

# PLOUGHING AND CROPPING

INFORMATION AND GUIDANCE  
FOR LANDOWNERS



in partnership with



**Nottinghamshire  
County Council**



If a path across an arable field is disturbed or obstructed by ploughing or growing crops it is called a ploughing or cropping offence. There are two types:

- a) **Cross field** - Disturbance of the surface or obstruction by crops
- b) **Field edge** - Disturbance of field edge paths in any way

Nottinghamshire County Council as Highway Authority, has a duty to assert and protect the rights of the public to use and enjoy rights of way - this means keeping paths open and usable at all times.

Minor problems can usually be resolved on an advisory basis which we prefer, but persistent offenders can expect enforcement action to be taken, including prosecution.

We have a ploughing and cropping enforcement procedure in place to make this as simple and fair as possible, and a proactive strategy to improve awareness and compliance among landowners and farmers.

## DOES THIS APPLY TO ME?

The law applies to any landowner or occupier who is responsible for land with a public right of way across it. If the path is disturbed, we will take action to bring it back to a useable state. If a contractor is employed, it is the landowner/occupier's responsibility to ensure that the path is reinstated.

## CROSS FIELD PATHS

The Rights of Way Act 1990 allows a landowner or occupier to plough or disturb a cross field path on arable land unless it is reasonably convenient to avoid doing so.

## IF YOU CANNOT AVOID DISTURBING THE PATH

You have 14 days after the initial disturbance to reinstate a path and 24 hours to reinstate it after any subsequent disturbances.

Reinstatement means ensuring, after cultivation of the field (if undertaken), the path is marked on the ground and level, AND the crop is removed from the path once it is an obstruction (approx 4-6" in height).

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





## FIELD EDGE PATHS

The surface of a field edge path must not be disturbed without prior authorisation of the Highway Authority.

## HOW WIDE SHOULD THE REINSTATED PATH BE?

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

	FOOTPATH	BRIDLEWAY
<b>Cross field</b>	1m – 1.8m	2m – 3m
<b>Field edge</b>	1.5m – 1.8m	3m

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



## WHAT IF I IGNORE THIS PROCEDURE?

- ✔ You will be contacted by a Rights of Way Officer and advised of your obligations and a time limit to carry out the work.
- ✔ If you do not complete the necessary work within the time limit a formal legal notice will be served on you. This will set a final time limit on completion of the work. We may recover costs from you which will include officer time, travel and administration as well as any contractor costs to reinstate the path (approx £150 for 'notice' only charges and £500+ if reinstatement work is carried out).
- ✔ If on final inspections the work has still not been completed, then the Highway Authority, with a contractor, will carry out the necessary work to reinstate the path to a suitable state and recover the costs from you.

If you commit a further rights of way offence within a three-year period, the legal notice may be served without further communication. This will normally incur a charge to you.

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

This may affect your farm payments under GAEC 7b.

Please be aware that although the above is our policy, the Rural Payments Authority (RPA) require a higher standard and if any crop (other than grass) is present on the full width of a cross field right of way then a cross compliance penalty could be applied.

## WORKING WITH LANDOWNERS

We want to work with landowners to prevent problems, such as ploughing and cropping disturbances arising. We contact landowners with paths on arable land to remind them of their obligations twice a year and include good practice guidelines. We can also help with waymarking to aid reinstatement.

## HOW CAN I FIND OUT MORE?

Our Rights of Way Officers are available for advice and can be contacted through

Tel: Customer Contact Centre: **0300 500 80 80**

Email: **[countryside.access@nottsc.gov.uk](mailto:countryside.access@nottsc.gov.uk)**

Post: **Rights of Way Team, Via East Midlands,  
Bilsthorpe Depot, Bilsthorpe Business Park,  
Eakring Road, Bilsthorpe NG22 8ST**

**[www.nottinghamshire.gov.uk/countryside](http://www.nottinghamshire.gov.uk/countryside)**

**If you would like this information in another format  
or language please contact:**

### **Via East Midlands**

Bilsthorpe Depot,  
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**[www.viaem.co.uk](http://www.viaem.co.uk)**

