

## **The use of footpaths and rights of way in Crayke Parish**

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### **Part A: Walking and access around Crayke Parish**

Crayke benefits from a network of footpaths 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 through fields**

There are several places where footpaths cross fields, and many others where footpaths follow the edges of fields, within Crayke.

**Public rights and concerns:** The public have a right to use designated public footpaths at any time, unless a temporary closure is in place by the local authority (such as for essential maintenance). This includes the right to walk dogs, which should be kept under close control (meaning on a leash unless the dog can be guaranteed to be controlled by command). Where livestock are present dogs should be on a short leash (unless the livestock threaten the safety of the walker, in which case it can be advisable to release the dog).

**Farmer rights and concerns:** Farmers have understandable concerns that walkers should not damage their crops, including grass and other grazing crops, by wandering from the footpath. Whilst farmers are aware of public rights of way across their land, they also have a right to carry out their farming business without damage to their crops and livestock. It is also legal for farmers to apply fertilisers and manures, within specified regulations and guidelines.

Gates should always be closed after opening them. Escape of livestock is a danger to them, to people, to the countryside, and can cause severe costs for farm businesses.

#### **Dog fouling**

A major concern of farmers is dog fouling in fields. Whilst it is a criminal offence for owners to allow dogs to foul public rights of way. Both dogs and foxes can carry the disease organism responsible for Neosporosis, a disease which can cause abortions in infected cattle, and may require infected cattle to be culled.

For this reason dog fouling on farmland, even in open grass fields, should be avoided. The Countryside Code says dog poo should be bagged and binned.

#### **Slurry and manure application**

Organic fertilisers, including farmland manures and slurries, can be applied within relevant regulations. This includes onto fields through which footpaths pass.

It is normal practice for grass fields which are cut for hay or silage to apply manures during spring to autumn months, soon after cutting. This is normally only once or twice per year (rarely three times). This means the field may be unpleasant for walkers and dogs to cross immediately after application, for a period of a few days to a week or more, until subsequent rainfall and grass growth reduce the odour and other effects. Walkers should

preferably choose an alternative route soon after slurry spreading, or should observe good hygiene, especially washing hands before touching food or eating.

### **Possible solutions to address the concerns of farmers and walkers**

Crayke Parish Council aims to work with local farmers and parishioners to encourage cooperation and good will, to address concerns and to seek ways to ensure that our footpaths and countryside remain open and enjoyable.

These are a few actions that can be taken:

#### **Farmer/Landowner actions**

##### **a. Accessibility**

1. Ensure that footpaths remain accessible (a width of 1.5 metres should remain uncultivated at field edges, and 1 metre for paths which cross fields). Paths at field edges should not be cultivated, and farmers should restore in-field paths immediately after cultivating, by removing any crop and rolling the surface.

In practice, it is better to leave field edge paths unsprayed, because vegetation helps to dry the land and prevent paths becoming excessively muddy, forcing walkers away from the footpath line.

2. Do not block paths, or lock gates unless a stile or alternative walker access is available. Where a path is permissive (ie by the permission of the landowner) such paths can be locked, such as to protect livestock, providing reasonable access is still available, and normally permissive paths are locked for a short period each year.

##### **b. When applying slurry or manures**

1. Consider voluntary notification before manure/slurry is applied (to warn walkers who may wish to take an alternative route). The Parish Council can help with signage.

2. Consider voluntarily offering an alternative, temporary diversion e.g. a temporary permission to divert from a cross-field path to a field edge path.

3. Consider voluntarily leaving a separation zone or untreated area around a field edge path

#### **Members of Public actions:**

1. Know, and stick to designated rights of way. By law walkers and their dogs should not wander from the designated footpath which crosses private land.

2. Keep dogs under control, and pick up dog poo especially on footpaths and within grass and forage cropped fields. When walking near livestock, keep dogs on a lead less than 2 metres long.

3. Change route for a few days after manure spreading. Look out for notices from farmers to advise such changes and comply with temporary permissions to take different routes.

4. Never leave open a gate unless it was already left open by the owner. If in doubt shut all gates. Never break gates, fences or locks. This constitutes the offence of criminal damage.

## **PART B. Summary of key points of law and guidelines regarding public access**

There is a network of attractive footpaths and other access routes for walkers in and around Crayke Parish. Thanks to the generosity of our local farmers and land owners, and particularly Crayke Estate, some of these routes can be linked together to allow a number of circular walks of varying length. However whilst walkers can benefit greatly from these pathways, it is important that they are used thoughtfully and responsibly.

The notes below provide some guidance to help the enjoyment of our walks, the conservation of our countryside for others to enjoy, plus a summary of some relevant laws and rules regarding their use.

### **Paths and rights of way around Crayke**

There are several kinds of paths around Crayke:

1. **Public Footpaths:** Usually ancient rights of way protected by law, and shown on most OS maps and similar. This includes a section of the long distance path the 'Foss Way'

All recognised footpaths and rights of way in North Yorkshire are shown in a map viewable online at:

[https://maps.northyorks.gov.uk/connect/analyst/mobile/#/main?mapcfg=Out\\_and\\_About](https://maps.northyorks.gov.uk/connect/analyst/mobile/#/main?mapcfg=Out_and_About)

2. **Public roads and bridleways** (including some very minor by-roads, such as Chesler Pit Lane).

3. **Permissive Paths:** These are paths which connect public rights of way, made accessible by permission of the landowner. For example sections of the Crayke Estate Permissive Path. Note these paths may be closed at any time by the landowner and walkers should respect those closures. In Crayke, the permissive paths generally have a notice and map posted at each end of the path section.

4. **General open spaces:** Areas such as the Church Hill Village Green, and most green verges are either Parish Land (the responsibility of the Parish Council) or are the responsibility of NYCC Highways (roadside verges).

Note that farmland, including cropped and grassland fields, are privately owned land and there is currently no right to roam these areas within Crayke Parish. Walkers often cite the so-called 'Right to Roam' introduced after the CRoW Act, 2000. In England this right only applies to designated 'open access land', and land over 600 metres above sea level, not to farmland.

Below is a summary of key aspects of law and guidelines relating to footpaths and rights of access.

## **A summary of law and guidelines regarding Rights of Way.**

Under the Countryside Rights of Way Act, 2000 (CRoWA):

1. The public have a right of way on recognised public footpaths.

Where these follow field edges, farmers must ensure that they are reinstated (for example by removing any crop by cutting or spraying) and levelled if they are ploughed.

2. The public **do not** have right of way on agricultural fields unless:

- over 600 metres above sea level (this does not apply anywhere in Crayke)
- on registered Common Land (this only applies to the Village Green within Crayke)
- land designated as 'Open Access' by the landowner (there is none in Crayke)
- Land shown on a map as 'Open Country' (there is none in Crayke)

## **Trespass**

Trespass (being on private land without permission) is not a criminal offence in England. It is therefore a matter of 'civil law'.

However any damage to property or abusive behaviour on private land is potentially a criminal act. Anyone committing such suspected criminal damage or behaviour can be reported to the police by phoning 101.

## **The Countryside Code**

This code gives guidance to walkers and countryside users on simple rules they should observe. For example:

- Leave gates and property as you find them
- Take rubbish home
- Don't have barbecues or fires
- Keep dogs under effective control
- Pick up dog poo, bag and bin it