animal has intimidated or injured a person in the past they will be liable for any harm caused to a person using a Right of Way. Intimidating animals, such as aggressively barking dogs, on or adjacent to a Right of Way should be prevented from discouraging the public by making it obvious that users cannot be reached by the animals. If possible, avoid grazing horses in fields crossed by Public Bridleways as loose horses may act aggressively to ridden ones.

Bulls

Bulls may only be in a field crossed by a Right of Way if they are:

- under ten months old;
- or are both not of a recognised dairy breed and are accompanied by cows or heifers.

Landowners/land managers are advised by the Health and Safety Executive to erect warning signs. "Bull in Field" is the best one to use. It must be removed when the bull is not there.

Electric Fences

Across Rights of Way:

Electric fences across Rights of Way must be authorised by the National Park Authority before their installation and must be insulated where crossing stiles or gates so that access is not restricted.

Alongside Rights of Way:

Allow 2m (6ft) clear width for a Footpath, 4m (13ft) for a Bridleway and 5m (16ft) for a Restricted Byway or Byway open to All Traffic.

Please note that the Health and Safety Executive advise that warning signs are needed on all electric fences.

Barbed Wire

Barbed wire must not inconvenience a user of a Right of Way.

If barbed wire is used alongside a Right of Way, safe passage must be made for users.

Allow 2m (6ft) clear width for a Footpath, 4m (13ft) for a Bridleway and 5m (16ft) for a Restricted Byway or Byway Open to All Traffic - allow even more on unsound ground.

Do not put barbed wire on gates (or their posts) or stiles and take off the barbs close to these items so they don't catch hands, clothing or horses.

Surfaces

Consent must be sought from the National Park Authority before any changes are made to a surface of a Right of Way. Any new surface must be convenient to walk/ride over, so rough rubble, loose or large stones are not acceptable and must be dusted off with smaller compacted stone.

Surfaces for a Bridleway, Restricted Byway and Byway Open to All Traffic must be non-slip for horses.

New Fencing

Any new fence across a Right of Way must be authorised by the National Park Authority before its installation, to ensure that adequate provision is made for users, ie new gates or stiles. Please see "Gates and Stiles" as mentioned above and the separate

Advice Note, "Authorisation of Gates and Stiles on Rights of Way - a s.147 Highways Act 1980 agreement".

Any fence must not encroach on the width of a Right of Way; usually 2m (6ft) for a Footpath, 4m (13ft) for a Bridleway and 5m (16ft) for a Restricted Byway or Byway Open to All Traffic must be left for users.

Overhanging and Surface Vegetation

Overhanging Vegetation:

It is the responsibility of the landowner to ensure that overhanging trees or hedges alongside a Right of Way do not encroach onto the width of the path. A clear "corridor" must be left for users. Allow the following:

Footpaths - 2m (6ft) wide and 2m (6ft) height

Bridleways - 3m (9ft) wide and 3m (9ft) height

Restricted Byways and Byways Open to All Traffic - 5m (16ft) wide and 5m (16ft) height.

Surface Vegetation:

Vegetation on the surface of a path (except crops) is the responsibility of the National Park Authority to keep cut down. Please contact a Senior Ranger if work of this nature is required.

Misleading Signs

Any sign that discourages a user on a Right of Way is illegal. This includes signs like "Beware Bull", "Keep Out", "Dangerous Dog", "Private".

"Duty of Care"

Landowners/land managers must safeguard people from sources of danger such as slurry lagoons, mines or quarries and are advised to take out or check their public liability insurance to make sure they have adequate cover.

Ploughing and Cropping

Cross-field paths:

Cross-field paths must be reinstated within 2 weeks of the first cultivation and 24 hours of the second. Tractor wheelings are the best way of defining a path across a field. Do not plough or cultivate any unsurfaced road or byway open to all traffic. Ensure that the following widths are defined:

- Public Footpath – 1m wide
- Public Bridleway – 2m wide
- Restricted Byway – 3m wide

Field-edge paths:

Do not plough paths that go alongside field boundaries and ensure that the following widths are left:

- Public Footpath – 1.5m (5ft)
- Public Bridleway – 3m (9ft)
- Restricted Byway – 3m (9ft)

HLS and ELS agreements:

The uncropped field margins required for HLS or ELS agreements are in ADDITION to that needed for a Public Footpath, Public Bridleway or Restricted Byway. For example, 1.5m (5ft) required for a Public Footpath plus 6m (19ft) for a HLS agreement gives a total of 7.5m (24ft) that is required between the field boundary and the arable crop.

Cross Compliance

In England, landowners claiming the Single Farm Payment and other direct payments are responsible for meeting Cross Compliance requirements. No 8 in the list of “Good Agricultural and Environmental Conditions” refers to Rights of Ways and clearly states what their responsibilities are. The advice is - "if you're already complying with existing legislation, then you will be compliant with these rules". Please see the information above on ploughing and cropping and Rights of Way.

Shooting across a Right of Way

Landowners and farmers may shoot on their land but not in such a way as to endanger the public using a Right of Way. If a drive crosses a Right of Way, politely ask users if they would wait while the drive passes but if their response is negative, stop the drive and allow the users to proceed safely.

If you have any questions, please do not hesitate to contact the Rights of Way Officer and Senior Rangers. Please telephone (01439) 772700, write to the address below or email paths@northyorkmoors.org.uk

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