

Public Paths and Access: Information for farmers and land-managers

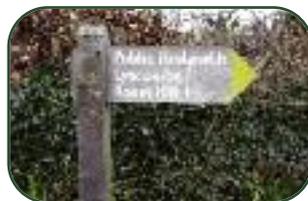


This leaflet is for people farming or managing land on Exmoor, over which there is public access. If you would like to report a problem or get any further advice please contact your area Ranger. The details for each Ranger can be found on our website, or you can call 07970099111 during office hours seven days a week.

Public Footpath

Waymarks: yellow

Used by: walkers



Public Bridleway

Waymarks: blue

Used by: walkers, horseriders,
cyclists



Restricted Byway

Waymarks: purple

Used by: walkers, horse-riders, cyclists,
carriage drivers



Permitted Path

Waymarks: white, or colour to indicate
type of use allowed

Used by: various - take note of the signs

Access Land

Access land provides access for the public on foot across whole areas of land. Only certain areas of land are designated as Access Land and there is no general 'right to roam'.



Public Rights of Way and Permitted Access

Paths used by the public in Exmoor National Park may be public rights of way or permitted paths.

Public rights of way provide a legal right for people to pass and repass at any time whereas permitted paths are only available by landowner permission and can have different rules of use.

People using a public right of way should behave responsibly and should have a minimal impact on the agricultural or other use of the land. Equally, all people have a right to use public rights of way without interference or inconvenience.

The information in this leaflet is mostly about public rights of way. However, some of the information will also be useful in relation to permitted paths and other access that you may offer, particularly if you have a permitted path



agreement with the National Park Authority.

If you would like to enter into a permitted path agreement, please get in touch.

Access Land

Specific areas of land that are designated as 'Access Land' give people a right of access on foot for open air recreation. Most enclosed fields and farm yard areas will not have open access rights - in these areas, walkers should keep to public rights of way and permitted paths. There is open access on foot to large areas of the moorland in the National Park and also in some woodland. In some places, open access rights may extend to other users such as horse-riders. Please refer to an up to date Ordnance Survey map or the National Park website for an indication of the land that is designated as Access Land. The government maintains the definitive and up to date mapping of Access Land and this is publicly accessible online via the Natural England website.

Hedges, Overgrowth and Trees

Landowners are responsible for ensuring that trees alongside a public right of way do not constitute a hazard to users of the path. If you are concerned about a tree on your land, you could have the tree inspected by a qualified arboriculturalist. The Arboricultural Association holds a list of approved contractors on their website (www.trees.org.uk) and suitable contractors can also be found in Yellow Pages. They will be able to give you advice on the health of the tree and suggest whether tree surgery would be appropriate. The trimming back of overhanging vegetation such as hedges is also the responsibility of landowners, although Exmoor National Park Authority is sometimes able to undertake this work on landowners' behalf.

Ploughing and Cropping

Ploughing over public rights of way is sometimes necessary but the law is very specific on this issue.

When ploughing or growing crops over a public right of way, please keep the line of the path clearly visible and easy to use by marking it out, and by levelling the route within 14 days of ploughing.

Footpaths and bridleways can be ploughed but restricted byways or byways open to all traffic should not be ploughed and a public path should not be ploughed if it runs along the edge of a field.

The minimum widths below apply to paths unless there is a specific width held on record with the County Council.

If you have any queries about ploughing or cropping, or if you require additional time to reinstate a path, please contact a Ranger for assistance.

Minimum widths:

	Cross field paths	Field edge paths
Footpath	1 metre	1.5 metres
Bridleway	2 metres	3 metres
Restricted byway/BOAT	3 metres	3 metres

Livestock and Animals

Livestock farming is a vital part of Exmoor's economy and it helps to maintain the wildlife, natural beauty and landscape for people to enjoy. Although incidents are very rare, there is a potential for conflict between livestock and people. This can be reduced with careful management which can improve public safety and reduce liability for farmers.

Detailed guidance for livestock farmers is available via the Health and Safety Executive website: www.hse.gov.uk and we are also happy to help where we can.

Whilst fencing alongside a path to separate people and livestock is sometimes necessary, we do not normally encourage farmers to do this because it can:

- create an additional maintenance cost for the farmer
- look unsightly in the landscape
- lead to poaching of the path surface, and
- create a need for additional path surface strimming.

Please contact a Ranger if you are considering fencing alongside a public right of way to discuss the matter and make them aware.

Bulls and dangerous livestock

The law states that dairy bulls over 10 months of age are not allowed free range of any field through which a public path passes, whilst bulls of other breeds over 10 months of age must be accompanied by cows or heifers. In any case it is very important that farmers take steps to monitor their animals' behaviour and take action to manage the risk to the public.



Gates and Stiles

The law allows for new gates on public paths in some circumstances but they do need to be authorised so if you require a new boundary that will cross a public path, please contact a Ranger to discuss your needs.

Gates are favoured over stiles because they are easier to use, especially for those with injuries or disabilities.

Gates and stiles remain the responsibility of the landowner but Exmoor National Park Authority will usually replace them on behalf of landowners.

If you require a temporary electric fence across a path, it is best to discuss your needs with a Ranger. Where the fence will only be in place for a few days, a hook and handle style opening in an electric fence may be appropriate but if the fence is required for a longer period of time it may be worth installing a gate. In all cases any electric tape/wire should be insulated either side of and across the structure or opening and the uninsulated tape/wire should be labelled as electrified.

A very common complaint from farmers is about gates being left open and of course this can cause real problems. We can help to ensure that gates are well fitted, easy to use and properly signed to encourage all users to do the right thing. Please get in touch with a Ranger if you are having problems with gates being left open so that we can assist you.

Fences alongside a public path

If you require a new boundary running alongside a public right of way, please contact a Ranger so they can give advice specific to your circumstances. The path should remain easily useable by the public and so, as a rough guide, you should allow a width of at least two metres for footpaths and three metres for bridleways. The width required may vary depending on the circumstances and the legal records for the path so it is always best to check with us first.

If you require a temporary fence alongside a public right of way please make sure that a safe path of appropriate width is allowed. Please avoid using barbed wire and electric fencing where possible. If this is impractical then the width allowed for the path may need to be increased to ensure safe passage is available.

Blocking or altering public paths

Whilst it might sometimes seem sensible to block a public right of way for land management reasons and provide an alternative route, the law does not allow for this on an informal basis. If you need to block or alter a path for any reason, please contact a Ranger to discuss the situation. In some instances it may be possible to temporarily close the path and to provide a temporary alternative route.

Where there is a need for a long term or permanent change to the route of a public right of way, it may be appropriate to seek a diversion. This is a formal procedure including an element of public consultation which, if confirmed, results in the legal alteration of the path's route. In some cases, the National Park Authority is able to waive part or all of the costs of diversions and temporary path closures, particularly where there is a clear public benefit.

Where a public right of way has been blocked or altered in the past such that the route no longer matches that held on record by the County Council, some form of action will need to be taken to rectify the situation. This may involve reopening the recorded line of the path or seeking a legal diversion. Again, in some cases the National Park Authority is able to waive part or all of the costs involved. If you would like to check the recorded lines of paths on your land, please see the County Council's online mapping for an approximate guide (at www.somerset.gov.uk or at www.devon.gov.uk) or contact a Ranger or the County Council for a more accurate check. If you have noticed that the legally recorded line is not the line that is available on your land, please contact a Ranger to discuss how we can assist you in resolving the matter.



Surfaces

If you are considering undertaking surface works to a public path, please contact a Ranger to discuss your plans. In many cases, some form of prior authorisation is required by law for changes to the surface of a public right of way or the creation of a new track. In some instances, it may be necessary to seek planning consent. Often, obtaining prior authorisation is a simple process - to apply you will need to provide us with the exact location and a specification of the proposed works. Rangers can assist you and information can be sent to us by post or email.

Dogs

Users of a public right of way are legally obliged to keep their dogs under 'close control' but not necessarily on a lead. Close control means the dog stays near to the owner and returns on command. Of course, under no circumstances should dogs be allowed to worry or chase livestock. If you are concerned about dogs, please contact a Ranger to see if we can assist you. We can help with signage and public liaison, and if necessary the police can also become involved.

Disease

Public access is not usually found to contribute significantly to the spread of disease and paths can only be closed in line with government guidance regarding a specific disease outbreak. If you are concerned about public access in relation to disease, please contact a Ranger to discuss how we may be able to help.

We are here to help

If you have any other questions or concerns about Public Rights of Way or the other work of the National Park Authority please get in touch with our Rangers, or contact our Main Office:

Exmoor National Park Authority
Exmoor House, Dulverton, Somerset, TA22 9HL
Tel: 01398 323665
email: info@exmoor-nationalpark.gov.uk