

## PEAK AND NORTHERN FOOTPATHS SOCIETY VOLUNTEERS HANDBOOK

### SECTION 4: FOOTPATH INSPECTIONS

#### 1 INTRODUCTION

- 1.1 Individual Inspectors decide how often they carry out inspections, but they should aim to walk all public rights of way (PRoWs) in their parish or parishes at least once every two years, but ideally more frequently. Some parishes have only a few PRoWs whilst others have a considerable number.
- 1.2 You should record your inspections on the Footpath Inspections Database (FID) (see section 7) and may also wish to keep supplementary records of your inspections for your own benefit. These records will help you decide on follow-up visits. You will report faults on the PRoW network to the relevant Highway Authority (HA) and keep track of when the faults have been rectified. Both your report to and response from the HA should be recorded on the FID using the 'event' functionality. If faults are not rectified within a reasonable time your Area Officer should be informed (see paragraph 9.5 below). If there is no Area Officer in your HA area inform the Footpath Inspections Co-ordinator.
- 1.3 The golden rule when inspecting is 'know your patch' and the history of its PRoWs. Past records of correspondence relating to PRoWs are kept in digital form and may be accessed from the Society's digital archive. Go to the folder for the relevant HA and then to the parish folder. This will show whether there has been any previous correspondence relating to PRoWs in the parish.
- 1.4 As future development may affect PRoWs, planning applications potentially affecting a PROW must be advertised separately under Article 8 of the Town and Country Planning (General Development Procedure) Order. In some cases the Society is informed of such applications and you may be asked by the Assessors to provide your comments to them regarding the potential effect of the development on the relevant PROW, with a view to safeguarding the interests of PROW users. However, if you become aware of a planning application affecting a PROW that you have not been asked about by the Assessors, please inform them of it.
- 1.5 Always take the time to investigate thoroughly. For instance: a PRoW might appear to be a dead end or to be blocked with no stile, but further investigation could show you are slightly off the line of the definitive PRoW, or that the stile is hidden by overgrowth. A PRoW across a field may look obvious but may not be on the definitive line. A sign or waymark could be pointing in the wrong direction. It is worth re-iterating how important it is to be sure that you are walking the correct legal route of the right of way. Accurate map-reading and careful navigation are two skills you will find invaluable when checking definitive PRoWs.

## **2 THE INSPECTION**

- 2.1 The inspection can be part of an ordinary walk which takes in PRowS in the allocated parish or parishes, a walk specifically arranged to take in several PRowS or a visit to inspect a particular problem. The things to look for are the same in each case.
- 2.2 The starting point will almost always be where a right of way leaves a metalled road. Confirm that there is a signpost in the correct position, pointing in the correct direction and displaying the correct status of the way. Do not assume that because there is a sign or stile it is correctly positioned. Check against other features on the map – the hedge line on the other side of the road, a pond, field boundaries, an adjacent road junction etc. (But bear in mind that hedges are easily and often removed.) Is there a stile or other access to the PRow from the road?
- 2.3 Once you are satisfied that you are on the correct line, continue along the line of the PRow, checking each boundary crossing point. It is often useful to note any evidence that the PRow is used – some PRowS are little used and so can be hard to find on the ground. Using a GPS device (or digital map accessed via a smartphone) can be very helpful but is not essential.
- 2.4 You will need to navigate and investigate carefully if a stile or gate does not appear in the expected place. In most cases there will be some evidence of a stile or gate, but if not, perhaps you are slightly off-line. Careful study of the map and reference to other features will usually help to find the missing stile, as will a walk along the field boundary in which the stile should be situated. If there really is no stile, gate or way through, do check that you are on the line of the PRow and if so, report the obstruction. It often helps in a case of this sort to walk the PRow in the opposite direction – an apparently missing stile can often be spotted from the other side!

## **3 OBSTRUCTIONS AND FAULTS**

- 3.1 The purpose of inspecting public rights of way is to ensure they can be used by the "average" walker without danger or difficulty. A useful test to apply is 'Can this right of way be used safely and easily by everyone who is likely to walk it?' If it cannot, you should report any problems you encounter. Some of the more likely problems are described below. In all cases, give the grid reference (conveniently obtainable by clicking the relevant location on the FID) and full details of the obstruction or fault. Always try to support the report with one or two photographs – one close up and the other taken from a distance to give some context.

### **3.2 Common Faults**

- 3.2.1 The impassable stream. If a PRow leads to a stream or watercourse and you cannot cross by striding over it, is there evidence that there used to be a bridge there, for example fallen remains or abutments? Does the map show a footbridge? Perhaps instead of a bridge there was a ford or stepping stones which are no longer present or

usable. In some cases, modern machinery might have widened or deepened a formerly passable stream or dyke, making it impossible to cross without a bridge.

3.2.2 The damaged or unsafe bridge. Sometimes there is a bridge over a stream but in poor repair, broken, dangerously tilted, slippery, or in need of a handrail to make it safe.

3.2.3 The locked or tied gate. First, make sure the gate is on the definitive line of the PRoW – it is very easy to be slightly 'off-line'. Check for a stile or gap in the field boundary either side of the gate. Once you are sure you are on the definitive line, check if the gate can be opened. Many gates these days are not properly hinged but are secured by binder twine and are very heavy to open. If the gate cannot be opened, note how it is secured – chain and padlock, nailed up, secured by wire, etc. – and include this in your report.

3.2.4 Broken, difficult or dangerous stiles. Stiles can be too high, too narrow, too wobbly, too slippery, decorated with barbed wire, lacking a through step, far too close to the road, on a blind corner. All these cause the walker considerable difficulty and should be reported.

3.2.5 Housing or industrial development. These need planning permission. The Society should have been consulted at the planning stage but that does not always happen. Check for any diversion, official or unofficial. If there is one, decide whether it is as good as the proper PRoW.

3.2.6 The large hole. This is often caused by opencast mining or quarrying. Again, the Society may have been consulted but you cannot assume that it has and should submit a report. Temporary closure orders often apply to PRoWs near such workings and have been known to remain in place for 50 years or more!

3.2.7 Ploughing. Headland footpaths and bridleways must not be ploughed and a minimum width of 1.5 metres for a footpath and 3 metres for a bridleway is normally prescribed. A farmer can disturb the surface of a cross-field path or bridleway provided he reinstates it within 28 days. Cross-field paths or bridleways through crops (but not through grass) must be restored and marked out so that the full width is apparent to users. The prescribed minimum width is 1 metre for a footpath and 2 metres for a bridleway. Subsequently crops must not be allowed to encroach within the prescribed width. The Society's policy on ploughing is to ensure we maintain an accurate record of paths and bridleways subject to ploughing, so regular inspections and updating reports from Inspectors are essential. We will ask HAs to prosecute only when consultation has failed, and we see the same path or bridleway ploughed and not reinstated year after year.

3.2.8 Buildings. Farm buildings, although not necessarily needing planning permission, are illegal obstructions if they are fully or partly across the line of the PRoW.

3.2.9 Undergrowth/overgrowth/fallen trees. A PRoW might be blocked or very difficult to walk due to undergrowth with roots in the line of the PRoW; or because of

overgrowth from outside the width of the PRow such as branches or hedges encroaching on the PRow. Fallen trees can often be difficult to negotiate or can block a PRow completely.

3.2.10 Mud/slurry. A PRow might be boggy, covered in water, mud, dung, or slurry, or badly rutted. If you cannot easily bypass these problems, and you find they make walking the PRow more difficult than is reasonable for the location, then you should submit a report. Try to determine whether the fault is temporary – perhaps caused by recent heavy rain or a blocked drain – or long- standing, for example where the ground is subject to regular flooding or a PRow is always covered in mud and dung from cattle. A comment about this on your report would be helpful.

3.2.11 A new road or a road-widening scheme. A PRow might be crossed or affected but should not be obstructed by crash barriers. There might be a bridge over the road, or signs indicating where the PRow crosses. Check that the PRow can be safely walked and submit a report in any case.

3.2.12 Extended gardens, paddocks or tennis courts. A PRow might now pass through a garden, paddock, or tennis court. The PRow might have been officially diverted – in which case the Society should have been informed – or unofficially diverted, perhaps with a sign directing walkers round the extended garden. Unless the diversion is clearly official, it should be reported. Note that planning permission is required to change a field or pasture to a domestic garden. Where no permission has been given the matter should be reported to the local planning authority. The presence of a PRow is a material planning consideration. Many walkers will be deterred from using a PRow across a garden unless it is clearly waymarked and signed. A diversion may well be a better solution if that is possible. Appropriate representations should be made to the local planning authority.

3.2.13 Car parks, football pitches, etc. These are often crossed by rights of way and may cause a temporary obstruction. They should always be reported.

3.2.14 Golf courses. These are increasing in number. Existing courses often have rights of way crossing the fairways, and the danger to walkers (who incidentally do have right of way) is very real. Good waymarking across the course is essential and any problems should be reported.

### **3.3 People**

3.3.1 An obstruction by a person is a very serious situation and is altogether different from the obstructions mentioned above. Landowners can put forward many different arguments, but usually all say one thing: there is no PRow here! It is important to be certain you are on the definitive line of the PRow, so check the map carefully. The policy of the Society is to be non- confrontational. Try showing the map and saying, 'the green dashes on the map show a path' and ask where the owner thinks you should be walking. Suggest that signs or waymarks would be helpful in showing walkers which route to take. If this does not work and the landowner goes on refusing

to admit there is a PRoW, take careful note of what they say and try to obtain their name and status. If requested provide your name and the name and address of the Society. You will have to decide, based on the circumstances, whether to proceed or to withdraw gracefully. But in either case, submit a full report with as much detail as possible.

- 3.3.2 If the landowner tells you they have called the police await their arrival. When they do, explain the situation, stating that you have reason to suspect the landowner or agent is preventing you from using a public highway. Take the officer's name and collar number. Do not become involved in an argument or discussion; just listen to what is being said. Be as factual as possible and provide evidence of your position with the Society, i.e., your Inspector's badge. The officer will not be involved in any legal argument; he will just ensure there is no breach of the peace.
- 3.3.3 If you are subject to threats or abuse from a landowner or occupier this should be reported to the police without delay and a statement made. It is reasonable to expect the police to visit the person concerned and formally warn that a repetition of this behaviour may result in their being arrested and charged with a public order offence. It would also be appropriate to inform the HA.

#### **3.4 Animals**

- 3.4.1 In the countryside we inevitably share the PRoWs with livestock. Always put your own safety first. Under no circumstances put yourself in danger.
- 3.4.2 Accompanied or mounted horses are of course allowed on bridleways, restricted byways, and byways open to all traffic (BOATs), but not on footpaths. However, sometimes a landowner allows riders to use a footpath, so a walker could quite legally meet a horse and rider on a footpath. Horses may also graze in fields crossed by rights of way. There are two main concerns regarding horses on rights of way: firstly, hooves can cause considerable damage to a path surface: secondly, on an enclosed way between walls or hedges, there might be insufficient room for walker and rider to pass. If you encounter either of these situations, you should submit a report.
- 3.4.3 Some dogs cause no problem to the walker but others certainly do. Watch for the dog on a chain that is long enough to allow the dog to reach the PRoW. Many farm dogs are used to nipping the rear legs of farm animals, so you might be able to deter them by brandishing a walking stick behind you. The best advice is to stand still and let the dog continue to bark bringing its owner onto the scene. Take note of any advice they offer, such as 'keep walking' or 'it's really a soft dog, it won't harm you'. If the dog appears unfriendly, insist that the owner comes out and takes control of the animal. Should a dog bite you, or any other walker, a report to the police is essential. Ask yourself – does this dog deter walkers from using the PRoW? If the answer is yes, submit a report.
- 3.4.4 Bulls are sometimes found in fields through which a right of way passes. The law on bulls on PRoWs is rather complex and is detailed more fully in the recommended

reading. The Society's advice to all Inspectors must be to take extreme care. Report all incidents, giving precise locations.

- 3.4.5 Cows can be a problem and in recent years there has been an increased awareness of the dangers cows can cause and how they impact on PRowS. Cows with calves, in particular, are a potential danger and farmers are advised by the HSE not to keep cattle with calves in fields with a PRow wherever practicable. Where cattle with calves are in fields that have a PRow there should be appropriate signage warning walkers of their presence. Water troughs and feeding rings should not be placed near a PRow. HSE guidance is contained in the notes available at the following weblink: <https://www.hse.gov.uk/pubns/ais17ew.htm>. Where you believe that HSE guidance is not being followed you should report to the Highway Authority and alert the appropriate Area Officer (or Footpath Inspections Coordinator). A note in the FID may be appropriate. Never place yourself in danger. Do not walk into a field with cattle unless you feel it is safe to do so. Walk around the herd, never through it and consider whether an alternative route might be appropriate.

#### **4 SIGNS AND WAYMARKS**

- 4.1 These come in a variety of shapes and sizes, but from the point of view of inspection, we need only consider three types: those erected by the HA, those erected by other voluntary bodies and those erected by the Society.
- 4.2 HAs have a statutory duty to erect signposts where a PRow leaves a metalled road. Most HAs comply in part but very few can say the task is complete. Many HAs have a programme of renewing or replacing signposts in a different part of their area each year, so you should report missing, broken or misleading signposts.
- 4.3 Signposts are sometimes erected by other voluntary bodies, such as the Campaign to Protect Rural England.
- 4.4 The Society has many signpost. They are not normally placed where the HA has a duty to erect a signpost, but at junctions of PRowS, in situations where the sign will help walkers.
- 4.5 You may come across a suitable site where a PNFS signpost would be of benefit to walkers. If so, please send full details to the Signpost Officer.
- 4.6 Our signposts play an important role in publicising the Society and it is important that they are in good condition and do not look neglected. We have a signpost maintenance team who work hard at keeping these signs in good condition. Please report any sign which is in poor condition to the Signpost Officer
- 4.7 Signposts are sometimes in the correct position but difficult to see. They can be hidden in or overgrown by a hedge, lying on the ground, perhaps knocked down deliberately or as a result of an accident, attached to a telegraph pole or lamp standard, on the wrong side of the road where they cannot be seen, missing an

indicating finger, pointing in the wrong direction or invisible (wooden posts can become covered with moss and blend into the background).

- 4.8 Waymarks: where necessary, these must be installed by the HA to ensure that a person unfamiliar with the locality can follow the course of a PRoW. Discreet waymarking in certain areas, notably in and around farmyards and at difficult junctions, is of great benefit to both landowner and walkers. Waymarking can only be carried out with the consent of the landowner.

## **5 NOTICES**

- 5.1 For the purposes of this handbook there are two types of notice: legal and illegal.
- 5.2 One common notice takes the form 'PRIVATE ROAD TO WASHSIDE FARM'. This notice is, of itself, perfectly legal but the implication that there is no access for walkers causes concern. If a PRoW goes down the road, we ask the HA to erect a public footpath signpost alongside the notice.
- 5.3 It is illegal to place a notice saying 'DANGER, BULL IN FIELD' where there is no evidence of a bull in the field. The National Parks and Access to the Countryside Act 1949 Section 57 makes it an offence to place or maintain a notice containing any false or misleading statement likely to deter the public from using a right of way.
- 5.4 Another notice occasionally found is 'PRIVATE – PROCEED AT OWN RISK'. On a right of way this is illegal and must be removed or amended. The HA is responsible for doing this.
- 5.5 The use of 'PRIVATE, KEEP OUT' notices, located next to a PRoW but said to refer to the adjacent woodland, is to be deplored, but the legality of this notice depends very much on where it is.
- 5.6 Beware of 'PLEASE USE ALTERNATIVE/CONCESSIONARY/PERMISSIVE PATH'. Alternative paths are acceptable, with reluctance, provided that the definitive line is unobstructed and the new line is adequately signed or waymarked. Any obstruction of the definitive line should be logged as a fault.

## **6 CLASSIFICATION OF FAULTS**

- 6.1 For the purposes of the Footpath Inspections Database, PRoWs are classified in three categories.

Purple	no data held on the PRoW
Green	PRoW inspected and is clear (no faults)
Yellow	PRoW inspected and at least one fault has been found
Red	PRoW inspected and a dangerous fault has been found or the PRoW is impassable.

- 6.2 You are advised to use the 'red' category only when you wish to draw the Society's attention to a serious fault. The Area Officer or Courts and Inquires Officer may check which serious faults might need to be followed-up with the HA using PRowS classified as 'red' as a guide.
- 6.3 Normally seasonal faults such as cropping, overgrown vegetation and mud would not warrant a 'red' classification, but if the vegetation is more than just seasonal growth and is forming a more permanent obstruction (which cannot be cut back with secateurs) or if the mud/slurry/flooding is a permanent feature making the PRow impassable then a 'red' classification may be justified.

## **7 THE REPORT**

- 7.1 Inspectors should report faults directly to the relevant HA, either using their website or by email to the Rights of Way team. Some Authorities require you to use their website.
- 7.2 As a minimum the report should contain the following information:
- Highway authority
  - Parish, or area
  - Path number
  - Grid reference of the location of the fault
  - Description of the fault.
- 7.3 Where appropriate, the report should include a digital photograph.
- 7.4 Record on the FID, as an 'Event', when the report was submitted to the HA and the date, reference number and details of any substantive response.

## **8 RECORD KEEPING**

- 8.1 Each inspection undertaken by you should be recorded on the Footpath Inspection Database (FID), whether you find that there is a fault on the PRow or not. Your report on the condition of the PRow then becomes accessible to all PNFS members who use the FID.
- 8.2 You may also wish to keep your own records, independently of the FID, especially relating to correspondence with the HA and to develop your own method of chasing up the HA. However, please try to use the FID and the fault events functionality to record dates of reporting of faults to the HA and any substantive responses received from the HA.
- 8.3 Allow a reasonable period of time, perhaps 3 – 6 months for rectifying a fault considered 'dangerous', one year for other faults before sending a reminder to the HA, if you choose to do so. However, this is just a guide, as much will depend on the



fault – you will be better able to judge when to send any reminders. Please record on the FID each time you chase up a fault.

- 8.4 If you are notified that a fault has been cleared please note this as an event on the FID against the original fault record. When you have been out to inspect that PRow again you can clear that particular fault and either assess the PRow as 'green – no faults' or add previously reported uncleared faults or new faults that still affect the PRow.
- 8.5 Previous correspondence with HAs relating to individual PROws may be available in digital form in the archive accessible from the Volunteer Zone. If you wish to add to the archive with correspondence you have had with a HA on a particular PRow you can send a PDF file of all the correspondence to [filing@pnfs.org.uk](mailto:filing@pnfs.org.uk) using the HA/Parish/Path number code so it can be stored in the correct location. However, whether or not you do this, please record any substantive correspondence with the appropriate HA as an "Event" relating to the relevant PRow fault in the FID. In other words, the content of each substantive email or other electronic correspondence should be cut and pasted into a new "Event" and saved against the fault record for the PRow. This ensures the correspondence can be easily located/viewed even before the relevant fault is resolved and has the advantage of being set out in chronological order.

## **9 THE FOLLOW-UP**

- 9.1 It is important to re-visit reported faults to check whether the fault has been rectified. Local authorities can and do take months or even years to remove obstructions and resolve other problems, but we rely on inspectors to check the PRow periodically and update the FID either to confirm the fault continues to exist or that it has been cleared.
- 9.2 The timing of the follow-up inspection is left to you, but a good guide is eight to twelve months after the initial visit, with visits at your discretion thereafter.
- 9.3 Your follow up inspection should indicate whether the fault originally reported has been resolved, is still the same, has worsened or (in the case of vegetation/overgrowth, say) improved.. Always give as much detail as possible on the FID.
- 9.4 It is quite possible that on a follow-up visit you find new faults. Please record these as normal on the FID and report to the HA.
- 9.5 Where matters remain unresolved for an unacceptable length of time and the fault is seriously detrimental to the interests of walkers because the PRow is obstructed or out of repair then the matter should be drawn to the attention of the appropriate Area Officer (or Footpath Inspections Coordinator) who will investigate the issues relating to the obstruction or PRow out of repair and if necessary report the problem to a Courts and Inquiries Officer. The length of time that may be considered unacceptable depends on all relevant factors, including the importance of the PRow

to walkers, how well used the PRow is (or was) and the impact of the fault on PRow users. Inspectors should use their own discretion as to when to “escalate” a fault to the relevant Area Officer or to the Footpath Inspections Coordinator, but as a guide, should allow somewhere between 3 and 6 months for a HA to rectify a fault considered potentially hazardous and one year for other faults before doing so.

- 9.6 The Courts and Inquiries Officer may review the case and decide whether to use procedures under s.130A or s.56 of the Highways Act 1980. Prior to serving a notice, a ‘letter before action’ will be sent to the HA warning that the Society intends to take action on a particular problem.

## **10 GENERAL MATTERS**

- 10.1 If you are unclear about any aspect of this section of the Handbook please contact the Footpath Inspections Coordinator or your Area Officer.
- 10.2 Volunteer footpath inspectors walk PRowS as members of the public. Your safety is paramount and you should not put yourself at risk when inspecting. If you are unsure or have any doubts about the safety of a PRow then turn back and chose a different route to circumnavigate the issue.
- 10.3 When acting as a PNFS Inspector you should always follow the Society's guidelines and policies.