

CROSS COMPLIANCE REPORTING

1. **PURPOSE OF REPORT**

To inform the Rural Forum on the current procedures for reporting obstructions caused by ploughing and cropping to the Rural Payments Agency, and consult the Forum on proposed changes to the procedures recommended by the RBWM Local Access Forum (LAF)

2. **SUPPORTING INFORMATION**

- 2.1 The Rights of Way Act 1990 allows a farmer to plough over a cross-field path where it is not reasonably convenient to avoid it. Where the surface of a public right of way is disturbed in this manner the farmer must make good the surface of the path to not less than its minimum width and indicate the line of the path on the ground so that it is apparent to members of the public wishing to use it.
- 2.2 If the disturbance is for the purposes of sowing a particular agricultural crop a farmer must do this within 14 days from the day the surface was first disturbed. For any other case the farmer must reinstate the path within 24 hours. A farmer is able to apply to the Council before or during this period for an extension of this period not exceeding 28 days.
- 2.3 Compliance to these rules form part of the requirements farmers must meet in order to receive payments under the Common Agricultural Policy (CAP) or under the Rural Development Programme for England (RDPE). These are known as 'Cross Compliance' rules and are administered by the Rural Payments Agency (RPA)
- 2.4 As part of the duty to keep paths clear and open, the Council undertakes inspections and initiatives enforcement action against farmers where a breach of these rules has occurred. The stages in an investigation are as follows:
- (a) Initial report received, site inspection made if necessary. To avoid any doubt as to when a disturbance was made for the purposes of sowing a crop the Council takes the initial 14-day deadline from the first point of the issue being reported.
 - (b) The farmer is contacted (usually by telephone) to remind them to reinstate the paths. A date for this to be completed is agreed with the farmer, and the farmer is informed of the timeframes allowed within the Rights of Way Act 1990, and that the Council reports all breaches to the RPA.
 - (c) A site visit made on date agreed with the farmer. If the path has been cleared the issue is closed.
 - (d) If the path has not been cleared a formal enforcement notice is prepared and sent to the farmer giving between a week and 14 days to clear the path.
 - (e) If the path has not been cleared by this time the Council arranges for a contractor to clear the path and the costs for the clearance is re-charged to the farmer. This issue is then closed
- 2.5 At the end of the case the issue is reported to the RPA if there has been a breach of the timeframe permitted. This consists of a short description of the issue and a

copy of the issue report from the Council's Countryside Access Management database.

2.6 The Council has submitted the following numbers of reports to the RPA since 2013:

2013: 2 reports
2014: 1 report
2015: 6 reports
2016: 2 reports

2.7 A copy of the "Ploughing, crops and paths" guide produced by the Council for farmers is attached to this report.

2.8 At the last meeting on 8th November 2016, the Royal Borough of Windsor and Maidenhead LAF received a presentation from William Emmett regarding the current procedures and how it has affected farmers. Following discussion the LAF recommended to the Council that the procedure for dealing with ploughing and cropping issues be changed to the following:

1. Make first contact with farmers via telephone to explain the report or issue. This telephone call should agree the date with the farmer for the resolution of the issue based upon the 14 day deadline. Explain that if the works are not done by this deadline the issue will be reported to the RPA.
2. Take the 14 day deadline from the date that the farmer is contacted. Where necessary agree extension of this deadline up to 28 days, for example where ground conditions do not allow proper reinstatement.
3. Request farmer to contact RBWM when the works have been done, providing photographic evidence.
4. If the agreed deadline has not been met this should then be reported to the RPA.

2.9 The Rural Forum's opinion is sought on the proposed changes. The proposal will then be considered by the Rights of Way and Highways Licensing Panel in March 2017.
