



Balfour Beatty Living Places

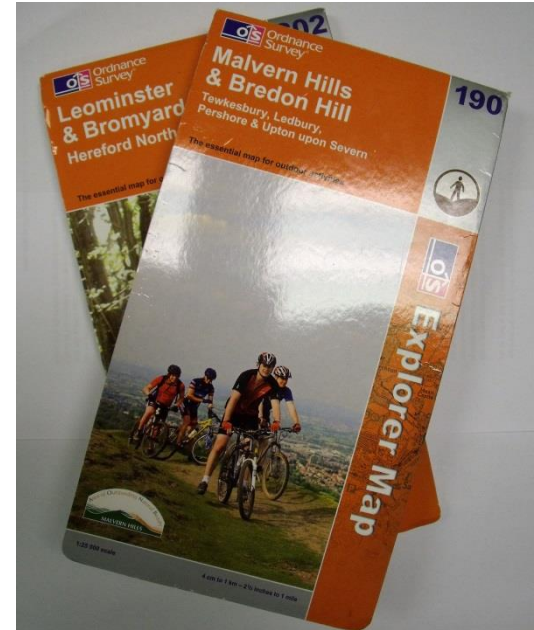
In Herefordshire

Balfour Beatty
Living Places

Public Rights of Way

What are public rights of way?

- There are over 3400KM of Public Rights of Way (PROW) in the County of Herefordshire
- All of these routes are forms of highway. A highway is a route over which the public have the right to pass and repass. The specific type of the highway determines the rights that the public have over the route:



Types of Public Rights of Way

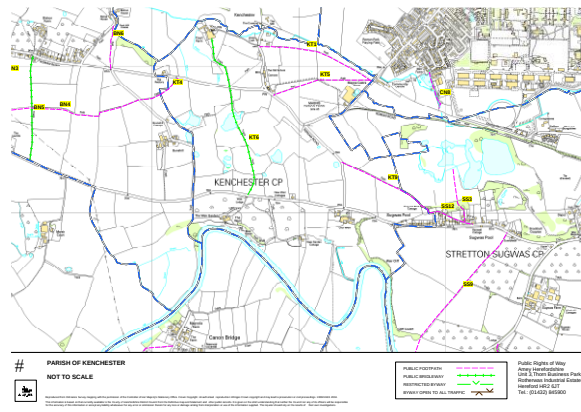
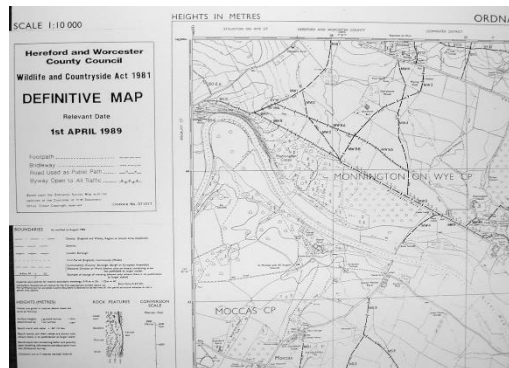
- **Public Footpath** – you may walk on a footpath and you are also entitled to use it with a pram, pushchair or wheelchair although many paths particularly rural ones are not suitable for such use.
- **Public Bridleway** – You may ride or lead a horse or ride a bicycle along a bridleway, you may also walk along a bridleway
- **Byway Open to All Traffic (BOAT)** – BOATs are highways used by the public mainly for walking, riding or cycling but over which there is also a right to use any kind of wheeled vehicle – whether it is horse-drawn or a motor vehicle
- **Restricted Byway** – a highway that may be used by all traffic except for mechanically propelled vehicles (motor vehicles).



The Definitive Map

PROW are recorded on the Definitive Map and Statement (DMS). If a path is shown on the DMS it is legally conclusive evidence of the public's right to use the path.

If a path is not shown on the DMS it still might be a PROW....



Looking after the PROW Network

Herefordshire Council has two key duties:

- To maintain PROW in a suitable condition for the expected use of the route
- To protect the rights of the public and prevent PROW being obstructed or blocked



Who looks after PROW ?

- There are 13 Locality Stewards to inspect defects
- A team of 6 PROW Officers carry out legal functions and give advice
- One PROW gang to carry out all the maintenance duties



Whose Responsibility is it?

The Council:

- Surface vegetation
- Bridges
- Drainage
- Signposting and waymarking



The Landowner/occupier:

- Overhanging hedges
- Fallen trees
- Maintaining gates and stiles
- Restrictions on bulls
- No misleading signs

Ploughing and Cropping

- Farmers are allowed to plough a cross-field path but only if they reinstate it
- Farmers must not obstruct a path with growing crops. The path must be cleared to a minimum width of 1m for footpaths and 2m for bridleways.



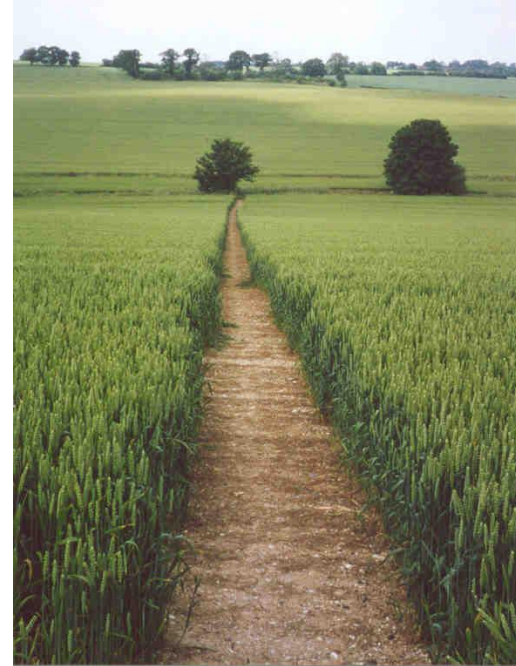
Gaps, Gates and Stiles

- Stiles and gates are obstructions
- Herefordshire Council can authorise in some circumstances
- Aim to minimise the number of structures for accessibility reasons
- Least restrictive access



Landowner responsibility leaflet

- Leaflet briefly setting out the responsibilities for landowners
- This will be sent out to all parishes once approved by Herefordshire Council
- More advice/support can be found on the Herefordshire Council website or from the PROW Team



Parish Councils and Parish Footpath Officers (PFO's)

- Each parish has an option of appointing a PFO for their parish
- The PFO is a voluntary position and is responsible for 'looking after' the PROW's in their parish.
- They can raise defects to BBLP, negotiate with landowners
- Carry out minor works



Parish Paths Partnership Scheme (P3)

- P3 funding ceased in April 2019
- P3 scheme continues
- Herefordshire Council/BBLP still encourage improvement works but can no longer supply gates free of charge
- Discussions are ongoing to establish the best way of supporting parishes



Legal order work

The PROW team also carry out a number of functions to do with the legal aspects of the PROW network, these include:

- Diversions – HA and TCPA
- Definitive Map Modification Orders
- Enforcement
- Temporary Closure Orders
- Administering the Herefordshire Local Access Forum



Definitive Map Modification Orders

- The public can make an application to alter the Definitive Map if they have evidence that a route should be added, deleted or altered either in position or status.
- Evidence can either be from -
- users – if the public at large have used the way without force, secrecy or permission for 20 years
- Historical records. A highway can not be extinguished through lack of use ‘once a highway always a highway’.



How to provide historical evidence for a route

The historical evidence can be provided from a number of sources such as:

- Old maps eg estate maps, old versions of OS maps, Tithe maps, Inclosure Awards and Finance Act maps
- Parish records
- Estate documents
- Quarter sessions
- These can be found at HARC



2026 'Cut-off' date

- Under the CROW Act 2000 provision was made for closing the DMS to historical claims after 2026
- After 2026 claims for user evidence will still be accepted
- The Deregulation Act 2015 will alter the way that claims are processed however, the regulations for this act have yet to be implemented
- If your parish thinks that there are unrecorded historic routes that should be on the Definitive Map, you need to act now to preserve those routes or they will be lost forever.
- Advice can be found via Herefordshire Council website
- The Ramblers Association 'Don't Lose Your Way' guide
- British Horse Society 2026 Toolkit

Some nuggets of useful legal information

- A stile cannot be installed next to a locked gate if the line of the PROW passes through the gate.
- A new fenceline needs to be authorised under s147 and the landowner should apply for this prior to installation
- Only landowners can request new furniture but the PFO/Parish can offer to install it for them if they wish to
- PFO's cannot install roadside signposts – parishes should forward requests for new signposts to BBLP
- If a PROW is in a different position on the ground to the route shown on the definitive map – this is a probably an illegal diversion (whether it is signposted or not)

Any questions??



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