



Cumberland  
Council



# Farming and the public highway

[cumberland.gov.uk](http://cumberland.gov.uk)

## Who is Cumberland Council?

Cumberland Council maintains approximately 2251 miles of public highways in Cumbria, many of which are rural routes.

In partnership with the agricultural industry, Cumberland Council is keen to collaborate with farmers and agricultural contractors to address various maintenance issues affecting the highways. This guide highlights several areas we are working together can greatly help Cumberland Council sustain a safe and serviceable highway network for all users.

Cumberland Council, like the farming community, is subject to change and therefore we must try, wherever possible, to work jointly to meet respective areas of responsibility most effectively.

## Ditches and drains

Good drainage is essential to the highway. Rural areas rely to a great extent on ditches to remove water and their effectiveness is fundamental to keeping roads in good condition. Cumberland Council's highways department deals with stormwater run-off from the highways by maintenance and cleansing of gullies and grips, but the effectiveness of such work is dictated by the condition of the roadside ditches. Common law imposes a duty on the occupier of land adjoining highways to maintain these roadside ditches which provide natural drainage for both the land and the highway. Failure to maintain drainage causes roadside verges and the edges of carriageways to quickly deteriorate.

### Advice

#### Preparation and cleaning up

Advance warning signs must be put out in both directions before commencing work. See 'Safety on the highway' for advice on correct signage.

#### Maintenance requirements

Ditches should be kept clear of any obstruction to the flow of water and deep enough to carry the water. Close to the carriageway, depth must be limited. If a deep ditch appears unavoidable, contact the highways team before commencing work. Material excavated from the ditches during maintenance should not be deposited where it will block grips (drainage channels) or be carried onto the road. It should be levelled to allow subsequent mowing to take place. Any accumulation of material more than 300mm above the carriageway should be removed from the highway, as should any rubbish or tree roots. Pipes and grids etc. should also be kept free of obstruction. Cumberland Council's agreement must be sought before piping any ditch to ensure that an adequate system is installed. Any occupier of land that is adversely affected by highway drainage should contact Cumberland Council.



## Hedge cutting

Hedge cutting should be carried out ensuring that cuttings do not fall onto the footway or highway. Any which do must be removed immediately as they can cause great difficulty and potential danger for all road users, particularly cyclists and animals. There is a legal obligation to ensure that there is no danger to the public caused by debris. The government is spending millions through the environment and health departments in persuading people to cycle and walk. Large sums are being spent on improving the walking and cycle network (including those in Cumberland). Families and cyclists of all abilities who use these lanes and cycleways inevitably suffer punctures when cuttings are left on the surface. Repairs often must be carried out in winter weather, or before the bird nesting season, and/or in the dark, taking considerably longer and thus discouraging the use of cycles.

# Ash Dieback

## Ash dieback (Chalara)

Ash dieback disease is caused by the fungus *Hymenoscyphus fraxineus*, (formerly known as Chalara). It has the potential to kill 95% of Cumbria's ash trees over the next 20 years.

For more information about the disease and how to spot it, please go to the Woodland Trust website.

If your land has Ash Dieback, please go to Cumberland Council's website visit <https://leaf.eco/farming/resources/ash-dieback> for more information.

## Roadside trees

Trees improve the environment and provide an excellent habitat for wildlife. However, landowners have an obligation under the Highways Act 1980 to ensure that the trees on their land do not endanger highway users.

Landowners are responsible for growth coming 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 the council to issue a formal notice to an adjoining landowner requiring cutting or lopping of the hedge or branches where any growth is an interference with the safe use of the highway. If landowners do not do the work within the specified time, the council may then complete the work themselves and recover all reasonable costs.

Generally, landowners must not cut or trim any hedgerow on their farm between 1 March and 31 July (inclusive), as this is the main breeding season for birds. If bird nesting continues beyond this period, trimming is still prohibited unless it is essential for safety purposes.

We recommend that landowners;

- Carry out **regular checks of trees on their land** that might fall onto the highway and arrange for any necessary tree surgery work.
- Ensure that trees overhanging the highway don't cause an obstruction to the normal passage of vehicles.
- Plant trees in hedgerows where they won't be a danger to road users.
- Remember that landowners might need permission to lop a tree covered by a tree preservation order or if it is in a conservation area.

The legislation specifies the minimum clearance of an overhanging tree is 5.0 metres (16 ft and 6 inches) over the metalled surface of the highway.

## Damage to drainage systems

If, when doing hedge works, the drainage channels from the roadside to the main ditch are damaged by tractor wheels they should be re-opened. These channels are known as grips. Similarly, if grips or ditches look likely to become blocked from the cuttings they should be cleared.

## Barn owls

Barn owls have suffered a serious population reduction since the 1930s. They can be helped by allowing some roadside hedges to grow taller when it is safe to do so. This will encourage the owls to fly higher and reduce the risk of being hit by vehicles.

## Cutting of grass verges by farmers

Cumberland Council maintains the roadside verges in an environmentally conscious manner, to ensure that the wild flora and fauna are protected. Sections of verge containing unusual or protected species are designated as 'special'. Cumberland Council can advise on this.

There is no objection to farmers cutting grass verges, but please kindly inform Cumberland Council of your plans, and subject to the following conditions stipulated by the council:

- a. Protect the safety of the travelling public, and use appropriate signage.
- b. Safeguard the flora and fauna and ensure that sections of the verge designated as 'special' are retained in good condition. This is best achieved by the following guidelines:
  1. Do not apply herbicides.
  2. Do not apply inorganic fertiliser or slurry.
  3. Time the cutting of grass to allow wildflowers to set seed.
  4. Grass cut for silage should be wilted and turned.



# Vehicle safety requirements

## Secure loads on vehicles

Trailers and muck spreaders passing along the road should not be loaded to the extent that vibration causes them to overflow. The load carried must be properly secured so as not to cause danger.

## Wide vehicles

Do not use vehicles that are too wide for the road. Overrunning of verges causes mud to spread onto the road, breaks up the edges of the road and damages draining arrangements. Cumberland Council has powers to claim compensation from any person causing extensive damage to a highway by vehicles of excessive weight or width passing along it.

## Conditions relating to the width of agricultural vehicles

- a. If the width of an agricultural motor vehicle exceeds 3 metres, and the whole or part of the journey to be made by the vehicle will be on a road which has a speed limit of 40 mph or less or will cover a distance exceeding 5 miles: The operator of the vehicle must give 24 hours notice to the police. The maximum permitted speed of the vehicle is 20mph.
- b. If the width of an agricultural motor vehicle exceeds 3.5 metres, at least one person other than the driver shall be employed to warn other drivers of the presence of the vehicle on the road. The maximum permitted speed of the vehicle is 12mph.
- c. The overall width of the vehicle must not exceed 4.3 metres.
- d. 16-year-old drivers holding a category F licence are restricted to driving a tractor with a maximum width of 2.43 metres.

## Slow-moving vehicles

Drivers of slow-moving vehicles on main roads should remain aware of any tailbacks they are causing and, when appropriate and safe to do so, should pull in. On dual carriageways, amber flashing beacons must be used to warn traffic of the presence of slow vehicles. It is, however, strongly recommended that they be used on other roads as an additional warning/safety feature.

Avoid using the roads during periods of heavy traffic, if possible. In addition, please be aware of the need for emergency vehicles to pass, especially on single-carriageway roads such as classified roads or primary roads. There are limited passing opportunities for emergency vehicles on these roads, so frequent checks for emergency vehicles in any tailbacks and pulling off the road to allow them to pass, are required.



# Mud on the roads

Mud, slurry or other produce on the highway deposited by farm animals and machinery causes inconvenience to the public and brings the industry into disrepute. Above all the safety of road users is put at risk. It is an offence to deposit mud on roads and simple precautions can overcome the danger.



## Advice

### Preparation and cleaning up

Before any activity is likely to bring mud onto the highway, warning signs should be set up in both directions (see 'Safety on the highway' for advice on correct signage). Mud arises from vehicles, equipment, and animals. Remember, signs do not in themselves prevent liability for accidents that occur. Failure to clean the road of mud can result in Cumberland Council's highways team doing this work and charging for it.

Those responsible for the work or moving cattle must ensure that it is carried out safely and must ensure that the highway is clean afterwards. If deposits on the road are insufficient to warrant immediate cleaning, care must be taken to prevent an accumulation of mud and manure from building up.

### Mud on wheels

Excessive quantities of mud and soil must be removed from vehicle wheels before moving onto the highway. Hardened areas through gateways can help to remove mud from the wheels.

Please clean mud from vehicles, as far as is practicable, before taking the vehicle on the road. The fact that cleaning mud, etc from agricultural machinery or vehicles is commercially inconvenient may not be a defence in law.

### Soil and water from adjoining fields

Landowners are responsible for mud and water running off fields onto roads and can be required to do work to prevent this happening. Attention beforehand can prevent the problem. Limits on cultivation in terms of direction and proximity to boundaries will reduce the risk, as will paying attention to the direction of ploughing etc.

Those responsible for moving cattle must ensure that it is carried out safely and must ensure that the highway is clean afterwards. If deposits on the road are insufficient to warrant immediate cleaning, care must be taken to prevent an accumulation of mud and manure from building up.

## Safety on the highway

Working on or adjacent to the highway may impair the safety and free movement of vehicles and pedestrians. You should take all reasonable steps to ensure the effects of the works are reduced to a minimum through proper signing and guarding. Farmers and agricultural contractors, when carrying out works within the highway such as hedge cutting, cleaning out ditches, cutting of grass verges etc, should inform Cumberland Council who will give you advice on the appropriate type of signing and the basic requirements for vehicles being used.

In general:



### Warning signs

- Erect the necessary warning signs before you start any work that will affect the highway, but make sure you remove them on completion of the work.
- Ensure that all signs placed on the highway are self-supporting and weighed down to prevent them from being blown over.
- Ensure that all signs are clean, for the duration of the works, and put the signs away when the work is finished.
- Put the signs in place well in advance of the work and ensure that they are visible on every approach to the affected areas.
- Only authorised signs should be used. These are available from your local agricultural merchant.

### Signs and warning equipment on vehicles

- Vehicles working on the highway must use an amber flashing beacon mounted so that it is always visible to traffic from any direction, whether the vehicle is in operation or stationary.
- Where fitted, keep lights clean and in proper working order and use dipped headlights during the day to help warn other road users.
- To get a clear view of the road and vehicles behind you, fit an effective offside rear-view mirror.
- Work in the direction of traffic only.
- Vehicles should also be fitted with a keep left or keep right at the rear of the vehicle.

### Signage for work being carried out on the road

The following warning sign denotes work being carried out on the road. A fixed plate below should indicate the type of work e.g., hedge cutting, grass cutting, weed spraying, men working etc.

### Personnel

- All personnel should wear reflective high-visibility clothing.

# Miscellaneous

## Damage to the highway

Damage caused to roadside ditches, drainage grips and verges, whilst works are being carried out, should be repaired on completion of the work. Care must be taken to avoid damage to street furniture such as signs, hazard marker posts, bridge walls etc. Report any significant damage to Cumberland Council's property, caused by agricultural vehicles, to your local highways team or the police.

## Storage of timber and other materials on roadside verges

The storage of building materials felled timber and the like on roadside verges is not permitted unless prior approval has been given. In exceptional circumstances, permits will be issued by Cumberland Council for such storage, subject to certain conditions and indemnity for third-party claims being provided.

## Regular use by cattle

At regular cattle crossing points where visibility is restricted, Cumberland Council can erect cattle warning signs upon request.

## Services on the highway

Any need for services to be installed on the highway will normally be handled by the appropriate statutory undertaker. Any private services for drainage or irrigation etc. will need a licence from the council to ensure it is installed satisfactorily.

## Spraying with chemicals

Covered by pesticide regulations and control of substances hazardous to health (COSHH). Roadside verges are areas where wildlife and plants can exist undisturbed. Use of chemicals near roadside verges should avoid drift or overspray so that flora and fauna are not affected. Noxious weeds should be referred to Cumberland Council's Highway Hotline on **0300 373 3736**.

