

## **Footpaths and Rights of Way in Crayke Parish – Information and guidelines**

This is a brief summary of the rights and responsibilities of both members of public and landowners or farmers regarding footpaths and rights of way, as they apply in Crayke Parish.

### **In summary:**

- As members of public we have a right to use all public footpaths for exercise by foot, including walking dogs, but not cycling, riding or using motor vehicles.  
We also have a duty to use them responsibly, keep to footpaths, not to leave litter or damage property, keep our dogs under close control and not to leave dog waste.
- There is no universal “right to roam” across any land within Crayke Parish, other than on public footpaths and rights of way, parish land (including the Village Green) and the highways.
- Farmers and landowners are prohibited by law from interfering with the use of public rights of way for exercise. This includes not blocking footpaths, and not disturbing the surface (e.g. by cultivation) so as to make the use of the footpath inconvenient.
- Some footpaths within Crayke are ‘Permissive Paths’ which are by generous permission of the landowner. These are normally closed from access for short periods each year, and we must all respect all footpaths and adjoining land or risk losing access to them.

### **Footpaths**

Crayke benefits from a network of footpaths and rights of way through our splendid countryside. These provide a valuable contribution to our health and wellbeing. They also carry responsibilities on behalf of both walkers who use them, and farmers and landowners on whose land they pass. Footpaths are a compromise between our rights to exercise and healthy enjoyment of our surroundings, and the need to conserve the countryside, its ecology and wildlife.

Various laws apply to footpaths and other rights of way, including: The Highways Act 1980, The Rights of Way Act, 1990, and the Countryside and Rights of Way Act (C.R.O.W. Act), 2000.

Footpaths which are part of the highway, or pavements are known in law as ‘footways’ and are strictly the responsibility of NYCC Highways.

Footpaths which are not part of the Highway may be either Public Footpaths (or Public Rights of Way), or alternatively ‘Permissive Paths’.

Public Footpaths are recorded on a Definitive Map, kept up to date by Natural England. These can be seen via the link:

<https://www.northyorks.gov.uk/rights-way-maps>

Public Footpaths are also the responsibility of NYCC Highways (Footpaths division). The public have the right to use footpaths at any time for walking and other forms of exercise, including walking dogs, but not for cycling, horse-riding, or driving any motor vehicles.

Permissive paths are paths where permission has been granted for a defined period of time by the landowner. In Crayke the main permissive paths are those which have been provided by the generosity of Crayke Estate so as to join sections of public footpaths in order to make circular walks.

There is no right to use these permissive paths other than through the gift of the landowner, which can be withdrawn, and it is normal for these paths to be closed for short periods (say 1 week) each year. It is important that those using these paths respect the rights of the land owner and the countryside, so that the permissive path remains available.

Where a footpath crosses farmland it is the responsibility of the farmer or landowner to ensure that the path remains available and suitable for the purpose of exercise.

By law, it is an offence to “render a footpath inconvenient for the exercise of the public right of way”.

This includes creating barriers, or “disturbing the footpath surface”. For example, it is an offence to plough up a footpath which follows a field edge. A farmer may plough up a footpath which crosses a field, such as to establish a new crop, but must return it to a suitable condition within 14 days. This means using such measures as rolling and removing any crop (apart from grass).

The statutory minimum width of a footpath across a field is 1 metre, and is 1.5 metres for footpaths at field edges.

### **Is there a ‘Right to Roam’?**

Some people mistakenly believe that they have a right to roam wherever they choose in the countryside. This is not the case.

By law, (under the C.R.O.W. Act, 2000), the public have the right to roam on any land which is defined as ‘Open Access Land’. In England this is mainly confined to coastal areas, open moorland and registered ‘Common Land’ (although some of these areas may be restricted).

The public does not have the right to access farmland in England except where there are defined footpaths or rights of way. Furthermore, public right of access is restricted to those rights of way, i.e. it is not a permitted right to wander from them into fields, woodland etc. In all cases, rights of access are restricted to access by foot, and many activities are strictly prohibited, including lighting of fires, feeding livestock, hunting/shooting/fishing, damaging or removing plants, engaging in organised games, camping etc (a full list can be found here: <https://www.gov.uk/right-of-way-open-access-land/use-your-right-to-roam>).

In practice this means that within Crayke Parish there are no rights of access to farmland, other than on the public footpaths and permissive paths, unless specific permission has been given by the landowner or farmer.

For more detailed information on public and farmer responsibilities on Footpaths and Rights of Way, see our other summary document [‘The use of footpaths and rights of way in Crayke Parish’](#)