



Bulls and dangerous animals:

S66, Wildlife & Countryside Act 1981 & S2, Animals Act 1971

- It is an offence to keep any bull in a field crossed by a right of way, unless it is less than 10 months old, or is of a recognised **beef** breed **and** accompanied by heifers.
- The Health and Safety Executive recommends that a sign should be displayed at access points to a field that contains a bull. This should say 'Bull in Field' and not use other text to suggest the bull is in any way dangerous or aggressive.
- It is an offence to keep **any** animal that is known to be aggressive or dangerous in a field crossed by a right of way. An individual injured by any animal whilst using a public right of way can sue the owner for personal injury.

Misleading signs:

S132A, Highways Act 1980

- Any sign that deliberately mis-informs a path user to the effect of discouraging use of a public path is an offence eg. Leaving a 'Bull in Field' sign up if the bull has been removed.
- The council may remove any sign it considers misleading, or take steps in accordance with the Enforcement Policy.

Overhanging vegetation:

S154, Highways Act 1980

- Trees and hedges that grow alongside a right of way are the responsibility of the landowner or occupier.
- Where a hedge, tree or shrub overhangs any public path so as to endanger or obstruct the passage of pedestrians, the council may request its removal within 14 days.

Dogs on rights of way:

S1 Dogs (Protection of Livestock) Act 1953

Dogs must be kept under close control, especially in the presence of livestock. Trespass is committed if an owner allows a dog to run off the line of the public path without the permission of the farmer.

Dogs and general livestock

It is an offence to allow a dog to attack or chase livestock. It is a defensible action for a farmer to shoot a dog caught attacking livestock.
(Animals Act 1971 S.9).

Dogs and sheep

It is an offence to allow a dog to be at large in the presence of sheep. 'At large' means not on a lead or otherwise under close control. The council advises path users to always keep a dog on a lead in the presence of sheep.

Dogs and cows

Cows with calves may be aggressive towards people and dogs, and can inflict serious or occasionally fatal injuries. A dog owner may be safer if the dog can run free. Steers, heifers and even horses may be aggressive towards dogs but are more likely to approach people out of curiosity. The council advises public path users to be responsible for their own safety when walking a dog in the presence of livestock.

Encourage responsible dog walking:

- If you have a field with public access, where stock is not being kept, consider designating a dog exercise area to encourage responsible dog walking on your other public paths. Publicise through the Parish Council or notices on site.

Please contact the PROW team for more information:

Public Rights of Way, South Gloucestershire Council, PO Box 2081, Council Offices, Castle Street, Thornbury, BS35 9BP
Tel: **01454 868004**

Email: rightsofway@southglos.gov.uk

Web: www.outdoorswest.org.uk

If you would like this information in a different format or language, please contact: ☎ **01454 868007**



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PUBLIC RIGHTS of WAY Landowner's Guide

This leaflet has been produced to explain the responsibilities landowners and occupiers have for the Public Rights of Way on land that is owned or occupied by them.

Included are some commonly occurring problems and advice on how to resolve them.

www.southglos.gov.uk



The Highway Authority's duty

As Highway Authority for this area, South Gloucestershire Council has a duty to assert and protect the rights of the public to use and enjoy the public rights of way network.

When a problem is reported, the council will contact the landowner or occupier, and offer advice on legal requirements and practical solutions. Where this approach fails, enforcement will be undertaken in accordance with the council's Enforcement Policy, which came into effect in January 2005. This can be viewed on the council's website.

Cross Compliance GAEC came into force on 1 January 2005. If a public path is obstructed, ploughed and not reinstated, or any gate or stile is not maintained, part of the Single Farm Payment may be withheld by DEFRA. ([rpa.defra.gov.uk.GAEC8](http://rpa.defra.gov.uk/GAEC8)).

Landowners / occupiers responsibilities

- **Keep all rights of way free from obstruction and encroachment.** This includes barbed wire, locked gates and electric fences.
- **Provide and maintain stiles and gates.**
- **Seek authorisation** from the Highway Authority to install a stile or gate in a new boundary.
- **Cut back overhanging vegetation**, including hedges and branches and fallen trees.
- **Comply with the law relating to reinstating paths after ploughing**, and not allow any crop (other than grass) to grow on a right of way.
- **Do not keep any bull in a field crossed by a right of way**, unless it is less than 10 months old, or is of a recognised **beef** breed **and** accompanied by heifers.
- **Not place misleading signs** on or near a right of way.
- **Provide new bridges** over new or widened drainage ditches.

Frequently reported problems

Obstructions and encroachment:
S137, S137ZA and S143 Highways Act 1980

- It is an offence to obstruct or encroach upon any public rights of way. Examples are locked gates, farm machinery, fencing, bales, buildings, waste materials and rubbish. Obstructions must be removed by the landowner/occupier.
- Where a long standing obstruction is impractical to remove, the council may request the landowner to apply for a public path diversion order, for which there is a charge. An alternative route must be provided until the legal process is completed.

Barbed wire and electric fences:
S137, S137ZA, S149 and S164 Highways Act 1980

- Placing barbed wire or electric fences across or alongside a right of way, without a safe means of passing on the line of the path, is an offence.
- If an electric fence is necessary for agricultural purposes, it must be made safe to cross, for example, covering with a plastic pipe or using an insulated handle and hook.
- Allow for extra width if barbed wire or an electric fence is placed alongside a public path. See later for path widths.
- Barbed wire attached to the outside of a stile post must have the barbs flattened. It must not be attached around the post or across a rail.

Stiles and gates:
S146 Highways Act 1980

- It is the occupier's responsibility to maintain gates and stiles.
- The Highway Authority will contribute 25% of the cost of a piece of path furniture. The council may provide standard gates and stile kits free of charge in place of the 25%, to be installed by the landowner/occupier.
- Before erecting a new stile or gate across a right of way, consent must be obtained from the council.
- The council has a duty under the Equalities Act 2010 to make improvements for the less able. With landowner permission, the council may in some circumstances undertake the installation of gates.

Ploughing and cropping:
S134 and S137A Highways Act 1980, amended by the Rights of Way Act 1990

- Cross-field paths that are ploughed must be reinstated and clearly marked within 14 days of the surface being disturbed, and within 24 hours of any subsequent disturbance.
- Marking the line clearly is required by law, and will prevent unintentional trespass and crop damage.
- Further details can be found in our 'Ploughing and Cropping' leaflet, available on request or to download from www.southglos.gov.uk

	MIN	MAX
Footpath – cross field	1.0	1.8
Footpath – field edge/headland	1.5	1.8
Bridleway – cross field	2.0	3.0
Bridleway – field edge/headland	3.0	3.0
Other unsurfaced highway	3.0	5.0

