

PUBLIC RIGHTS OF WAY IN WEST BERKSHIRE

LANDOWNER GENERAL INFORMATION / RIGHTS AND RESPONSIBILITIES

PUBLIC RIGHTS OF WAY (PROW) are shown on the Definitive Map and also on the Ordnance Survey maps. They are all **PUBLIC HIGHWAYS**

A PUBLIC RIGHT OF WAY IS for the public to 'pass and repass' only.

A FOOTPATH is for people on foot

A BRIDLEWAY is for people on foot, bicycle or horseback – but cyclists must give way to pedestrians and horse riders.

A RESTRICTED BYWAY is as a bridleway plus rights for horse-drawn carriages.

A BYWAY OPEN TO ALL TRAFFIC is as a restricted byway plus rights for vehicles but is mainly used for walking or for riding horses. Vehicles must give way to other users, and comply with all driving regulations as for ordinary road traffic. They must be taxed, insured, roadworthy and properly silenced.

SPECIAL PERMISSION

Motor vehicles of any kind are not allowed on footpaths or bridleways unless with the permission of the owner of the land beneath the path. Horse riding or cycling on a footpath is only allowed with the owner's permission.

DOGS

A dog may accompany, provided it is kept on a lead or is otherwise effectively controlled, remains on the path and does not "worry" livestock. It is illegal to have a dog off a lead or not under close control in a field in which there are sheep. If a dog injures a person, animal or property, the owner or person in charge of the dog may be liable for damages. A dog must not foul the right of way or farmland.

WIDTHS / HEDGES

There is no standard width for any PROW unless one is set out in a legal order - the District Council can advise further. Boundary hedges are in most cases the responsibility of the adjacent landowner and must not obstruct a PROW.

SUMMARY OF RESPONSIBILITIES

FARMERS AND LANDOWNERS

MUST NEVER:

- Alter the surface of a PROW without the prior permission of the District Council.
- Obstruct any part of the length or width of a PROW. Overhanging vegetation, growing crops, slurry, etc. can also be considered as obstructions.
- Place new stiles or gates (other than replacements), fences, ditches or obstacles across or within any PROW, or install new bridges or culverts along a PROW, without the permission of the District Council.
- Plough any footpath or disturb the surface of cross-field footpaths and bridleways where it can be conveniently avoided.
- Plough any footpath or bridleway which constitutes a headland (field edge).
- Plough any byway open to all traffic or restricted byway.
- Excavate a PROW or lay services within a PROW without the appropriate consent from the District Council.
- Allow any prohibited bull in a field through which a PROW runs.
- Erect any misleading signs likely to deter use of a PROW.
- Remove or alter the direction of PROW signs and waymarkers.
- Allow barbed or electrified wire to cross through stiles, or run adjacent to PROW, which could injure users.
- Install any electrified structure on a PROW.

- Plant anything within the width of the PROW
- Allow water to drain onto a PROW.

MUST:

- Consult the District Council before carrying out any work which might encroach on the PROW e.g. fencing, ditching
- Know where PROWs cross their land and have respect for them.
- Keep PROWs clear of obstructions and overhanging vegetation.
- Maintain stiles and gates across footpaths, and gates across bridleways, according to District Council specifications.
- Restore, within 14 days, the surface of any cross-field footpath or bridleway which has been ploughed or disturbed to at least the minimum width so that it is reasonably convenient to use and apparent on the ground.

It is an **OFFENCE TO DAMAGE THE SURFACE OF A PUBLIC RIGHT OF WAY** so as to make it inconvenient for public use. This especially applies to use of a fragile or muddy surface by vehicles.

LIABILITIES

A landowner may be liable if an accident occurs to a member of the public as a result of illegal/unauthorised interference to a public right of way.

THE DISTRICT COUNCIL:

- Maintains the surfaces of PROWs including the control of surface vegetation.
- Assists farmers and landowners with the maintenance of approved stiles and gates.
- Signposts footpaths, bridleways and byways where they leave a metalled road, and to carry out waymarking where this is necessary to help people find their way.
- Maintains most bridges crossed by PROWs.
- Receives complaints about PROWs and take appropriate action.
- Asserts and protects the rights of the public to use and enjoy PROWs.
- Maintains and revises the Definitive Map and Statement of Public Rights of Way.
- Displays the Definitive Map and Statement in Council offices, and supplies relevant extracts to Parish Councils and other specified organisations.

USERS OF PROW MUST follow the Countryside Code:

- Be safe, plan ahead and follow any signs
- Leave gates and property as you find them
- Protect plants and animals and take your litter home
- Keep dogs under close control
- Consider other people

For full details see link <http://www.naturalengland.org.uk/ourwork/enjoying/countrysidecode/default.aspx>

FOR MORE INFORMATION TALK TO US AT WEST BERKSHIRE DISTRICT COUNCIL'S RIGHTS OF WAY SECTION

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<https://info.westberks.gov.uk/article/27493>