

Public Guidance Note 1

Public Rights of Way Your Questions Answered

1. What is a Public Right of Way?

A Public Right of Way is a highway over which the public have a right to pass and re-pass. There are four categories of Public Rights of Way:

- Public Footpaths (FP) – for use by the public on foot only
- Public Bridleways (BW) – for use by the public on foot, on horseback, leading a horse and on a bicycle.
- Restricted Byways (RB) – for use by the public on foot, on horseback, leading a horse, on a bicycle and in a non- motorised vehicle i.e., by horse drawn vehicle.
- Byway Open to all Traffic (BOAT) – for use by the public on foot, horseback, leading a horse, on a bicycle, in a motorised or non – motorised vehicle and driving animals.

All the above are public highways and as such are protected by law under the provisions of the Highways Act 1980 and other relevant legislation.

Public Rights of Way can be found in towns, villages, and the countryside. Public footpaths should not be confused with footways which are pavements located alongside a carriageway and that form part of a road. Footways are usually managed by Shropshire Council Highways Department.

2. How can I find out which paths are Public Rights of Way?

For the most up to date information, visit www.shropshire.gov.uk, click on the map symbol at the bottom of the home page and select the Outdoor Recreation Map. Alternatively, visit Shropshire's [Great Outdoors Website](#). Both sites have an interactive map showing Public Rights of Way. Both maps are linked to the Council's electronic working copy of the Definitive Map so are updated daily.

Ordnance Survey (OS) provide a comprehensive series of paper maps and maps via their app, which cover all areas of the county www.ordnancesurvey.co.uk. Explorer maps at a scale of 1:25,000 are the most useful for walking and recreational purposes. Please note, that whilst all legal changes to the Public Rights of Way network are sent by Shropshire Council to Ordnance Survey, there may be a delay in the changes being reflected on the OS mapping depending on when it coincides with their scheduled updates.

3. What is the Definitive Map?

The Definitive Map and Statement (DMS) is the legal record of Public Rights of Way. If a route is shown on this map, then it is conclusive evidence of the existence of that route, even though there may not be any visible evidence on the ground that a Public Right of Way exists.

The Definitive Map and Statement for Shropshire is a paper record that is available for the public to view. You can view the Definitive Map and Statement during normal office hours, Monday to Friday, at Shrewsbury Library. There's no charge for this service. To make an appointment to view the map and statement, please email the Rights of Way Team: outdoor.recreation@shropshire.gov.uk

The Definitive Map was last updated in February 2020, so it may be beneficial to check the electronic working copy online for current information. [The digital working copy of the map](#) includes any amendments made to the Definitive Map as a result of confirmed public path and modification orders since February 2020. Please note that this online map is for information only, it is not the legal record. You can view the electronic working copy of the Definitive Map online by visiting www.shropshire.gov.uk, clicking on the Map symbol at the bottom of the home page and selecting the Outdoor Recreation Map.

3. What section of the Council is responsible for Public Rights of Way?

The Rights of Way Team are responsible for the protection, maintenance, and signposting of Shropshire's 5,600 km of Public Rights of Way. As the Local Highway Authority, the Council has a duty to erect signposts where a Public Right of Way meets a metalled (tarmac) road. It also has the power (but not a duty) to sign Public Rights of Way to assist users who are unfamiliar with the route.

4. What is a Permissive Path?

Permissive Paths are not legally recorded Public Rights of Way, but the public can use them with the permission of the landowner. They are usually waymarked with Permissive symbol waymarker discs. The permission may extend to certain types of user, e.g. walkers, and may be a written or verbal agreement with the landowner who has the right to withdraw their permission at any time. Some permissive paths have been established by the landowner through a Permissive Path Agreement with the Council.

5. Can I wander off a Public Right of Way?

No, the legal right to pass and re-pass relates solely to the Definitive line, which is the legally recorded highway. Landowners can ask you to leave land to which you have no right of access. If, however, a Public Right of Way is obstructed by a landowner, you have a right to deviate onto other land belonging to the same landowner to avoid the obstruction.

6. Who is responsible for cutting hedges growing alongside Public Rights of Way?

The landowner, or occupier is responsible for controlling side and overhead vegetation from inhibiting the use of Public Rights of Way. Shropshire Council, as the Local Highway Authority, has a duty to control surface vegetation, although this is distinct from cultivated crops which are covered by specific legislation. *Further information on obstructions to Public Rights of Way is available in Public Guidance Note 4.*



7. Can I cut back vegetation from a path or stile?

A pair of pocket secateurs may be carried in order to cut back only that vegetation which impedes progress along a Public Right of Way, providing that no more than necessary is removed to enable you to make your way conveniently along the highway. If more than necessary is removed, for example, if you go out with the express intention of clearing a particular Public Right of Way, equipped with tools such as a saw, strimmer etc., this risks going beyond what is necessary to enable convenient progress.

If you would like to get involved in helping to keep your local Public Rights of Way in a good condition, Shropshire Council run a Parish Paths Partnership Scheme where local volunteers, with the support of the Council, maintain and improve their local network. To enquire about joining or forming a new Parish Paths Partnership group in your local area, please email outdoor.recreation@shropshire.gov.uk, we would love to hear from you.

8. Can I ride a horse, or a bike on a Public Footpath?

No, you do not have the right to ride or push a bicycle along a Public Footpath. You do not have the right to ride or lead a horse along a Public Footpath either.

9. Can I take a pram, pushchair, or wheelchair on a Public Right of Way?

Yes, but many routes will not be suitable due to the terrain or the furniture on the route (e.g., stiles).

10. Can I take a dog on a Public Right of Way?

Yes, a dog is considered a 'usual accompaniment' of a person on foot. Nonetheless this entitlement is confined to the extent of the highway and only exists whilst the dog is accompanied by its owner/keeper. A trespass would be committed if the dog is allowed to run away from the highway or if the owner/keeper stands at a gate and allows their dog to run free. ***Please note landowners are not required by law to provide dog friendly furniture such as gates or dog friendly stiles so not all routes may be suitable for your dog.*** For more information see Public Guidance Note 3: Dogs on Public Rights of Way.

11. Must a dog be kept on a lead whilst on a Public Right of Way?

No, but it does have to be under close control. It is not entitled to roam away from the Public Right of Way. If it does so, the dog's owner could be guilty of committing trespass against the landowner. If signage is present requesting that dogs are kept on leads, it is advisable to do so. The one exception to this rule is if you are in a field with cattle, especially cows with calves. Cows may feel threatened and become aggressive towards you and your dog. If this happens, stay calm and let your dog off the lead.

The Dogs (Protection of Livestock) Act of 1953 makes it an offence to allow a dog to chase or attack livestock, or to be 'at large' in a field or enclosure in which there are sheep. 'At large' is defined as not on a lead, or otherwise under close control. For more information see Public Guidance Note 3: Dogs on Public Rights of Way.

Please check on the Council website if there are any local dog control orders in place.

12. Why are some Public Rights of Way not recorded on the Definitive Map?

When Public Rights of Way were first legally recorded in the early 1950s, Parish Councils were asked to mark on a map all the routes that they felt were Public Rights of Way and naturally some omissions were made. Other routes have also been created since this time (for instance through long use by the public) which have yet to be legally recorded. Other very old roads and Public Rights of Way fell out of use many years before the 1950s survey without ever having been legally stopped up and Parish Councils often did not record them. As highways do not cease to exist simply because they are not used; evidence often comes to light that such historic rights still exist.

13. How can a Public Right of Way be added to the Definitive Map?

If the owner of the land accepts the public's right to use a route or wishes to give them this right, they can agree to legally dedicate a footpath, bridleway or restricted byway.

If the public have used a route for a long period as of right and without interruption, or if documentary evidence of highway status is discovered, then an application may be made to record the route under the Wildlife & Countryside Act 1981. The public normally have to use a route as of right for 20 years for a new right to be created, however if the landowner takes action that actively encourages them to believe he is dedicating the route (for instance telling walkers that a non-definitive route is the Public Right of Way) then this period could be significantly shorter.

Footpaths, bridleways, restricted byways and byways open to all traffic¹ can all be added using this process and as they are based on evidence, additions made under these provisions can be made even where they are not supported by the owner of the land. *See Public Guidance Note 12 for detailed guidance on evidence-based applications.*

14. Can the route of a Public Right of Way be changed?

Yes, Public Footpaths, Public Bridleways and Restricted Byways can be diverted under the Highway Act 1980 or the Town & Country Planning Act 1990. The alteration of a Byway Open to all Traffic must go before a Magistrates Court. *See Guidance Note 8 for detailed information about applying for Public Path Orders and Public Guidance Note 7 and 25 for information about Public Rights of Way and development.*

15. Can a Public Right of Way be closed permanently?

Yes, it is possible to extinguish a Public Right of Way under the Highways Act 1980, the Town & Country Planning Act 1990 or delete it under the Wildlife & Countryside Act 1981, however the tests for such applications are generally difficult to meet and they usually receive objections. As a result, they are rarely successful. *See Guidance Note 8 for detailed information about applying for Public Path Orders and Public Guidance Note 7 and 25 for information about Public Rights of Way and development.*

16. Is a bull allowed in a field where a Public Right of Way passes?

Yes, the most important factors concerning bulls kept in fields where there are Public Rights of Way are that they are not of a recognised dairy breed, and if they are over 10 months old, they must be kept with cows and not alone in the field.

Bulls of recognised dairy breeds are Ayrshire, British Friesian, British Holstein, Dairy Shorthorn, Guernsey, Jersey and Kerry.

Please note that you can be prosecuted if you keep any potentially dangerous animal on land crossed by a public right of way.

17. What if a Public Right of Way is ploughed up?

Public Footpaths and Public Bridleways across fields may be ploughed for cultivation but the highway must then be reinstated within a specified timescale and to a specified width. *For more information see Public Guidance Note 5: Ploughing and cropping on public rights of way.*

18. What if there are crops on a Public Right of Way?

It is an offence to allow planted crops to obstruct the highway. Grass is not considered a crop for the purposes of this legislation. Where crops are planted over Public Rights of Way, they are usually allowed to grow a few inches before they are sprayed or rolled out. If the crops are allowed to grow to a height where they cause a nuisance, this should be reported to the Rights of Way Team via outdoor.recreation@shropshire.gov.uk email or ringing the Shropshire Council's Customer Service Centre. *For more information see Public Guidance Note 5: Ploughing and cropping on public rights of way.*

19. Can private rights exist on Public Rights of Way?

Private rights can coexist on Public Rights of Way, thus certain people may have private rights to use motorised vehicles on a Public Right of Way where the same public rights do not exist. Please note the Council has no powers to deal with disputes relating to private rights.

20. How do I report an issue on a Public Right of Way?

There are several ways to report issues that you encounter on the Public Rights of Way network. To ensure that issues are effectively recorded and can be tracked, it is preferable that they are either: emailed directly to outdoor.recreation@shropshire.gov.uk or reported via the Council's webpage: <https://shropshire.gov.uk/outdoor-partnerships/report-a-rights-of-way-issue/>

For further information: **A comprehensive Rights of Way User Guide can be found on the [Shropshire Council website](https://www.shropshire.gov.uk)**

