

Public Guidance Note 6

Electric Fences and Public Rights of Way

Introduction

An electric fence positioned across or within the legally recorded width of a Public Right of Way constitutes an obstruction to the highway, whether it is electrified or not. However, allowances can be made if strict guidelines are followed.

This guidance note outlines when we, as the Local Highway Authority, will consider an electric fence to be an obstruction and the necessary precautions that a landowner or occupier needs to take if electric fencing is used across or alongside a Public Rights of Way for the purposes of controlling livestock and where no other means of doing so are practical.

Electric Fences as Obstructions

The public must not be exposed to the risk of receiving a shock from an electric fence. Highway users should be able to safely and without difficulty, pass through or over any electrified fence that is located across a highway. If users cannot do this, then the electric fence will be deemed to be an obstruction.

If a landowner or occupier proves uncooperative in making an electric fence safe, then under section 143 of the Highways Act 1980 we can serve notice on the landowner or occupier to remove the electric fence within a specified period of time. If the obstruction is not removed within the given time period, we can remove it and recover the costs that we reasonably incurred during these works.

If a landowner or occupier erects an electric fence alongside a Public Right of Way, they need to ensure that it is located outside of the highway's legally recorded width. Any electric fences located within a Public Rights of Way's legally recorded width are linear obstructions to the highway. The Rights of Way Team can let you know if a width is legally recorded for that highway in the Definitive Statement (DMS) and if so, what that width is.

For further information on the unlawful obstruction of a highway, please see Public Guidance Note 04.

It should be noted, that if the user of a highway were to come in to contact with an uninsulated electric fence and suffered harm as a result of this contact, the injured person could sue the person responsible for erecting the electric fence for damages.

Temporary Electric Fences Across and Alongside Public Footpaths

The use of a taught, single or double strand electrified fence across a Public Right of Way to control livestock is generally acceptable providing the following conditions are adhered to.

1. An electric fence must be identifiable as being electrified. Appropriate hazard warning signs are to be displayed where the electric fence passes across the highway. Signs should be displayed so that users approaching the electric fence from either direction can clearly identify the fence as being electrified.
2. There is a means of breaking the electrical current at the location where it passes across the highway. This may take the form of an expandable barrier gate with insulated handle which can be easily and safely released and reattached by users.
3. Alternatively, the electric fence should be routed through an insulated tube of sufficient width to allow the wire to be held down so that it can be stepped over easily and without risk.

If an electric fence is located alongside a Public Right of Way, hazard warning signs are to be installed at 100 metre intervals along it.

Permanent Electric Fences Across and Alongside Public Footpaths

If a new electrified fence is required across a Public Right of Way to contain livestock on a permanent basis, a landowner or occupier needs to gain written permission from us prior to the fence being installed.

A safe crossing will need to be installed where the fence is located across the Public Right of Way. This safe crossing is normally achieved by way of a gate with the wire routed below ground or if absolutely necessary, above head height.

Appropriate gates for Public Rights of Way can be obtained from us. As the gate will be a new structure on the highway, there is a fee payable by the landowner or occupier for this gate.

As with temporary electric fencing, appropriate hazard warning signs identifying the fence as being electrified are to be displayed where the electric fence is located across the highway.

If a permanent electric fence is located alongside a Public Right of Way it is advisable to contact the Rights of Way Team prior to installation. Hazard warning signs are to be installed at 100 metre intervals along it.

Electric Fences Across or Alongside Public Bridleways

The positioning of electric fences where equestrian users have rights of access presents particular risks. Contact with electric fences is likely to cause serious injury to a horse with potentially fatal results for the rider.

We advise landowners or occupiers to avoid using electric fences across or alongside Public Bridleways and to instead use other means to control the movement of livestock.

If no other means to control livestock movements are practical, and an electric fence must be located across a Public Bridleway, we recommend that the safest way to convey an electric cable across the highway is through an underground pipe and properly insulated.

Alternatively, the electric wire will need to be routed well above head height. Please note, for someone on horseback, this will need to be at least 12ft above ground level.

Where electrified fences are routed above head-height, the upright poles carrying the wire must be located outside of the highway's legally recorded width or if no width is recorded in the DMS, the poles must be no less than 2 metres apart. There should be no danger of horses or their riders accidentally touching a bare wire whilst passing between the poles.

Sprung handle type crossing points are **never** acceptable on Public Rights of Way other than Public Footpaths.

Should it be absolutely necessary to locate an electrified fence at right angles to a bridleway gate, a landowner or occupier must ensure that sufficient space is available for a rider to manoeuvre a horse whilst opening and closing the gate. This is essential to avoid any chance of the horse touching a live wire whilst the rider opens or closes the gate.

The electric fence should be insulated within the vicinity of the gate and for a sufficient length each side of the gate opening. It is recommended that the electric fence is insulated for 2-metres each side of the gateway.

Appropriate hazard warning signs are to be displayed in line with the requirements mentioned above.

If it is not possible to provide sufficient space, then electric fencing should not under any circumstances be used on a Public Bridleway.

Electric Fences Across and Alongside Restricted Byways and Byways Open to All Traffic (BOAT)

We are not able to authorise the erection of barriers across Restricted Byways or Byways Open to all Traffic (BOATS). Electric fences, whether temporary or permanent, should not be placed across these categories of Public Right of Way.

If an electric fence is located alongside a Restricted Byway or a BOAT, hazard warning signs are to be installed at 100 metre intervals along it.

