



April 2020

COVID-19 Advice for Landowners and Farmers with Public Rights of Way

The Public Rights of Way Section has received a number of requests for closures of public rights of way due to the current Coronavirus (COVID-19) outbreak with concerns over the safety of members of the public, property owners and employees. There is currently no legislation in place to allow the closure of public highways, which includes public footpaths, bridleways and byways for public health grounds.

Defra advice is that the risk of Coronavirus being passed on to others from people using public rights of way and other paths and trails is considered to be very low provided people follow the government's instructions on maintaining social distancing.

It is an offence under the Highways Act 1980 to block or obstruct public rights of way and there are no powers to close or obstruct a public right of way. It is also an offence under the National Parks and Access to the Countryside Act 1949 to display a notice that contains false or misleading information and is likely to deter the public from using a public right of way. Enforcement action may be considered.

Landowners could consider the following measures where public rights of way are being used in large numbers or are close to properties:

- Tying open gates if there is no stock and it is safe to do so, so that walkers and riders do not need to touch the gate.
- Temporarily displaying polite notices that encourage users to respect local residents and workers by following social distancing guidelines and consider using different routes that do not pass through gardens, farmyards or schools.
- Offering a temporary alternative route around gardens and farmyards but only where it is safe to do so and only when the path passes close to homes or through working yards.

If you are considering offering an alternative route it should only be done in the following circumstances:

- This option must be discussed with the Public Rights of Way Section prior to a temporary alternative route being provided.
- The Definitive line must remain open and available for use.
- The alternative route must be safe for all users and livestock.
- Landowners may be liable for personal injury under section 2 of the Occupiers' Liability Act 1957 and Section 1 of the Occupiers' Liability Act 1984 if they are reckless or intend to create a risk e.g. by providing a dangerous alternative.
- The alternative route must be on your land or with written permission from the landowner.
- The alternative route must be clearly signed from both directions to avoid trespassing e.g. with arrows.

If you would like to discuss providing an alternative route or other matters relating to a public rights of way please email publicrightsofway@barnsley.gov.uk or telephone 01226 772017. Please note that due to current home working arrangements the specialist staff may not be available during normal working hours; you are advised to leave a message and return phone number.

Examples of polite notices for general use and where there are temporary alternative routes provided are available for downloading from the BMBC website.