

## FARMING AND PROPERTY BULLETIN – OCTOBER 2021

### Public Rights of Way (PROWs)



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

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

#### 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 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.

#### Procedure

Where a cross field footpath or bridleway has not been reinstated following cultivation or where it is encroached by a crop, if inspected, the Public Rights of Way (PROW) team from the Council will seek reinstatement of the path or removal of the crop by offering advice, and/or taking direct action (rechargeable 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 Council 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 Council may inform the Rural Payments Agency and Natural England of offences who may carry out their own inspection. This could affect agricultural payments received.

*(Information taken from the West Berkshire Council Ploughing & Cropping Information Sheet)*



*Good examples of sprayed and cut crops.*



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



## Changes to Notice Period for Residential Properties - Gaining Vacant Possession

In England, a Section 21 notice must give tenants at least 2 months' notice to leave a property.

Because of coronavirus (COVID-19), if you gave a tenant notice between 29 August 2020 and 31 May 2021, the notice period must have been at least 6 months and if you gave a tenant notice between 1 June 2021 and 30 September 2021, the notice period must have been at least 4 months.

From 1<sup>st</sup> October 2021 the notice period will reduce back to 2 months. However, if a notice has already been served before this date, then a landlord cannot re-serve the notice to reduce the notice period.



### REMINDER TO LANDLORDS

As the autumn nights start to draw in and temperatures begin to drop don't forget to make sure that all your boiler services are up to date.

