

Paths – a simple ‘how to’ guide

This guide, covers a range of scenarios common to the public rights of way network and which local people can do something about. It is mainly for members of Essex Ramblers, particularly our Parish Path Adopters, although we want all our members to report faults when they find them. We also hope that walkers who are not our members and parish councillors responsible for rights of way will find it helpful.

Local communities and individuals have always been involved in their local public rights of way. They recognise the value of these paths and already do much work to keep them open. The Covid-19 lockdown made it evident that a good network of paths is vital in maintaining physical and mental health.

A path network can support our health through walking and riding, the local economy through tourism and keeping leisure spending local, provide opportunities for socialising, and contribute towards a more sustainable transport system where paths are used for journeys to school, work or the shops. Essex Ramblers, through its groups, footpath secretaries and network of Parish Path Adopters working closely with parish councils, plays a large part in maintaining the network by monitoring and reporting problems to Essex Highways (EH) and by keeping paths open through its path clearance working parties. All faults need to be reported using EH's Fault Reporting System, otherwise they will not be accepted. See the final page for details of a link via our website.

This guide is based on one from the Oxfordshire Countryside Access Forum. Many thanks for their permission to adapt it.

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Scenario 1: Excessive vegetation growing from the surface of a path

<i>What is the standard?</i>	Paths should be reasonably easy to use – ideally with any vegetation below knee height, with an acceptable height depending on whether it's grass or nettles, etc.
<i>Who is responsible?</i>	Essex Highways is responsible for natural vegetation growing out of the surface of the path, but not crops. See Scenario 10 for crops.
<i>What can walkers, including Ramblers' members, do?</i>	Report all impassable paths to Essex Highways' Fault Reporting System, using photos where possible.
<i>What can local people do?</i>	Some people clear paths at the end of their gardens using home mowers and strimmers. This benefits users but householders choosing to do this should note that they will not have public liability insurance for this and so could be liable for damages if anyone was injured as a result.
<i>What can local workgroups do?</i>	With training, insurance and equipment local people can join organised groups that keep paths clear and easy to use. These can be organised by parish councils, the local Ramblers or Essex Highways.
<i>Things to consider</i>	Glass, stones and other debris hidden by vegetation can become injurious when struck by mower/trimmer. Long vegetation may obscure holes and other hazards. Avoid damaging fencing especially when strimming.

Scenario 2: Overgrowth – trees and shrubs growing from the side or above the path

<i>What is the standard?</i>	Vegetation should not narrow the path or restrict access
<i>Who is responsible?</i>	Landowner - sometimes there can be more than one, e.g. a path on the boundary of two fields.
<i>What can walkers, including Ramblers' members, do?</i>	Report impassable paths to Essex Highways (EH) using their reporting system, with photos where possible. EH will contact the landowner and request action is taken.
<i>What can local people do?</i>	Path users may carry secateurs to trim small items of overgrowth they encounter on their journey. Some people choose to use saws or powered tools which benefits users, but they should not do this as they carry no public liability insurance and could be liable for damages if anyone was injured or property was damaged as a result of their actions.

Scenario 2: Overgrowth – trees and shrubs growing from the side or above the path

<i>What can local workgroups do?</i>	With training, insurance and equipment local people can join groups that keep paths clear and easy to use.
<i>Things to consider</i>	Wasps may nest in path hedges. Trees and shrubs at the side of paths should not be cut back in bird-breeding season (March to October). Thorny cuttings, especially blackthorn, can cause injuries and punctures if left on the surface of the path.

Scenario 3: Boggy sections of path – short sections of deeper mud and mires

<i>What is the standard?</i>	Users should dress for the weather and environment, including appropriate footwear. Muddy sections over 8"/20cm deep are not adequate.
<i>Who is responsible?</i>	EH looks after the surface, but drainage ditches are normally the responsibility of the landowner.
<i>What can walkers, including Ramblers' members, do?</i>	Report impassable paths to EH using photos where possible. EH will contact the landowner and request action is taken.
<i>What can local people do?</i>	You can take a small diversion around an impassable section of path. Do not put woodchip, branches or stones into the bog section as they can develop into greater problems. Use secateurs to trim short bypass route.
<i>What can local workgroups do?</i>	With training, insurance and equipment local people can join groups that can clear ditches and dig grips, or bring in some stone for surfacing. If material is brought onto the path this normally needs landowner or EH involvement in order to check suitability or arrange storage and access.
<i>Things to consider</i>	Boggy paths are usually caused by drainage failure and lack of sun and wind drying. Removing overgrowth will speed up drying out. Adding woodchip and other materials often makes the problem worse. Stone containing flint or other sharp material should never be used on paths used by horses (bridleways and byways). Paths cannot normally be widened outside of the legal width (recorded in Definitive Map and Statement) without agreement.

Scenario 4: Unusable stile

<i>What is the standard?</i>	Stiles should be steady, firm and easy to step over. There shouldn't be barbed wire on any part. Hedges should not encroach.
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Scenario 4: Unusable stile	
<i>Who is responsible?</i>	Landowners. They provide and maintain stiles as these are part of the fence which retains their livestock.
<i>What can walkers, including Ramblers' members, do?</i>	Report unusable stiles to EH using photos where possible. EH will contact the landowner and request action is taken.
<i>What can local people do?</i>	If a very wobbly/broken step presents an immediate hazard you may remove part of the step to leave a hurdle if it makes the thing temporarily safer - but you cannot remove the rest of the structure as it is there to prevent livestock escaping. In all cases take before/after photos or videos and report the problem.
<i>What can local workgroups do?</i>	With training, insurance and equipment local people can join organised groups that can replace stiles with gates and make access easier.
<i>Things to consider</i>	A hammer and nails shouldn't normally be carried on paths so if the stile is really loose and unsafe it is better to report it as a hazard. Often the wobble is caused by ground settlement and poor construction so simply re- nailing the tread will not fix it.

Scenario 5: Locked gate – padlocked or even just hard tied or hard to open	
<i>What is the standard?</i>	Gates for path users must not be locked or otherwise secured so that it is impossible/very hard to open them. This includes dropped hinges.
<i>Who is responsible?</i>	Landowners. They provide and maintain gates as these are part of the fence which retains their livestock.
<i>What can walkers, including Ramblers' members, do?</i>	Report problem gates to EH using photos where possible.
<i>What can local people do?</i>	You can try to negotiate a problem gate - for example by climbing over it, and you can also abate the nuisance - for example by untying the thing which is fastening the gate. However, the gate must not be left open and your action should be reported soonest. If you have to climb over a locked gate try and climb at the hinge end, not the catch end.
<i>What can local workgroups do?</i>	As farm gates are the landowner or farmer's responsibility this isn't really something for local work groups.

Scenario 5: Locked gate – padlocked or even just hard tied or hard to open

<i>Things to consider</i>	Make sure the gate is the legal route for the path and not the farmer's bypass structure that is lawful and necessary for them to secure.
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Scenario 6: Barbed wire – alongside and close to path or across path

<i>What is the standard?</i>	No barbed wire should run across a path. Where it crosses or connects to stiles the barbs should be removed or the barbs sheathed. Along the side of the path, users should not be able/likely to come in contact with the barbs - so either plain wire should be used, or the barbed wire should run on the field side of the fence with plain wire on the path side.
<i>Who is responsible?</i>	Landowners are responsible for all aspects of fencing.
<i>What can walkers, including Ramblers' members, do?</i>	Report problem barbed wire to EH using photos where possible.
<i>What can local people do?</i>	You can take a small diversion around the obstructed section. You can also abate the nuisance – for example by covering the barbed wire with hosepipe, tubing or plastic sheeting. You cannot cut the wire if it will leave the field unenclosed/insecure, but you may remove the barbs.
<i>What can local workgroups do?</i>	Local groups will often only re-attach fencing to new gates they install, and barbed wire will not normally be used.
<i>Things to consider</i>	Some barbed wire is installed under very high tension and there is a risk of severe injury if this type of fence is cut.

Scenario 7: Waymarking – showing the route that a path takes

<i>What is the standard?</i>	Paths should be indicated by plastic discs or painted arrows where the route isn't obvious. Waymarks may be nailed onto free-standing posts, gates or stiles, and in some areas may be painted on trees.
<i>Who is responsible?</i>	EH should sign all paths from roadside and waymark where needed. Local communities, farmers and volunteer groups often waymark paths in their areas of interest.
<i>What can walkers, including Ramblers' members, do?</i>	Identify paths that would benefit from new or replacement waymarking and/or fingerposts and report to EH, with the grid reference.

Scenario 7: Waymarking – showing the route that a path takes

<i>What can local people do?</i>	Use secateurs and hand tools to clear around signs and posts so they are visible through the season. Clean sign faces as needed.
<i>What can local workgroups do?</i>	Local groups can often replace waymarking discs or painted arrows when doing other work nearby. Installing waymarker posts can be done where there's no suitable structure, with prior EH approval.
<i>Things to consider</i>	Waymarker discs shouldn't be fixed into trees or attached to structures like signs or buildings etc., where permission hasn't been given. Don't use wet wipes for sign cleaning as they contain plastic – use a damp cloth instead.

Scenario 8: Broken bridge – handrails, treads missing or damaged, or whole bridge loose or rotten

<i>What is the standard?</i>	Bridges and other crossings should be solid, stable and suitable for all users.
<i>Who is responsible?</i>	EH is responsible for bridging natural watercourses. Landowners are responsible for bridging paths over drainage ditches and other artificial watercourses.
<i>What can walkers, including Ramblers' members, do?</i>	Report all unsafe or damaged bridges to EH using photos where possible. EH will contact landowners where necessary to request action is taken.
<i>What can local people do?</i>	You can take a small diversion around an impassable section. Tree branches, an unsecured plank or large stones put into the watercourse do not provide safe crossing solutions.
<i>What can local workgroups do?</i>	With training, insurance and equipment local people can join groups that can, along with specialist EH officers, replace smaller bridge structures like sleeper and kit bridges.
<i>Things to consider</i>	Often visible damage may be an indication of a greater underlying problem or that the bridge's lifespan has been exceeded. This needs to be assessed so reporting with photos is the best route to a solution.

Scenario 9: Trees and branches – fallen or low-hanging over all or part of a path

<i>What is the standard?</i>	Paths should be unobstructed by fallen trees and branches. There should be a minimum of 2.5m (8ft) headroom on footpaths and 3m (10ft) on bridleways.
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Scenario 9: Trees and branches – fallen or low-hanging over all or part of a path

<i>Who is responsible?</i>	Landowners are responsible for trees growing over paths from their land. Essex Highways manages trees on roads and paths.
<i>What can walkers, including Ramblers' members, do?</i>	Report all fallen or hazardous trees to EH using photos.
<i>What can local people do?</i>	You can take a small diversion around a fallen tree. Branches and smaller fallen trees may be moved to the side of a path to maintain some level of passage. Small hand tools can be used to trim up the larger fallen trees to allow passage when the trees are too large to move.
<i>What can local workgroups do?</i>	With training, insurance and equipment local people can join organised groups that can work on larger trees and branches.
<i>Things to consider</i>	Fallen trees and large branches held up by neighbouring trees, fences etc. (hung up) should not be tackled – report the issue with photos.

Scenario 10: Field edge and cross-field paths through arable land

<i>What is the standard?</i>	Paths should not have growing crops on them. When ploughed/drilled or when crops grow on the path the path needs to be reinstated. At all times the path should be distinct and reasonably level.
<i>Who is responsible?</i>	Farmers are responsible for all arable cultivations and cropping operations.
<i>What can walkers, including Ramblers' members, do?</i>	Observe all field edge paths and undisturbed cross-field paths to establish a baseline condition. Photograph and report impassable paths to EH, using the photos. If no action is taken by the landowner, EH will issue an enforcement notice. In addition, as part of a new process, please also report a cross-field path blockage directly to Alan Goffee (the Essex Area Footpaths Officer) using the e-mail address (i.e. alan@turnbury.plus.com) remembering to attach a copy of the same photograph that was sent to EH. Alan will record the details. Essex Highways will advise the landowner that the path needs to be cut. If the landowner fails to reply confirming the work has been done, an enforcement procedure will come into play. Alan will be working with Essex Highways to follow these through to a conclusion.

Scenario 10: Field edge and cross-field paths through arable land

<i>What can local people do?</i>	Where it is feasible, walk through the line of the crop. Alternatively take a small diversion around a non-reinstated field. If an alternative route is signed this is permissive and the right to cross the field remains. Do not use other field edge margins as these are usually provided as wildlife habitats or chemical buffers as a condition of farm payments.
<i>Things to consider</i>	Widths may vary across a field and along a headland (field edge). Headland paths should not be disturbed and all restricted byway and byways whether cross-field or headland must normally not be ploughed.

11 – Glossary of terms

Types of public right of way

Footpath – Public Footpath	A highway over which the right of way is on foot only. Normally waymarked with yellow arrows.
Bridleway - Public Bridleway	A highway over which the public have a right of way on foot and a right of way on horseback or leading a horse, but with or without a right to drive animals of any description along it. Bicycles may also be ridden on bridleways. Normally waymarked with blue arrows.
Restricted Byway	A highway open to all traffic except mechanically propelled vehicles. Normally waymarked with purple arrows.
BOAT – Byway Open to All Traffic	A highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are used. Normally waymarked with red arrows.

Other terms

Finger post	A signpost placed where a public right of way leaves a metalled road. Shows the status, direction, and where appropriate the destination and distance.
Green lane	A common term with no legal meaning. A physical description of an unsurfaced track, often enclosed by hedges. The land may be a public right of way or may carry no public rights at all.
Highway Authority	The body responsible for the maintaining of highways and Public Rights of Way and keeping them free of obstructions. In Essex it is the County Council.

Other terms	
Legal width	Some paths have their lawful width recorded within the Definitive Map and Statement (DMS) if created under a specific piece of legislation. Paths without a recorded width may have an historic width much greater than the walked line. EH may be able to assist if there are questions about width and the DMS has not yielded any information.
Livestock	Any animal known to be aggressive, and dairy bulls over ten months old must not be kept in a field crossed by a path. The following can be kept in a field crossed by a path: Beef bulls over ten months old, provided it is with heifers or cows; and cows, heifers, steers and calves. Caution needs to be exercised in fields where there are cows with calves at foot as they may react defensively when they detect dogs. If needed, users should release dogs from leads if approached.
ORPA - Other Route with Public Access	A non-statutory designation route shown by the Ordnance Survey (OS) on Landranger and Explorer maps. It normally includes unsurfaced unclassified roads.
Path	In this document a shorthand term for all public rights of way and other linear access routes.
Permissive path	A path made available through the goodwill of the landowner. It may be withdrawn at any time and the public have no permanent rights over it. Permissive Paths are not usually shown on the Definitive Map and Statement or Ordnance Survey maps.
Priority path	In this document a term for paths that the community or parish council may consider important. These could include paths used to get to local shops and services, paths to other villages, circular dog walking routes, paths to the best viewpoints, or paths forming part of a promoted route etc.
Private right of way	A right of way for an individual or any group other than the public at large.
PRoW - Public right of way	A right of passage by the public over the highway for the purpose of passing and re-passing and for incidental reasonable purposes.
Reinstatement timings (of path through arable field)	Where a path is lawfully disturbed, the line of the path and a reasonable path surface should be restored within 14 days of the first cultivation and within 24 hours of subsequent cultivations. Farmers are encouraged to carry out this work at the end of a field's cultivation whilst the machinery is on site in order to minimise impacts on users and follow-up action by EH.

Other terms	
Waymark	A means of showing the route of a public right of way. Essex uses round plastic discs with the status of the route and an arrow to show direction. Usually mounted on a wooden post or attached to stiles, gates and bridges. Long distance and named paths, such as the Essex Way, have their own specially-designed discs.

12 – About Essex Ramblers

The Ramblers is the foremost walking organisation in the country. It campaigns to keep paths open and walkable, helps to maintain them with working parties, acts as focal point with local authorities, and organises walks for its members.

Locally, Essex Ramblers works continually to get blocked paths reopened and safe to walk. It also campaigns against the closure of paths by landowners, and their encroachment and damage. Linked with this, Essex Ramblers operates a Parish Path Adopters (PPA) scheme whereby volunteer members check, log and report regularly on the condition of their local paths. Minor works where possible are carried out by Ramblers' members. Major works are undertaken by Essex Highways.

Arising from PPA surveys and information from members, various Essex Ramblers' working parties clear vegetation from paths, install waymark posts and, where possible, bridges in conjunction with Essex Highways. Walkers may see Ramblers' discs indicating such activities.

A link to the Essex Highways' fault reporting system can be found on the website. The Essex Highways' website provides a job number and an email confirmation of the work and updates when they occur. The job number can be used, should it be necessary, to follow this up with a local Essex County contact.

The Essex Area website is available to anyone with an interest in walking. Along with details of actions and achievements are lists of long distance paths in Essex and a large library of shorter local walks. New members are welcome. The Essex Area website has details of each local group.

13 – Document Control

Version 1 of this document was originated by Essex Area on 25th February 2021 and, after later circulation, added to the Tendring website on 6th November 2021.

Version 2 is dated 31st March 2022, has been updated locally by Tendring Ramblers, and with a review date no later than twelve months.

Any Tendring Rambler seeking clarification on the content of this document should contact our local Footpath Secretary, John Barton.