



## Landowner and farmer responsibilities on Public Rights of Way (PROW)

This leaflet contains information about the more frequently asked questions regarding public rights of way. If you have further questions contact 0344 800 8020.

### Ploughing and Cropping

The landowner has the responsibility to maintain rights of way across cultivated land including reinstatement across ploughed fields and removal of crops growing on rights of way within set timescales. A separate downloadable ploughing and cropping guide is available on the Norfolk County Council public rights of way web pages.

### Crop Spraying

Spraying PROW's can endanger people and animals. Check the product label to ensure that the product can be used where people and animals are present. If spraying near or across a public right of way, it is good practice to erect signage stating why users should keep to the path.

**Spraying should be stopped whilst the public are using a right of way.**

### Rights of Way furniture (stiles and gates)

New structures across public rights of way are only permitted where there is a need to control the ingress or egress of stock (cattle, sheep etc), therefore you must obtain consent from the council before any new structure is erected. Downloadable guidance information and an application form is available via our website FAQs.

**It is the occupier's responsibility to maintain gates and stiles.**

### Obstructions and encroachment

It is an offence to obstruct or restrict the width of any public right of way. Obstructions include locked gates, fencing, farm machinery, buildings and crops. Landowners or occupiers are responsible for removing such obstructions.

### Hedges and trees

Vegetation growing at the side of public rights of way is the responsibility of the landowner to clear. This includes hedges and trees which should be cut back so routes are easy to use. On bridleways, restricted byways and BOAT's height clearance should be sufficient to allow a horse and rider to pass. Trees that have fallen across a PROW are the responsibility of the landowner to clear away.

### Barbed wire, electric fences

It is an offence to place barbed wire and electric fences across a public right of way. Barbed wire beside a path could be a "public nuisance". If it is necessary to use barbed wire it should be attached to the field side of the posts and protected on the path side with plain wire. Extra path width should be provided. Path users could claim against the landowner if barbed wire or electric fencing causes personal damage or injury.

If temporary electric fencing is necessary, it should be made safe to easily cross e.g. insulated hook and handle or plastic pipe.

Electric fences should be clearly labelled. Extra width should be allowed to ensure the public won't come into contact with it.

### Fencing alongside public rights of way

It is permissible to erect a fence along a PROW to separate it from the land alongside. As widths of PROWs vary, the proposed location of the fence should be discussed with the County Council before any works are carried out.

## Bulls and dangerous animals

It is an offence to keep aggressive animals in fields where there are public rights of way. A user who suffers an injury caused by an animal when using a PROW can sue the owner.

HSE recommends that signs should be displayed at access points to fields that contain a bull. The sign should not deter users from using the right of way by suggesting that the animal is dangerous or aggressive. Warning signs should be displayed **only** when a bull is present and should be removed or covered over at all other times.

Do not keep a dairy bull over 10 months old in a field through which a PROW passes. Any other bull must be accompanied by cows or heifers.

## Misleading signs

Any sign that deliberately discourages use of a public right of way is an offence. The council may remove any sign it considers misleading.

## Gas guns / bird scarers

It is not illegal to use such devices for purposes of bird deterrents, however they could be considered a public nuisance if inconsiderately placed. They should not be positioned near to public rights of way especially bridleways. **NFU produce specific guidance.**

## Firearms

It is not a specific offence to shoot across a public right of way but it could be considered a common law nuisance, wilful obstruction of a highway, a breach of Health and Safety at Work Act or intimidation. It is recommended that shooting across or near to a public right of way is best avoided.

## What if drainage or other works are required?

Before carrying out any work which might affect a right of way, such as ditch digging, tree planting, building, laying pipes and cables, the County Council must be consulted so that the work can be approved and, if necessary, a licence issued. Landowners should not carry out works on adjacent land which might adversely affect the drainage of a right of way. The Environment Agency may also need to consent works.

## Litter or flytipping

Public rights of way are public highways and as such it is the responsibility of the relevant District or Borough Council to remove flytipping where it is on the public highway.

## Temporary PROW closures

Public rights of way can be temporarily closed to allow works to be carried out on or near to a route. Closures need to be applied for and an official order made. There are costs to this procedure which can be over £1,000 due to mandatory newspaper advertisements. Temporary closure or diversion of a PROW without an order is an unlawful obstruction. Application forms can be found on the website FAQs.

## Moving a PROW

It is possible to formally divert a PROW through a legal process (Highways Act 1980). However this is a costly process and it can be objected to.

**For further information see website FAQs.**

Further technical advice is available. **Email:** [prow@norfolk.gov.uk](mailto:prow@norfolk.gov.uk) **Call:** 0344 00 8020  
**Or** [www.norfolk.gov.uk/out-and-about-in-norfolk/public-rights-of-way](http://www.norfolk.gov.uk/out-and-about-in-norfolk/public-rights-of-way)

This leaflet is available in other formats or in different languages.

**For a copy please call** 0344 800 8020 **or textphone** 0344 800 8011

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