

Parish Footpath Officer Questions and Answers

23rd October, 2019

1. Do farmers get payments for maintaining the path? **No, not from the Highway Authority.**
2. Does a farmer own the footpath? **The surface of the PROW is invested in the Authority, however the land underneath belongs to the landowner.**
3. Can farmers say that the path is losing them their crops? **No, because the path is legally there.**
4. What is the definition of a bridge? **Any crossing over a watercourse.**
5. Why can't BB pay for gates? **We can fund like for like replacements as part of our 25% contribution. In reality BB provide the furniture and the landowner installs it.**
6. Can BB provide gates instead of stiles to the Parish Council? **Any upgrading works would be down to the Parish Council and would need landowner consent.**
7. What if the landowner is provided with furniture, but is reluctant to install it? **PFO should report to the steward who can chase. Steward could offer to give their details to PFO if they wish to install on LO's behalf.**
8. Instead of offering 25% of the cost if a landowner is prepared to have a stile replaced by a gate, could the price of the gate be reduced by the cost of a stile? **Potentially, yes.**
9. We should be replacing stiles with gates as stated in the ROWIP? **Ideally yes, but it depends on funding.**
10. Can you explain the 25% contribution? **Legally we must contribute 25% of the cost of replacing damaged or broken furniture. However, this can be complicated with getting costs and making payments, so we supply furniture on a 'like-for-like' basis and the landowner installs it.**
11. Definitive Map Modification Orders - Balfour Beatty is responsible for making sure the map is up to date. However, we don't have the resources to research everything, so we rely on others to do it. The cut-off date for receipt of applications is 2026. If anyone would like to make an application, but is unsure how to go about it, Tom Fisher is happy to help. Contact details below.
12. How can you know where the path really is? **We would use GPS, so contact your Locality Steward in the first instance.**
13. Farmers like pedestrian gates within field gates (2 in 1 gates)? Can we claim 25% to install these? **No as this is an 'improvement'.**
14. Can a fence be taken down? **Yes.**
15. Could it be reinstated in the future? **Yes.**
16. Do we need to consult the Parish Council before putting in a new gate? **No, as long as the landowner has agreed, that is sufficient.**
17. What is the lead time for putting in a roadside signpost as it seems to take months? **They would normally be installed during the winter months.**

18. Can the lengthsman puts roadside finger posts in? **No, not any more as the roadside is not a safe area to work, BBLP will ensure that stat plans (supplied by utility companies showing the locations of their apparatus and should be used in conjunction with detection equipment when breaking ground) are assessed prior to works being carried out.**
19. Are stat plans needed for putting in stiles etc as well? **Yes.**
20. You can get pedestrian gates next to field gates and farmers like this because they can lock the field gate so they can keep the livestock in. But the pedestrian gate is not on the legal line of the path, the field gate is, so if the field gate is locked this is an obstruction and this can be a long running problem.
21. If a farmer wants to move a gate and put a stile where the gate was. Would the 25% contribution cover this? **No. They could swap the field gate with a pedestrian gate, so they are not obstructing the route.**
22. What happens if a building is built across a path? **Potentially, the building could be removed, however there is no political will to carry this out and is not generally considered reasonable. The landowner would be encouraged to apply to divert the path instead if this were possible. It is classed as a long-term obstruction.**
23. In the Dinedor area, a landowner is putting in diversions unofficially. **This should be dealt with through the Locality Steward in the first instance.**
24. How enforceable is an unofficial diversion? **The only enforceable line is the legal line of the PROW. There is an enforcement protocol which is followed. In the first instance we would negotiate with the landowner to request its removal, but there are also powers of prosecution. Alternatively, the path could be legally diverted, or a permissive route could be put in.**
25. If there is a permissive route, can this become a path? **Yes, if it is not signed as a permissive path there is the potential for it to be claimed. A landowner can make a Section 31(6) deposit to protect existing rights on land and so no additional rights can be added.**
26. Should photos be taken of defects and grid references? **Yes, photos are helpful and can be uploaded to the Herefordshire Council defect reporting system and a pin can be dropped on the online map to show the location.**
27. Farmers sometimes tie gates up with baler twine. **This is an obstruction.**
28. Ploughing and cropping - rather than send out enforcement for this, can a landowner put in a permissive path, so they don't have to put a path through the crop? **No, the legal line should be reinstated through any crop other than grass.**
29. Once reported on the website, it goes on a different map.
30. Locality stewards are the first point of contact. Issues can also be referred to the Public Rights of Way Team. **Defects should be raised through the HC website or by calling 261800.**
31. Priority routes for paths - can we be told which priority our paths have? **Only promoted routes, such as the Wye Valley Walk are category one routes. The rest are categories 2, 3 or 4. The majority of paths are category 3. Only cul-de-sac paths are category 4.**
32. How far from the edge of the field should it be ploughed? **1.5m footpath, 3m bridleway.**
33. Could there be feedback to PFO's when problems are reported as some issues could be dealt with by the PFO instead of the Locality Steward. **Good idea, PFO should contact their Locality Steward and make them aware that they are keen to assist in this way.**

34. Could the PFO be told if a job has been completed? **If reported on the website and an email address is left, the PFO will be notified when this is completed.**
35. Can a defect be reported on line to save contacting the Locality Steward? **Yes, the link is <https://myaccount.herefordshire.gov.uk/report-a-public-right-of-way-problem>**
36. On the website, the case reference doesn't state what the job is, it's just a reference number, so PFO's need to keep separate records of what each case reference refers to. Can the reference the details as well? **This is being looked at.**
37. Regarding the 25% contribution - if a landowner is replacing stiles with gates and orders ten gates, can they invoice Balfour Beatty for costs? **No. This sounds like an upgrade rather than replacing like-for-like furniture due to them being broken.**
38. New gates do not conform to the new British Standard. Balfour Beatty should conform to this and the Equalities Act. New structures should be disability compliant. **They comply to the Herefordshire Standard.**
39. DMMO's - what is a route and what is a path? Guidance is needed on what is a viable case, for example a path to a cottage, is this a route? **Research needs to look for evidence of public rights rather than private rights to a property.**
40. Could a historic route have been missed off the map? **Yes potentially, once an application is received, it is added to our list and the path history researched.**
41. What is the length of time from making an application to completion? **There is a backlog of applications and each one takes a long time to investigate. On receipt, an application is prioritised into high, medium and low depending on the strength of evidence etc. and they are then investigated in order.**
42. Sutton Walls - there is an issue here where paths are not linked up. **If in doubt and there is funding put an application in. Alternatively, the landowner could dedicate a path.**
43. Is a 1:5000 OS map accurate enough to show the location of a path? **We could GPS it to be sure.**
44. "My husband was head-butted by a Charolais cow in a field that we walk a lot. We managed to scare them away, but there was also a bull in the field. There was nothing to say there a bull or cows with calves in the field. Should there have been a sign?" **It is the farmer's responsibility not to put dangerous stock in a field and to keep the public safe. The issue should be raised with Balfour Beatty Locality Steward who will carry out an inspection.**
45. Can the farmer be sued? **Our Enforcement Officer has been out to see the landowner.**
46. Can a PFO recruit someone to help with the job? **This depends on the job, the PFO doesn't have to do everything themselves and can recruit other volunteers. Would need to be risk assessed.**
47. Insurance for PFO's - **Balfour Beatty do not provide help with this, it is down to the PFO to find out. BB can help with risk assessments.**
48. A lengthsman is insured. **Yes. A lengthsman cannot be instructed by BB.**
49. If a farmer is supplied with a gate or stile, is there a time limit for installing it? **Some farmers have not installed gates that they have been given. Please report in the normal manner if you are aware of this issue.**

50. Reporting through the website. It would be useful to be able to add multiple jobs rather than having to go back to the beginning each time. **This is being looked at but is not an imminent change.**
51. Why can't PFO's be Rights of Way Officers? PFO's have been known as such for many years, the title accurately describes their role. **Rights of Way Officers are paid employees of the Authority and cover the County.**
52. Can you submit a DMMO with just an OS map? **As much evidence as possible should be supplied, advice can be gleaned from the BHS and Ramblers' Association websites and from Herefordshire Council website. Documents can generally be found at the Herefordshire Archives and Records Centre (HARC). Higher priority applications generally have good evidence within the application.**
53. When should a kissing gate be used rather than a standard gate? **It is up to the landowner, but the least restrictive option is preferable.**
54. GPS - how does this happen? **If the position of a PROW is in dispute, a GPS survey can be carried out by the PROW Department if necessary. Contact the Locality Steward for further advice.**

tomfisher52@gmail.com

<https://www.bhs.org.uk/our-work/access/campaigns/2026/2026-toolkit>

<https://mailchi.mp/9855f90c5380/pcg6i8a9t0>

https://www.herefordshire.gov.uk/info/200242/public_rights_of_way/211/definitive_map_and_statement_dms/3