

# Landowners and Farmers

## Guide to Public Rights of Way

“If you have a Public Right of Way crossing your land, as the owner or occupier you have a legal duty to maintain its accessibility”



# What are Public Rights of Way?

**Public Rights of Way (PROW)**  
are part of the highway network and  
are therefore protected by law

The recording of a path on the Definitive Map and Statement for North East Lincolnshire is conclusive evidence of the path's existence. However, it is recognised that not all paths are recorded on the map, where appropriate other paths may be claimed and added on the basis of historic evidence and/or use.

There are currently 2 types of **Rights of Way** in North East Lincolnshire:

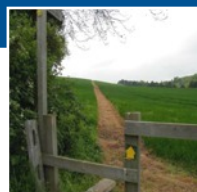
**Footpath**                      Where the public's right is **on foot only**

**Bridleway**                      Where the public have a right **on foot, on horseback** or using a **bicycle**

## Things to help you

If you have a Public Right of Way crossing your land, as the owner or occupier you have a legal duty to ensure that:

- **The Public Right of Way** is not obstructed
- **You do not** intimidate the users of the PROW either verbally or by notices
- **A legal order** to stop up or divert PROWs over your land must be obtained before any alterations are made which affect the PROW
- **You obtain** the consent of the Highway Authority before installing any path furniture (e.g. gates, stiles etc.)
- **Stiles and gates** are kept in good repair and are easy to use
- **Dairy bulls** over ten months of age are not kept in fields through which a footpath or bridleway passes (the following are the recognised dairy breeds:- Ayrshire, Jersey, Dairy Shorthorn, Kerry, British Friesian, British Holstein and Guernsey) and other bulls again, over 10 months of age, of other breeds are kept in fields with PROW only if accompanied by cows or heifers.
- **Contact the Highway Authority** before carrying out works that impact on PROW
- **Ensure** all agents/contractors understand these requirements



# Issues relating to cropping and ploughing

	Footpath	Bridleway
<b>Cross-Field Path</b>		
What is the minimum (maximum) width?	<b>1m</b> (1.8m)	<b>2m</b> (3m)
Can I plough cross-field paths?	<b>Yes</b> - only if it is not reasonably convenient to avoid doing so, and is in accordance with the rules of good husbandry.	
What do I do after I have ploughed, cultivated and drilled the crop?	<b>Within 14 days</b> of the first disturbance in a cropping cycle: you need to clearly mark the line of the path, ensure that it has a firm and even surface that is easy to use, and that the path is the minimum width or wider. Thereafter, any further disturbance should be reinstated within 24 hours.	

## Field Edge/ Headland Paths

What is the minimum (maximum) width?	<b>1.5m</b> (1.8m)	<b>3m</b> (3m)
Can I plough a field edge path?	<b>No</b>	<b>No</b>
Should I do anything to hedgerow alongside a path?	<b>You must</b> ensure that the hedge next to a field edge path is kept cut back to prevent it from obstructing a path.	

## Cropping

Crops have started to grow on the path that crosses my field. What should I do?	<b>You must</b> ensure that the minimum width of the path is kept clear from growing crops to prevent them obstructing the line of the path. However, where oil seed rape has been sown, you will be expected to provide a <b>minimum path width of 2.5 metres</b> to allow for crop fallow.	
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## The Highway Authority's **stance** in respect of a reinstatement issue:

It is recommended as good practice to immediately reinstate the path line at the time of disturbance, thereby avoiding the need for a subsequent return visit and removing any possibility of enforcement notices being issued for non-compliance.

Acceptable path marking methods are usually by installing canes either side of the path line or by using wheel markings.

However, as well as marking the path line, the path surface must also be made level and firm to ensure ease of use, particularly after ploughing.



## The Highway Authority's responsibilities are:

- **To ensure** Rights of Way are free from obstruction and can be used by the public.
- **Keep** the surface of Rights of Way in good repair and manage natural surface growth.
- **Sign Post** Rights of Way where they leave a metalled road and waymark routes.
- **Authorise** gates and stiles where appropriate.
- **Keep** the Definitive Map and Statement up to date.



## Enforcement Protocol for reinstatement issues:

- **Following the formal adoption** of the current Public Rights of Way Enforcement Policy on 18/2/14, on the discovery of an initial reinstatement offence (disregarding any previous offences prior to the above), officers will issue a warning letter enclosing this advice brochure and requesting that the right of way be reinstated within 14 days of the date of the letter.
- Upon expiry of the 14 days, a re-inspection of path will be undertaken and if the path has been restored to a satisfactory standard, no further action is taken for that season. However, if there is a continuation of the offence, or **if the landowner or occupier offends again within a five year period**, the Highways Authority will serve a formal notice giving 7 days for the situation to be rectified.
- A further continuation or a third offence within five years will result in a **second formal notice**, delivered by hand, **giving just 1 working day** in which to resolve the offence. This notice will stipulate that if by 3pm the next working day the serving officer has not been contacted, the Highway Authority will take the necessary steps to undertake default action and will recover any costs associated in doing so. At this time, the offence will also be brought to the attention of the Rural Payments Agency. The Highways Authority will also consider prosecution of the offender.

### **For information:**

Sections 131A, 134 and 137A of the Highways Act 1980 (as amended by the Rights of Way Act 1990) relate to the ploughing of headland paths, failure to reinstate and obstruction by crops.

If you have any further enquiries in relation to Public Rights of Way on your land, please contact the Rights of Way officers:

**By Phone:** 01472 324500

**By Post:** Public Rights of Way  
Origin Two  
Origin Way  
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Grimsby  
DN37 9TZ

**By Email:** [PROW@nelincs.gov.uk](mailto:PROW@nelincs.gov.uk)

