

The definitive map – a legal record

South Gloucestershire Council is the 'Highway Authority', and also the 'Surveying Authority', responsible for maintaining the definitive map.



The definitive map is accompanied by a statement describing various details of the route including start and end points, land parcels traversed, and sometimes width.

Types of Rights of Way

Public footpath – Access for pedestrians.

Public bridleway – Access for horseriders, pedestrians, and cyclists.

Restricted byway – RUPPs (roads used as public paths) have been reclassified as 'restricted byways' under the Countryside and Rights of Way Act of 2000. The rights along them are the same as for a bridleway, plus a right to take a horse-drawn carriage, along with any pre-existing private vehicular rights.

Byway open to all traffic – Also called a byway. Access for horseriders, pedestrians, cyclists and motor vehicles.

Widths of Rights of Way

Unless the definitive statement indicates otherwise, the minimum and maximum widths are: (m)

	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

If a right of way is bounded by fences, hedges or walls, it is generally assumed that the full width can be used. Footpaths must have a minimum of 2m height clearance.

Common problems

A Parish Council may request the resolution of a problem by contacting the landowner, or by reporting it to the Public Rights of Way team at South Gloucestershire Council.

Some common problems include:

- Obstructions eg. barbed wire, electric fence, locked gates, flytipping
- Ploughed or cropped field
- Vegetation eg. Overhanging, surface, fallen tree
- Bull in field
- Broken stile or gate
- Misleading signs
- Missing signpost / waymarker
- Dogs must be kept under close control, especially near livestock. Allowing a dog to stray from the public path, without the landowner's permission is an act of trespass.

South Gloucestershire Council will take enforcement action where necessary, in accordance with the Enforcement Policy, which came into effect in January 2005. This can result in prosecution, or cost recovery from the landowner if necessary works are carried out by the council.

Volunteer Path Warden scheme

South Gloucestershire Council encourages each parish to have a Volunteer Path Warden who can liaise with South Gloucestershire Council, the parish, landowners and residents. They may also help prioritise problems, provide landowner details, and undertake practical work including waymarking, minor repairs and vegetation clearance.

Please contact the PROW team for more information:

Public Rights of Way, South Gloucestershire Council, Streetcare, Transport & Waste, PO Box 1954, Bristol. BS37 0DD
Web www.outdoorswest.org.uk/map
Tel: **01454 868004** Email: rightsofway@southglos.gov.uk

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



PUBLIC RIGHTS of WAY Parish Council Guide

This leaflet has been produced to give Parish and Town Councils a guide to Public Rights of Way in South Gloucestershire.

It outlines the main duties and responsibilities of South Gloucestershire Council, local councils and landowners, and some commonly occurring problems.

Duties and powers of the Highway Authority

Some of the important statutory duties include:

- Maintaining the surface of most public paths
- Maintaining bridges over natural watercourses
- Provide roadside signposts
- Ensure farmers restore any path disturbed by ploughing or cropping
- Prevent the closure or obstruction of public paths
- Ensure misleading signs are not placed on public paths
- Assert and protect the public's right to use Rights of Way
- Continually review and update the definitive map and statement.



This is now produced in an electronic format (the working copy) and is available for inspection at the Badminton Road offices.

◀ *Extract from the working copy of the definitive map*

Discretionary powers include:

- Waymarking, with landowners' permission
- Provide or maintain gates and stiles
- To carry out any works necessary to maintain or improve Rights of Way
- Authorise new stiles and gates
- Create new footpaths and bridleways by agreement with a landowner.



What Parish Councils can do

Parish Councils have no duties for Rights of Way, but are able to undertake certain tasks that can greatly improve the public's enjoyment of the local Rights of Way network, including:

- Maintenance of footpaths and bridleways. This includes repairing the surface, cutting back surface vegetation and replacing stiles with kissing gates, at the Parish's expense, and with landowner's permission.
- Require the Highway Authority to keep Rights of Way free from obstruction, and protect the public's right to use and enjoy them.
- Provide feedback on proposals to modify and amend Public Rights of Way.
- Carry out waymarking, with the landowner's permission.
- Require the Highway Authority to sign any Right of Way where it leaves a metalled road.
- Create new footpaths and bridleways by agreement with a landowner.

The Local Government Act, 2003 allows Parish Councils to spend a maximum of £5.00 per elector, on any works that benefit the community, including Rights of Way. This could include benches, kissing gates, lighting, etc.

Landowner responsibilities

A landowner must:

- Cut back overhanging vegetation, including hedges and branches.
- Provide and maintain stiles and gates. 25% of the cost may be claimed from the Highway Authority. South Gloucestershire Council's policy is to provide standard gates and stiles free of charge in place of the 25%.
- Keep all Rights of Way free from obstruction including barbed wire, locked gates and machinery. Temporary electric fencing must be insulated eg. with piping, or have a safe handle and hook.
- Comply with regulations relating to reinstating paths after ploughing, and not allow any crop (other than grass) to grow on a Right of Way.
- 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.
- Seek authorisation from the Highway Authority to install a stile or gate in a new boundary.
- Provide new bridges over new or widened drainage ditches.

Cross Compliance

DEFRA regulations mean that FarmPayment **Schemes** can be affected if a farmer fails to keep the Rights of Way on his/her land in good order.

For more

information see:

The Guide to Cross Compliance in England 2019, GAEC 7b.

