

The farmer and the highway

guidance on your
responsibilities



one and all *onen hag oll*
CORNWALL
COUNCIL



Introduction

The road network is of fundamental importance to the county for agricultural, industrial and leisure purposes. It also represents a major and continuing investment of public resources.

Farming activities have a significant effect on both the structure and appearance of our rural roads and we have produced this leaflet to advise the agricultural community on what it can do to help improve road safety and the roadside environment. It also sets out rights and responsibilities regarding the use of the highway as part of agricultural activities.

The Highways Act 1980 (as amended) and various other Acts, give the highway authority the power to deal with nuisances and dangers in the highway and the following points are worthy of attention.

In this context “highway” means any and all verges, drains, footways, carriageways, central reservations and the like, outside the adjacent private land.

Key areas of farming activity are identified and potential problems and their solutions are shown in this pamphlet.

The map on the back cover shows highway regional boundaries. You may also be able to get further information using the contacts provided.

Mud on roads

The problems

Mud and muck running or dropped onto the road causes accidents and annoyance to road users and blocks drains, leading to localised flooding. They are the subject of the most frequent complaints made by the public about farmers. The cause of these complaints can be mud from tyres of agricultural machinery, animals being driven along or crossing the road, or runoff from fields after cultivation.

It is an offence under the Highways Act 1980 to allow soil or refuse from land adjacent to a public highway to fall, be washed, or carried on to the road. If we become aware of a potentially hazardous situation due to mud on the carriageway we will attempt to contact those responsible to give them the opportunity to resolve the problem. If we are unable to make contact we will take action to remove the hazard and contact the police. In some cases the Environment Agency may issue those responsible with an anti-pollution works notice (Section 161 of the Water Resources Act 1991).

Under the Highways Act 1980, we may clean the road and recover reasonable expenses incurred from the person concerned. Who may also be open to action by third parties. Where this is a recurring problem we will consider prosecution.

What can you do to help?

Programme and organise your work to deal with the problem before it occurs by cleaning mud from vehicles before bringing them onto the highway.

Mud and agriculture often go together. Where you can not avoid bringing mud onto the road, because of ground conditions, take measures as frequently as necessary to clean the road and to provide warning signs as illustrated on each approach until the road has been fully cleaned. Consider a tractor-mounted brush and front loading bucket or a mechanical road sweeper for this. Signs shown are available from your local builders' merchant or hire shop.

Where runoff is likely after cultivation, you should make special arrangements outside highway limits to prevent effluent, mud or silty water reaching the highway, highway drainage systems or watercourses. This is especially important for row crops, where contour planting is not always acceptable. You should follow the advice in the codes of good practice for both soil and water and keep your Soil Protection Review up to date.



Animals

You should be aware that similar problems may exist where animals use the highway. Clean up any mess as soon as practicable. You may be able to confine livestock to the verge, but take care to prevent damage to grips and ditches.

At regular crossing points, where visibility may be poor, we will consider requests for permanent crossing signs (shown below). You should make such requests for these via your local area highway manager (see back cover).



Ditches and drains

The problems

Highway drainage systems are provided to remove water from the road surface and also to lower the water table in the ground below the road. Failure of either of these functions can lead to rapid deterioration of the road structure; ponds and potholes develop which lead to further weakening and are also a hazard in themselves.

The Highways Act 1980 gives powers to the highway authority to construct drains and to discharge water onto adjacent land, paying compensation for any damage done. If such drainage work is considered necessary we will attempt to make contact with the landowner and seek agreement. We will investigate issues where excessive water is discharging from adjacent land.

What can you do to help?

Land drainage is not a highway authority function and normally landowners are responsible for the upkeep of ditches which drain adjacent land, even if there is a proportion of highway surface water involved. As with most maintenance tasks, a regular inspection and cleaning routine can prevent major problems developing. Ensure that ditch depths are maintained and that headwalls, grilles and catch pits are cleaned and maintained in good condition.

Among the main causes of blocked drains are sediments from soil erosion, vegetation or pieces of polythene. Make sure measures to prevent soil erosion are adopted and plastic, crop residues or hedge trimming arisings are not left where they can get into drainage systems.

Altered patterns of land use, building development and new roads all combine to change patterns of drainage established over the years. If you are adversely affected by surface water run-off from roads please contact the area highway manager for the area who may be able to help. In certain circumstances we may provide pipes to landowners in exchange for a formal agreement as to drainage rights.

Where you are considering works within the highway limits, you should contact customer services on **0300 1234 222** at least 10 working days in advance. We may require signage and traffic management under the Traffic Management Act 2004.

Hedge & tree cutting

The problems

You are responsible for growth emanating from roadside hedges or which overhangs the highway from adjacent land. Trees and hedges left uncut can interfere with the safe passage of traffic and obscure signs. They can also reduce visibility along the road and at bends and junctions. Even light growth, such as brambles, can cause pedestrians and cyclists to move nearer to the centre of the road. In addition, the increased size and height of agricultural machinery and articulated lorries will require attention to overhanging trees and hedgerows.

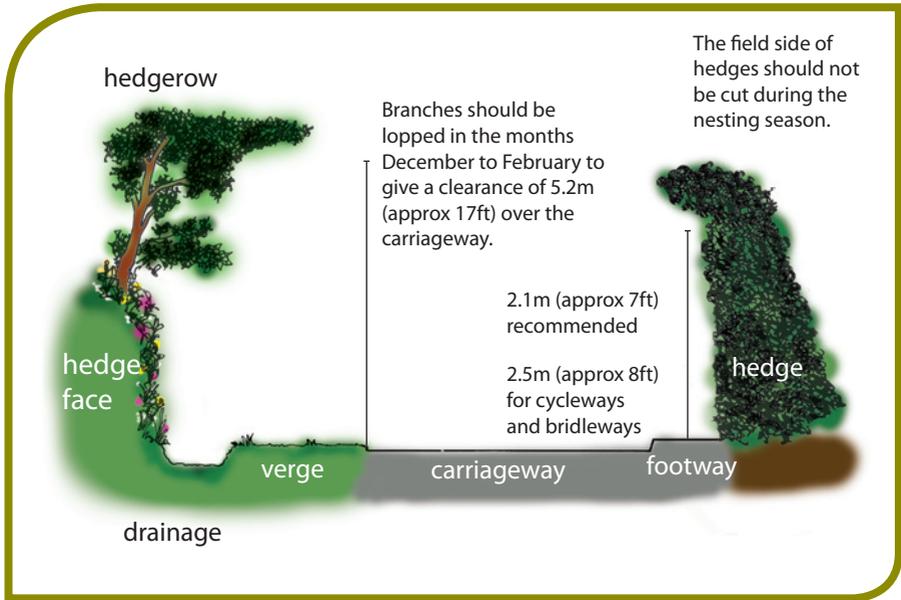
The Highways Act 1980 empowers us to issue a formal notice to an adjoining landowner requiring cutting or lopping of the hedge or branches where any growth is considered to be an interference with the safe use of the highway. If you do not do the work within the specified time, we may then complete the work ourselves and recover all reasonable costs.

Generally, you must not cut or trim any hedgerow on your farm between 1 March and 31 July (inclusive) – the main breeding season for birds – each year unless such work is essential for safety purposes.

The responsibility for management of plant growth includes:

- trimming roadside hedges to maintain visibility, particularly at junctions, on the inside of bends and at passing places.
- removing dead or decaying trees and other growth likely to fall across or onto the highway.
- removing branches and other growth that may prevent the passage of highway users including, where appropriate, high-sided vehicles.
- removing branches and other growth that may obstruct light from a public street light or visibility of a traffic sign.

The legislation specifies the minimum clearance of an overhanging tree is 5.2 metres (17ft) over the metalled surface of the highway.



What can you do to help?

You are recommended to inspect your own highway frontages and attend to growth before problems develop. Regular trimming and pruning at the appropriate time is preferable to severe cutting. We do not require the wholesale removal of the growth on top of Cornish hedges which is part of the unique landscape of the county. A leaflet with more detail is available from customer services on **0300 1234 222**.

Agricultural vehicles

The problems

Agricultural vehicles are slow moving and this problem can be made worse by inadequate lighting at night and the poor view to the rear afforded by certain types of vehicle and by loaded trailers. Remember also that you may be turning into or off the road at points of which other drivers are not aware.



The sign shown is available from your local builders' merchant or hire shop.

These are permanent traffic signs, plates are non-prescribed.

What can you do to help?

All tractors and associated equipment should be in roadworthy condition.

Drivers of slow-moving vehicles should be aware of the build-up of traffic behind them and, when convenient and safe, pull over to clear the tailback, giving appropriate signals. You are required to provide a flashing warning light at the rear of the equipment on dual carriageways, and this is highly desirable on other roads. The police can give further guidance on this. Remember that vehicles over 2.5m (8ft 3in) wide are subject to special regulations. Ensure that all vehicles and trailers using the road are equipped with lights that work and are not obscured by mud or by the load being carried.

Where entering or leaving the road by field gates with poor visibility, you are advised to station someone in the road to warn of approaching traffic.

The highway

It is an offence under the Highways Act 1980 to deposit objects within the highway that could cause an obstruction or a hazard. The highway includes verges.

What can you do to help?

Park all machinery off any part of the highway and away from sight lines. Do not leave farm materials on any part of the highway.

Environmental Protection Act 1990 (EPA)

Straw and stubble burning

This is strictly controlled by the Crop Residues (Burning) Regulations 1993.

Heather and grass burning is controlled by GAEC 10.

What can you do to help?

Where burning is permitted please ensure that any resulting smoke does not blow across any highways.

Waste

Under the EPA there is a requirement for those persons transporting controlled waste on the highway to be registered carriers.

The lighting of fires within 15m (50ft) of the centre of the road is an offence if road users are likely to be endangered (for example by drifting smoke). The new Agricultural Waste Regulations only allow the burning of plant tissue and natural wastes in the open under a paragraph 30 exemption.

Are you a carrier of controlled waste?

Manures and slurries are not waste when used as a fertiliser on agricultural premises, but, as part of the new controls on agricultural waste, you have a legal duty of care when handling and carrying all your other farm wastes. People or organisations who wish to carry agricultural waste professionally (for profit) will need to register as a professional carrier of agricultural waste. Like a normal waste carrier registration, this isn't required if you carry your own waste. This registration is free, it's a one-off registration, and it lasts for life. For more information visit:

www.environment-agency.gov.uk

Weed and pest control

The application of weed and pest control chemicals is an operation that needs extreme care both for the well being of the farmer and users of the highway.

What can you do to help?

- Either employ trained contractors or ensure that you and your operatives are trained in the safe application of control chemicals.
- Do not spray where there is a danger of wind carrying spray droplets on to the highway.
- Only legally-approved pesticides are permissible.
- Do not allow noxious weeds, in particular ragwort, as described in The Weeds Act, to proliferate on your land where they can spread onto the highway verges.

Responsibilities regarding public rights of way and open access areas

We all have responsibilities in the countryside. You are asked to bear the following responsibilities in mind:

- Know where public paths cross your land and ensure that contractors and others working for you are aware of where they run.
- Keep paths clear of obstructions, including fences and ditches.
- Keep stiles, gates and footbridges clear of overhanging growth.
- Maintain stiles and gates across footpaths and gates across bridleways. A grant is available from the highway authority.
- Do not place new stiles or gates on public paths without the prior permission of the highway authority.
- Do not place signs or notices which might deter use of a public path or byway.
- Do not place barbed wire alongside a public path or byway so as to be a nuisance to others.

- Do not plough any footpath or bridleway running along the edge or headland of a field.
- Keep public rights of way clear of any growing crops (The Rights of Way Act 1990).
- Reinstate, by rolling, the surface of any footpath or bridleway crossing a field which has been ploughed, within two weeks of ploughing or within 24 hours of any other disturbance.
- Do not allow any dairy bull, over ten months of age, free range in a field through which a public path passes.
- Do not allow any beef bull, over ten months old, free range in a field through which a public path passes, unless it is running with cows or heifers.
- Do not interfere with or divert a public path or byway without the permission of the highway authority.

Further points

- Field gates should not open into the highway.
- Barbed wire should not be put adjacent to any highway where it is likely to injure highway users.

We hope these guidance notes are of use and clarify responsibilities. Whilst this document is endorsed by Cornwall Council and the NFU, it is not a definitive guide of responsibility and conduct. Compliance with it will not provide exemption from liability or prosecution but may be used by enforcement officers as a checklist when visiting the scene of any accident or site of public complaint. If you need further information on any of the points please contact us.

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

Cornwall Council, County Hall
Treyew Road, Truro TR1 3AY

Telephone: **0300 1234 100**

Email: **enquiries@cornwall.gov.uk**

www.cornwall.gov.uk

Highways regional boundaries



Who to contact

All highway issues

Customer Services **0300 1234 222**

highwayswest@cornwall.gov.uk

highwayscentral@cornwall.gov.uk

highwayseast@cornwall.gov.uk

Weed control

DEFRA www.defra.gov.uk

Agriculture waste

Waste Carriers;

Environment Agency **0845 603 3113**

EA Agriculture Waste Help line



Printed on recycled paper
All information correct at the time of going to print

Jn21504 August 09