

## Rights of Way Report November 2022

### General maintenance

1. The strimming season is now officially over. However, walkers are encouraged to carry a pair of secateurs and keep the areas around stiles and signposts clear.

2. In response to John Rundle's report of broken stile on WN19/63 (shown below) I received an email from Eve Wynn on 4<sup>th</sup> November which states:

*I would like to replace this stile with a self-closing gate, which would be much easier for parents and children to use.*

No date has been given for this work.



3. The stile on 19/84 (Woolston) is still badly in need of repair. The photo shows all that remains of it. This has been reported on the Roam interactive map.



### Circular Walks

The numbered Rights of Way signs that were ordered have arrived and all are now in place so that all the circular walks are signed.

### Unauthorised Closure of RoW 19/43

A padlock has been fixed on the gate from Corkscrew Lane onto 19/43, effectively blocking public access along this path to the gate opposite Brickhouse Farm. This has been reported to the PPLO.



In May I reported that the width of footpath left for WN19/54 (east off WN 19/103 in North Town) was inadequate. I am pleased to be able to report that when it was ploughed recently, a much wider field margin was left. I believe the PPLO had spoken to him about this so have asked her to thank him for this improvement.



### An Introduction to the Rights of Way Legislation - Rights & Powers of Parish Councils/ Meetings

An online course on this topic was held this month. I registered but was unable to take part in the live seminar because too many people applied. However, I did watch the recording and give a brief outline below.

It began by listing the rights and the powers that Parish Councils have over Rights of Way and I have copied these below. Basically nothing can be done to a RoW without the PC's permission.

It then explained the Definitive Map and Statement which together form the legal record of public rights of way: the map shows PROW with certain specified line styles and the statement provides

written information about paths. There is a complex process, a Definitive Map Modification Order for making changes to this map.

Finally it introduced the Ramblers' Don't Lose Your Way project which is an attempt to claim and protect some of the 1,496 miles of Somerset's lost rights of way before the 2026 deadline for modifying the map. In order to do this the Ramblers want to work collaboratively with all parish councils since they know their rights of way and were responsible back in the 1950s for either putting them on the definitive map or leaving them off.

The process they will employ to do this is:

- Review the Ramblers DLYW map parish by parish to identify potential lost rights of way
- Exclude all rights of way that have been diverted, closed, or would now go through quarries or lakes.
- Produce a document for each parish showing each potentially lost right of way and request their comments on whether it is walked and would it be useful.
- Ask the parish council if we have missed any rights of way that are walked.
- Ask whether the parish has anybody they could work with to help produce any DMMO Application

If anybody is interested in taking part in this project and would like further information, the contact details are:

Brian Lucas (Somerset Ramblers Don't Lose Your Way Coordinator) Telephone: 07856 975976 Email: [DLYWsomerset@gmail.com](mailto:DLYWsomerset@gmail.com)

Les Stather (Somerset Ramblers Area Footpath Officer) Telephone: 07768556735  
Email: les@mendipramblers.co.uk Website: <https://dontloseyourway.ramblers.org.uk>

### Rights & Powers of Parish Councils/ Meetings

*Parish Councils Can: (Highway includes all Rights of Way)*

*Undertake maintenance of any publicly maintainable footpath, bridleway or restricted byway within the parish (this does not remove the duty on the highway authority) – Highways Act 1980, Sections 43 and 50*

*Install and maintain lighting on any public footpath or bridleway Parish Councils Act 1957, Section 3  
Provide or contribute to signage warning of danger (with permission from landowner) Road Traffic Regulation Act 1984, Section 72*

*Prosecute anyone who wilfully obstructs the highway – Highways Act 1980, Sections 137 and 137A  
Prosecute anyone who has unlawfully disturbed a highway, or ploughed a footpath or bridleway without remaking the surface (Highways Act 1980, Sections 131A and 134)*

*Signpost and waymark on behalf of the local highway authority – Countryside Act 1968, Section 27*

*Create, by agreement with the landowner, new highways in the parish or adjoining parishes – Highways Act 1980, Section 30*

*Install and maintain seating or shelter in convenient places on land abutting any highway in the parish – Parish Councils Act 1957, Section 1 Rights & Powers of Parish Councils/ Meetings Parish Councils or Parish Meetings where there is no Parish Council (Highway includes all Rights of Way)*

*Make representations to the local highway authority of an unlawful obstruction, which the highway authority has a duty to remove – Highways Act 1980, Section 130(6)*

*Hold a copy of the Definitive Map and Statement for public inspection – Wildlife and Countryside Act 1981, Section 57(5)*

*Veto proposals by the highway authority to apply to the magistrates' court for a stopping up or diversion – Highways Act 1980, Section 116*

*Refuse a proposal from the local highway authority to agree to not installing and maintaining a signpost where a right of way leaves a metalled road – Countryside Act 1968, Section 27(3)*

*Additionally, parish councils and parish meetings (where there are no councils) must be consulted at various stages of the Definitive map Modification Order process.*

*They must also be served notice of any orders made to divert, create or extinguish public path orders.*