

Ramblers Kent Area

Guidance Notes for Parish Footpath Wardens

Definitions of Public Right of Way:

Footpath (FP)

For walkers only. Prams, pushchairs or wheelchairs are allowed along a public footpath but please be aware that many routes may not be physically suitable for that purpose. Public Footpaths are normally waymarked in yellow



Bridleway (BW)

For walkers, horse riders and pedal cyclists. Cyclists must give way to walkers and horse riders. Bridleways are normally waymarked in blue



Byways Open to All Traffic (BOAT)

These are often referred to as Byways, for motor vehicles, cyclists, horse riders and walkers. Because of its nature, a byway is used mainly as a footpath or bridleway. BOATs are normally waymarked in red



Restricted Byway (RBW)

For walkers, horse riders, cyclists and horse drawn vehicles. Restricted byways are normally waymarked in mauve



Countryside Access Land (CA)

On Countryside Access Land, there is in many cases the “right to roam” under the provisions of the Countryside & Rights of Way Act 2000 (the CROW Act).

Additional Information

All Public Rights of Way carry a definitive number with a prefix for the area e.g. DR166, NS265 (See the Definitive Map of public rights of way, or the interactive map on the KCC Explore Kent website. On this map, you will need to turn on the Public Rights of Way layer via the key on the right hand side of the page, and then single click on the relevant path to bring up its number).

<http://webapps.kent.gov.uk/KCC.ExploreKent.Web.Sites.Public/Default.aspx>

A permissive route is not a Public Right of Way. The public are allowed to use it with the kind permission of the landowner, but remember such permission can be withdrawn.

There is a difference between Public and Private Rights. Kent County Council does not hold records of private rights of way or access.

When using public rights of way, you should be aware that there might also be additional landowners' or other private higher rights of access – sometimes with vehicles.

Rights of Way Widths

There is no general statutory definition of a minimum or maximum width. However, a width may be recorded in the Definitive Statement or the right of way may have a customary width. Statutory provisions only apply in respect of paths which have been disturbed or ploughed. In such cases the minimum widths are as follows:-

*	Cross field footpath	1.0 metre
*	Field edge path	1.5 metres
*	Cross field bridleway	2.0 metres
*	Field edge bridleway	3.0 metres
*	Restricted Byway	5.0 metres

Inspecting paths to check whether there are any problems

Parish Footpath Wardens would be expected to walk all the paths in their parish at least once a year to ensure that the list below is complied with and reported to KCC if it is not.

- 1) Paths are signposted where they join a metalled road (either public or private) with two signs either side of a road where the same path crosses a road.
- 2) Paths are free of obstructions, such as fallen trees, electric fences, barbed wire, barriers, fencing, ditches, debris (bricks, rubble, dung), posts.
- 3) Paths have sufficient waymarking with the correct coloured waymark
- 4) Stiles and gates are in good condition and free of barbed wire.
- 5) Paths across ploughed fields have been reinstated and are thus clearly marked
- 6) In arable fields, there are no crops actually growing on paths
- 7) Path widths generally are correct (as above)
- 8) No fierce animals (bulls, dogs, horses)
- 9) No intimidating signs (beware of dogs, etc.)
- 10) No misleading notices ("private" can be misleading)
- 11) No unauthorised diversions
- 12) Shared routes with cyclists are correctly signed and have the appropriate surface
- 13) No people using firearms close to a footpath
- 14) No incidents of verbal or physical abuse (if so, also report at once to the police)
- 15) No cyclists or horse riders using footpaths
- 16) No motor vehicles using footpaths, bridleways, or restricted byways
- 17) No missing bridges

How to report path problems

Problems should be reported to Kent County Council, ideally by means of the online system designed for the purpose at <https://webapps.kent.gov.uk/countrysideaccesscams/issues/default.aspx>.

To make a report you will have to register your details with the site: please make clear that you are reporting on behalf of the Ramblers. Registering enables KCC to contact you if necessary, and to send you e-mail updates. It also allows you to track the current status of the problems you have logged, and to report more issues without further formalities.

Completing an online report is not difficult. Options are offered enabling you to search for the exact location of the problem. Once you have pinpointed it on the map, select the type of problem encountered from the drop-down menus, and send your report. Should you encounter any initial difficulties, the Ramblers Local FP Officer for your parish will be happy to assist you.

Should it not be possible for you to make an online report, it is still possible to send details by other means (see below). Reports should include:

- Your name, contact information and that you are a Ramblers Parish FP Warden
- Location of the problem, e.g. OS map grid reference, path number or a general description of the area concerned
- Nature of the problem and the date that you saw it
- Reports by Phone: 03000 417171
- Reports by E-mail: eastprow@kent.gov.uk
- Reports by Post: Public Rights of Way & Access Service, Kent County Council, The Granary, Penstock Hall Farm, Canterbury Road, East Brabourne, Ashford, Kent, TN25 5LL.

Supplementary Information - provided by KCC

Rights and responsibilities

Most Public Rights of Way cross private land. We all have a responsibility to look after the network of paths. If properly managed and well used, Rights of Way provide an excellent access to Kent's wonderful variety of coast and countryside without causing disruption to the working or natural environment.

The landowner is responsible for keeping the Rights of Way free from obstruction and for looking after gates and stiles on the path, whilst KCC is responsible for maintaining them, keeping them in good condition, signing and waymarking them.

A series of eight Countryside Access Design Standards have been produced to assist landowners and Countryside Agencies in raising the quality of access furniture (e.g. gates, bridges, stiles) across the county. The standards, based on the British Standard, are designed to improve the accessibility, enjoyment and safety of the Kent countryside.

The KCC Countryside Access Service can tell you exactly where all recorded Rights of Way are in cases of doubt. But normally you can look yourself at the interactive map online or inspect the maps at the KCC offices in Invicta House, Maidstone and at the main public libraries. KCC can also advise you on your rights and responsibilities - how you should use rights of way, and how they should be managed by the Council and landowners.

Standards for Stiles and Gates

Stiles should be in a safe condition and to a standard of repair required to prevent the unreasonable interference of the rights of users.

B.S.I. recommendation (but not legally enforceable) for stiles:

- * height from ground 36 inches for one step
- * height from ground 41 inches for two steps
- * step height 12 inches
- * Height between steps 12 inches
- * Width between uprights 39 inches

Gates should be freely operable, i.e., on hinges to a minimum width of 5 feet for bridleways.

Explore Kent Interactive Map

A guide to information found on the interactive map at

<http://webapps.kent.gov.uk/KCC.ExploreKent.Web.Sites.Public/Default.aspx>

Explore Kent's Interactive Map offers information on the county's Public Rights of Way, country parks and open spaces, natural habitats and promoted routes located across Kent. Most promoted routes have guidebooks and maps to accompany them.

The map provides useful information about the location of stiles, gates, steps, train stations etc. This makes it easy for everyone to explore Kent's beautiful countryside and plan great days out.

Information on the location of Public Rights of Way shown on the Explore Kent Interactive Map has been taken from a working database, which is frequently updated. However, the map is not the Definitive Map and is therefore not the legal record of Public Rights of Way. It is not suitable for use in legal or planning matters.

As mentioned previously, the Definitive Map may be viewed at Invicta House, County Hall, Maidstone, or at the main public libraries. The Ramblers Local FP Officer for your parish should also be able to e-mail you a copy of the relevant map sheet(s).

Although KCC endeavour to keep the Interactive Map as up-to-date as possible, some of the information may be inaccurate. You can report any errors on the map by emailing eastprow@kent.gov.uk Where possible please include full information about the Public Right of Way that you believe to be inaccurate, including footpath number and location.

A screen grab (an image of what you actually see on the screen) of the relevant web page may also be helpful for highlighting the problem. You can create a screen grab by pressing the "Print" button at the top right of the relevant Interactive Map page, and following the directions shown.

The Ordnance Survey mapping used on the Explore Kent Interactive Map is provided by Kent County Council under licence from Ordnance Survey.

For information about personal use of Ordnance Survey mapping visit the Ordnance Survey Copyright website.

KCC Responsibilities

Kent County Council is responsible for:

- * administering the law concerning Rights of Way
- * recording, defining and protecting all Public Rights of Way in the county
- * signposting footpaths, bridleways and byways, where they leave a metalled road, and waymarking along the paths where appropriate
- * maintaining and controlling natural vegetation on the surface of Rights of Way
- * maintaining bridges over natural water courses and ditches
- * making grants to farmers or landowners of at least 25% of the cost of maintaining existing authorised stiles and gates. This is usually done by providing the necessary materials.

Farmers & Landowners Responsibilities

Farmers and landowners are responsible for:

- * ensuring established stiles and gates are in a safe condition for public use
- * keeping paths free from obstructions and overhanging vegetation
- * reinstating footpaths and bridleways across fields two weeks after the first disturbance (ploughing or cultivation) and within 24 hours of it being disturbed again
- * keeping rights of way free of crops to legal minimum widths
- * ensuring that vegetation overhanging or encroaching from the sides is cut back
- * maintaining stiles and gates so they are easily used by the public.
NB Where stiles and gates are no longer required they can be removed with the agreement of the local KCC Public Rights of Way officer.

Farmers and landowners should:

- * know where public rights of way cross their land
- * never plough or disturb a public right of way along a field edge
- * obtain consent from Kent County Council before erecting new stiles and gates
- * never plough a byway, under any circumstances
- * provide adequate bridges where new ditches are made or existing ones widened
- * not put plain, barbed or electrified wire across a right of way. It is not necessarily illegal to run wire along the side of a right of way but some types of wire are considered a nuisance to the public using the path
- * never deter the public from using a public right of way, including the erection of misleading signs or markings
- * not keep any animals that are known to be dangerous in a field through which a public right of way passes
- * not keep beef bulls under 10 months of age in a field that contains a right of way. It is acceptable to keep a beef bull over 10 months in a field with cows or heifers, but dairy bulls over 10 months are never to be put in a field that contains a right of way.

The following are classified as dairy breeds: Ayrshire, Jersey, Dairy Shorthorn, Kerry, British Friesian, British Holstein and Guernsey. If in doubt, please refer to our bull chart.

<https://shareweb.kent.gov.uk/Documents/environment-and-planning/public-rights-of-way/bull-chart.pdf>

The public's rights and responsibilities

Some examples of the many legal rights and responsibilities of the general public are listed below:

Members of the public may:

- * pass and re-pass on any Public Right of Way, even if it hasn't been used for many years
- * stop to look at the view, take a photograph, and sit down to rest
- * take a pram, pushchair, wheelchair, but expect to encounter stiles on footpaths
- * take a dog, preferably on a lead, but always under close control
- * take a short route around an illegal obstruction
- * remove an illegal obstacle sufficiently to get past

Members of the public may not:

- * roam over land at will (except on Countryside Access land), or deviate from the line of the right of way unless it is to pass an obstruction
- * use a vehicle on a byway if it is not registered, taxed and insured, or ride/pedal/drive recklessly, carelessly or without consideration
- * use footpaths if you are a cyclist and horse rider (except with the permission of the landowner)

The Countryside Code

Please remember to - Always 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 Access Land



Can I always walk on Access Land?

Not always. Farmers and landowners have the right to close their land sometimes, usually for reasons of nature conservation, land management or public safety. If access land is temporarily closed, it will have a 'restriction' placed on it so there is no public access. This will show on the online Interactive Map in red and details about the restriction will be listed below the map. If land is marked with red hatching in this way it will always mean that there is some limitation on public access and you should check the restrictions list below the map for more details. It could simply mean that you can't take dogs on the land or that it is closed one day of the week. Please note: Existing Public Rights of Way are not affected by Open Access restrictions or exclusions under the CROW Act.

Can I take my dog?

You can normally enjoy walking with your dog on open access land. However, sometimes there may be a ban on taking your dog or you may need to keep it on a lead due to sensitive wildlife. Access land marked in yellow on the maps means you can take your dog but if it is marked in red hatching, you should check the details of the restriction to find out if you and your dog are affected.

You do not have to put your dog on a lead on public paths as long as it is under close control. You must not allow your dog to defecate on ground where animals graze.

Always pick up your dog's poo and dispose of it in an appropriate bin.

But as a general rule, keep your dog on a lead if you cannot rely on its obedience.

On a bridleway or byway this could be especially important as you may meet horses and could be liable for damages if your dog causes an accident.

Restrictions on Access Land

While exercising the access right with a dog, you must use a fixed lead no more than 2 metres (6 feet) long at all times near livestock, and from 1st March to 31st July as this is the ground-nesting bird season. You may also find that dogs are excluded from lambing enclosures at lambing times.

And Finally

- You can access **all** of KCC's online material on the subject of Public Rights of Way via the homepage at <http://www.kent.gov.uk/waste-planning-and-land/public-rights-of-way>
- And don't forget that the Ramblers Local FP Officer for your parish is potentially one of your main resources, so do liaise with them as appropriate.

Enjoy your role as a Ramblers Volunteer.
Your valued contribution will make a difference.
Thank you.