GUIDANCE NOTES FOR LANDOWNERS – PUBLIC RIGHTS OF WAY

STRUCTURES & IMPROVING ACCESS

This guidance note has been prepared for owners and managers of land carrying public paths, who it is hoped will find this of assistance to manage their liabilities and responsibilities to public access on their land.

Responsibility

- The Highways Act 1980 places the responsibility of maintenance of existing structures on public rights of way with the landowner. They must ensure that structures are maintained in a safe condition so as not to inconvenience or create a hazard to path users.

Improving Access

- The County Council’s duties and working practices are undertaken in accordance with the Equalities Act 2010. We are keen to work with landowners to increase access opportunities for all and improve access where possible on public rights of way, particularly for people with mobility and other impairments.

- One way of achieving this is by minimising the number of structures on rights of way through applying a policy of least restrictive access when we consider applications for, or the replacement of, structures.

- Gaps are the first preference in place of a structure, which will provide the least restrictive access to all path users. Where a gap is not feasible then a gate would be the next preferred option.

- We therefore encourage removal of structures that are no longer necessary and for stiles to be replaced with more user-friendly gates, such as kissing gates or self-closing gates.

- When stock is not needed to be enclosed, securing gates in an open position would be greatly appreciated by all path users.

New Structures

- If you wish to introduce a new structure on a public footpath or bridleway, you will require permission from the Highway Authority (WSCC). Application for a new structure can be made under the following legislation:

  - Section 147 – Highways Act 1980: in order to secure efficient use of the land for agriculture by preventing the ingress and egress of animals.

  - Section 66 – Highways Act 1980: for the purpose of safeguarding persons using the highway.

- Please note that we will only consider applications for new stiles on public footpaths on rare occasions as pedestrian and kissing gates offer a less restrictive option to path users (see above).

Structures Guidance, V2: 27 September 2017
GUIDANCE NOTES FOR LANDOWNERS – PUBLIC RIGHTS OF WAY

STRUCTURES & IMPROVING ACCESS cont.

Assistance from WSCC

- WSCC encourages increased accessibility around the county through its ‘gate-for-stile’ initiative. Subject to available funds, if a landowner is willing to replace an existing stile with a more user-friendly gate then WSCC may provide a new gate to a landowner free of charge. The installation of the gate and the future maintenance of the structure will lie with the landowner.

- Where a landowner wishes to retain a stile WSCC can, on application, contribute 25%* towards a landowner’s costs when replacing or repairing an existing stile. (*Financial contributions are subject to the supply of a receipt and inspection by a member of our team.)

- Volunteer groups may be available for the installation of any structures if you can not reasonably undertake or arrange this yourself.

- We are able to assist landowners in improving accessibility of existing gates on bridleways through the provision of suitable equestrian latches free of charge – further guidance about equestrian access is given in a separate sheet.

For further details on any of the above please contact the Rights of Way team using the contact details below.

Contact Details...

 Public Rights of Way, West Sussex County Council, Northleigh (First Floor), Tower Street, Chichester, West Sussex, PO19 1RH

 Tel: 01243 777620

 prow@westsussex.gov.uk

 www.westsussex.gov.uk/prow