



# Department for Environment Food & Rural Affairs

The Rt Hon Thérèse Coffey MP  
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Dear Kevin,

Thank you for your letter of 20 January with regard to the inquest into the death of Michael John Holmes. Firstly, may I say I am very sorry to hear of this tragic incident and my deepest sympathies go to Mr Holmes's family. I would also like to apologise for the time take to respond.

While many thousands of people enjoy the countryside and use the extensive network of footpaths, bridleways, and public access land every day, activities such as walking through or near cattle can be hazardous. Such incidents across the public rights of way network are rare however we do understand the concerns about ongoing public safety.

Defra is responsible for rights of way policy and this response sets out Defra's response to the points you have addressed to this department. I note that you have also copied your report to the Health and Safety Executive who have responded to you separately in light of their responsibilities for providing guidance to farmers, landowners and other livestock keepers about the assessment of risks posed by livestock being kept in a field with a public right of way.

## MATTERS OF CONCERN

### **Considerations regarding the field where the fatality occurred**

We want people to be able to enjoy the countryside, but it is vital that people and animals are kept safe and it is important that there is information available to members of the public about the risks posed by livestock in a field to which the public has a right of access and that landowners are aware of their responsibilities.

The Highways Act 1980 gives powers for changes to be made to the public rights of way network including diversions where it is in the public interest. We are aware of the application made to the local authority under Section 119 of the Act to have the public right of way in question diverted to mitigate the risk of such incidents in future.

As you pointed out in your report, objections to the diversion have been received therefore an application has been made to the Planning Inspectorate which is currently processing the application and will consider carefully any representations and objections received in accordance with standard procedures before making a decision on behalf of the Secretary of State.

We are aware of calls for a change in legislation to enable temporary path diversion orders however there are no plans to introduce such regulations at this time.

However, we are committed to implementing a number of rights of way reforms which include giving landowners the statutory right to apply to a local authority for a public path order to permanently extinguish or divert a footpath or bridleway where it is in the public interest to do so.

Section 59 of the Wildlife and Countryside Act 1981 bans bulls of seven recognised dairy breeds (i.e. Ayrshire, British Friesian, British Holstein, Dairy Shorthorn, Guernsey, Jersey and Kerry) that are over the age of ten months in all circumstances from being at large in fields crossed by public rights of way. Bulls of all other breeds (again over the age of ten months and including continental dairy breeds) are also banned from such fields unless accompanied by cows or heifers.

### **The general position in relation to dogs on Rights of Way and the power to restrict dogs on public footpaths, at certain times.**

There are clear messages for dog walkers on both their rights and responsibilities when out in the countryside. Natural England's recently updated Countryside Code sets out the responsibilities both for visitors to the countryside and land managers. It makes clear that visitors need to make sure dogs are kept under control around livestock and on open access land dogs must be put on a lead around livestock. Between 1 March and 31 July a dog must be on a lead on open access land, regardless of livestock being present. This is a legal requirement.

Land managers must warn visitors of any unseen hazards including livestock movements as well and not keeping animals that are known to be dangerous in places where there is public access. Local authorities already have powers through Public Spaces Protection Orders to place restrictions on dogs.

### **The role of public bodies**

Defra and its statutory adviser, Natural England, are responsible for setting out the legislation framework and producing guidance for the management of the public rights of way network. Guidance is already available for the diverting of public rights of way in accordance with the Highways Act 1980 however as part of the rights of way reforms package we are taking forward we will look at how we can make this more accessible.

Local authorities are responsible for the maintenance and management of public rights of way.

Yours sincerely,

