

Path Widths (and fencing)

Some background for LAF 9th June 2010 agenda item



What is the optimum path width for the public, the highway authority and the underlying-land owner? How much control can HCC have on width? How can HCC policy deliver that optimum?

The answer to the last question is that it can't, but it can and should aim that way.

What is meant by the width of the path? We must be clear on that. Two meanings of width seem to get confused, the box below should help clarify that:

Widths and Widths, what is the difference?

Some council officers and elected Members take the width of public paths to be the widths showing on the ground. That maybe the width worn through the grass (the beaten track) it may be the width of a strip of chippings put down across a muddy area, or in the urban context it may be the tarmac track, the latter often being 1.8 metres wide.

But these are not the actual (legal) widths of paths.

Leicester County had a 1.8 metre (6 foot) path policy but they actually had the firm surface width in mind and normally required another three metres of grass on either side. So the effective recommended path width is 7.8 metres, nearly 25 feet.

If their 1.8 metres were made the legal width then, as with any path, it could be fenced in by the owners of the underlying land with six and a half foot high security fences to that width without any permission being needed. This would be quite horrid so when considering widths of paths the overall width not the hardened width should always be thought of.

And of course the legal width, in orders and so on, must always be that overall width, whether or not all of it is readily usable by the public.

Many years ago HCC decided that new paths should normally be a minimum width of two metres for footpaths and four for bridleways. That was ahead of the field then, now it is behind the field. Worse still the key word 'minimum' is being overlooked.

The short presentation at the 9th June LAF meeting will enlarge on this and look for a way forward. The LAF may care at some time to make recommendations to HCC.

On page two of this document is an extract of HCC policy and pointers to two other relevant documents that could be helpful to have been glanced at before the meeting.

Chris Beney

A link to Defra government guidance on widths in orders is at:

<http://tinyurl.com/defrawidth>

or <http://www.defra.gov.uk/rural/documents/countryside/prow/non-stat-guid-width.pdf>

A page on widths generally is on BADFA website at:

www.badfa.org.uk/laws/widths/widths.htm

HCC Policy from the Good Practice Guide which includes the extracts 5 and 5a below

<http://enquire.hertsc.gov.uk/ROWGuide/appendices/appena.htm>

HCC Good practice guide Appendix A statement of policies, extract

5. Widths of new routes

The County Council has a duty to assert the rights of the public (Highways Act 1980 s130) when making orders or responding to consultations regarding new routes. A policy is required to define the County Council's position relating to the widths of new routes and what the County Council will do where these widths are not complied with.

The County Council recommends that there shall be a minimum legal width of 2 metres for footpaths and 4 metres for Bridleways which are created by Public Path Orders or Dedications.

The County Council wishes to ensure that any new rights of way adequately provide for the public expected to use it.

Where the route is fenced on either side the full available width should normally be recorded as the legal width.

2 metres enables walkers to pass comfortably and enables those with pushchairs, wheelchairs etc. to be able to pass and turn around.

4 metres enables horses to be turned and provides a safe margin when passing other users on foot, cyclists, other horse riders etc. 4 metres is also a standard accepted by the British Horse Society.

5.a Orders made by other authorities

The County Council will normally object to Public Path Orders made by other authorities within Hertfordshire where they create routes which are less than the minimum width described in the previous policy.

The County Council wishes to see the standard minimum widths applied consistently to new or altered public rights of way across the County. Where these Public Path Orders are made by other authorities within Hertfordshire and the minimum conditions are not met the County Council will consider objecting to the order.

Such an approach is to ensure that the promoted minimum standards are applied consistently across the County. It is intended to provide sufficient width to accommodate all lawful users safely and conveniently. It also satisfies requirements for Access for All.