

# Agenda Item 6

## **Horse pastures and public footpaths.**

In recent years Lincolnshire has seen a large growth in number private owners of horses who possess their own paddocks. The result is that it is now quite common to find that a public footpath crosses a field which is now used for this purpose. These owners often find it necessary or convenient to divide their fields up temporarily into smaller divisions by the use of electric fences. These are often placed across the line of a public path.

Sometimes no provision for the crossing is made and the highway authority does not recognize this as a problem. However, on other occasions, the owner makes some attempt to provide a crossing point which enables users of the path to cross the fence. One example of this is a so-called "break handle" or insulated section of wire which can be unhooked by the user. I am informed that it has been the practice of Lincolnshire County Council to accept these as an adequate provision, although it is not clear that any legal authority has been provided for this. Without a legally valid order such fences, even with removable sections, are an unlawful obstruction of the highway.

More importantly, are they a satisfactory way of allowing the public to use the right of way? I do not think they are. Most people are understandably nervous of electricity in general and electric fences in particular. It is not at all obvious to a user whether such gaps are safe to use, how they are supposed to be used, and whether they have been competently erected. In this respect, some of the establishments involved have a very home-made, even cobbled together, look for much of their fencing and equipment. The public need not only to be safe, but to be able to use the way with convenience. Any lawful gates should not only be easy to use, but easy to see how to use them without anxiety or confusion. Unlawful gates should not be there.

More importantly, is there any reason to accept these fences at all? The public right is absolute and it is up to purchasers of land to take into account public rights of way when they consider for what purposes they might want to use the land. But then is there any reason why paddocks cannot be divided up without putting up temporary fences over rights of way? It seems to me that in most cases; with a little forethought the field could be divided up equally well in a different direction so that the line of any temporary fences ran alongside the footpath without needing to cross it.

This is a question where the LAF's expertise coming from both people with a breadth of experience in using public paths and of managing horses should be of particular value in providing sensible answers.

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