

RIGHTS OF WAY MAINTENANCE

Customer notice

Please [tell us what you think](#) about our website, we welcome your feedback.

The duty to maintain the Public Rights of Way network is shared between Wiltshire Council as the Highway Authority and the landowners/occupiers of the land over which the path exists.



Wiltshire Council responsibilities:

- making sure that Public Rights of Way are free from obstructions;
- clearance of vegetation growing from the surface of the path;

- signposting rights of way where they leave a road and way marking the route where appropriate;
- maintaining bridges over natural watercourses; and
- to provide a minimum of 25% contribution towards any costs incurred by a landowner in maintaining stiles and gates on public rights of way.

Rights of Way – user responsibilities:

Whilst you must not ride or roam over such as farmland, Rights of Way are defined paths and tracks which anyone can use to cross private land. You have a legal right to use them at any time of the day or night but keep gates closed, and do not cut fences.

Consult a map or websites for routes:

- Footpath: on foot only;
- Bridleway: on foot, on a pedal cycle, on horseback;
- Restricted byway: on foot, on a pedal cycle, on horseback, on a horse drawn vehicle (e.g. horse and cart);
- Byway Open to All Traffic (BOAT): on foot, on a pedal cycle, on

horseback, on a horse drawn vehicle (e.g. horse and cart), on wheeled vehicles of any kind (including cars and motorbikes).

Can I take a dog on a right of way?

Yes you can, but the dog must not run off the definitive line of the path and you must keep it under close control. Please pick up and take home your dog's fouling – it is unpleasant for everyone and dangerous:

Toxicara canis is harmful to people and *Neosporosis* to farmers' livestock.

How does Wiltshire Council organise maintenance work?

The Rights of Way Section of Wiltshire Council plan and implement a number of regular maintenance schedules. These include annual growth clearance programmes and a parish by parish maintenance programme.

In addition, defects reported either by the Parish Council or by the public are prioritised and addressed in this order:

1. The issue represents an immediate danger to the user;

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2. An obstruction that prevents or inhibits use of the path;

3. Not so severe that it would warrant attention prior to the parish being visited on the parish maintenance programme.

Maintenance work is carried out by Rights of Way officers, landowners / occupiers or in partnership with external contractors, Parish Councils, the Probation Service and volunteer groups.

Landowner/ Occupier responsibilities:

- maintain stiles, gates and other boundary crossings;
- obtain consent from the highway authority before erecting new stiles or gates on public rights of way;
- cut back encroaching hedges or overhanging vegetation that is growing from their land;
- keep paths clear of obstructions, such as padlocked gates, electric fences etc.;
- make sure that no misleading signs are placed near rights of way that might deter people from using the path;

- cross field footpaths and bridleways (but not byways) can be ploughed where it not cannot reasonably be avoided as long as there are reinstated within two weeks of ploughing;
- cross field paths must be keep clear of crops to a minimum width of:
- **footpath** - 1 metre across field and 1.5 metres field edge;
- **bridleway** - 2 metres across field and 3 metres field edge; or
- **other rights of way** - 3 metres across field and 5 metres field edge.



Livestock and Rights of Way:

It is an offence to allow any bull over 10 months old to be on its own and at large in a field crossed by a public right of way. It is also an offence to keep a bull of a recognised dairy breed (even if accompanied by cows/heifers) on land crossed by a public right of way.

Bulls which are less than 10 months old or of a recognised beef breed and at large with cows/heifers are exceptions to this rule.

How is Rights of Way maintenance work organised?

The Rights of Way section plans and implements regular maintenance schedules. These include annual growth clearance programmes and a parish by parish maintenance programme.

In addition, defects reported by the public are prioritised and addressed in this order:

1. The issue represents an immediate danger to the user
2. An obstruction that prevents or inhibits use of the path
3. Not so severe that it would warrant attention prior to the

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parish being visited on the parish
maintenance programme.

Maintenance work is carried out by Rights
of Way officers, landowners / occupiers or
in partnership with external contractors,
Parish and Town Councils, the Probation
Service and volunteer groups.

Volunteer contribution:

The Rights of Way section works in close
partnership with a variety of volunteer
groups throughout Wiltshire.

Regular tasks are carried out with local
parish volunteers or with organisations
such as the Ramblers Association and
Cotswold Wardens, who help us to install
gates, replace bridges and clear
vegetation.

Their work and dedication help to make
valuable improvements to the Rights of
Way network.

To find out more about volunteering
opportunities please
contact rightsofway@wiltshire.gov.uk

Other volunteering opportunities relating
to countryside access can be found at:

- [http://www.wiltshire.gov.uk/com
munityandliving/countryside/coun
trysidevolunteers.htm](http://www.wiltshire.gov.uk/communityandliving/countryside/countrysidevolunteers.htm)
- [Countryside volunteering](#)



from the Council. However, where
landowners fail to comply with their
statutory duties the Council is required to
resolve the matter. This is normally
achieved through co-operation, although if
necessary, the Council will serve legal
notice, take direct action to clear an
obstruction at the landowner's expense or
seek prosecution.

Traffic Regulation Orders:

Traffic Regulation Orders (TRO) may be
used to prohibit certain kinds of traffic
from rights of way which is considered
unsuitable or inappropriate, e.g.
prohibiting motor vehicle use from a
Byway Open to All Traffic to prevent
damage to the surface of a particular
route.

This can be done with a permanent TRO, a
temporary TRO on a seasonal or all-year-
round basis until effective repairs have
been made, or by means of voluntary
restraint.

Obstructions and Enforcement:

Most landowners carry out their
responsibilities without contact or action



Reporting a problem with a right of way:

You can report a problem on the rights of way network using our [online reporting form](#)

The location information we require is a grid reference if possible, if you do not know this then the nearest village or town; street or road name. If the fault is along a public right of way then you could provide the starting point of the path and approximate distance along the path where the fault is, with any identifying features.

RIGHTS OF WAY – what you need to know

This leaflet explains the partnership between your Parish Council, Wiltshire Council and landowners. It also explains how you can have a part in protecting your Rights of Way for everyone to enjoy safely. Last updated: 18 August 2015

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THE PARISH COUNCIL ACTS AS CUSTODIAN ON BEHALF OF YOUR COMMUNITY.

The Parish Council has powers (but not a duty) to maintain paths and place signs, and to promote the public benefits and enjoyment that the proper use of rights of way can bring.

The Parish Council

- Makes condition surveys of local footpaths
- Keeps close observation of other rights of way
- Uses a mixture of volunteer effort and paid contractors to keep as many footpaths as possible open and accessible
- Works with landowners or occupiers on hedging and overhanging vegetation
- Works in liaison with Wiltshire Council to have obstructions cleared and

improvements made that are beyond local capacity

Contacts:

The Parish Clerk is on 01672 563444 or via email clerk@miltonlilbourne.org.uk

For Wiltshire Council call 0300 456 0100 or via email rightsofway@wiltshire.gov.uk

For more information and maps online visit:

- www.miltonlilbourne.org.uk
- www.wiltshire.gov.uk/rightsofway
- <https://www.gov.uk/right-of-way-https://www.gov.uk/guidance/public-rights-of-way-landowner-responsibilitiesopen-access-land>
- <https://www.gov.uk/guidance/open-access-land-management-rights-and-responsibilities>
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