



# Ploughing and cropping of public rights of way

## How we can help you

The County Council would like to work with farmers to improve the network of paths in Derbyshire. Our officers are happy to meet you and give advice on good practice in respect of rights of way. If you let us know the extent of the land you farm then we will supply a free map showing the rights of way on the land.

If you would like details about stile and gate grants, waymarking or the signing of paths at the roadside, please contact us.

## Rights of way widths

- **Cross-field footpath**  
Minimum width 1 metre  
Maximum width 1.8 metres
- **Cross-field bridleway**  
Minimum width 2 metres  
Maximum width 3 metres
- **Field-edge footpath**  
Minimum width 1.5 metres  
Maximum width 1.8 metres
- **Field-edge bridleway**  
Minimum width 3 metres  
Maximum width 3 metres
- **Cross-field or field-edge carriageway**  
Minimum width 3 metres  
Maximum width 5 metres

## Contact Details

### Rights of Way team

Derbyshire County Council  
Shand House  
Dale Road South  
Matlock  
Derbyshire DE4 3RY

E-mail: [etc.prow@derbyshire.gov.uk](mailto:etc.prow@derbyshire.gov.uk)  
Phone: 01629 533190

[www.derbyshire.gov.uk/rightsofway](http://www.derbyshire.gov.uk/rightsofway)

Ref 11/2016





# **Advice Leaflet: Ploughing and cropping advice for anyone who has legal responsibilities in respect of public rights of way on arable land**

## **Ploughing and cropping**

### **Guide to legal requirements and good practice**

This guide has been written to assist any person who has legal responsibilities in respect of public rights of way on arable land. Good practice helps improve relations between farmers, local authorities and members of the public. This leaflet sets out our procedure for dealing with all complaints relating to ploughing or growing crops on public rights of way.

All the legal requirements are set out by the Highways Act 1980 as amended by the Rights of Way Act 1990. It is illegal to plough the surface of a restricted byway or a byway open to all traffic.

## **To plough or not to plough?**

### **(a) Cross-field footpaths and bridleways**

You must avoid ploughing a cross-field public path if you reasonably can. Where it is not possible to avoid ploughing a cross-field path, you may do so provided the footpath or bridleway is reinstated within 14 days of the first disturbance and within 24 hours of any subsequent disturbance.

### **Reinstatement after ploughing (good practice)**

You are required to level the path and make it convenient for use to a width not less than the minimum specified (see overleaf). You must also indicate the line of the path clearly on the ground. Long garden canes can be stuck into the ground to indicate the line of the path. A useful tip is to dip the ends in white or yellow paint or tie coloured rags to them to make them more visible.

### **Enforcement**

If you do not reinstate the path adequately within the permitted time period, we will serve a formal notice on you which will require you to reinstate the path within 14 days. If you do not comply with the notice, we will instruct our contractors to reinstate the path to the maximum width and recover the costs from you. Repeated contraventions may result in prosecution. A copy of the Notice will be sent to the Rural Payments Agency.

### **(b) Field-edge footpaths and bridleways**

You are not permitted by law to plough or disturb the ground or plant crops in the surface of a field-edge path and may be prosecuted for so doing.

## **Crops on cross-field paths**

### **When is a crop an obstruction?**

If a crop has grown beyond 10cm in height and is growing in the surface of a public path, it is then considered to be an obstruction. The occupier of the land is responsible for removing the crop from the path (please see the minimum width requirements overleaf). Please note that in the case of tall crops, such as oil seed rape and maize, you must anticipate the possibility of the crop falling across the path and should increase the width of the path (or check it regularly and cut it back if necessary). We will treat overhanging crops that restrict the use of the path as an obstruction.

### **Prevention is better than cure (good practice)**

We recommend that any landowner, farmer or contractor avoids planting a crop on the route of a path. However, if the crop is planted on the path, this must be removed, (for

example 'sprayed out'), before it becomes an obstruction. If you are the occupier of the land, it is no defence to say you were unaware of your contractor's work. It is you who will be held accountable.

### **Enforcement**

If a public path becomes obstructed by crops, we will serve a formal notice on you requiring you to clear the route within 14 days. If you do not comply with the notice, we will instruct our contractors to remove the crop from the path to the maximum width and recover the costs from you. Repeated contraventions may result in prosecution. A copy of the Notice will be sent to the Rural Payments Agency.

## **Know where your rights of way are**

Public rights of way are recorded on the definitive map and statement kept by the County Council. The map can be viewed during normal office hours and shows the legal line of each public path. The statement describes the route and any limitations that apply (such as gates and stiles). A digital version of the definitive map is available for viewing on the County Council's website at [www.derbyshire.gov.uk/maps](http://www.derbyshire.gov.uk/maps)

