

Environmental Services

Public Rights of Way

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www.bathnes.gov.uk/services/streets-and-highway-maintenance/public-rights-way

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Dear

PLOUGHING AND CROPPING ON PUBLIC RIGHTS OF WAY.

Hopefully you are all well into harvest, the yields are good and you are planning your planting for next year or even the year after.

At this time I would like to remind you about the legal requirements with regard to public rights of way should you have any footpaths, bridleways or carriageways across your land. There have been concerns that we have previously been too casual with regard to the enforcement procedure regarding ploughing and cropping in the past and need to be more pro-active should the law be broken in the future. We are therefore writing to all farmers who have public rights of way crossing arable fields.

Section 134 Highways Act 1980 gives a statutory right to plough or otherwise disturb a **cross field** right of way in accordance with the rules of good husbandry, (growing a crop). The path can be reasonably disturbed but the surface must be made good to not less than the minimum width so as to make it reasonably convenient for the exercise of the public right of way. On first disturbance the maximum time allowed is 14 days which is intended to allow a succession of operations to be undertaken within that 14 days. Once that 14 day period has ended the time allowed for a further disturbance is 24 hours.

Section 329 Highways Act 1980 refers to '**field edge** paths', a footpath or bridleway that follows the side of headlands of a field or enclosure. This should never be ploughed or cultivated to render the right of way inconvenient and is an offence under section 131A.

Minimum widths if not proven by being included in the Statement accompanying the Definitive Map are as follows:

- Cross Field footpath 1 metre
- Field Edge footpath 1.5 metres
- Cross Field bridleway 2 metres
- Field Edge bridleway 3 metres.
- Carriageway either cross field or field edge 3 metres

Please make sure that any crop grown is either sprayed out or cut out to at least the legal minimum. This means that any crop such as Oil Seed Rape or Maize is given an anticipated wider width to ensure that nothing overhangs the path once it is grown.

If you are unsure where your paths are legally, please get in touch and I can provide a map for clarity. It is not an excuse if you or your contractor do not know where your paths run. We will be using our enforcement powers should it be necessary but wish to ensure that this would only be a last resort.

Whilst writing, there are quite a number of you who have sheep in for keep over the winter months either on grass or purposefully grown turnips. Please ensure that your grazier is aware of the paths when they take the land on. We regularly receive many complaints with regard to electric fencing obstructions with no regard for the path, and turnips illegally grown on the path. The legal line should be open and available, therefore electric fencing should be insulated and the actual path not cultivated. The legal line of the path should be open and available but most people do not mind a minor diversion round the edge of the field if it is fenced out well. This should avoid dogs in with the sheep therefore avoiding any worrying and picking up Sarcocystosis. Optional fencing out is often in everyone's interest.

Please consider the paths in your cultivating routine, if they are well marked and clear on the ground there is no possible excuse for trespass. If you need any further help or advice on this subject, rights of way in general or upgrade of path furniture please get in touch and I will be happy to call out.

Yours sincerely

Cheryl Hannan (Mrs)
Public Rights of Way Inspector

cc: Parish Council