

Ploughing, crops and paths a practical guide

This leaflet is designed to assist landowners, farm managers and agricultural contractors. It explains the legal requirement to keep public rights of way open and available after ploughing and cropping.

If followed, these guidelines will help prevent damage to crops and help create a good impression of the agricultural community with the public.



Before ploughing

- Ensure your tractor driver or agricultural contractors know where paths are and how to deal with them.
- Field edge paths, byways open to all traffic or restricted byways must not be ploughed.
- Avoid ploughing cross field paths if you can reasonably do so.

Following ploughing

- Within 14 days of ploughing, the path must again have a firm level surface and be marked on the ground to at least the minimum width.
- It is good practice, and saves time, to re-establish the footpath before leaving the field, using two or more sets of wheelings.

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 by marking the path with two or more sets of wheelings.

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, including crop encroaching 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 width, 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 an extra width, equal to the anticipated height of the crop.



What happens if a path is not reinstated?

Landowners and farm managers have a responsibility to ensure that when a field is cropped or ploughed, any public path across it is reinstated. This should be done to a minimum, legally prescribed width and timescale.

Kent County Council seeks to work with farmers, the National Farmers' Union and the Country Land and Business Association to ensure that the legal requirements are met.

The Highways Act 1980 places a duty on Kent County Council as the Highway Authority to ensure that the law is complied with. Kent County Council is committed to ensuring paths remain available to the public and may use those powers given to it by the Act, should they be necessary.

Landowners are reminded that the requirements as outlined in this leaflet represent good agricultural practice. Failure to reinstate public paths could result in prosecution with offenders being reported to the Rural Payments Agency for non compliance with GAEC (Good Agricultural & Environmental Conditions) 7b.

Your questions answered

CROSS FIELD PATHS

	Footpath	Bridleway	Byway/Restricted Byway
What is the minimum width required?	1m (unless stated otherwise)	2m (unless stated otherwise)	3m (unless stated otherwise)
Can I plough a cross field path?	Yes, where it is not reasonably convenient to avoid it.		No
What do I have to do after I have ploughed?	Within 14 days ensure that the path has a firm and even surface that is easy to use and ensure the path is the minimum width or wider.		N/A

FIELD EDGE PATHS

	Footpath	Bridleway	Byway/Restricted Byway
What is the minimum width of a field edge path?	1.5m (unless stated otherwise)	3m (unless stated otherwise)	3m (unless stated otherwise)
Can I plough a field edge path?	NO		
Must I do anything to a field edge path?	You must ensure that the hedge is cut back and any boundaries are well maintained so that the path is easy to use.		

CROPS

Crops have started to grow on the path which crosses my field, what should I do?	You must keep the minimum width of the path clear from any crops and ensure the route is clearly marked. This will also help to stop people wandering away from the path and onto your land.		
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Further technical advice is available from the Public Rights of Way and Access Service.

Email: prow@kent.gov.uk Call: 03000 417171

Write to: Kent County Council, Public Rights of Way and Access Service, 1st Floor Invicta House, Maidstone, Kent, ME14 1XX

This leaflet is available in other formats and can be explained in other languages.

For a copy please call 03000 42 15 53