

Presentation: Unrecorded Rights of Way and Farmland

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Speaker's Summary

The presentation focused on discussing the range of issues that can affect farmers who face claimed historical rights of way on land that they manage. Uncertainty of the outcome's impact on existing farming practices, use of the landscape and ultimately their farm business and livelihood often caused land managers anxiety and uncertainty.

For livestock farmers the need to securely enclose animals is essential. Reinstating historic routes may require the dismantling of existing field boundaries and structures such as dry stone walls and require new fences and boundaries to be constructed. Gating access points, biosecurity measures, and interaction between dogs and livestock were also discussed. Claimed rights of way may alter the suitability of fields for housing stock particularly bulls, suckling calves, lambs or pregnant stock. Farmers will often have limitations on housing stock elsewhere increasing cost either through a need to rent/buy new land or requirements for fencing etc.

On arable land the concerns are different, here the route itself represents a direct loss in farming productivity, the area lost can be significant especially in the case of byways which cannot be cultivated and may be many metres wide. New routes inevitably open up the countryside to activities, both legal and illegal. Gates or other structures (e.g. bollards) may be important for reducing the risk of rural crimes such as fly tipping, hare coursing, theft of machinery or improper use of the right of way, e.g. motorbikes on a footpath/bridleway.

Safety and the natural environment were other key factors discussed where a historic route may pass through a rural landscape that is ill-suited to the type of right of way, especially farmyards or between farm buildings from a safety perspective or areas that had been managed for environmental benefit for a particular habitat or species. Modern farmyards are a busy working environment, with stock and machinery regularly being moved around increasing safety risk and worry for the user. In conservation terms, farmers have a strong role to play in managing our rural environment, whether through statutory requirements, cross compliance, agri-environment schemes or voluntary measures such as Campaign for the Farmed Environment.

A definitive map of all rights of way is better for all concerned, providing clarity of the current situation. Lack of certainty and a lengthy and expensive process both adds to stress and entrenches views. The NFU stated its continued support for delivering the measures within the Stepping Forward report and working with the Unrecorded Rights of Way Stakeholder Working Group. Working together in this manner offers

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the best opportunity to come to a balanced way forwards on dealing with unrecorded rights of way to the shared benefit of land managers, users and authorities. It is hoped that those measures we have worked together to agree and that are contained within the Deregulation Bill will at least provide for mechanisms that allow common sense and adaptation to existing land use needs to prevail.

Question and Answers

Q: Farmers can, as all can research the RoW on their land this could give them greater piece of mind and the users a better network. (example given of where this had happened).

A: The De-Reg bill should help, the NFU do provide 8 guides to help farmers manage RoW, and promote the RoW issues in the NFU general literature.

Observation: Point made that there are mechanisms for modifying the network

Q: The obstacles to modifications can be the authority or neighbouring landowners In general no-one likes to walk through gardens or through farmyards.

A: There can be issues on all sides of the argument and we should press authorities to do their 'duty'.

Observation: Point was made that 'off the record' conversations between claimants/landowners and authorities can put many off ever submitting a claim in the first place.

Observation: Ramblers Association has data that showed only 6% of diversions were objected to.