

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

Public Rights of Way

2006 EDITION

IC RIGHT OF WAY



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Introduction



The Royal Borough has a network of around 300km of public rights of way, which offer access to the wealth of beautiful countryside, woodland, parkland and river scenery right on our own doorstep.

They are used by a wide range of people for many different purposes and this booklet provides information about our rights and responsibilities so that public rights of way can be enjoyed to the full, used wisely and well - and be properly maintained for future generations.

The jargon explained

What is a public right of way?

It's a route or way, usually on private land, which the public has a legal right to use.

Public rights of way are public highways: the surface of the public right of way belongs to the local highway authority (in this area, the Royal Borough of Windsor and Maidenhead), while the subsoil is the property of the landowner.

There are a number of different public paths, classified by the different kind of rights the public has to use them.

Public Footpaths

For people on foot only. Not for cyclists (even those pushing their bikes) or for people riding or leading a horse. Pushchairs and wheelchairs may be used.

Horse riding and cycling on a public footpath are only allowed with the landowner's express permission.



Bridleways

For walking, riding or leading a horse or pedal cycling. Cyclists must give way to walkers and horse riders. Not for horse drawn vehicles.



Restricted Byways

For walking, riding or leading a horse, pedal cycling and use in non-mechanically propelled vehicles (e.g. horse drawn vehicles), but can only be used by motor vehicles if it can be proved there are vehicular rights. In some cases there are private rights for owners or occupiers to use Restricted Byways in motorised vehicles.



Byways Open To All Traffic (BOATs)

Mainly used for walking, horse riding or cycling but they may be used for all kinds of traffic including motor vehicles. Drivers should give way to other users and remember that the same rules apply as for ordinary road traffic.



Other terms include:

Roads Used As Public Paths (RUPPs)

Routes that were formerly known as RUPPs were redesignated as Restricted Byways (see above) in May 2006.

National Trails

Long distance routes promoted by the Countryside Agency, e.g. the Thames Path, which opened in 1996 and, in this area, follows the river between Runnymede and Hurley.

Recreational Routes

Shorter walks or bridleway circuits, often circular routes that are ideal for a few hours' or a days travel (e.g. Knowl Hill Bridleway Circuit).

Cycle Routes

Routes that are promoted for cycling: these can include purpose built cycleways, shared footpath-cycleways, or quiet country lanes.

Green Lane

An unsurfaced track usually bounded by hedges and established over many years. The term has no legal meaning and if there is a public right of way, the correct description will be under one of the above.

Permitted Paths

Routes which landowners allow the public to use, sometimes for a set period. Although they often form valuable links in the path network, they are not highways and can be closed at any time. The Council is keen to encourage permitted paths and happy to provide advice and signs for landowners.

Who is responsible?

- Users
- Landowners
- The Royal Borough, as the highway authority

All the above have joint responsibility to safeguard the public rights of way network for current and future use. The Council operates a Local Access Forum, which is made up of representatives of users, landowners and others with an interest in the Borough's countryside and public rights of way. Further information, including details of the membership of the Forum, can be obtained by contacting the Public Rights of Way Team using the contact details listed at the end of this booklet. The Council also has a Rights of Way and Highways Licensing Panel which is made up of elected Councillors. Both Forum meetings and Panel meetings are open to the public.



The Council published a **Rights of Way Improvement Plan 2005-2015** in July 2005, which sets out proposals for improving and protecting the network. The Council also publishes an annual **Milestones Statement and Public Rights of Way Improvement Plan** review, which reviews progress over the previous year and sets targets and priorities for the coming year.

Volunteers and the Parish Paths Initiative

This is an exciting opportunity for local people to get involved in improving and maintaining their public rights of way. The scheme is run by the Royal Borough in partnership with parish and town councils and other local groups. For contact information see page 22.

Access for people with disabilities

We are working towards the improvement of the network for disabled and mobility restricted people by the improvement and creation of easily accessible routes, and the provision of information tailored for disabled and mobility restricted users.



Public rights of way - a user's guide

Be considerate

As you exercise your right to travel on a public right of way, enjoy the countryside - but be careful not to damage it or the wildlife it supports. You are free to stop and rest, have something to eat and drink - provided you stay on the path, don't cause an obstruction or damage the highway.

Remember, people live and work in the countryside and their rights should be respected at all times. Please don't disturb their property, livestock or privacy. Take your litter home and leave all gates as you find them.

Dogs

Dogs are welcome, including guide dogs and assistance dogs, **provided they are properly controlled**: they are not allowed to stray from the path or interfere with livestock. Please remember to clean up after your dog. It is illegal to allow your dog off its lead or to be out of proper control in a field containing sheep. If a dog injures a person or animal or damages property, the owner or person in charge of it at the time may be liable for damages.

Pushchairs and wheelchairs

Although pushchairs and wheelchairs are allowed on all public rights of way, please make sure that the condition of the path is suitable - for example, after heavy rain. The Council aims to replace step-stiles with swing gates or gaps wherever possible, to allow easier access for pushchairs and wheelchairs.

Driving

Motor vehicles are not allowed on footpaths or bridleways. You could be guilty of trespass if you drive (or park) off a public right of way on private or common land without lawful authority. Reckless or dangerous driving on any public right of way is an offence.

Good advice

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

Countryside Agency 2004



Owners have rights too.... and limitations

Rights

Property

A public right of way allows visitors to pass over private land along a fixed route and owners are entitled to use this land for their own activities, such as farming or recreation.

Trespass

If people, either knowingly or unknowingly, stray off a public right of way without the owner's permission and without the legal right to do so, they are trespassing. The landowner can quite properly ask them to leave and, if they refuse, have them removed.

Livestock

A landowner has the legal right to shoot a dog that is apparently out of control and worrying livestock. When walking in the countryside please do not feed horses or other animals.

Limitations

Ploughing

Farmers and landowners are allowed to "plough or otherwise disturb the surface" of a footpath or bridleway that crosses a field, but only if it is necessary to do so. The right to plough or disturb the surface does not apply to headland paths (paths that run along the edge of a field). After ploughing, the surface of the path must be restored so that the line is apparent on the ground, kept clear of crops and is convenient to use.

The paths should be restored within 14 days of the first disturbance or 24 hours of any subsequent ploughing (unless agreed by the Royal Borough as the highway authority). Crops, other than grass, must not be allowed to cause an obstruction or inconvenience.

Minimum widths (ploughing and cropping)

- Footpath 1 metre across the field or 1.5 metres on the field edge
- Bridleway 2 metres across the field or 3 metres on the field edge
- Byway/
Restricted Byway 3 metres across the field or 5 metres on field edge

If a landowner fails to comply, the Council can prosecute, carry out the necessary work and recover the costs.



Signs

A landowner must not erect misleading signs to deter people from using a public right of way, e.g. a “Private Road” sign on a public right of way is misleading.

Livestock

As a general rule, bulls may not be kept in fields crossed by a public right of way except where the bulls:

- are less than 10 months old
- are not a recognised dairy breed and are accompanied by cows or heifers. (Recognised dairy breeds include Ayrshire, British Friesian, British Holstein, Dairy Shorthorn, Guernsey, Jersey or Kerry).

Even when a bull is allowed in a field the owner must ensure that path users are not at risk. This also applies to other livestock.

People should not feed horses while using the right of way, to avoid potential harm to the horse caused by jealousy from other horses, and to prevent potential injury to themselves.

Intimidation

People must not:

- order people to leave a public right of way
- use threats
- allow a ferocious dog or other animal on land crossed by the right of way
- use any form of intimidation or harassment
- obstruct a right of way

Hedges and drainage

It is essential that landowners trim back hedges and other plants and crops so that they do not encroach on or over the public right of way.

Care should be taken to ensure that works on adjacent land do not adversely affect the drainage on a public right of way.

Works on Public Rights of Way

Before carrying out any work that might affect a public right of way, e.g. fencing, ditch digging, tree planting, building, pipe laying or cabling, a landowner must get Council approval and, in certain cases, a licence.

Further information is available in:

- Rights of Way Act 1990: Guidance Notes for Farmers - explains the law and suggests practical steps to enable farmers to comply with the law. Ref CCP 299 (Revised) ISBN 0 86170 446 0.
- The Law for Farmers on Ploughing, Cropping and Rights of Way - a pocket card summarising the law for tractor drivers and contractors. Ref CCP 300 1990.

Both are published by The Countryside Agency and available free from the Royal Borough on request. They are also available by direct order through the Countryside Agency website on www.countryside.gov.uk



The Royal Borough - aims and responsibilities

As the local highway authority, the Royal Borough has a statutory duty under the Highways Act 1980 to “assert and protect the rights of the public to use and enjoy public rights of way”.

The Council also aims:

- To help landowners and users alike understand their respective responsibilities and interests
- To consult and work with all interested parties to achieve agreement on, and the provision of, a well maintained and signed network
- To ensure that equality of opportunity, including access for all, will continue to underpin our policy development and service delivery
- To maintain the surfaces of public rights of way, including the control of vegetation
- To assist farmers and landowners with the maintenance of approved stiles and gates
- To signpost and waymark footpaths, bridleways, by-ways and restricted byways to help people find their way
- To maintain most bridges crossed by public rights of way
- To receive complaints and take appropriate action

As the surveying authority, the Council also maintains, revises and puts on public display the Definitive Map and Statement of Public Rights of Way.

Maintenance

Most rights of way in the Royal Borough are the responsibility of the Council. This includes dealing with obstructions, surface repairs and assisting with the repair of stiles, gates and bridges.

Usually a public right of way is maintained at public expense but the landowner is responsible for the maintenance of stiles and gates and can claim a Council contribution (sometimes in the form of a stile or gate kit). Council permission is needed before new stiles or gates are erected.

Because public rights of way are in so many different kinds of locations, it would be impossible to impose a standard level of maintenance on all routes. However, generally an urban path should be maintained to a high standard and should be suitable for children, elderly people, and people with prams, pushchairs, and wheelchairs. Paths in the countryside must be safe and unobstructed but users should wear clothing and footwear suitable for uneven, wet or muddy conditions, especially in winter.



Royal Borough of Windsor and Maidenhead

Public Rights of Way Service Standards

We guarantee

To liaise with and involve:

- Local Access Forum
- Parish and Town Councils
- Countryside Agency
- Ramblers' Association
- British Horse Society
- British Driving Society
- Cyclists' Touring Club
- Sustrans
- English Nature
- Vehicle User Groups
- National Farmers' Union
- Country Land and Business Association
- Thames Path Management Group
- Any other interested parties

Comply with British Standards on all new structures and furniture, and where possible, upon replacement of existing structures of furniture. BS 5709-2006 gaps, gates and stiles; order of preference: a) gap, b) gate, c) kissing gate, d) stile.

To carry out:

- A condition survey of each path every three years, based on a rolling programme of six-monthly surveys (in partnership with East Berks Ramblers Association).
- An inspection of any right of way that is in a dangerous condition within one working day of notification, make safe within one working day of inspection, and to inform the correspondents of the results within three working days

To use our powers:

- To enforce and remove any obstructions to the public rights of way network within three months of inspection, and enforce compliance with the Rights of Way Act 1990 (ploughing etc) within 6 weeks of inspection, and give consideration to all available statutory powers including prosecutions where appropriate.

- To process uncontested applications for Public Path Orders and Definitive Map Modification Orders (claims) within 1 year of receipt
- To make legal event Modification Orders within 6 months of the confirmation of the legal event
- To inform the correspondents of the reasons for any delay beyond the periods stated above

To publish

- The Definitive Map and Statement every five years
- Information leaflets and updates regularly

Widths

In the past there was no legally required width for public rights of way, which often fell between boundaries or were laid down in the 19th century when land was divided into enclosed fields to make farming more efficient. Nowadays, new or diverted public rights of way are usually a minimum of: two metres - footpath; three metres - bridleway; five metres - by-way or restricted byway. Where there is a dispute, evidence is usually sought from local people to establish the width habitually used. (See also Ploughing on page 10)

Obstructions

It is illegal to obstruct a public right of way or reduce its width by, for example, using barbed wire or electrified fencing. Overhanging vegetation, growing crops or spreading slurry can also be classed as an obstruction and the Council can take formal action.

Temporary Diversions

On some occasions a public right of way may need a legal temporary diversion and an alternative route should be provided. A temporary diversion, usually made on the grounds of public safety, e.g. during construction work on an adjacent site, requires a Temporary Traffic Regulation Order prepared by the Council. Only rarely will a public right of way be closed - e.g. for emergency work after severe flooding or a bridge collapse - and the aim will be to re-open it as soon as safely possible.

Finding your way

Signposting and waymarking

To enable people to find their way as easily as possible around the network, the Council provides and maintains signs where public rights of way meet roads.

Additional waymarking may be arranged in conjunction with, or on the request of, landowners. Volunteer groups also carry out waymarking, following consultation with the Council.

Maps

People setting out to explore the network are recommended to use Ordnance Survey maps to help them plan and follow their route.

The most useful is the 1:25,000 Explorer series, which shows public rights of way in green and provides helpful information, such as field boundaries and long distance routes. The 1:50,000 Landranger series also shows public rights of way (in red) but not in as much detail. Both are available from good bookshops.



Rights of Way

The information on the Ordnance Survey maps comes from the Council's Definitive Map and Statement of Public Rights of Way - legal documents providing conclusive evidence of the existence of public rights of way. The Map and Statement are continually updated by Modification Orders when legal changes to the network are confirmed.

Anyone can apply to the Council for an Order to make changes to the map. A guidance note on how to go about it is available from the Public Rights of Way Team.

The Definitive Map and Statement are available for inspection at Council offices and in local libraries.



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Legal changes to public rights of way

Landowners, occupiers or lessees may apply to the Council for the diversion or closure of footpaths, bridleways and restricted byways on their land, and the Council can itself initiate path diversion or creation orders.

Most applications for diversions are either

- to allow for more convenient farming practices - the Council's job is to ensure that the diversion will be substantially as convenient (and enjoyable) for the public as the existing right of way
- or for construction work (which needs planning permission) - here the Council must be convinced that the change is necessary to enable the proposed development to go ahead

Applications for closures not connected with planning applications are less common than diversions - simply because the only legally acceptable reason for a closure is because the path or way is no longer needed for public use. With increasing use of public rights of way, closure applications are normally opposed and it is very difficult for them to succeed. Extensive consultation is required for all path orders and, even if the Council agrees to make an Order, the public has the right to object. If these objections are not withdrawn, the Council must forward the Order for final decision to the Secretary of State for the Environment, Food and Rural Affairs.

Administrative costs for stopping up or diverting a public right of way are charged to the applicant (minimum £1,100 - maximum £6,000, inclusive of the cost of advertising the proposal.) The applicant must also bear the cost of any work needed to bring the new routes up to an acceptable standard.

It is always a good idea to talk to the local Parish Council, the Ramblers' Association and the British Horse Society before making proposals affecting footpaths, bridleways or restricted byways. This can help everyone work together to find acceptable proposals and prevent sometimes costly delays - including the possibility of a public inquiry.

New footpaths and bridleways can be set up by entering into a Creation Agreement with landowners, and the Council can itself create public rights of way on its own land.

Byways

The Council has no legal powers to process proposals affecting Byways which must be dealt with through a Magistrates' Court. It should be remembered that Byways and Restricted Byways normally have considerable historic and ecological importance and there are significant factors that must be taken into account if there are any plans for change, e.g. would diverted vehicles need to use more sensitive areas?

When Byways are affected by planning applications, Orders are made by the Secretary of State, not the Council, even though the Council may be dealing with the planning application.



Useful Contacts

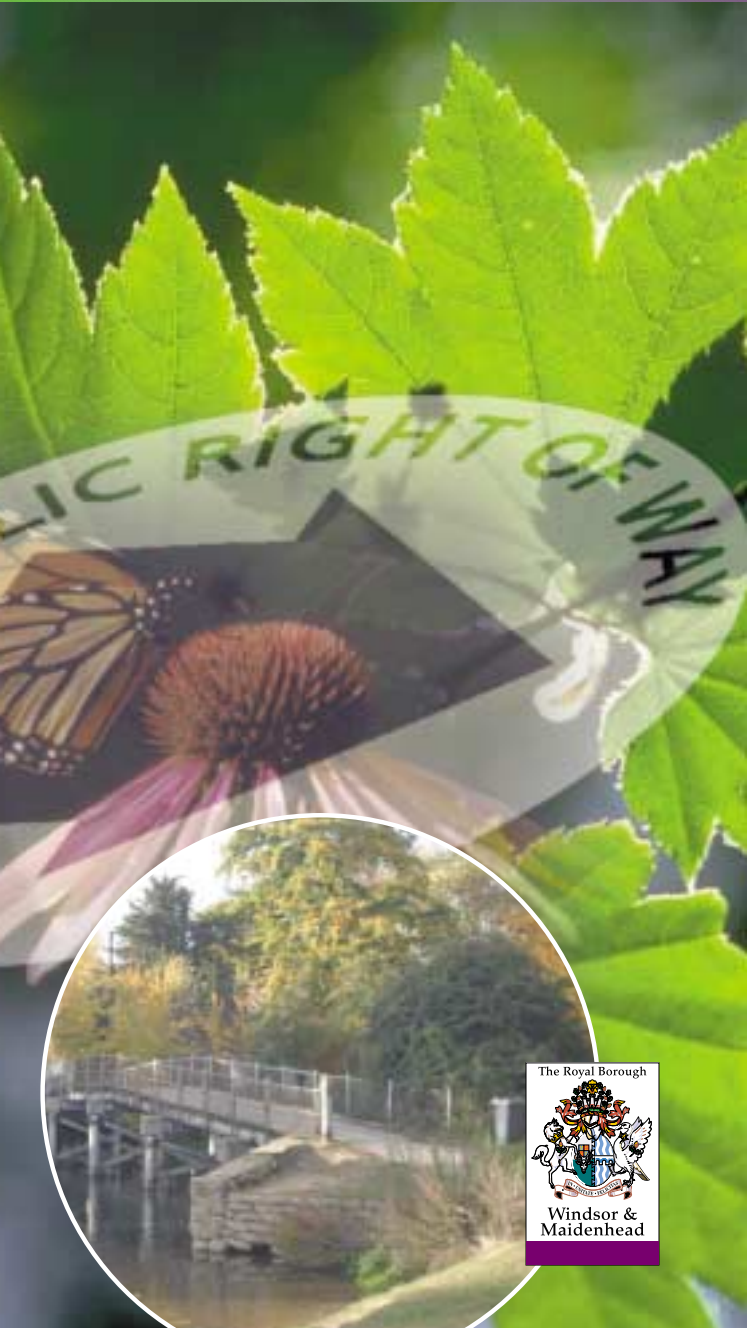
	Name	Address	Tel. No.
Public Rights of Way team	Royal Borough of Windsor and Maidenhead	Town Hall St. Ives Road Maidenhead Berkshire SL6 1RF prow@rbwm.gov.uk	01628 683800 Fax 01628 796774
Walking	Ramblers' Association - East Berkshire Group Mrs M Bowdery	11 Laggan Road Maidenhead Berkshire SL6 7JY	01628 621110
	Ramblers' Association - Berkshire Area Mr SH Shurlock	24 Warton Road Basingstoke Berkshire RG21 5HJ	01256 320898
Horse Riding	British Horse Society - Access Officer, East Berks Mrs Jill Coates	26 Pensford Close Crowthorne Berkshire RG45 6QR	01344 752385
Cycling	The Cyclists Touring Club www.ctc.org.uk	CTC Parklands Railton Road Guildford Surrey GU2 9JX cycling@ctc.org.uk	0870 8730060
	SUSTRANS www.sustrans.org.uk	35 King Street Bristol BS1 4D2	0117 9290888
Motor Vehicles	Hants and Berks Rover Owners Mr D Powell	8 Crockford House Station Approach Alresford SO24 1JG	07717 592197

	Name	Address	Tel. No.
	Trail Riders' Fellowship Loddon Vale Group Mr C Patient www.trf.org.uk	14 Ryecroft Close Woodley Berkshire RG5 3BP	01189 696783
National Trails	National Trails Officer	National Trails Office Environment & Economy Holton Oxford OX33 1QO	01865 810224
Farmers and landowners	National Farmers' Union	NFU Office 1 Richfield Place Richfield Avenue Reading Berkshire RG1 8EQ	0118 9594467
	Country Landowners' and Business Association	The Turbine Barn Forton Longparish Andover Hants SP11 6NU	
Countryside Agency publications	Countryside Agency www.countryside.gov.uk	Countryside Agency Publications PO Box 125 Wetherby West Yorkshire LS23 7EP	0870 120 6466

Further information on public rights of way in the Royal Borough, including maps of all the paths and ways, and an electronic version of this leaflet can be found on the borough Website: www.rbwm.gov.uk/web/prow_index.htm

If you require information in an alternative format please contact the Public Rights of Way Team on 01628 683800

Royal Borough of Windsor & Maidenhead
Town Hall, St Ives Road,
Maidenhead, Berks, SL6 1RF



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