

Public Paths: Ploughing & Cropping

Guidance for Landowners and Farmers

Introduction:

This guide is designed to assist landowners, tenants, farm managers and agricultural contractors. It explains the legal requirements to keep public rights of way open and available after ploughing and cropping. If followed, these guidelines will help prevent inadvertent trespassing, damage to crops and the worrying of livestock.

Before ploughing:

- Ensure the tractor driver/contractors know where paths are and how to deal with them.
- Field edge paths and byways open to all traffic must not be ploughed.
- Avoid ploughing cross field paths if at all possible.

Following ploughing:

- Within 14 days of ploughing, the path must have a firm level surface and be marked on the ground to at least the minimum width (see table below).
- It is good practice, and saves time, to reinstate the path before leaving the field.

Further cultivation:

- If further cultivation is necessary after the expiry of the 14 day period following ploughing, the path must be reinstated within 24 hours. Again, this is best achieved before leaving the field.

During the growing season (for crops other than grass):

- As the crop germinates, the path must remain evident on the ground.
- As soon as is practical and before the crop reaches a height of 150mm (6") remove the crop from the path.
- Continue to ensure that the path remains clear of the crop to its minimum width (see table below) including encroachment from the side.
- Any side growth from hedges or over-hanging trees should be kept clear of a field edge path.

Tall Crops:

- To prevent obstruction to the minimum widths (see table below), tall crops such as oil seed rape or maize may need additional clearance during the growing season. A more practical solution is to cut back additional width equal to the anticipated height of the crop.

CROSS FIELD PATHS			
	Footpath	Bridleway	Byway
What is the minimum width required? *see note	1m	2m	3m
Can I plough a cross field path?	Yes, if it cannot be reasonably avoided		NO
What has to happen after ploughing?	Within 14 day ensure that the path has a firm and even surface, is convenient and safe to use and the minimum widths as stated above are observed.		N/A
What if further cultivation is required?	The reinstatement works referred to above must be carried out within 24 hours.		N/A
FIELD EDGE PATHS			
	Footpath	Bridleway	Byway
What is the minimum width required? *see note	1.5m	3m	3m
Can I plough a field edge path?	NO		
What are my other duties in respect of field edge paths?	You must ensure that side and overhanging growth is cut back in order to maintain the widths of the public rights of way (as stated above) and to allow sufficient headroom (2.4m for Footpaths and 3m for Bridleways).		
CROPS			
Crops have started to grow on the path which crosses my land, what should I do?	You must keep the minimum width of the paths (as stated above) clear from any crops and ensure the route is clearly marked.		

*note: this width applies unless a width is stated in the definitive statement relating to a particular path or way

What happens if a path is not reinstated?

It is the duty of the landowner/tenant to ensure that when a field is cropped or ploughed, any public path across it is reinstated to the legally prescribed widths and within the stated timescales (s134 Highways Act 1980, as amended).

It is the responsibility of the Isle of Wight Council to ensure that this landowner duty is complied with (s134(6) Highways Act 1980, as amended).

The Public Rights of Way Service of the Isle of Wight Council asks all landowners and farmers to do everything they can to ensure that all paths crossing their land remain open and convenient for the public to use in a safe manner.

If the Public Rights of Way Service is aware that a path has not been reinstated following ploughing or is overgrown to an extent that it is not possible to conveniently and safely use then it will, in the first instance, always make an informal approach to the farmer to request that the problem be resolved within a reasonable time period.

However, if this informal approach is unsuccessful and the path remains obstructed then the matter will have to be resolved by taking formal action by exercising the relevant enforcement powers provided by the Highways Act 1980, as amended.

Landowners and farmers are now required to maintain all public rights of way crossing their land when claiming payments under the Rural Payment Schemes administered by the Rural Payments Agency. If formal enforcement action becomes necessary then there will be no option other than to follow the advice of DEFRA and report the matter to the Rural Payments Agency.

Further Information and Help:

The Public Rights of Way Service wishes to work with landowners and farmers. If you have any queries or suggestions about this guide or public rights of way generally then please contact us at:

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