

Maintaining and protecting public rights of way

The highway authority must:

- keep the surface of public rights of way which are maintained at public expense in a fit state for public use
- make sure obstructions are removed
- maintain some bridges over natural watercourses, including farm ditches
- provide at least a 25% contribution to landowners' costs for replacing and maintaining structures for the control of animals, eg gates or stiles, on completion of the work to a standard the highway authority is satisfied with
- make sure there are no notices that prevent or discourage the use of a public right of way
- add signs where a public right of way leaves metalled roads
- make sure the public's rights to use a public right of way are protected
- make sure landowners carry out their duties, and take action if they don't

Removing obstructions

It's an offence to obstruct or block a public right of way. Anyone can report an obstruction to the local authority and request that it is removed.

You must:

- respond to all requests within 1 month to confirm receipt
- contact the person who complained to tell them what action you're taking
- make sure the obstruction is removed, either by the local authority or the person responsible for it (you can charge them a fee to remove it)

If you haven't removed the obstruction within 2 months of you writing to the person who complained they can apply for a court order to have it removed. The magistrates' court may then take out an order against the local highway authority for the removal of the obstruction.

Guidance on maintaining public rights of way

Read the following guides to help with maintaining public rights of way:

- [Rights of way circular \(1/09\)](#)
- [Waymarking public rights of way](#)
- [Definitive maps and changes to public rights of way](#)

Rights of way improvement plans

Most highway authorities will already have a rights of way improvement plan. You must review the plan every 10 years. You should also monitor your progress towards implementing it and meeting targets you have set. Read the [guidance on rights of way improvement plans](#) for information on how to prepare, publish, assess and review your plans.

LANDOWNER or OCCUPIER

Keep public rights of way clear of obstructions

As the owner or occupier of land with a public right of way across it, you must:

- avoid putting obstructions on or across the route, such as permanent or temporary fences, walls, hedgerows, padlocked gates or barbed wire
- make sure vegetation does not encroach onto the route from the sides or above, bearing in mind the different clearances needed for users of different types of route, for example by horse riders

Obstructing a public right of way is a criminal offence. The highway authority has the right to demand you remove any obstruction you cause. If you don't, the highway authority can remove the obstruction and recover the cost from you.

You must not disturb the surface of byways, restricted byways and unsurfaced public roads, eg by cultivating.

Field-edge and cross-field public rights of way

You must not cultivate (eg plough) footpaths or bridleways that follow a field edge. The minimum width you need to keep undisturbed is:

- 1.5 metres for a field edge footpath
- 3 metres for a field edge bridleway

You should avoid cultivating a cross-field footpath or bridleway. If you have to cultivate make sure the footpath or bridleway:

- remains apparent on the ground to at least the minimum width of 1 metre for a footpath or 2 metres for a bridleway, and is not obstructed by crops
- is restored to at least the minimum width so that it's reasonably convenient to use within:
 - 14 days of first being cultivated for that crop
 - 24 hours of any subsequent cultivation, unless a longer period has been agreed in advance in writing by the highway authority

Waymarking and warning signs

If official waymarking leaves it unclear where a public right of way goes, you may add informal waymarks to remedy this so long as these are not misleading.

You must indicate the route of a reinstated cross-field footpath or bridleway.

If necessary, use signs to warn users of any dangers that are not obvious, such as slurry lagoons. Note that erecting misleading signs (such as signs about absent bulls) is an offence and local authorities have powers to remove them.

See [Waymarking public rights of way](#) for more details.

Structures for access

Where a stile or gate on a public right of way is your responsibility, you must maintain it so it is safe and reasonably easy to use.

You can claim 25% or sometimes more of the cost of any replacement work from the highway authority. Some authorities provide materials, or others may carry out the work themselves.

Where a stile needs replacing, always consider with the highway authority whether to do this with a gate or preferably a gap, so that it will be less of an impediment to people with mobility problems.

You must seek the local highway authority's permission before installing any new structure on a public right of way. Unauthorised structures are obstructions and may be removed by the highway authority at the landowner's expense.

If you add new ditches or widen existing ones (having secured any necessary permissions, including from the highway authority) you must provide adequate bridges for public rights of way users.

Livestock on land crossed by a public right of way: banned animals

Bulls of recognised dairy breeds (Ayrshire, British Friesian, British Holstein, Dairy Shorthorn, Guernsey, Jersey and Kerry) that are over the age of 10 months are banned by law from fields containing a public right of way.

Bulls over 10 months of any other breed must be accompanied by cows or heifers when in fields with public access.

Make sure that any warning notices relating to a bull are displayed only when it is actually present in a field.

Horses may be kept loose in fields crossed by public rights of way, as long as they are not known to be dangerous.

You can be prosecuted if you keep any potentially dangerous animal on land crossed by a public right of way.