

Electric Fences and Public Rights of Way Landowner Guidance

Introduction

An electric fence positioned across a public right of way constitutes an obstruction, whether it is electrified or not. However allowances can be made if strict guidelines are followed. These guidance notes outline the necessary precautions to be taken if electric fencing is used on or near public rights of way to control livestock where no other means are practical.

Safety first

Where an electric fence is placed across or alongside a right of way the public must not be exposed to the risk of receiving shocks.

Irrespective of whether the fence is across or bordering the right of way it must be identifiable as being electrified. Appropriate warning signs should be displayed where the fence runs across the line of the right of way, or repeated at 100 metre intervals when the fence is alongside it.

Users should be able to pass through or over an electrified fence without difficulty and safely otherwise the fence will be deemed to be an obstruction. The council have powers to enforce the removal of the fence should the landowner prove uncooperative in making it safe.

Temporary electric fences and public rights of way

Where the right of way has footpath status only, the use of a single strand electrified fence to control stock is generally acceptable providing the following conditions are observed:

(1) hazard warning signs displayed as mentioned above and

(2) where the fence is across the path it should be routed through an insulated tube providing sufficient width to allow the wire to be held down so that it can be stepped over easily and without risk.

Alternatively, there must be a means of breaking the electrical current at this point by providing some form of safe option such as an expandable type barrier gate with insulated handle which can be easily and safely released by users.

Permanent electric fences and public rights of way

If a new electrified fence is required to contain livestock on a permanent basis authority will need to be gained from Shropshire Council. A safe crossing will need to be installed at the point where the fence is to be routed across the right of way; usually by way of a gate with the wire routed above head height or ideally below ground. Appropriate gates for rights of

way can generally be obtained from the council although there is usually a charge to cover costs.

Electric fences on or near bridleways

The positioning of electric fences where equestrian users have rights of access presents particular risks and difficulties and it is usually advisable to avoid using such fences on or alongside bridleways.

Should it be absolutely necessary to run an electrified fence at right angles to a bridleway gate, you must ensure that sufficient space is available for a rider to manoeuvre a horse whilst opening and closing the gate. This is absolutely essential to avoid any chance of the horse touching a live wire whilst opening or closing the gate. Additionally, the electric fencing should be insulated within the vicinity of gate and for a sufficient length each side of the gate opening. The fence must also have the appropriate signage.

If it is not possible to provide sufficient space then electric fencing should not under any circumstances be used on a bridleway

If a bridleway has to be crossed by electrified fences they will need to be routed either well above head height (which for someone on horseback will need to be at least 12ft) or ideally conveyed inside an underground pipe. Sprung handle type crossing points are never acceptable on public rights of way other than footpaths.

Where electrified fences are routed above head-height across bridleways, the upright poles carrying the wire must be no less than 2 metres apart, so that there should be no danger of horses or their riders accidentally touching a bare wire on passing through the gap. Shropshire Council recommends that the safest way to convey an electric cable across a bridleway is underground and properly insulated.

Byways and restricted byways

Shropshire Council is not able to authorise the erection of barriers across byways open to all traffic (BOATS) or restricted byways. Electric fences, whether temporary or permanent, should not be placed across these types of public right of way.

Remember: your electric fence - your liability

In the event of a user of a right of way coming into contact with an un-insulated electric fence and suffering harm as a result then the injured party could sue the person responsible for erecting the fence for damages.