

against the occupier when under a legal Notice), and/ or by a formal caution and/ or prosecution when in the public interest.

If there is no proven width then the PROW team may reinstate footpaths to a width of 1.8m, bridleways to a width of 3m and restricted byways/byways to a 5m width.

The Notice period for reinstatement of, or removal of a crop obstruction from, a cross field path under Schedule 12A of the Highways Act can be as little as 24 hours.

The PROW Team may inform the Rural Payments Agency and Natural England of offences who may carry out their own inspection. This could affect agricultural payments received.



*With hare coursers operating in the area, please ensure PROWs are not obstructed or excavated, even partly. Members of the public have been injured as a result. You could face being sued and/ or prosecuted.*

## Useful Contacts

If you have any queries about the line or width of a path in an arable field, please contact:

### Eastern area

Sallie Jennings PROW Officer

Tel: 01635 519070

sallie.jennings@westberks.gov.uk

### Western area

Matthew Walters PROW Officer

Tel: 01635 519448

matthew.walters@westberks.gov.uk.

*This advice note is without prejudice to other relevant legislation or case law. It is a guide to set out key points relating to the Council's duties and powers, this is not an exhaustive explanation of the law*

We are committed to being accessible to everyone. If you require this document in an alternative format or translation, please call Elaine Cox on Telephone 01635 519069.

### West Berkshire Council

#### Public Rights of Way Team

Environment Department

Market Street

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Berkshire, RG14 5LD

Tel: 01635 551111 www.westberks.gov.uk (April 2020)

# Ploughing and Cropping Information Sheet Public Rights of Way



**Public Rights of Way (PROWs) are highways and legally protected in the same way as other highways throughout the District.**

## Ploughing and Cultivation

The Rights of Way Act 1990 amended the Highways Act 1980 to give farmers the right to plough or cultivate **cross field footpaths and bridleways** according to the rules of good husbandry and when it is not reasonably convenient to avoid doing so.

*This right does not apply, however, to headland paths, restricted byways or byways - cultivating these paths is an offence.*

After cultivation, failure to make good a path's surface to at least the minimum width and so that its line is clear on the ground within **14 days** of the first disturbance or **24 hours** after a second or subsequent disturbance, **is an offence.**

**If there is no proven width, minimum cross field widths are:**

Footpaths	1m
Bridleways	2m
Restricted byways and byways	3m

**If there is no proven width, minimum field edge widths are:**

Footpaths	1.5m
Bridleways	3m
Restricted byways and byways	3m

*Electric fence poles demarcating line of path.*

*This could be done in a direct drilled field, for example, where the surface was reasonably convenient.*



*Wheel marks demarcating line of recently cultivated cross field path.*

*Painted posts protecting field edge path & preventing disturbance during cultivation.*

**NOTE: This hedge has been trimmed back to prevent overhang of headland path.**



required in tall crops (rape, miscanthus, maize etc) to prevent them overhanging and lodging in the path. Sometimes if spraying or cutting is carried out early in the growing season a second round of spraying or cutting may be required.

*Good examples of sprayed and cut crops.*



## Crops

Crops other than grass **should not be allowed to obstruct or encroach** on cross field footpaths or bridleways as this is an offence. Usually once a crop has reached 150-200mm (6-8") it should be **sprayed out or cut** from the path. An **extra** width is

## Procedure

Where a cross field footpath or bridleway has not been reinstated following cultivation or where it is encroached by a crop, the Public Rights of Way (PROW) team will seek reinstatement of the path or removal of the crop by offering advice, and/or taking direct action (rechargeable