

Information for landmanagers regarding Rights of Way

Introduction

Nottinghamshire County Council has a good working relationship with landowners and occupiers and want to work with you to avoid problems that can occur from working the land and from livestock control.

We have a duty to assert and protect the rights of the public to use rights of way – this means keeping paths open and easy to use. If a path is obstructed, we are required to take action under the Highways Act 1980/Rights of Way Act 1990.

Cross field path disturbance

Landowners and occupiers may plough or disturb a cross field path on arable land, but you only have **14 days** after the initial disturbance to reinstate a path and **24 hours** to reinstate it after any subsequent disturbances.

Crops must be prevented from growing on or encroaching over public paths.

When an obstructed or disturbed cross field path comes to our attention we implement the following procedure:

- If you have not been contacted about a right of way problem within the last three years, you will be contacted by a Rights of Way Officer and advised of your obligations. A letter giving you a time limit before re-inspection will follow this up.
- If you do not complete the necessary work within the time limit a formal 'notice' will be served on you.

- If on final inspection the path is still not reinstated to standard, council officers and their contractors will come on the site and complete any outstanding works. We may recover costs from you.
- If you commit a further rights of way offence within three years of being contacted by the Council, the formal 'notice' may be served without further communication or immediate enforcement action taken. This will normally incur a charge to you.

Field edge path disturbance

The surface of a field edge path must not be disturbed. If it is, the following procedure applies:

- Where the surface of the field edge path has been disturbed, but it is still convenient for the public to use and you have not been contacted about a similar matter within the last three years, you will be given the opportunity to reinstate the path surface to a standard acceptable to the County Council. This will be agreed by liaison with the Rights of Way Officer for your area.
- If the path is not convenient to use, you will be required to restore the surface to an acceptable standard immediately.
- Failure to reinstate the path as required above will result in formal 'notice' being served on you by the County Council to make good the damage.
- If on final inspection the path is still not reinstated to standard, council officers and their contractors will attend the site and carry out any outstanding work. Costs may be recovered against you.

- Any further offence on any field edge path on your land, within a three year period, may result in the service of a formal 'notice' without prior warning or the taking of immediate enforcement action. This will normally incur a charge to you.

Unless a path has a legally recorded width, the following minimum and maximum widths apply on agricultural land:

	Footpath	Bridleway
Cross field	1m – 1.8m	2m – 3m
Field edge	1.5m – 1.8m	3m

We always reinstate to the maximum permitted width when carrying out enforcement.

If you fail to reinstate your paths after 'notice' has been served we may recover all costs associated with it, including officer time, travel and administration as well as any contractor costs to reinstate the path.

The fees for this are approximately £150 for 'notice' only charges and £500+ if reinstatement work is carried out.

Serious persistent offenders may be prosecuted for breaching the Highways Act 1980/Rights of Way Act 1990, which could lead to a fine and/or imprisonment and a criminal record.

Boundaries

Landowners who keep livestock need some form of stock control where a right of way crosses a fence, field boundary or hedge row.

It's Council policy to keep barriers on rights of way to a minimum and always go for the least restrictive option, we also have to comply with legislation on accessibility (Disability Discrimination Acts 1995 and 2005, Countryside and Rights of Way Act 2000).

At a boundary you have 3 options:

1) Leave a gap

With no installation cost and little or no maintenance cost, this is the cheapest and

easiest option and they don't restrict who can use the countryside – perfect for arable fields. Squeeze gaps can also be fine to control adult cattle but aren't suitable for smaller animals.

2) Install a gate

Kissing gates and standard gates are stock proof, easy to maintain and easier to use than stiles. We will contribute at least 25% of the cost and in some circumstances will provide gates from our store free of charge. Metal gates will stand up to the weather and last for ages, requiring next to no maintenance.

3) Put in a stile

Stiles are not the best option – they limit access to the countryside for lots of people. They will rot down and stop being stock proof and because people have to climb over them, there's a bigger chance they could slip, fall and hurt themselves. As a responsible landowner that's a liability you need to consider. People walking dogs often have to take them off the lead to cross stiles, which may mean they have less control.

If you need to replace or improve existing stock control, you should contact us. New structures will require approval, or they won't be legal.

Remember you are responsible for the maintenance and liabilities for gates and stiles on your land.

The Wayfinder Scheme

Nottinghamshire leads the way nationally with our Wayfinder scheme which 'employs' landowners as local contractors to ensure the paths are maintained on their own land. Over 300 km of the network is managed in this way.

If you would like more information about this please telephone the Wayfinder team on 0115 9774719.

Contact information:

Phone: 0300 500 80 80

Email: countrysideaccess@nottsc.gov.uk

Website: www.nottinghamshire.gov.uk