

Keep within the law

South Gloucestershire Council (the Highway Authority), has a duty to assert and protect the rights of the public to use and enjoy the public rights of way network.

The council seeks to work with responsible farmers to provide advice and assistance in order to ensure the requirements of legislation are met.

The Highway Authority can take action against you if you fail to keep a public right of way clear of crops or fail to reinstate the surface after ploughing. It can:



Prosecute you and / or enter onto your land, carry out necessary works (sometimes to a wider 'maximum width') and recover the costs from you.

Cross Compliance GAEC

If a public path is obstructed, ploughed and not reinstated, or any gate or stile is not maintained, part of the Single Farm Payment may be withheld by DEFRA. (rpa.defra.gov.uk/GAEC8).



Remember

If you are the occupier, it is your responsibility to comply with the law, regardless of who carried out the work for you.

If you need further help or advice please contact the PROW team for more information:

Public Rights of Way,
South Gloucestershire Council,
PO Box 2081,
Council Offices,
Castle Street,
Thornbury,
BS35 9BP

Tel: **01454 868004**
Email: rightsofway@southglos.gov.uk
Web: www.outdoorswest.org.uk



If you would like this information in a different format or language, please contact: ☎ **01454 868007**

S&C CREATIVE DESIGN • Printed on recycled paper containing a minimum of 75% post-consumer waste ♻️ 8027 | 09 | 12

PUBLIC RIGHTS of WAY **Ploughing & Cropping**

Advice and legal requirements for farmers and land managers

(Highways Act 1980 as amended by The Rights of Way Act 1990)

www.southglos.gov.uk

Ploughing and cultivating

You must **not** plough or disturb the surface of:

- Cross-field footpaths and bridleways that you can conveniently avoid
- Footpaths or bridleways at the edge of the field
- Restricted byways and byways open to all traffic.

If you cannot avoid ploughing or disturbing a cross-field footpath or bridleway, you must then make sure that:

- The surface is made good, to at least the minimum width, so that it is reasonably convenient to use
- The line is apparent on the ground, to at least the minimum width, to anyone using it.

This must be done within:

- 14 days of the first disturbance for that crop and,
- 24 hours of any second or subsequent disturbance, unless a longer period has first been agreed, in writing, by the Highway Authority.

You may also disturb a footpath or bridleway during an excavation or engineering operation, but only if you first get written permission from the Highway Authority - South Gloucestershire Council.



Crops

You must not allow crops, other than grass, to grow on or overhang the minimum width of any footpath, bridleway or byway, so as to inconvenience the public or prevent the line of the right of way from being apparent on the ground.

Spray or cut the crop to keep the line of the path visible before it reaches 6" (150mm) tall.

Minimum/maximum widths

If the width of a path is recorded on the definitive statement, then that is the minimum width. If the width is not recorded the 'minimum /maximum' width means:

	Cross field		Field edge / headland	
	MIN	MAX	MIN	MAX
Footpath	1.0	1.8	1.5	1.8
Bridleway	2.0	3.0	3.0	3.0
Byway	3.0	5.0	3.0	5.0

These widths apply only to the law on ploughing and cultivation. They are the minimum you must comply with if you are to avoid action being taken against you. They do not affect other aspects of the law on public paths and do not limit the public's established rights of passage in any way.

Practical tips

Tall crops such as oil seed rape and beans can fall across the path. Make a wider path through the crop at the beginning to avoid having to repeat the process later on in the season.

Mark the path:

A few runs over with a tractor may be sufficient, if repeated at intervals throughout the growing season. Canes or stakes may also be used.

Remember: Unmarked paths can lead to unintentional trespass and crop damage.



Weather conditions:

If bad weather prevents reinstatement within the given time limit, please contact the PROW office as it may be possible to extend the time period.