

Help with Grants

- Durham County Council offers 25% for approved maintenance of stiles and gates on public rights of way. Higher rates are offered on promoted routes or where the works will significantly improve access along the route, e.g. the replacement of a stile with a gate to make access easier for users with pushchairs and less able users.
- Durham Hedgerow Partnership's Field Boundary Restoration Grant Scheme is run by the County Council's Landscape Section and provides financial assistance to farmers and landowners who want to bring back into management existing hedges or to establish new hedges.
- DCC's Parish Paths Partnership (P3) is a grant scheme to enable local communities to get involved in the management of their local paths. There are 100% grants for stiles and gates. Check if paths on your land are in an Active P3 Parish and speak to your local P3 representative, or Parish Council about your ideas to improve your paths.
- Natural England's High Level Stewardship scheme can offer grants on access projects.

Where to Get Further Help

For help, guidance and further information contact:

Access & Rights of Way Section,

Regeneration and Economic Development,
Durham County Council, County Hall, Durham
DH1 5UQ.

Telephone: 0191 383 3239

E-mail: prow@durham.gov.uk

Website: www.durham.gov.uk/prow

Also See:

- Managing Public Access (CA210) - endorsed by the CLA and NFU visit www.naturalengland.org.uk
- www.countrysideaccess.gov.uk
- HSE Agriculture Information Sheet 17EW

Managing the Network

The County Council's duties fall into two main areas. It oversees the practical maintenance of public paths and the legal management.

Practical Management

The County Council asserts and protects the rights of the public to use all public rights of way by:

- Ensuring that public rights of way are not obstructed by crops, overgrowing vegetation or other barriers.
- Maintaining surfaces to an appropriate standard for the use they receive.
- Providing and maintaining bridges carrying public rights of way, although other parties often have an interest in these and some bridges may be privately maintained.
- Signposting all public paths where they leave metalled roads (unless it is agreed with the Parish Council that this is not necessary).
- Waymarking routes, in co-operation with the landowner, where the line may be difficult to follow
- Flytipping on private land is the responsibility of the landowner, unless its on a right of way, in which case the County Council will arrange for its removal.

Legal Management

The demands made on our public paths are different today than when the network took shape. In some places, the network does not meet modern needs, both of those using paths and those managing the land. Changes to the network can only be made through statutory order by the County Council.

Changes to the Network

The Highways Act 1980 makes provision for diversion, creation and closure of rights of way. A path may be diverted in the interests of the landowner or the public. The alternative must not be substantially less convenient for the public.

You can apply to change the route of a public path, although there will normally be a charge to cover the advertising and administration. Proposals are extensively consulted on and all views will be considered.

Where there is a public need for a new path, it is possible to create a new one.

Paths can only be closed in limited circumstances where it can be proved it is no longer needed. Specific legislation allows for paths to be altered where they are affected by a development.

Errors or omissions can be corrected by modification orders, provided there is sufficient evidence to support the change. If it can be shown the public have used a particular route for over 20 years without objection from the landowner, the route may become a public path. There are certain steps laid down in the Highways Act 1980 by which a landowner may prevent the public establishing a right of way.

Permissive Paths

You may be willing to allow people to use an additional route over your land but may not want it to become established as a right of way. In these cases the route may be offered as a 'permissive path', ie. used with the permission of, and maintained by you without any long-term commitment. If you do provide a permissive path you must continue to keep definitive routes open and unobstructed and allow the public to use them.

Open Access

The management of public rights of way are not affected by Open Access.

Cross Compliance

Under the Single Payment Scheme, you must comply with the proper management of public rights of way, as a Good Agricultural and Environmental Condition.

Public Rights of Way

A Guide for Landowners and Occupiers



Introduction

Durham County Council's Access and Rights of Way Section look after approximately 2,162 miles of public paths in County Durham.

Most of these paths originated centuries ago. Some were highways to enclosed land, others were used by workers walking to work, by parishioners going to church, or by those taking goods to market. Some of these surviving ancient paths now form part of our road system, while others remain primarily for walkers and other users.

Public paths are an important amenity. They provide opportunities for everyone to enjoy exploring and understand the countryside, to access local services without using a car and to stay healthy.

The Access and Rights of Way Section work closely with landowners and occupiers to help them keep rights of way which cross their land open and easy to use. Both parties have responsibilities to manage public paths and this leaflet sets these out.

By working together, we can enable safe and responsible access on public paths for all to enjoy.

Recording of Public Rights of Way

The **Definitive Map of Public Rights of Way** is the legal record of all known public paths.

The **Definitive Statement** accompanies the map and gives details for each path on surface, width and the presence of stiles and gates.

The Definitive Map and Statement of County Durham is held at County Hall in Durham and the County Council keeps it up to date. The map will soon be available on-line.

Copies of relevant areas are held in some Parish Council offices and libraries.



Definitions

There are 3 categories of public right of way in County Durham:



Footpaths

A right of way on foot only.



Bridleways

A right of way on foot, on horseback, leading a horse, and on a pedal cycle. Cyclists must give way to riders and pedestrians.



Byways

A right of way used mainly as a footpath or bridleway, but where there is also a right to use a motor vehicle.

Some facts:

- Public rights of way are public highways and they are protected by the same laws as all other highways.
- While using a public right of way, the public may stop to admire views or eat a picnic, provided they keep to the line of the path and do not cause an obstruction.
- Prams, pushchairs and wheelchairs can legally be taken on all routes, although users cannot always expect to find a suitable surface and may experience difficulty at stiles on footpaths.
- Dogs may accompany those using rights of way but they must be kept under close control.
- Know where rights of way cross your land.
- Keep rights of way clear of obstructions and overhanging vegetation.
- Maintain stiles and gates to a good working standard.
- Get permission from Durham County Council before you build new stiles or gates, fences, ditches (other than replacements) across rights of way, or install new bridges or culverts along rights of way.
- Restore the surface of any crossfield footpath or bridleway which has been ploughed or disturbed to at least the minimum width so that it is reasonably convenient to use and apparent on the ground, within 14 days (or 24 hours of any subsequent disturbance).
- Never plough a byway nor any footpath or bridleway which constitutes a headland, i.e. field edge.
- Don't keep a dairy bull over 10 months in a field through which a right of way passes. Any other bull must be accompanied by cows or heifers.
- If you have animals known to be aggressive do not keep them in a field crossed by a path.
- Signs must be informative not cautionary, eg. say 'Livestock in field' rather than 'Beware bull in field'.
- Leave rights of way signs and waymarks in place.
- Ensure barbed or electrified wire does not cross through stiles, or run adjacent to rights of way, which could injure users keeping to the correct routes. Insulate electrified fencing appropriately.

A Quick Guide For Landowners