

RIGHTS OF WAY - CROP OBSTRUCTION MONITORING PROGRAMME AND HEADLAND MANAGEMENT PROJECT 2006

Introduction

1. One of the County Council's principal duties in respect of Public Rights of Way is to assert and protect the public's right to use and enjoy the network and to ensure that they remain open and usable at all times. One element of this duty is to ensure that crops do not obstruct the passage of the public. Monitoring results indicated that the standards required by the Rights of Way Act 1990 were far from being achieved across the County at certain times of the year and this was having a significant impact on the relevant Best Value Performance Indicator (BV178). Consequently a programme of monitoring arable land crossed by public footpaths and bridleways has been carried out in Leicestershire during each spring and early summer since 2002. This has focused on improving conditions for users of the paths by working with farmers and landowners in the expectation that direct intervention by the County would only rarely be needed and that legal proceedings would be minimised.
2. A further element of this duty is to ensure that rights of way which run along field edges are kept free from surface vegetation which is likely to impede the passage of the public. As the maintenance of field edge routes is the responsibility of the County Council a Headland Management Project has been developed to encourage landowners and farmers to cut the vegetation on the Council's behalf. Participating farmers receive a single payment when the Project Officer is satisfied that the route has been maintained in a satisfactory condition. Contractors are used to clear paths which cross land where the farmer has not joined the scheme.

Results of Crop Obstruction Monitoring Programme

3. A total of 454 paths were inspected for crop obstructions. These paths were selected on the basis of reports of problems in previous years. 89 were found to be obstructed by crops and enforcement action was taken to have the crops removed. 69 advisory letters were issued and 17 legal notices were served on landowners and farmers. Crops were satisfactorily removed by the landowners or farmers in all cases except one. The County Council exercised its default powers to remove the crops from the path and recovery of the costs incurred by the Authority is being pursued.
4. The legal notices were served on farmers who had either not complied with a request to clear a crop or had received an advisory letter or notice within the last three years. It was noticeable that the number of letters and notices sent out this year was considerably fewer than in previous years, approximately 30% less than in 2005 for a similar number of paths inspected. It was also pleasing to note that the majority of farmers who were contacted cleared their paths immediately and often apologised for the oversight.
5. A summary of the results is attached in Appendix A

Results of Headland Management Project

6. There are 24 participating farmers in the Headland Management Project, an increase of six from 2005, ranging from large estate farms maintaining more than 10,000 metres of field edge rights of way, to the small farmer clearing 300 metres of footpath.
7. In the current year, participating farmers and contractors cleared a total of 89 kilometres of rights of way from field edge paths. This is an increase of more than 15.5 km on last year. It is worth noting that the Highways Authority also clears some field edge paths together with green lanes, Unclassified County Roads (UCRs) and urban jitties. These are independent of the Headland Management Project and details of lengths cleared are not available at this time.
9. A summary of the results is attached in Appendix B

Common Agricultural Policy (CAP) Reform

10. Under the terms of the new subsidies regime farmers are required to meet conditions for agricultural and environmental protection. This process is known as “cross compliance”.
11. One of these conditions concerns public rights of way and requires farmers to comply with their legal responsibilities described in the Highways act 1980 and the Rights of Way Act 1990. Amongst other matters these laws require routes in arable areas to be maintained in a condition suitable for their use i.e. not obstructed by crops and reinstated following ploughing.
12. The Rural Payments Agency (RPA) which administers subsidy payments has asked the County Council for information and examples of cases where farmers are not complying with the law and enforcement action has been taken. Data relating to the 2005 programme was passed to the RPA so that they can assess the nature and extent of breaches of cross compliance and initiate appropriate action. All farmers and landowners have been informed of this and a reminder that all breaches of cross-compliance may be reported to the RPA is included in advisory letters and legal notices. The arrangements for 2006 are to be resolved at a seminar being arranged by Natural England.

Best Value Performance Indicator (BVPI)

13. The condition of the public rights of way network in Leicestershire is monitored using BVPI 178. This is the percentage of routes signposted where they leave the road and easy to use by members of the public. A condition survey is carried out twice a year by an independent company. The results for 2002 – 2006 are shown in Appendix C. The table shows that obstructions due to ploughing and cropping related problems has been reduced from 29 and 36 in years 2002 and 2003 respectively to a minimum in years 2005 and 2006 when the BVPI surveys identified only 1 failed path in each of those years. Members recently agreed the Rights of Way Improvement Plan for the County. This included a commitment to

improve the pass rate to 80% over the period of the plan. The success of the Crop Obstruction Monitoring Programme and the Headland Management Project has had a major positive impact on the reported figures.

Conclusions

14. At least 89 footpaths, which may have remained obstructed or obscured by crops throughout the summer, were cleared and made available for the public to use and enjoy.
15. The County Council continued to ensure that landowners and farmers are aware of their responsibilities regarding rights of way that cross their land and of the consequences of failing to comply with the law.
16. The County Council is taking positive steps to fulfil its obligation to ensure that surface vegetation is controlled on field edge rights of way.
17. The Crop Obstruction Monitoring Programme and the Headland Management Project have a substantial beneficial effect on the BVPI figures.

Team Leader, Public Rights of way
31 October 2006

APPENDIX A

Crop obstruction monitoring programme 2005

Summary

Year	paths in programme	paths inspected	variation to plan	advisory letters issued (a)	legal notices served (b)	paths needed to be cleared by County Council
2006	575	454	-121	69	17	1

(a): advisory letters are issued when inspection shows the route to be obstructed by crops.

(b): legal notices are issued when a second inspection shows the routes have not been cleared. The notice states the Authority's intention to clear the path and recover costs from the occupier.

Comparison with previous years

Year	paths in programme	paths inspected	variation to plan	advisory letters issued (a)	legal notices served (b)	paths needed to be cleared by County Council
2003	408	433	25	168	42	nil
2004	478	477	-1	63	41	nil
2005	556	492	-64	81	45	nil
2006	575	454	-121	69	17	1
c/w prev. yr (+)	19	-38		-12	-28	1

500 paths equates to 580 km which is approximately 1/5 of the network.

APPENDIX B

Headland Management Project 2006

Totals of Rights of Way included in Headland Management Project

Year	Footpaths (m)	Bridleways (m)	Byways (m)	Total PROW (m)	Var.(m)
2006	66,467	20,670	1,950	89,087	15,570
2005	55,727	15,840	1,950	73,517	8,285
2004	50,462	12,820	1,950	65,232	31,765
2003	23,817	9,170	480	33,467	3,739
2002	20,172	9,556	0	29,728	

APPENDIX C

Best Value Performance Indicator (BVPI)

Year	BVPI survey - plough/crop obstructions	BVPI survey - % paths passed by length	Crop Obstruction Monitoring Programme - paths inspected
2006	1	77	454
2005	1	75	492
2004	2	78	477
2003	36	69	433
2002*	29	73	163

* 2002 pilot crop monitoring programme in Western Area only

2003 - 2006 crop monitoring programme extended to cover the whole of the County .