

A land manager's guide to rights of way in Suffolk



Suffolk's rights of way network

Classification	Length	Legal use
Footpath	2,910 miles (4,685km) (82%)	On foot
Bridleway	385 miles (620km) (11%)	Foot, cycle, horse
Byway	160 miles (260km) (4%)	Foot, cycle, horse, vehicles
Restricted byway	93 miles (150km) (3%)	Foot, cycle, horse, horse and carriage

For any rights of way queries please contact Suffolk County Council on 08456 066 067.



Introduction

We have over 3,500 miles of rights of way in Suffolk, one of the highest densities of network in the country. We also have 15,000 acres of Open Access land.

The access network is important for recreation and forms an essential part of the county's transport network.

Local authorities, the public and land managers are all responsible for ensuring that the rights of way network is accessible, and that it is used with care.

This leaflet gives land managers a summary of relevant rights of way information. It includes an overview of local authority, public and land manager responsibilities and key information relating to:

- ploughing and cropping
- gates and stiles
- common questions
- enforcement

Suffolk County Council is working to ensure that the public also understand their responsibilities. The Countryside Code is promoted on all new leaflets and signposts as well as the council's website.

To obtain a copy of the county council's Rights of Way Enforcement Procedure for Land Managers phone 08456 066 067 or look on www.suffolk.gov.uk

The public's responsibilities

Land managers have the right to expect visitors on their land to comply with the Countryside Code by:

- Planning ahead and following any signs. Rights of way should be used for their designated purpose. The public should keep to paths / open access land and not trespass on other land (including conservation margins and buffer strips).
- Leaving gates and property as they are found.
- Protecting plants and animals and taking litter home.
- Keeping dogs under close control so that they do not scare farm animals or wildlife. Dogs must be kept on leads at all times near farm animals.
- Showing consideration for other people, not obstructing field gates when parking and using lay-bys and car parks where possible.



Suffolk County Council's responsibilities

- Ensure that rights of way are free from obstruction and can be used by the public at all times.
- Keep the surface of rights of way in good repair and manage natural surface growth, including field edge rights of way.
- Signpost rights of way where they leave a metalled road, and where appropriate, waymark rights of way.
- Authorise gates and stiles on rights of way (where appropriate).
- Keep the definitive map and statement up to date.

Land manager's responsibilities

- Ensure that rights of way are not obstructed. An obstruction can be anything that prevents convenient use of the route.
- Ensure that field edge rights of way and all byways / restricted byways are not disturbed.
- If cross-field footpaths and cross-field bridleways have to be disturbed for agriculture, ensure that they are reinstated so that they are reasonably easy to use.
- Obtain consent from the county council before putting in gates and stiles on a right of way.
- Maintain stiles and gates in a condition that is safe and easy to use.
- Contact the county council before carrying out works that impact on a right of way (other than cutting).
- Ensure that the public are not deterred from using a right of way e.g. either verbally or by misleading signs.

It is the responsibility of land managers to ensure that their agents and contractors understand and comply with rights of way legislation when working on their land.

More information on The Countryside Code can be obtained from Natural England. Visit www.naturalengland.org.uk or phone 0845 600 3078.



Ploughing and cropping

	Footpath	Bridleway	Byway / restricted byway
Cross-field paths			
What is the minimum and maximum width?	1m - 1.8m	2m - 3m	3m - 5m
	These widths only apply if a right of way does not already have a legally recorded width on the definitive statement. The county council can advise on this.		
Can I disturb a cross-field path?	Yes – but only if it cannot be reasonably avoided for agricultural purposes.		No
What do I do after I have disturbed the surface?	Within 14 days of the first disturbance in a cropping cycle you need to reinstate the path so that it is reasonably convenient to use at all times. This must be done over at least its minimum width. After subsequent disturbances the path must be restored within 24 hours. The line of the path must be indicated on the ground to not less than its minimum width so that it is apparent to the public. The emerging crop must not be allowed to obstruct the path.		
Field edge / headland paths			
What is the minimum and maximum width?	1.5m – 1.8m	3m – 3m	3m – 5m
	These widths only apply if a right of way does not already have a legally recorded width on the definitive statement. The county council can advise on this.		
Can I disturb a field edge path?	No	No	No

Gates and stiles

Suffolk County Council aims to have a rights of way network that is as barrier free and easy to use as possible.

Can I install a gate or stile on a right of way on my land?

You can apply to the county council for permission to erect gates and stiles on a footpath or bridleway on agricultural land. They cannot be erected on byways or restricted byways. Circumstances where permission may be given include:

- The path crosses a field being used by livestock or horses, or
- The definitive map and statement has recorded the presence of a structure on the path.

What type of gates and stiles can I have?

Simple self-closing gates are preferred. New stiles will only be authorised in exceptional circumstances. Gates on bridleways should be easy to open and close on foot and horseback. All new structures must comply with current British Standards.

Who is responsible for maintaining gates and stiles?

Land managers are responsible for installing and maintaining gates and stiles. The county council will make contributions of 25% or equivalent towards the reasonable costs of maintaining approved structures.

Can I get help to make gates and stiles easier for the public to use?

Yes. If you want to upgrade or replace a gate or stile a rights of way officer will be able to advise. The county council may sometimes wish to negotiate removal or improvement of a gate or stile.



Common questions

How do I ensure that the public understand that conservation margins / buffer strips are not rights of way?

Signs can be bought from Suffolk FWAG (tel: 01728 748 030) or from Linking Environment and Farming (tel: 0247 6413911 or visit www.leafuk.org/leafuk). Those in agri-environment schemes can obtain advice from Natural England.

How can I protect my land from additional rights?

Regular use by the public of an informal path may result in it being recognised as an official right of way. To prevent this a land manager may deposit the following with the county council:

- A plan showing all rights of way on his/her land and,
- A declaration that he/she does not intend to dedicate any additional rights.

Am I required to manage hedges next to a right of way?

You should ensure that the hedge next to a field edge is kept cut back to prevent it from obstructing the path. Please see Defra's cross compliance handbook for further information on hedge cutting rules.



If you wish to apply to divert a path please contact your district council or the county council.

What should I do if crops start to grow on a path that crosses my land?

You must ensure that the minimum legal width of the path is kept clear from crops in order to prevent them obstructing the line of the path. In general it is safer to cut vegetation than to kill it by spraying. However some herbicides are approved for use in killing vegetation growing on rights of way. Before using any spray for this purpose you should check the product label and consider health & safety requirements.

What should I do if I need to spray a field with a path through it?

You should not overspray rights of way or allow spray to drift onto them when treating a crop. Spraying paths can endanger people and animals. If the product label states that people and animals should stay out of a treated crop you should place warning signs at all points where paths enter the sprayed area. Notices should not aim to stop people from using the right of way. You should cease spraying immediately if anyone steps onto a path which crosses or adjoins a field that is being sprayed.

Further guidance is available from Defra and the Health & Safety Executive.

How can I prevent oil-seed rape obstructing a cross-field right of way?

At its full height oil-seed rape can reach 6 feet. Even if the width of a cross-field path is left unsown, fully grown rape will fall across, creating an obstacle. To prevent obstruction it is generally necessary to leave a strip 6 feet (1.8m) wide on each side of the path.

For problems with fly tipping on rights of way and other highways please contact your district council or report the problem at www.onesuffolk.co.uk

When things go wrong!

The county council will always seek to work with land managers to ensure that they understand and meet legislative requirements.

However, when infringements occur the county council will deal with them in the following way (for more detail please see the county council's Enforcement Procedure for Land Managers).

1. First infringement

The county council will, where reasonably possible, contact the land manager and explain their rights of way responsibilities. This will be followed up by a letter which sets out what needs to be done to resolve the problem.

2. Failure to comply / second or further infringement

A legal notice may be served, or more serious action (up to and including a prosecution) taken. When considering what action to take the county council will take account of:

- repeat offending
- the seriousness of the offence
- lack of co-operation

Legal notices will either:

- a. specify the work required by a land manager to rectify a problem within specified time limits. Failure to do so will lead to the county council carrying out the works and recovering associated costs.
- b. Where the surface of a right of way has been disturbed without lawful authority, or a crop is obstructing the path, give notice of entry onto land in order to undertake works (and recharge costs). The county council will give two working days notice of entry to reinstate the path and will not recharge costs if the work is completed and the county council has been informed.

Time scale for first / second infringements

If, following a first infringement a land manager commits no further infringements for three years, any subsequent infringement is treated as a first infringement.

How will the county council deal with cross compliance?

Good Agricultural and Environmental Condition 8 (see Defra's Cross Compliance Handbook) reinforces legislation discussed in this leaflet and required under the Highways Act, 1980.

The county council may copy enforcement information relating to legal notices or more serious action to the Rural Payments Agency.

For information on cross compliance contact Defra on 0845 345 1302 or visit www.defra.gov.uk/crosscompliance



Contacts

For all rights of way enquiries in Suffolk (and to obtain a copy of the Enforcement Procedure) please contact Suffolk County Council:

phone: 08456 066 067

email: customerservice@csduk.com

website: www.suffolk.gov.uk

This leaflet and the Enforcement Procedure have been developed by Suffolk County Council in conjunction with the following organisations:

Country Land & Business Association - phone: 01284 789201

National Farmers Union - phone: 01638 672100

Farming and Wildlife Advisory Group - phone: 01728 748 030

Guidance leaflets on access issues can be obtained from the CLA and NFU.

Suffolk County Council aims to deliver a high quality service. However, despite our best efforts, things occasionally go wrong. If you would like to make a complaint please telephone 08456 066 067 or visit www.csduk.com

If you would like this document in large type, in Braille or on audio tape, or you would like to use a telephone interpreting service please phone 08456 066 067.

