

Paths, Widths, Heights & Gaps

Countryside Service Design Standards (2020)

The legal width of a path can be a contentious issue and may take some investigation to determine. It is usually desirable for vegetation to be cleared to a greater width.

This sheet also explains the size of gap to be left if a stile or gate is no longer needed; removing these barriers saves the landowner the time and cost of maintenance and improves access for all users.

Responsibilities

The landowner is responsible for ensuring that the legal path width is open and available for use; if needed, the County Council can take action to ensure that this is the case. Details of how to establish the legal width are given overleaf. Often, it is desirable for the vegetation to be cleared to a greater width, if the landowner permits this.

Legally the County Council is responsible for cutting vegetation on the surface of the path and the landowner is responsible for clearing back vegetation to the side of the path and overhanging vegetation (eg trees).

There is no legal path height; HCC has guidelines for vegetation clearance which are given below.

Desirable path widths and heights for vegetation clearance

Desirable widths and heights can vary depending on the use of the path—for example, busy paths will benefit from being wider and horse-riders will require a greater height clearance than a path which is only open to walkers. The following are recommended widths and heights for the purposes of vegetation clearance:

- Footpaths (or paths which are only open to walkers): a minimum width of 1.5m and height of 2.5m
- Bridleways (or paths which are also open to cyclists and/or horse-riders): a minimum width of 2.5m and height of 3.5m
- Restricted Byways (or paths which are also open to carriages): a minimum width of 3m and height of 3.5m
- Byways Open to All Traffic: a minimum width of 5m

It may not be possible to create these widths between the hedges. Fences present; please refer to the legal width if this seems unduly restrictive. When cutting, spread cut vegetation to path verges, or remove and dispose of appropriately; don't cut crops.

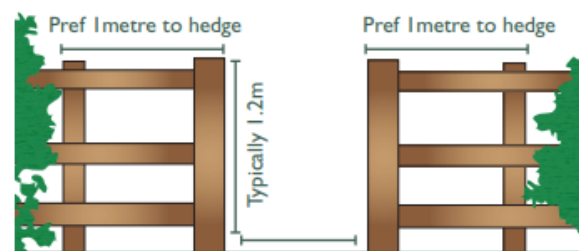
The path width is also likely to be less than this at bridges and legally-authorized stiles and gates. See the relevant guide for widths at these points.

If a footpath or bridleway is to be fenced in on both sides, an extra 0.5m on either side is desirable to allow for the vegetation to grow in; gates and stiles should also be removed if the path is fenced.

Removing stiles and gates to create a 'Gap'

Where paths cross boundaries (eg from one field to another), a structure is usually unnecessary unless livestock are present. The best option is to leave a gap. This allows easy access for everything and does not impose a maintenance burden on the landowner.

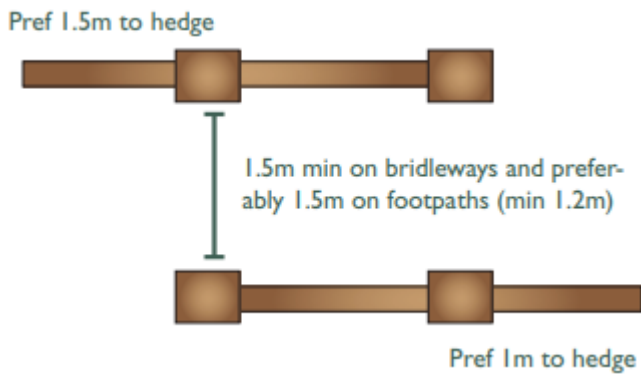
In most cases, leaving a gap is just that—however, in some cases a formally constructed gap may be desirable. For example, a fenced gap can help people identify where the path goes, and a staggered gap slows users when approaching roads and can prevent fly-tipping or unlawful use. The preferred width for gaps and gates is 1.5m. Landowners permission will be needed to allow this width if the lead width is less than 1.5m.



Gap width should preferably be 1.5m; it should be 1.2m min on footpaths and 1.5m min on bridleways

This guidance is suitable for most situations in Hampshire; for further advice email countryside@hants.gov.uk or call 0300 555 1391

Staggered Gap (for footpaths and bridleways):



Leaving a width of 1 metre between the hedge and the edge of the gap reduces the frequency with which the landowner has to cut back vegetation.

Structures should be set back at least 2m (footpaths) or 4m (bridleways) from roads where possible. Barbed wire and electric fencing must not be attached to the structure.

Establishing the legal width of a path

The legal width of the path may be different both to its current used width (ie the width that is trodden by users) and the desirable width for vegetation cutting. The legal width is the minimum width which must be kept open, and sit if it is in dispute this is the width which is legally protected.

The legal width can be established by following the process below, in this order:

- Check for widths recorded in the Definitive Statement for the path. The Statement is a written description which accompanies the Definitive Map. In Hampshire these are on-line at www.hants.gov.uk/maps/paths and choose 'Definitive Map'. Where the Statement gives a width, this is the legal width of the path.
- If a path has recently changed by legal order (within the last two years), call us on 0845 603 5636 with details of the path.
- In cases where the path runs between two
- established boundary features, such as a hedge or a ditch, the whole width between them can be assumed to be the legal width, so long as they were laid out in reference to the highway. Historical maps should be examined, as it may be that ditches or hedges have since been removed, but the highway width will remain. The width of paths can be measured on maps using a scale rule, but with caution as the thickness of lines, particularly on old maps, may vary in width.

- If the previous does not provide a legal width, the law states that, if the path is along/across a field, the minimum shall be:

Cross field footpath:	1m
Field edge footpath:	1.5m
Cross-field bridleway:	2m
Field edge bridleway:	3m
Restricted Byway or Byway open to All Traffic:	3m

- If none of the above provides an answer, please speak to County Council Officers.

Obstructed Paths

If the whole or part of the width of a rights of way becomes obstructed, for example by a new fence, an unauthorised stile, by crops or even by a building then please report this to us. Fly-tipping should be reported to the District Council.

Summary of Widths

The table below should only be read in conjunction with the rest of this guide.

	Footpath	Bridleway	RB/BOAT
Legal min cross-field (if not specified otherwise)	1m	2m	3m
Legal min field edge (if not specified otherwise)	1.5m	3m	3m
Desirable widths for vegetation clearance	1.5m	2.5m	3.5m
Desirable widths if the path is enclosed between hedges, fences or walls	2.5m	3.5m	3.5m