



**Somerset
Council**

Public Rights of Way Maintenance

**Guidance for parish
councils**

This document will be updated periodically

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1 Powers of Maintenance

Section 43 Highways Act 1980 states:

‘The council of a parish or community may undertake the maintenance of any footpath, bridleway or restricted byway within the parish or community which is, in either case, a highway maintainable at the public expense...’

These powers can include many aspects of day-to-day maintenance including vegetation clearance, stile and gate repair/replacement, drainage works, surfacing, signposting, waymarking, and small bridges.

2 What can we do?

Vegetation clearance

One of the easiest ways for parish councils to help is by keeping vegetation cut back. This can be upgrowth from the surface, and also vegetation that is obstructing the visibility of signposts and waymarks and the ease of access to stiles, gates and bridges.

Somerset Council operates a limited vegetation schedule undertaken by contractors, details of which can be found at Explore Somerset by selecting ‘Vegetation Clearance’ from the layer control. Clicking on the highlighted routes will reveal more information about how much length is cut and how many times a year. The extent of this schedule is reviewed annually.

We also have registered Strimmer Volunteers operating in a number of parishes. We are in the process of building a data layer of which routes these volunteers currently cut and hope to make that available for public view as soon as possible.

If you are able to take on vegetation clearance in your parish under your own powers then please get in touch to ensure that duplication of effort can be avoided, and also so that we can keep a record of the routes that you are cutting locally.

Stiles and gates

Unless they are part of a bridge over a natural watercourse, the vast majority of stiles and gates are the landowners’ responsibility to maintain or replace. Landowners should always be contacted before any works take place to stiles or gates.

Somerset Council no longer offers replacement stiles to landowners as they are inaccessible to a significant percentage of the public. However, many stiles on the path network are lawful and still need to be maintained or replaced to be safe for public use.

Where a stile is no longer required, then subject to boundary owner/s consent, a more accessible solution should be sought, i.e.: gap, gate, then kissing gate. If new gates or kissing gates are required then we may be able to provide them.

Landowners must be contacted to seek their consent prior to any works taking place.

Parish councils are well placed to use their powers to assist local landowners with this maintenance responsibility.

Where there are field gates, stiles should not be installed alongside the field gate as this is a less accessible structure than the field gate. A pedestrian gate alongside a field gate is an acceptable option in most cases, provided it is of a suitable width (1.1m clear opening) and is well maintained and kept clear of overgrowth.

Any new stile or gate (where a historic boundary did not exist) should be referred to Somerset Council for possible authorisation prior to any works taking place.

Signage

Signposts at the roadside, waymark posts and waymarks all help users of public rights of way to find their way. Signposts and waymarks can be provided to you for installation but please ensure that you have read [Natural England's Waymarking public rights of way](#) before doing so.

Surfacing and drainage

Somerset Council is generally responsible for the surface of public rights of way. However, there are some surfaces that are shared with private vehicular rights where the surface has been laid by those (current & previous) with the private rights.

Please get in touch with us before you do any surfacing work.

Water can erode or make surfaces difficult to use. Simple measures such as clearing fallen leaves and debris from drainage gullies/ channels, and footbridge decks can make a big difference. Please get in touch with us before you do any other drainage work.

Bridges

Guidance to follow.

3 How can we do it?

Using contractors

The use of local contractors may be the easiest way to exercise your powers of maintenance. In selecting a contractor it is highly advisable that they have

£10million public liability insurance that covers the work type that is being asked of them.

They should also demonstrate they are competent (with certification where appropriate) and have relevant risk assessments and control measures in place for the activity.

Volunteers

In many cases there are willing local volunteers who could undertake the maintenance. Use of volunteers has the advantage of empowering the community to look after their local paths and has the potential to be more cost effective.

If using volunteers then it is highly advisable to make sure you have £10 million public liability insurance in place for the work activity. You should also make sure you have relevant risk assessments with appropriate control measures in place.

Whether working as individuals or as a group the volunteer or their leader should be competent in undertaking the activity. Training courses are available through 3rd party providers.

Highway Steward scheme and the Enhanced Highway Maintenance pilot

These are schemes that are being provided by Highways colleagues in conjunction with the current term maintenance contractor for Highways. There is the option for Parish Councils to pay for certain maintenance activities through these schemes. More information can be found at [City, Town and Parish Councils \(somerset.gov.uk\)](http://www.somerset.gov.uk/city-town-and-parish-councils).

4 When can we do it?

Bird nesting season – 1st March to August 31st (timing can vary depending on weather conditions and bird species)– is probably the most critical time restriction when undertaking vegetation cutting. Only seasonal growth should be cleared during this time, with any dense and/or woody growth clearance being undertaken outside of this period. More information available at: [Bird nesting season guidance](#)

Any maintenance that requires vehicular access to a site should be programmed to avoid unnecessary damage or inconvenience to either the public right of way or other land over which access has been agreed. This could be timing in relation to the seasonal weather patterns or land management activities.

5 FAQ

What if my parish is within Exmoor National Park?

Exmoor National Park Authority are also keen to work more closely with Parish Councils so if you are within the National Park area and wish to do more to help or work in partnership then please contact access@exmoor-nationalpark.gov.uk

Who do we need to contact before doing any works?

Before doing any works it is highly advisable to make contact with us (see details below). We need your help to keep the network open and available but in doing so we need to ensure that we don't duplicate effort. Early engagement with your Area Warden will ensure that this is avoided.

If the work is impacting on land management, affecting someone's property (stiles and gates are landowner's property), or requires access across private land then those landowners should be contacted to seek their consent prior to work taking place.

Does the path need to be closed to the public whilst works are taking place?

The vast majority of maintenance works can take place without closing the path provided basic precautions and control measures are put in place, e.g.: men at work signs. If you have concern about whether works necessitate a short-term closure of the path then please get in touch with us.

What different types of public right of way are there?

There are four types - public footpaths, public bridleways, restricted byways, and byways open to all traffic. The maintenance approach will vary for each type of way.

How wide and high should a public right of way be cleared of vegetation as a minimum?

- Footpath – 2m wide, 2m high
- Bridleway - 3m wide, 3m high
- Restricted Byway/BOAT - 3m wide, 3m high

Not all routes are this wide and thus adjacent boundaries or land features along some routes may prevent the minimum width being cleared.

What do we do with arisings from vegetation clearance or other works?

For unsurfaced paths cut material can usually be left on site. Any woody or thorny cuttings are best pushed to the side or disposed of to avoid injury to users, dogs, and horses where applicable. For surfaced paths it may be more appropriate to blow, rake or brush cuttings to the side of the path.

Waste material from other works should be discussed with the landowner if it is their property or otherwise appropriately disposed of at one of the [recycling sites](#).

Should we cut arable crops if they are obstructing a public right of way?

No. The landowner or occupier should be contacted to clear the crop. Please report instances of crop obstructions on [Explore Somerset](#) . In some cases the landowner will offer a convenient permissive route, that on occasions can be a more attractive route to use than the official public right of way. In these circumstances the landowner should ensure the permissive is kept clear of vegetation.

How often should we cut the vegetation on a public right of way?

This will be very variable and will be subject to local growing conditions, weather patterns and local land management activity. If a route needs cutting it will generally range from 1 to 4 cuts a year. If this activity is instructed locally there is greater control over the timing of it which means that cuts can be timed to achieve the optimum result and keep the number of cuts to a minimum.

How do we know where and when Somerset Council contractors are cutting paths?

The scheduled cut by contractors will vary from year to year for a number of reasons, but due to budgetary pressures is likely to decrease. The routes and number of cuts on the schedule can be found at [Explore Somerset](#) by selecting the 'Vegetation Clearance' layer and clicking on the highlighted routes on the map.

The cut 'windows' are generally as follows but can be varied or in some cases cancelled in response to weather patterns and lack of/spikes in growth.

With the exception of a handful of sections of National Trail and some promoted routes, nearly all other paths on the Somerset Council scheduled cut are for 1 or 2 cuts per annum. Therefore locally important paths will greatly benefit from additional cutting by the parish council.

2024 example:

Year	Cuts	Date Cuts are required
2024	1 cut paths	<ul style="list-style-type: none"> • 15th June – 29th June
	2 cut paths	<ul style="list-style-type: none"> • 27th May – 10th June • 12th August – 26th August
	3 cut paths	<ul style="list-style-type: none"> • 27th May – 10th June • 15th June – 29th June • 12th August – 26th August

Are there standards for stiles and gates?

There is a British Standard 5709:2018. Whilst there is an aspiration to comply with the standard there is no requirement to do so and in some cases the Standard is not capable of being achieved for various reasons.

We are unable to share a copy of the Standard, however The Pittecroft Trust have provided an [explanatory document](#) that is available online.

Some stockists supply gates manufactured to the Standard and will also provide installation instructions, e.g.: [Centrewire](#), [Secure-a-Field](#)

Where should fingerposts go?

Fingerposts should be at locations where the public right of way joins the metalled road. At some locations it is not always practical or physically possible to have a fingerpost, and at these locations a carefully placed waymark can suffice.

There is a higher likelihood of buried utilities (gas/ electric/ water/ telecommunications, etc.) being present at the roadside thus extra caution and a dynamic risk assessment should be carried out. See 'How do I write a risk assessment' section below and also take a look at the [Highway Volunteer Handbook](#).

The paint can fade on the finger of a fingerpost. You may wish to repaint your fingers with the appropriate colour. The relevant pantones / British Standard are:

Public Footpath:	Yellow	123c / BS 08 E 51
Public Bridleway:	Blue	292u / BS 20 E 51
Restricted Byway:	Plum	BS 02 C 39
Byway Open to All Traffic:	Red	185c / BS 06E 55

How do we know what we're doing is in the right place?

Many routes are historic and the location of the route and the assets along it will be historic too and therefore a like for like replacement in the same location should be fine. However, if it is a new boundary or if the route on the ground doesn't look the same as that on [Explore Somerset](#) then please double check with us before doing anything.

Equally, when discussing works with landowners they may prefer to move the location of a gate or stile. To do this a permanent diversion order is necessary. To change the alignment of a route without such an order could result in two public rights of way being created.

What do we do if the landowner(s) won't allow access or consent to the works?

Please refer the issue and what works were proposed to us. We may advise an alternative course of action that the landowner may agree to, or otherwise the issue will be taken on by the Area Warden and prioritised alongside other issues for further

investigation and resolution. Enforcement action is a possible outcome by us if the landowner is not cooperating.

Will our work be inspected?

No, not routinely. Any inspection of parish council led work will depend on the nature of the work, whether we are liable for the onward work, and any reports we may receive from the public or landowners about the quality of the work.

What if there are any issues or snags with the work undertaken?

It will very much depend on the nature of the issue. Most issues come to light soon after the work has taken place and in most cases are easily rectified, e.g.: a dropped gate that can be adjusted with a spanner, thorny cuttings that can be swept off a path, etc. In these instances we will ask the parish council to attend to any issues or snags.

How do we know what work might need doing in our parish?

[Explore Somerset](#) is the website that shows the reported issues across the County. This is a good starting point to knowing what your local issues are. Not all of them will be maintenance related, and some might be inter-dependant on other issues being resolved before a maintenance issued can be attended to. There will also be works that we have in hand that there might not be an issue reported against it.

A regular survey of your local network, which might already be being done by the Parish Path Liaison Officer (if we have one registered for your parish) is another way to find out what might need doing.

Can we undertake works where public rights of way meet the roadside?

Any works next to trunk roads should be left for us to arrange. For all other roads the locations will need to be risk assessed. Where works require personnel to be on the carriageway or vehicles to be parked or placed on the carriageway, this is best done by contractors who have the appropriate competency and vehicle livery for working on the highway.

Can we work with neighbouring parishes?

Absolutely. The majority of parishes who responded to our survey were happy to consider working with other parishes. This could have many advantages with regard to buying power efficiencies (contractors/ suppliers), sharing tools and equipment, as well as a higher likelihood of being able to set up a volunteering work party.

You would need to check your insurance policies to make sure any activity undertaken across different parishes was appropriately insured.

What training is available?

There are a number of third party training providers with recognised awarding bodies being LANTRA and City and Guilds. Example courses that would be relevant are Brushcutters/Trimmers and Fencing and Gate Installation.

Training is advisable but not essential. You may have local volunteers that you are confident are competent to undertake the relevant activity without the need for training.

How do I write a risk assessment?

Risk assessments (and their associated control measures) are key documents that your contractor should have in place, and you should also if overseeing or organising volunteers. In many cases a generic risk assessment may suffice, but it is always worth considering whether a site specific / dynamic assessment should be carried out.

More advice and templates are available on the [HSE website](#). Risks to think about (not exclusive) – the public, underground utilities, the land use (livestock/machinery), the lie of the land, proximity to natural or man made hazards, weather (hot and cold), emergency contacts, first aid, etc.

The [Highway Volunteer Handbook](#) is a good reference document with regard to potential risks and control measures.

What funding or materials are available?

Currently we are able to provide some materials free of charge eg: signposts, gates, waymarks. However, limited staff time and other logistics may mean there is a long lead in time to any delivery. It is therefore advisable to plan ahead and engage with us early and where possible do a batch of works with a combined delivery/ work with other parishes with regard to what is required, as opposed to requesting materials every month for example.

Provision of materials will be subject to available budget and staff resource and liable to change over time.

You are welcome to source your own materials at your own expense or to work with the landowner(s) to source or pay for materials.

How do we know who owns the subsoil or land adjacent to public rights of way?

Area Wardens will often tap into local knowledge to find out who owns or farms certain parcels of land. It would be financially prohibitive to do a Land Registry search for landowner information for routine maintenance issues. The expectation is that you would do similar to our Area Wardens and make local enquiries to establish the landownership.

We do have access to claimant (agricultural subsidies) details but under the current data sharing agreement we are unable to share this data with Parish Councils. This will be explored in more detail as soon as possible.

What can we do about obstructions on the network?

Parish Councils are able to prosecute landowners with regard to a number of breaches of the Highways Act 1980. However, most breaches are best resolved through engagement with the responsible parties. Whilst you can initiate such discussions our advice is that you leave those discussions for us to have with those parties. If we think local brokerage would be beneficial then we will get in touch with you.

What level of service can we expect from Somerset Council?

Budgetary pressures mean that resources will be focussed on those routes that are promoted and used the most, and those risks that pose the most danger to the public. Each Area Warden is prioritising several hundred issues at any one time and as such will be unable to investigate and resolve all of the reported issues in as timely a manner as the public would like. We need your help.

6 CONTACT US

The best way to contact us is via e-mail rightsofway@somerset.gov.uk . If your query relates to maintenance, then it will most likely be directed to the relevant Area Warden to respond to.

If you are contacting us about an existing issue that has been reported on [Explore Somerset](#) , then please include the issue numbers that you are able to resolve or have resolved through parish council led works. Photos are always useful, and in many cases can prevent the need for the Area Warden to visit site. The Area Wardens will then be able to update or close the issues on the website.

If an urgent situation or emergency arises on the path network then it is best to phone us on 0300 123 2224.