

The legal powers of Town and Parish Councils regarding access and rights of way

These include:

1. **Definitive Map** - To hold for public inspection a copy of the definitive map for the parish, and copies of the orders made to modify it as supplied by West Sussex County Council (WSCC)
2. **Maintenance** - To undertake maintenance of any public footpath (FP), public bridleway (BW) or restricted bridleway (RB) (although it is encouraged that any parish wishing to do so contacts WSCC first to ensure that work is undertaken to an acceptable standard; if not, parishes could find themselves liable in the event of an accident)
3. **Lighting and furniture** - To erect lighting on any FP or BW or seats or shelters (again, it is advisable to consult WSCC beforehand to ensure safety and proper siting, and to discuss any possible need for a licence)
4. **Warning signs** - To erect signs warning of local dangers (WSCC can advise on the appropriate wording of such signs to avoid any suggestion that the sign appears to unlawfully deter use of a right of way. This also relates to erecting "No Cycling" signs on FPs that are experiencing unlawful use. These have previously been provided to Parish/Town Councils and can be printed and laminated. Please note that these must not be erected on any routes other than public footpaths and must not deter lawful path users)
5. **Trees** - To contact local landowners to make them aware of fallen/leaning trees on their land that may be obstructing/posing a hazard to path users (trees are a landowner responsibility, therefore if reports are received it is helpful to contact the landowner directly, if known, and request resolution. WSCC can of course do this but due to the Covid pandemic this may take longer than usual.
6. **Town/Village Greens** - To make an application to the registration authority (WSCC) for the creation of a new town or village green
7. **Obstructions including crops** - To prosecute anyone who wilfully obstructs the passage along any highway, and to prosecute an occupier who fails to ensure that growing crops do not inconvenience path users. The power also exists to prosecute a landowner who does not restore a lawfully ploughed path within the period allowed or who has ploughed unlawfully (WSCC would be pleased to discuss before any action is considered by a parish council (PC))
8. **Signing** - To insist that the highway authority (WSCC) signposts a particular footpath, bridleway, restricted bridleway or BOAT (byway open to all traffic) where it meets a metalled road. PCs also have the power to signpost FPs, BWs, RBs and BOATs on behalf of, and with the consent of, the highway authority (WSCC has a very good record for signposting and it would be helpful if PCs could report any missing road end signs. In the event PCs did wish to apply to do signposting work themselves, WSCC would be happy to discuss and, if appropriate, for consistency, supply the signs for erection)

9. **New rights of way** - To create new highways by agreement with the landowner over land in their own and adjoining communities (again WSCC would encourage PCs to discuss first, partly because highways created under agreements with PCs would not automatically be maintained at the public expense (unlike WSCC agreements) and so owners may be reluctant to enter into PC agreements if future liability could fall to them. Also WSCC is likely to have more experience in dealing with this sort of work)

These are not all of the legal powers that a town or parish council has. If a council had a particular concern, then officers at the County Council are available to give guidance.

Finally, we would like to reiterate the importance of reporting issues on the PROW network through the correct channels and below is the link to our reporting page: <https://www.westsussex.gov.uk/land-waste-and-housing/public-paths-and-the-countryside/public-rights-of-way/report-a-problem-with-a-right-of-way>. When making reports we would strongly encourage as much detail as possible, including the path number, a location plan, a clear description of what the issue is and also photographs to accompany the report. This will assist us greatly in identifying the issue and investigating it as efficiently as possible in line with our clear priorities (available under the "our timescales link on this page)

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