

Public Footpath

A Guide to Public Rights of Way: Parish Footpath Officers

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Thank you!

Thank you for volunteering as a Parish Footpath Officer for your local Parish/Town Council and for helping us keep Herefordshire's Public Rights of Way network accessible and looking at it's very best.

We are really proud of our Public Rights of Way network in Herefordshire and we are grateful for you giving up your time, your energy and your enthusiasm freely. As a Parish Footpath Officer the work that you do helps us present the network in the best possible way.

Herefordshire Council is working closely with Parish/Town Councils and this guide is intended to assist you in your role as a Parish Footpath Officer on the Public Rights of Way. You will find information on the different roles and responsibilities, policies and procedures, and how your help and support can assist with the management and maintenance of the Public Rights of Way network in Herefordshire. It also sets out how we will support you with what you do in your Parish/Town.

Your Parish/Town Council is working closely with Herefordshire Council and if you need anything then please contact the Volunteer Development Officer, Stephen Organ, at stephen.organ@herefordshire.gov.uk or by calling 01432 383671.

As most Parish Footpath Officers report back to their Parish/Town Clerk, references throughout this Guide reflect that practice. However, if your Parish/Town Council has authorised you to liaise directly with Herefordshire Council on matters relating to your volunteer role, that is perfectly acceptable.

Volunteering as a Parish Footpath Officer

As a Parish Footpath Officer, you will have the opportunity to meet and work with likeminded people and use existing skills and knowledge to benefit all involved. Whilst recognising that you volunteer for your Parish/Town, Herefordshire Council will strive to make you feel a valued member of the wider team and from time to time will provide training opportunities that are specific to your role, assisting you in developing new skills and raising confidence in dealing with issues or changes associated with what you do.

As a Parish Footpath Officer on the Public Rights of Way network, you will be seen as representing your local community and also your local Parish/Town Council and Herefordshire Council as appropriate. In your role, we will provide you with an ID badge and lanyard and we would request that you wear this whenever you are carrying out your role as a Parish Footpath Officer on our network.

An Introduction to Herefordshire's Public Rights of Way Network

Herefordshire benefits from an extensive Public Rights of Way network that totals approximately 2,100 miles.

Each Public Right of Way is recorded on the Definitive Map, which is the legal record. Each Public Right of Way also has a written description known as the definitive statement. The Definitive Map and statement are kept and updated by Herefordshire Council. The easiest way to view the paths in your area is to look on the Herefordshire Council's website at www.herefordshire.gov.uk/public-rights-way/definitive-map-statement-dms/2

If the Definitive Map and Statement records a route then that is conclusive evidence that the public have the right to use it and with the expectation that the route will be open and easy to use. Where no width is given across non-arable land (e.g. woodland) a path should be wide enough to allow two path users to pass each other.

All Public Rights of Way are highways, so once a Public Right of Way exists and is recorded on the Definitive Map then it remains in existence unless and until it is lawfully closed or diverted. However, there may be Public Rights of Way that could have been historically missed or mis-reported. If this is the case, an application can be made to the Herefordshire Council to modify the Definitive Map, via your respective Parish/Town Council. If you are unsure on how the map relates to the ground, please contact the Public Rights of Way team at Herefordshire Council at pro@herefordshire.gov.uk

In your role as a Parish Footpath Officer you must not enter discussions with Landowners about changes to the Definitive Map or agree to diversions or temporary diversions. In these circumstances you should refer the Landowner to the Public Rights of Way team at Herefordshire Council.

In your role as a Parish Footpath Officer you will come across the following types of Public Right of Way:

PUBLIC FOOTPATH – Waymarked by a yellow arrow on the ground, public footpaths provide a right of way for walkers to use to access the countryside.



Indicated by a green dashed line on 1:25 explorer map or pink dashed line on a 1:50 land ranger map.

PUBLIC BRIDLEWAY – Waymarked by a blue arrow, public bridleways may be used for riding or leading a horse, but they can also be used by walkers and cyclists (non-motorised). Cyclists must give way to all other users.



As with footpaths, bridleways are indicated with a green line on a 1:25 explorer map or pink dashed line on a 1:50 land ranger map, however the lines are slightly elongated.

RESTRICTED BYWAY – Waymarked by a purple arrow, restricted byways are open to be accessed by all users except for users of motorised / mechanically propelled vehicles. They can be used by non-mechanically propelled vehicles such as horse drawn carriages.



Indicated with a green dashed line with dots on alternate either side of the line on 1:25 explorer map or pink on a 1:50 land ranger map.

BYWAY OPEN TO ALL TRAFFIC (BOAT) – Waymarked by a red arrow, a BOAT is open to all users of the right of way.



Indicated with a green dashed line with a dash through the line on 1:25 explorer map or pink on a 1:50 land ranger map.

PROMOTED ROUTES - There are several promoted routes running through the county, including the Wye Valley Walk, the Mortimer Trail, the Herefordshire Trail, the Three Rivers Ride, the Monnow Valley Walk, Offa's Dyke National Trail and the Three Choirs Way.



Indicated with a green diamond on a 1:25 explorer map or a pink diamond on a 1:50 land ranger map. These are routes may be historical paths or have been created by government agencies or volunteer organisations. They mainly follow existing Public Rights of Way and are signposted typically by whichever organisation created the route. Parts of the Route may not be on the Definitive Map and the route has been created with the Landowners' permission.

There are also many circular walks that have been developed and promoted within the county, with many Parish/Town Councils establishing routes that enable access to local features and services and which are an attractive resource for tourists and the local economy

Not all paths are the same and some are given a higher priority status when compared to others. To enable us to provide a consistent approach to the prioritisation of work carried on the network, paths have been split into four categories. Sometimes a trail or path may fall into one or more of the below categories, in which case the path will be treated as the higher category.

Category 1

Herefordshire Council promoted routes namely:

- Wye Valley Walk
- Offa's Dyke National Trail
- Mortimer Trail
- Herefordshire Council Loop Walks

Category 2

Other selected published routes, for example:

- Herefordshire Trail
- Three Rivers Ride
- Well used paths in or around a settlement and other paths known to be popular
- Paths made up specifically for disabled access
- Links to visitor attractions

Category 3

General paths throughout the county that are moderately used.

Category 4

Paths that may have had historical use but do not lead anywhere specifically.

Who is Responsible for the Public Rights of Way network?

Responsibilities for keeping Public Rights of Way open to use are shared between Landowners and the Public Rights of Way team at Herefordshire Council (acting as the Highway Authority).

Parish/Town Councils also have powers they can choose to exercise relating to Public Rights of Way in their area.

Highway Authority Responsibilities

Herefordshire Council hold the responsibility to ensure that Public Rights of Way are open and accessible for all to use and enjoy, and as the Highway Authority the Council is also responsible for:

✓ Signposting and Waymarking

Signposting Public Rights of Way where they leave a metalled road (carriageway) with a fingerpost or a visible waymarker. This helps users of a Public Right of Way keep to the right path and not lose their way. Landowner permission is required before a Public Right of Way can be waymarked with discs with a coloured arrow indicating the status of the Public Right of Way.

✓ Surfaces and Vegetation

Maintaining the surface of Public Rights of Way and keeping them in good repair. Making sure Public Rights of Way remain open and easy to use by all users. Some vegetation may need clearing in certain circumstances.

✓ Providing Access Furniture

Although Landowners and farmers are responsible for installing and maintaining access furniture, such as gates and stiles on the Public Rights of Way network, the Highway Authority are required to provide a minimum 25% contribution towards any costs incurred by the Landowner. In the case of Herefordshire Council, we supply the access furniture in lieu of the 25% contribution.

✓ Dealing with Obstructions and Misleading Notices

Taking appropriate enforcement action to address the issue of the obstructions. Obstructions can include the erection of fences or electric fences across the right of way, locked gates, barbed wire, etc. Herefordshire Council also has the responsibility to ensure there are no misleading signs displayed that may deter users from accessing a Public Right of Way. Enforcement action is undertaken by Herefordshire Council.

✓ Maintaining Bridges and Ditch Crossings

The liability of a highway authority to maintain a footpath or bridleway includes the maintenance of any bridge by which the path crosses a natural stream or obstacle.

Landowner Responsibilities

Landowners are responsible for:

✓ Vegetation

Cutting back vegetation encroaching from the side and above any Public Right of Way. Up growth remains the responsibility of the Council (except for ploughing and cropping).

Generally, trees that fall across rights of way belong to the occupier of the land adjoining the Public Right of Way. Under section 154 of the Highways Act 1980 it is an offence should any trees, hedges or shrubs obstruct or endanger the path users. Herefordshire Council will request that the tree be removed from the Public Right of Way and has a statutory power to remove all obstructions or encroachments under sections 149 & 150 of The Highways Act 1980.

✓ Access Furniture

Making sure all access furniture, such as stiles and gates, is maintained in a safe and useable state of repair. Landowners can request a replacement under the 25% contribution in place with Herefordshire Council. Where a Landowner would like to install furniture to the Public Right of Way, where a gap existed or when changing a gate to a stile, the Landowner must apply to Herefordshire Council for permission.

✓ Removing Obstructions and Misleading Notices

Making sure that Public Rights of Way crossing their land are free from obstructions. This could be obstructions from fallen trees through to wilful obstructions, such as fences or barbed wire.

Landowners must not display any signage that may mislead or deter the users of their right to access. A person who puts up a sign on or by a Public Right of Way, with the intention of misleading or stopping users, or provides misleading information is committing an offence under either Section 132 of The Highways Act 1980, or Section 57 of the National Parks and Access to the Countryside Act 1949 or Section 14 of the Countryside and Rights of Way Act 2000.

✓ Bridges and Crossings

If the bridge is the means by which a path crosses a man-made obstacle such as a canal or railway the probability is that the canal authority or Network Rail is liable to maintain the bridge under the Act that authorised the construction of the obstacle.

✓ Ploughing and Cropping

Where ploughing or cropping has taken place across the legal line of the Public Right of Way and has made an unsafe surface then Landowners must reinstate the ground within 14 days. On a cross-field path there must be a 1m footpath with 2m on a bridleway.

As crops grow the path must remain evident on the ground, and as soon as is practical and before the crop reaches a height of 150mm (6") it must be removed from the path. The path must remain clear of the crop to its minimum width including encroachment from the side.

✓ Managing Livestock

Bulls are only permitted to be in a field under the following circumstances:

- ✓ Any breed less than 10 months old
- ✓ Non-dairy breeds accompanied by cows or heifers.

It is recommended that a sign should be displayed at access points to fields in which there is a bull.

Town and Parish Council Powers

Under the Highways Act 1980, Parish/Town Councils have some discretionary powers pertaining to Public Rights of Way. These powers include:

- ✓ Maintaining any public footpath or bridleway within their boundary
- ✓ Putting up signposts and waymarks

Town and Parish Councils may appoint Parish Footpath Officers as local volunteers who are insured by the Parish/Town Council. Parish/Town Councils must have the necessary health and safety policies and risk assessments in place. Before any work is undertaken, the Parish/Town Council Clerk should consult with Herefordshire Council and local landowners.

How you can help as a Parish Footpath Officer

As a Parish Footpath Officer, your role is to check on the condition of the Public Rights of Way network and report any issues to your Parish/Town Clerk. You may also assist with minor maintenance works to keep paths open, particularly by cutting back overgrown vegetation that restricts access. Subject to your agreed terms of reference with your Parish/Town council, you may also offer to assist with

the maintenance and installation of gates, stile cross steps and other furniture on the Public Rights of Way network, subject to the necessary training being provided.

Activities of a Parish Footpath Officer

As a Parish Footpath Officer you can:

- ✓ **Regularly travel along Public Rights of Way, helping check that they are open and accessible.** Once you have travelled along a Public Right of Way then you can let us know by completing a short form at www.herefordshire.gov.uk/rightsofwaymaintenance. This helps us maintain a record of what has been undertaken, understand which Public Rights of Way are open and accessible and more importantly identify Public Rights of Way that need a visit! Always ensure you know where you are going before you set off, and what you are expecting to see. Before you set off it is important that someone knows where you are going and how long it is likely to take you. It is advisable to work in pairs wherever possible.

- ✓ **Report issues that you find when you are out on a Public Right of Way to your Parish/Town Clerk.** The Clerk can then report it through the 'Highways - Report a public right of way problem' at <https://my.herefordshire.gov.uk/MyServices> or through Fix My Street at www.fixmystreet.com/reports/Herefordshire. This can be done via a suitable mobile device, or via a computer.
- ✓ **Volunteer to Help Out in Other Areas:** From time to time we may contact you to see if you are interested in helping fellow Parish Footpath Officers or our PRoW team in completing a task that requires a group effort. This is entirely voluntary and there is no expectation.
- ✓ **Resolve an existing issue across a number of categories listed below.** Herefordshire Council will provide each Parish/Town Clerk with access to a live list of outstanding issues in their area, which can be found at www.herefordshire.gov.uk/rightsofwaymaintenance. Your Parish/Town Clerk will pass this on to you and if you wish to look at an issue and 'claim' it to do then please report back to your Parish/Town Clerk who will complete a short form at www.herefordshire.gov.uk/rightsofwaymaintenance to let the PRoW team know. Equally, when you complete a job then please follow the same process.

Issues that you can resolve	How you can help
Broken Gate/Stile	The maintenance of stiles and gates is the responsibility of the Landowner; however, provided the Landowner agrees, you can install stiles and gates where you have had the correct training and have acquired the required level of competence. It may be worth checking with the Landowner if they would be happy to remove a stile or replace a stile with a gate, or replace a kissing gate with a pedestrian or fully accessible gate if you are doing this work.
Simple Removal of Vegetation Overgrowth/Upgrowth	<p>At times there may be a need to undertake simple vegetation removal. You must not undertake vegetation works involving machinery or power tools until you have had the relevant training.</p> <p>Works to hedges must only be undertaken outside of bird nesting season, which runs from March to October. You should also avoid removing seed heads and berries, which are a valuable source of food.</p> <p>Strimming of upgrowth along paths is typically undertaken between May-September.</p> <p>Small sections should be tackled at a time and when undertaking works along a route then try to clear the full width where possible - this will allow light and wind to penetrate and help dry out any boggy patches.</p> <p>If you find any large sections of vegetation clearance which may be better suited to a contractor, please report back to your Parish/Town Clerk who can arrange for clearance either by a Parish contractor or Herefordshire Council..</p> <p>At all times be mindful of:</p> <ul style="list-style-type: none"> • what it is you are cutting back, as potentially hazardous flora such as Giant Hogweed could be present within your Parish/Town. Please report any such items to us for further action. • Badger setts - do not undertake any works by or around them • Wildlife habitats such as Local Nature Reserves, ancient woodlands, Sites of Special Scientific Interest (SSSI's) and Sites of Importance for Nature Conservation (SINC's). The PRoW team can advise on such areas. • Legislation surrounding habitats and flora and fauna on the PRoW, including: <ul style="list-style-type: none"> • Wildlife and Countryside Act 1981 • CroW Act 2000 • EU Habitats Directive

Issues that you can resolve	How you can help
Waymarking	<p>Poor waymarking is one of the most reported problems on the network. You can attach waymarking discs (new or replacement) to existing furniture (e.g. stiles or gateposts), but the Landowner's permission must be sought before new waymarks are attached to private property. Waymarker discs should be placed in the following locations:</p> <ul style="list-style-type: none"> ✓ Changes in the direction of the path ✓ Junctions with other all paths / private tracks and roads ✓ Where the path user faces a choice of routes ✓ Where it is unclear which side of the field boundary to follow ✓ Large fields – where an exit point from a field cannot be seen from its entry point <p>it is not appropriate to attach waymarker discs to:</p> <ul style="list-style-type: none"> • Telegraph poles – this is not permitted • Trees – this will cause damage to a living tree • Gates – discs will not be visible if the gate is left open • Hedges / thick vegetation – this will become overgrown, and the disc visibility will become obscured.

How Herefordshire Council will help you as a Parish Footpath Officer

Training

As a volunteer for your Parish/Town council, they are responsible for any training which may be required to enable you to undertake your role on their behalf. However, subject to interest, Herefordshire Council will arrange training courses for Parish Footpath Officers, Clerks and Councillors on relevant subjects as and when required. You can express an interest in the following training courses at www.herefordshire.gov.uk/rightsofwaymaintenance

- LANTRA Fencing and Gates and Stiles Installation
- Strimming, Hedge cutting and Mowing
- Toolbox Talk Training in:
 - Risk Assessments
 - Manual Handling
 - Lone Working
 - Working Safely
 - Conflict Resolution
 - First Aid

Tools and Equipment

If your Parish/Town Council has authorised you to use specific tools and equipment on their behalf whilst undertaking your voluntary role as a Footpath Officer, it is their responsibility to provide you with Personal Protective Equipment (PPE). Rules around PPE can be found at www.hse.gov.uk/ppe/ppe-regulations-2022.htm

We will provide the following items as a 'starter kit' to your Town or Parish Council:

- ✓ Secateurs
- ✓ Folding handsaw
- ✓ A personal first aid kit
- ✓ Eye protection*
- ✓ Hi-visibility bib*

*this does not replace the responsibility of the Parish/Town Council to provide you with PPE such as gloves, boots, trousers or other items as they identify as being necessary.

Maintenance tools such as petrol driven trimmers and brush cutters can only be used once familiarisation training has been provided (and certified where appropriate) to operate them safely.

Lone working using power tools is not allowed on a Public Right of Way and there must always be a second person in attendance to manage public access.

Herefordshire Council will provide training courses from time to time on the use of equipment and a Parish Footpath Officer must only use equipment following written authorisation from their Parish/Town Council, following appropriate training.

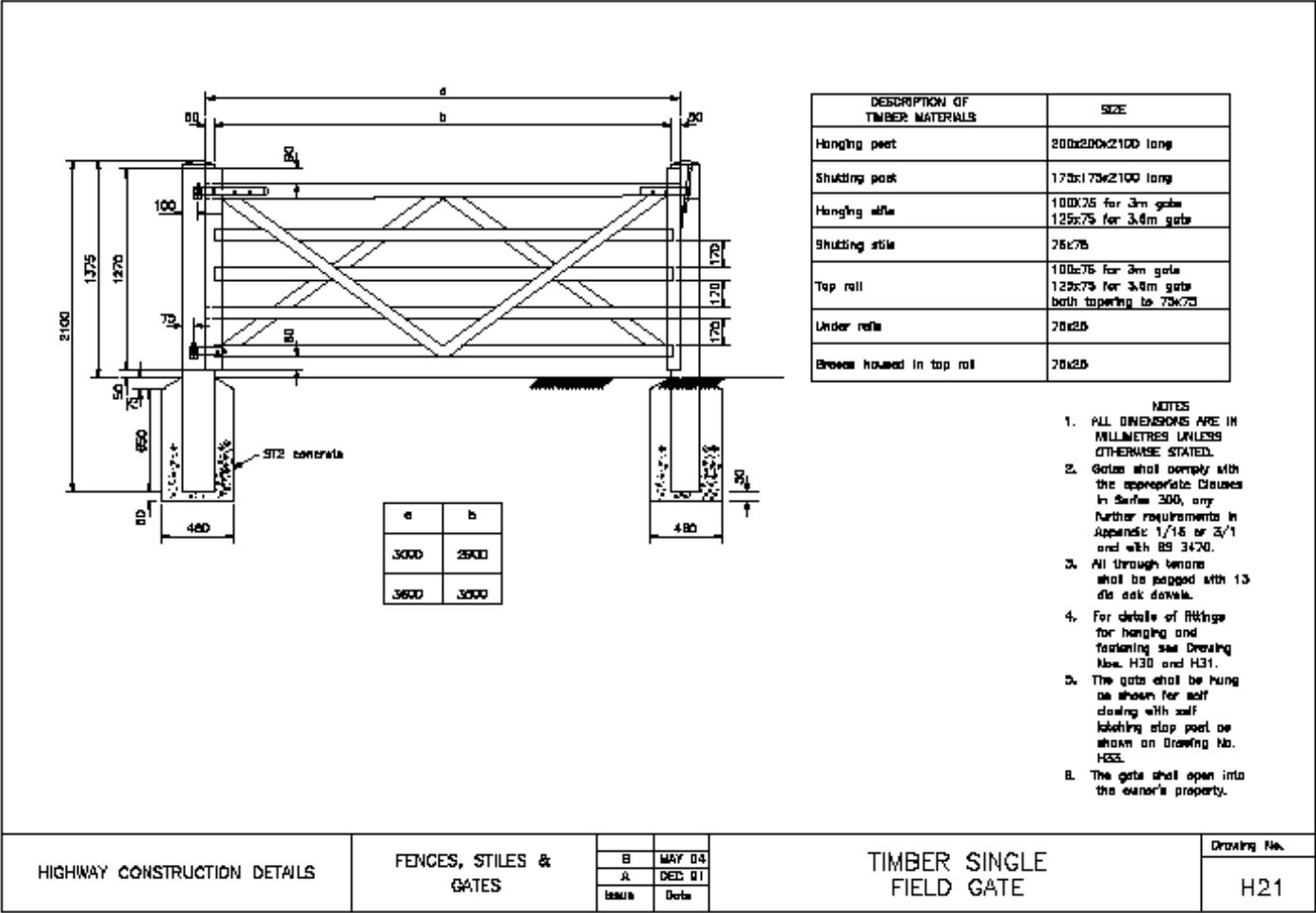
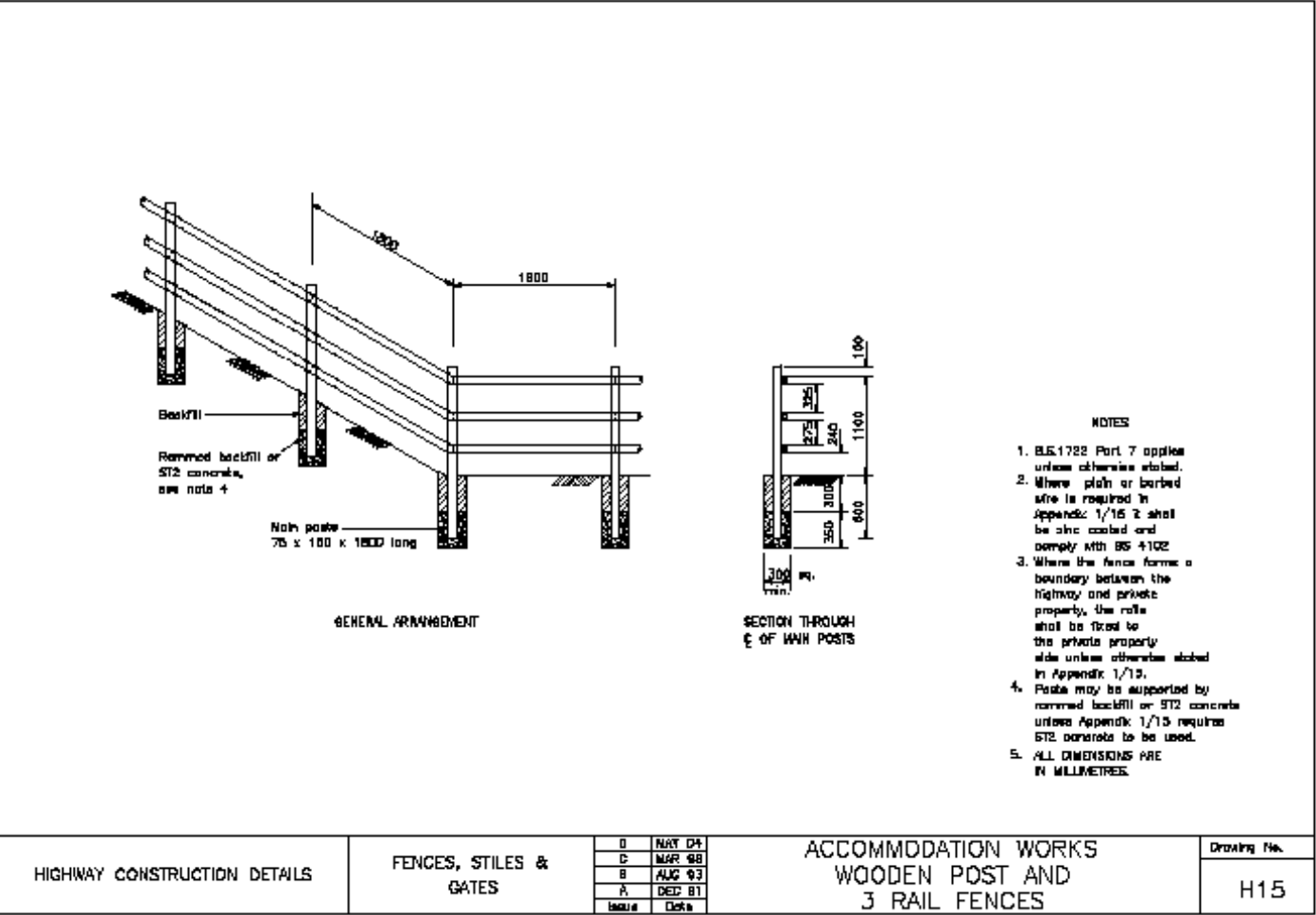
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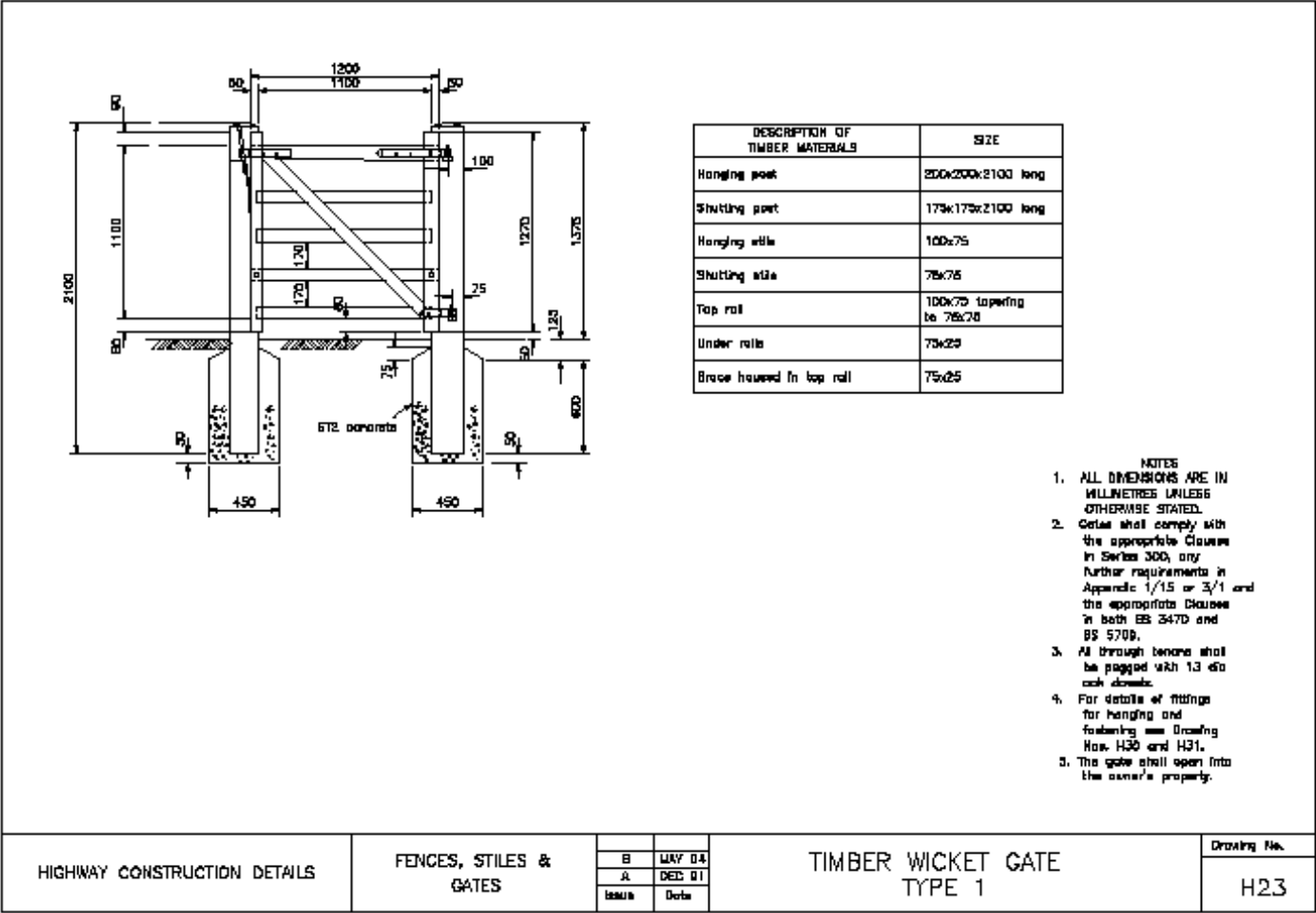
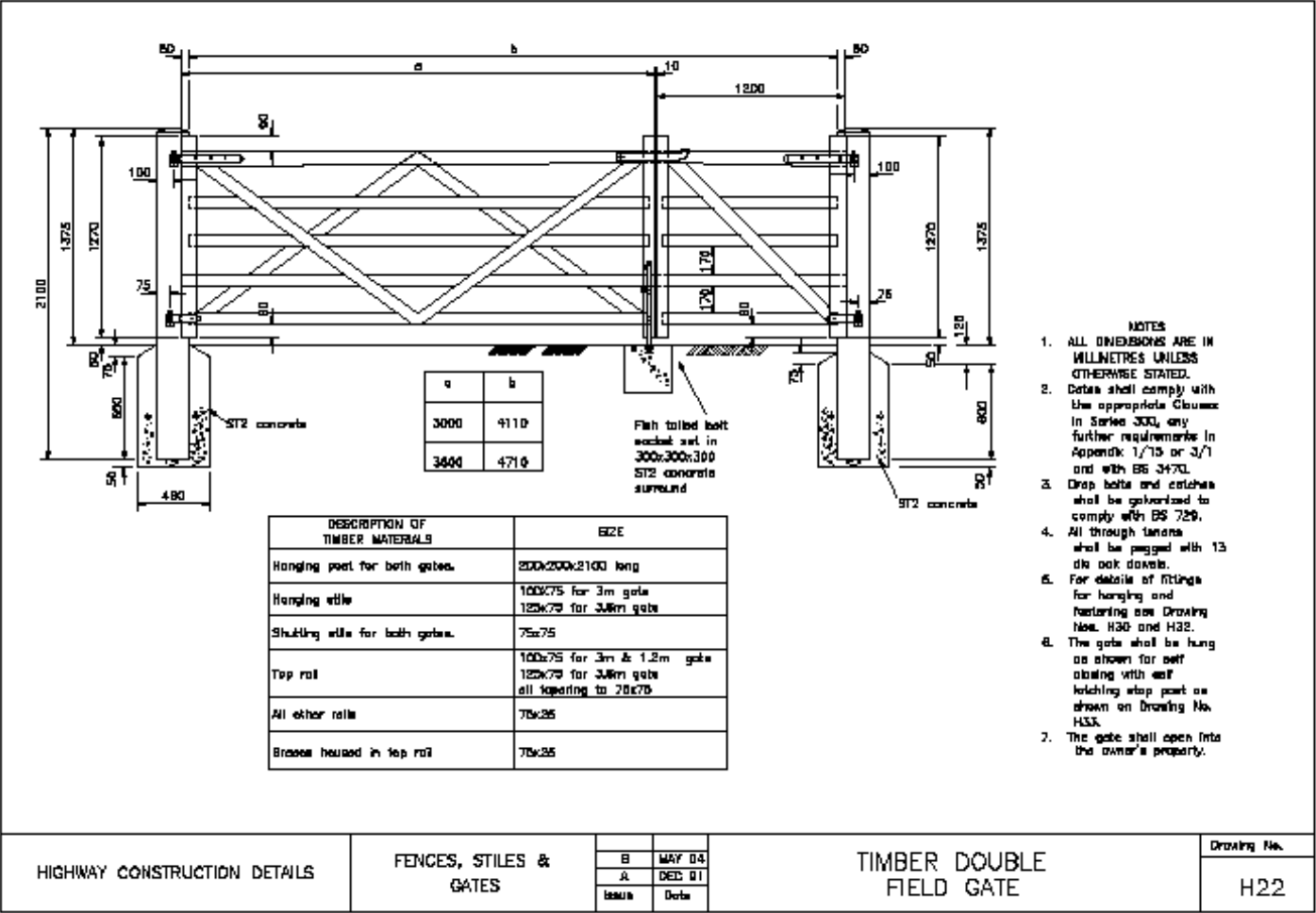
As and when required, Herefordshire Council will provide you with the necessary materials to resolve an existing issue. Your Parish/Town Clerk can request standard materials such as stile kits and gates and waymarking discs by completing a short form at www.herefordshire.gov.uk/rightsofwaymaintenance.

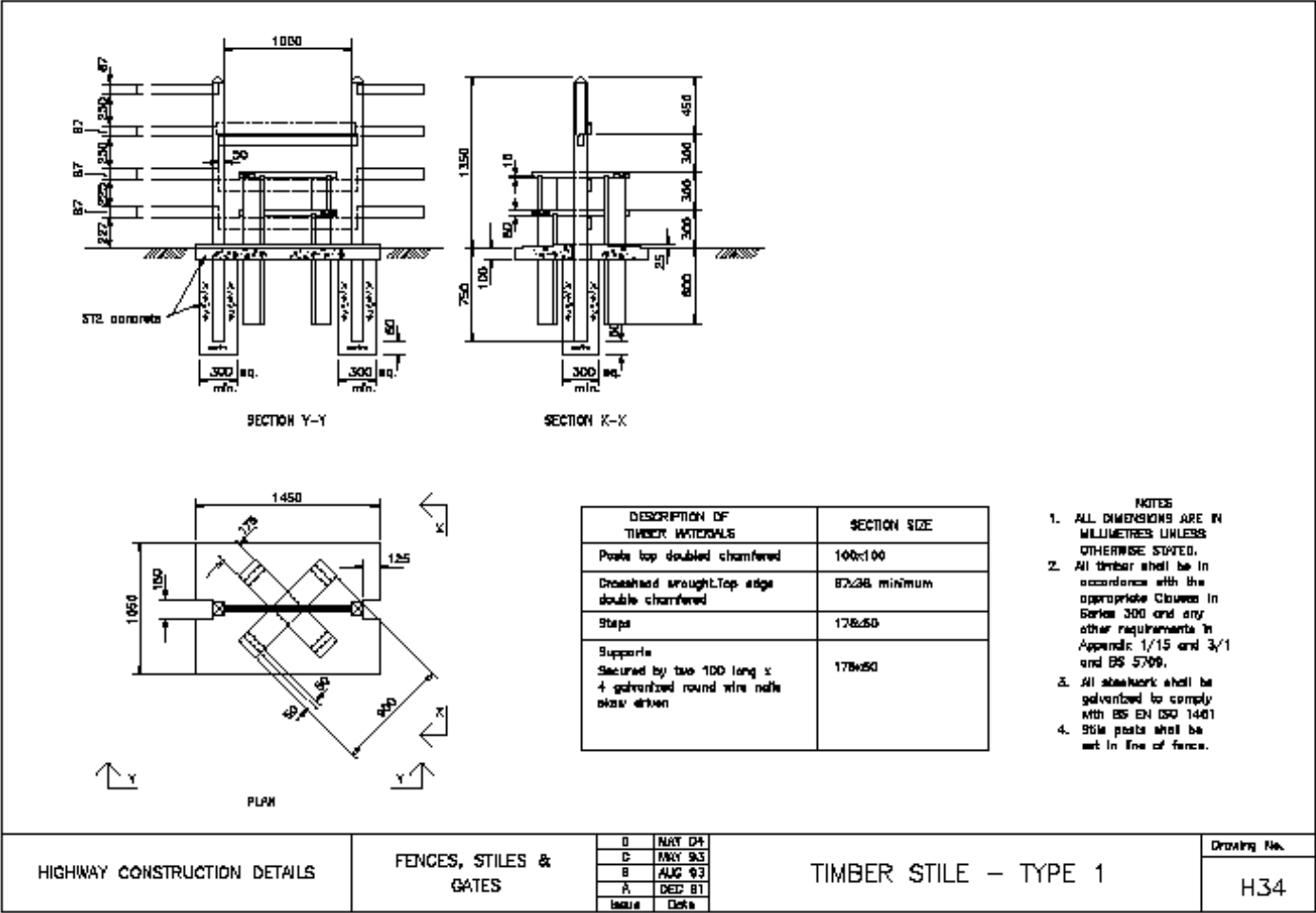
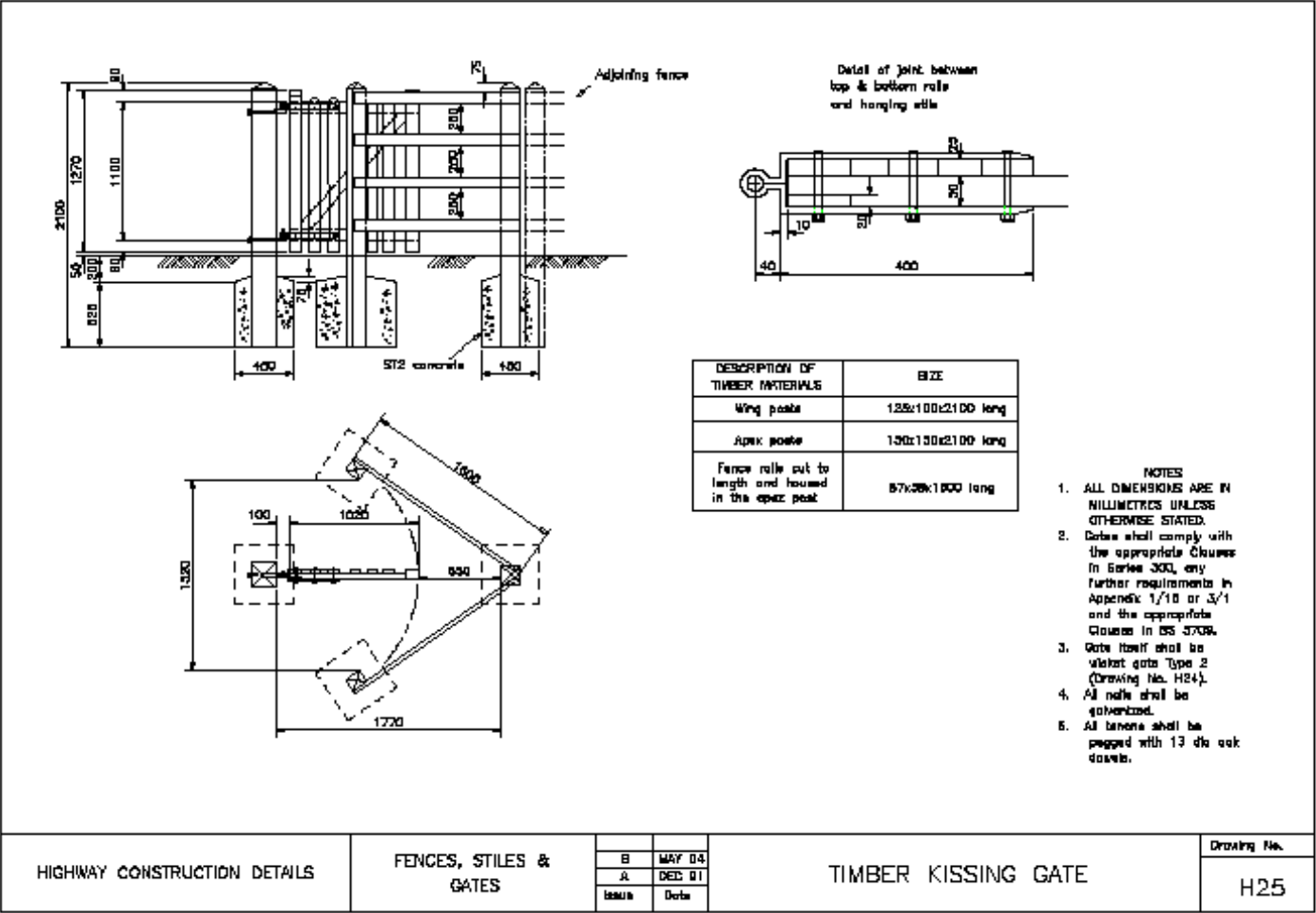
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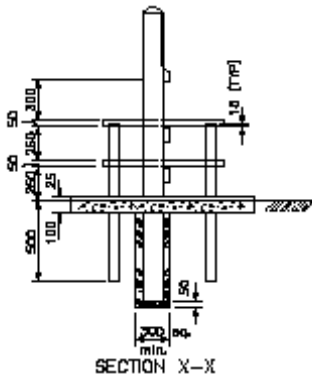
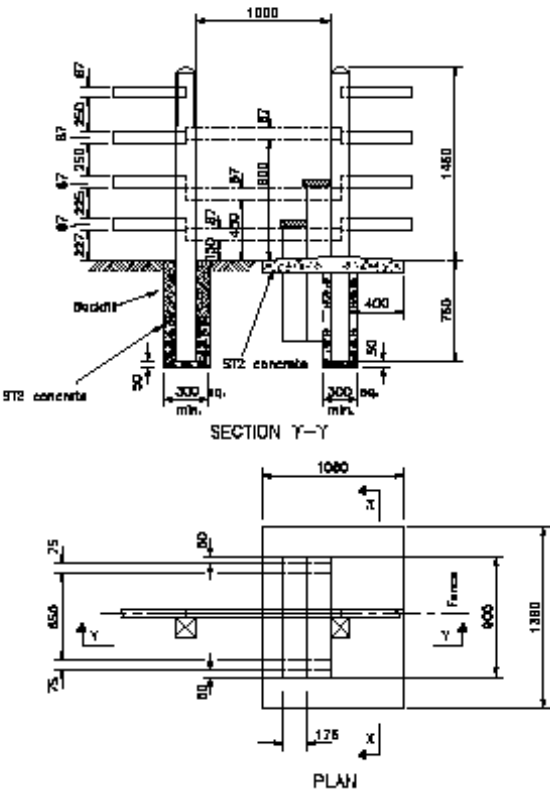
From time to time you may need to install items on the Public Rights of Way network. Whilst instructions should normally be provided with items that you are provided, the standard details listed below and included in the following pages may be of assistance:

H15: Wooden Post and 3 Rail Fences
H21: Timber Single Field Gate
H22: Timber Double Field Gate
H23: Timber Wicket Gate Type 1
H25: Timber Kissing Gate
H34: Timber Stile Type 1









TIMBER MATERIALS DESCRIPTION OF	SECTION SIZES
Posts	100x100
Top rail of fence shall be wrought and top edge double chamfered between the posts as shown.	87x38 (min)
Steps	178x50
Supports Secured by two 100 long x 4 galvanized round wire nails slant driven.	150x75

- NOTES
1. ALL DIMENSIONS ARE IN MILLIMETRES.
 2. All timber shall be in accordance with the appropriate clauses in Series 300 and any further requirements in Appendix 3/1 or 1/13 and BS 5709.
 3. All steelwork shall be galvanized to comply with BS EN ISO 1461.

HIGHWAY CONSTRUCTION DETAILS	FENCES, STILES & GATES	C B A Issued	MAY 04 JULY 98 DEC 91 Date	TIMBER STILE – TYPE 2	Drawing No.
					H35