



Date: Thursday, 3 September 2020

Time: 10.00 am

Venue: THIS IS A VIRTUAL MEETING - PLEASE USE THE LINK ON THE AGENDA TO LISTEN TO THE MEETING

Contact: Sarah Townsend, Committee Officer  
Tel: 01743 257721  
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## PLACE OVERVIEW COMMITTEE

### TO FOLLOW REPORT (S)

#### **6 Agricultural Vehicles and Rural Roads (Pages 1 - 42)**

The following reports are attached: -

1. Report of Assistant Director of Infrastructure – Agricultural vehicles & Rural Roads
2. Report of Overview & Scrutiny Officer – Agricultural Vehicles – Codes of Practice
3. Report of Overview & Scrutiny Officer – NFU Briefing

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**Committee and Date**

**Place Overview Committee**

**3 September 2020**

**Item**

**6.1**

**Public**

**Highway Maintenance: Agricultural Vehicles and Rural Roads**

**Responsible officer**

Steve Smith, Assistant Director of Infrastructure

Email: Steve.smith@shropshire.gov.uk

Tel: 01743 253949

**1.0 Summary**

1.1 As the second largest inland county in England with a population of circa 325,000 Shropshire is a largely rural county. Shropshire has a thriving agricultural sector which is reliant on ensuring that goods and operational vehicles can manoeuvre around the highway network safely and efficiently.

1.2 This paper reviews the impact on the highway network of this activity and recommends opportunities for future review.

**2.0 Recommendations**

2.1 That the committee notes the contents of the paper.

**3.0 Opportunities and risks**

3.1 There are several opportunities to bid for Government funding for specific areas of maintenance with routes such as the DfT challenge fund and other authorities, such as North Yorkshire, have successfully secured funding through the Local Enterprise Partnership because of the significant impact that agriculture has on the local economy.

3.2 The Council is currently managing a highway network with increasing maintenance needs, with the rural road network need accelerating at a faster rate than other road types. Investment in highways maintenance is prioritised according to a variety of assessed needs with road speed and road safety risk assessment being key measures. Continuing deterioration will result in more of the available budgets required to be targeted at reactive maintenance to keep the carriageway safe as potholes appear and therefore further reducing the proportion of budget available for preventative surfacing of the network.

## **4.0 Financial assessment**

- 4.1 There is no specific financial impact of this report however without additional future external funding or innovation of more cost-effective technical solutions, this could lead to the deterioration of the entire network accelerating which will place maintenance budgets under pressure.

## **5.0 Report**

- 5.1 The road network and highway infrastructure play a fundamental role in connectivity and enables rural businesses and communities to thrive. The changing nature in rural businesses, especially around farming and agriculture, is also however, placing extra burdens on the road network.
- 5.2 The road vehicles (construction and use) (amendment) regulations 2015 increased the maximum laden weight limit for most category T tractor (wheeled agricultural tractor) and wheeled agricultural trailer combinations from 24.39 to 31 tonnes (t). It also increases the maximum permitted speed for certain wheeled agricultural tractors and agricultural trailers on public roads in Great Britain from 20mph to 40km/h (approximately 25mph)
- 5.3 At the time of this revision the DfT believed that the increase would have little impact on the highway condition. However, there is an increasing body of evidence that there is an acceleration in the deterioration of the carriageway condition in some locations which is creating a maintenance pressures which are difficult to address within the existing financial envelope. The rural road network requires significant investment in order to future proof them.
- 5.4 The Councils Asset Management Strategy identifies this challenge, stating “there are concerns about the condition of some minor roads. These minor roads, typically consisting of little pavement structure, are at most risk of rapid deterioration due to the ingress of water and overloading. Investment in these roads is more challenging to justify with the other demands on more popular routes, however these roads remain crucial links for our communities”.
- 5.5 Rural business of all types already face challenges, due to their geographical locations. Growth, innovation and productivity can all be affected by the special inequality of their rural locations. The road network is vital for rural business, especially where they operate exclusively in a rural location.
- 5.6 Shropshire Highways Service work in close partnership with Economic Growth to ensure advice, support and networking opportunities are provided to rural businesses , further liaison with key land owners, estate managers and National Farmers Union (NFU) is held, and issues such as the increase in size of agricultural vehicles their impact on the rural network and changes in agricultural

practices are and have been raised, as by itself this is not just a Highways issue to resolve, implicit within this is an industry or sectoral solution

- 5.7 Shropshire has a higher than average percentage of rural roads which is maintains with 2,372km of unclassified road network which accounts for 46% of the entire road network.
- 5.8 Shropshire Council receives below average funding per km of road network as part of the DfT highway maintenance grant, and in 2020 was allocated £13.275m which was supplemented by an additional incentive grant of £2.765m to reflect Shropshire's adherence to "good practice" on highway asset management. This is the typical level of annual investment the council receives for the renewal of all highway assets including roads, footways, cycleways, bridges, street lights, traffic signals, drainage, road signs and road markings. This equates to just over £5,000 per km per annum. The Council has made representations to Government for additional funding as part of the Fair Funding Review in part to help maintain the highway network in a good condition.
- 5.9 With the focus necessarily on maintaining the busiest routes in good condition this has led to a period of reduced investment in the rural road network and as such it's maintenance needs are growing at a faster rate than the rest of the road network. This is a national issue with approximately 15.67% of all unclassified roads being considered in need of repair (source: NHT PMF Benchmarking). Shropshire is slightly below the national average at 16% of unclassified roads needing repair.
- 5.10 Many rural roads are narrow historic lanes, which have not been designed and constructed to meet modern needs, and often are little more than a build-up of tarmac overlaid upon older surfaces. They are often narrow lanes under 5m in width with insufficient rook for wider vehicles to pass.
- 5.11 As agricultural equipment has evolved over the years it has grown both heavier and wider. Changes in agricultural machinery and vehicles is not regulated through other processes such as planning . However, when new buildings are proposed that have traffic implications then improvements to the highway network van be secured where necessary to make a development through the use of s106 legal agreements. This might include measures such as access, junction improvements, passing places and routeing plans to mitigate traffic impacts. Much of the unclassified network was not designed to take vehicles of this size and therefore many routes are deteriorating at an accelerated rate. In particular the width of the vehicles is often causing either the vehicle itself or passing vehicles to overrun the edge of the highway onto the verge. This has a two-fold effect in both crumbling of the edge of the highway, which without kerbing
- 5.12 To reduce the deterioration of rural roads as far as practicable the council has undertaken the following action;

- Targeted external funding opportunities and submitted a bid in June 2020 for £11.5m, if successful that would enable 90km of road to be upgraded.
- Focused budgets on a preventative maintenance strategy on the rural network, resulting in:
  - £10m investment in surface dressing (96% was targeted at rural roads).
  - 2,450 defects completed on U roads in 2020.
- Carried out a significant work on rural drainage and undertaken a programme of grip cutting.
- Employed a rural drainage specialist and developed an 'in-house' reactive drainage team, who are focus of highway flooding and drainage issue.
- Reinstated our rural ditching programme and we have completed 45km of ditching and culver clearance since April this year.

5.13 Whilst the above actions will maintain most of the surface of the carriageway additional measures should be considered which would include a programme of rebuilding the edges of carriageways to improve their edge strength and kerbed grips through the highway verge to protect them from overrunning. Within current budgets however, these are unaffordable without a significant detriment to the wider highway network

Meeting, date: Report heading

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

None

**Cabinet Member (Portfolio Holder)**

Steve Davenport, Portfolio Holder for Highways and Transport

**Local Members**

All

**Appendices**

None

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## **Agricultural vehicles and rural roads – codes of practice**

### **Responsible Officer**

Danial Webb, Overview and Scrutiny Officer  
danial.webb@shropshire.gov.uk  
01743 258509

### **1.0 Summary**

1.1 This report provides members with codes of practice for agricultural vehicles on rural roads from (the then) Shropshire County Council, Cumbria County Council and Cornwall Council.

### **2.0 Recommendations**

2.1 Members to read the attached codes of practice in advance of the meeting.

### **3.0 Opportunities and risks**

3.1 There are no risks or opportunities inherent in this report. The information contained in this report and appendices is presented for information only.

### **4.0 Financial assessment**

4.1 The recommendations contained in this report have no financial implications.

### **5.0 Report**

5.1 At the meeting of the Place Overview Committee on 3 September 2020, committee members will consider the matter of agricultural vehicles on the road.

5.2 A number of local authorities already provide a code of practice with regard to agricultural vehicles on the road. These are attached as appendices to this report.

5.3 These codes are presented for information, in order to highlight to members the issues generated by agricultural vehicles and rural roads.

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

None

**Cabinet Member (Portfolio Holder)**

Steve Davenport, Portfolio Holder for Highways and Transport

**Local Members**

All

**Appendices**

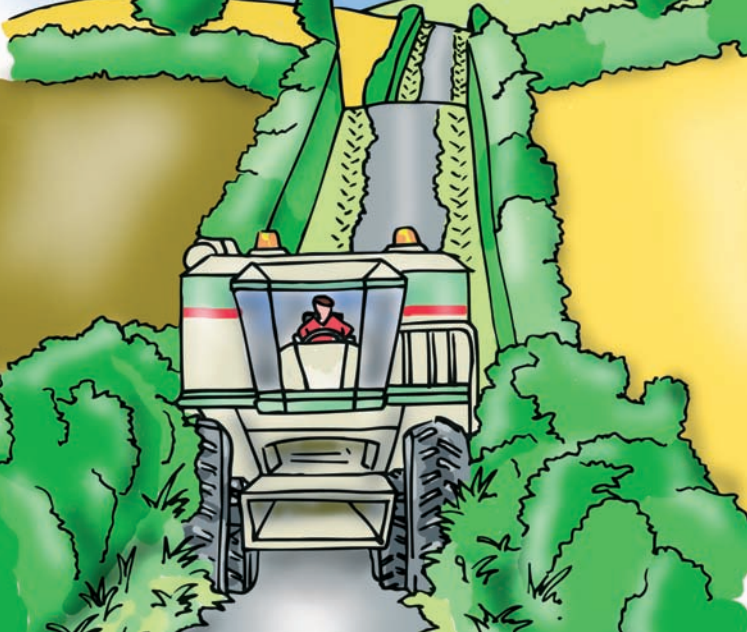
Appendix 1: Shropshire County Council [sic] – Farming and the Public Highway: a Code of Practice

Appendix 2: Cumbria County Council – Farming and the Public Highway

Appendix 3: Cornwall Council – The farmer and the highway

Appendix 1: Shropshire Council - Farming and the Public Highway code of practice

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## Agricultural vehicles

Agricultural vehicles are generally slow moving and often wide. Slow moving vehicles can cause inconvenience or danger to other highway users; frustrated motorists may take unnecessary risks as a result. Wide vehicles may over-ride verges in narrow lanes, spread mud and possibly damage drains or ditches; repairs may prove expensive. For these reasons:

- Vehicle widths must comply with current regulations. In accordance with the Motor Vehicles (Construction and use) Act 1986 (as amended), agricultural vehicles should be a maximum of 2.6 metres in width;
- Vehicles must not be unsuitable for the type of road being used;
- Consideration should be given to other road users. Please pull into lay-bys and similar passing places to allow traffic to pass safely;
- Agricultural vehicles should not be used, as far as practical, on main roads during peak hours (7.30 - 9.30 and 16.30 - 18.00).

## Signs

Appropriate reflective road signs must be erected where farming operations affect the highway. Farmers should be aware of the following when erecting signs:

- Signs of the correct size, type and shape should be used to warn other highway users of potential danger;
- Shropshire County Council may, at its own expense, erect permanent warning signs at regular animal crossing points;
- Signs can be purchased from various sign manufacturers. Shropshire County Council's contractor, JDM Accord, provide signs at reasonable costs. They can be contacted by telephone on **01743 273500**.



600mm



600mm

*N.B: The use of signs does not necessarily prevent liability from prosecution or civil claims.*

## Shropshire County Council Contacts

**Customer Services: 0845 678 9018**

[bridgnorth.highways@shropshire-cc.gov.uk](mailto:bridgnorth.highways@shropshire-cc.gov.uk)

[central.division@shropshire-cc.gov.uk](mailto:central.division@shropshire-cc.gov.uk)

[northshropshire.highways@shropshire-cc.gov.uk](mailto:northshropshire.highways@shropshire-cc.gov.uk)

[oswestry.highways@shropshire-cc.gov.uk](mailto:oswestry.highways@shropshire-cc.gov.uk)

[southshropshire.highways@shropshire-cc.gov.uk](mailto:southshropshire.highways@shropshire-cc.gov.uk)

**Highway Maintenance website:**

[www.shropshire-cc.gov.uk/hwmaint.nsf](http://www.shropshire-cc.gov.uk/hwmaint.nsf)

If you can read this but know someone who can't, then please contact **01743 255000** so that we can provide this information in a more suitable format such as large print, braille, audio or translated into another language.

*Design by the Design Team, SCC. June 2007*

# Farming and the Public Highway



## A code of practice

 Shropshire  
County Council



**Agriculture is a major industry in Shropshire. Farmers and agricultural contractors use the county's highway network in the course of their daily work. However, farming operations can compromise the safety of other highway users.** This leaflet outlines the areas in which the co-operation of the farming community is vital in helping Shropshire County Council to keep public roads, cycle routes and footways safe for all users.

## Legislation

Laws exist to protect all highway users. Shropshire County Council recognises and commends the efforts made by the farming community to adhere to legislation. However, individuals unwilling to co-operate could face prosecution under Highways Act 1980.

The Act stipulates:

- Mud and debris must not be deposited on a public carriageway so as interrupt its use and create potential hazards for other road users.
- Hedgerows, trees or shrubs belonging to adjacent landowners, must not obstruct visibility on the highway.
- Free passage along a highway must not be obstructed.
- In accordance with Section 174, adequate signs should be provided to warn other highway users of farming operations which may affect the network.

## Farming operations and the highway

### Mud on the road

Mud deposited on the road during farming operations can cause an inconvenience; even constitute a danger. To help keep mud to a minimum, farmers should be aware of the following:

- The Road Traffic Act 1988 and Associated Regulations state agricultural vehicles should not be overloaded. Loads carried must also be properly secured;
- Excess mud should be removed from the wheels of agricultural vehicles, prior to joining a public highway. The provision of hard standing areas near to gateways regularly used to gain access to the highway, may help to mitigate this problem;
- Animals should be herded along public highways in a safe manner. Any resulting mud or dung should be removed as soon as possible;
- Mud and/or surface water run off from fields adjacent to public highways should, where possible, be prevented. Providing a sizeable gap between the highway and vegetation can help to mitigate this problem.

### Ditches and drains

Good drainage systems help to remove surface water from the highway; as a result, reduces the risk of vehicles' skidding, damage to the carriageway and highway maintenance costs. In rural areas, road drainage is often provided by land drainage ditches or drains in verges and adjacent fields. Common law states the occupier of land adjacent to the highway is responsible for maintaining these drains and ditches. All ditches should be cleared at regular intervals and any obstruction which may inhibit flow should be removed.



### Crop irrigation and smoke

Spray from crop irrigators and smoke from burning operations can be both a nuisance and potential hazard for highway users. Spray or smoke produced on adjacent land should not be allowed to enter the vicinity of the highway.

### Hedge maintenance

Adjacent landowners are responsible for highway hedgerows. Landowners have a duty of care to inspect and maintain highway hedgerows on a regular basis.

Landowners should adhere to the following when carrying out hedgerow maintenance:

- Remedial action should be undertaken to prevent diseased or unstable trees becoming a potential hazard for highway users;
- Hedge cutting operations should be carried out in a safe manner; the potential risks and inconvenience which may be caused, should be taken into account;
- Hedge cutting should be timed to avoid the bird nesting season. In addition, hedgerows should also be cut at an appropriate time of the day, preferably when the highway is least busy;
- All cuttings must be removed from roads, footways and ditches as soon as possible, to minimise the risk or inconvenience to others. Failure to remove cuttings from the highway constitutes an offence under the Highways Act 1980. Shropshire County Council will remove the cuttings and recover costs, if cuttings are not removed within a reasonable timeframe.

## Farming and the public highway





## Farming and the public highway

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### Who is Cumbria Highways?

Cumbria Highways is the partnership between Cumbria County Council (the Highway Authority) and two private companies – Amey and Capita Symonds. Together we maintain Cumbria's road network of around 4,600 miles of which 3,550 are rural routes.

### Working in partnership with the agricultural industry

Cumbria Highways is keen to work in partnership with farmers and agricultural contractors to help ensure that a number of maintenance issues which affect the highway are attended to. This guide highlights a number of areas where working together can greatly help Cumbria Highways sustain a safe and serviceable highway network for all users. Cumbria Highways, like the farming community, is subject to change and therefore it is important that we try, wherever possible, to work jointly in order to meet respective areas of responsibility in the most effective way.



## 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. Cumbria Highways deals with storm water 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.

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## Advice

### Preparation and cleaning up

Advance warning signs should be put out in both directions prior to 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 Cumbria Highways before commencing work.

Material excavated from the ditches during maintenance should not be deposited where it will block grips or be carried on to the road. It should be leveled to allow subsequent mowing to take place.

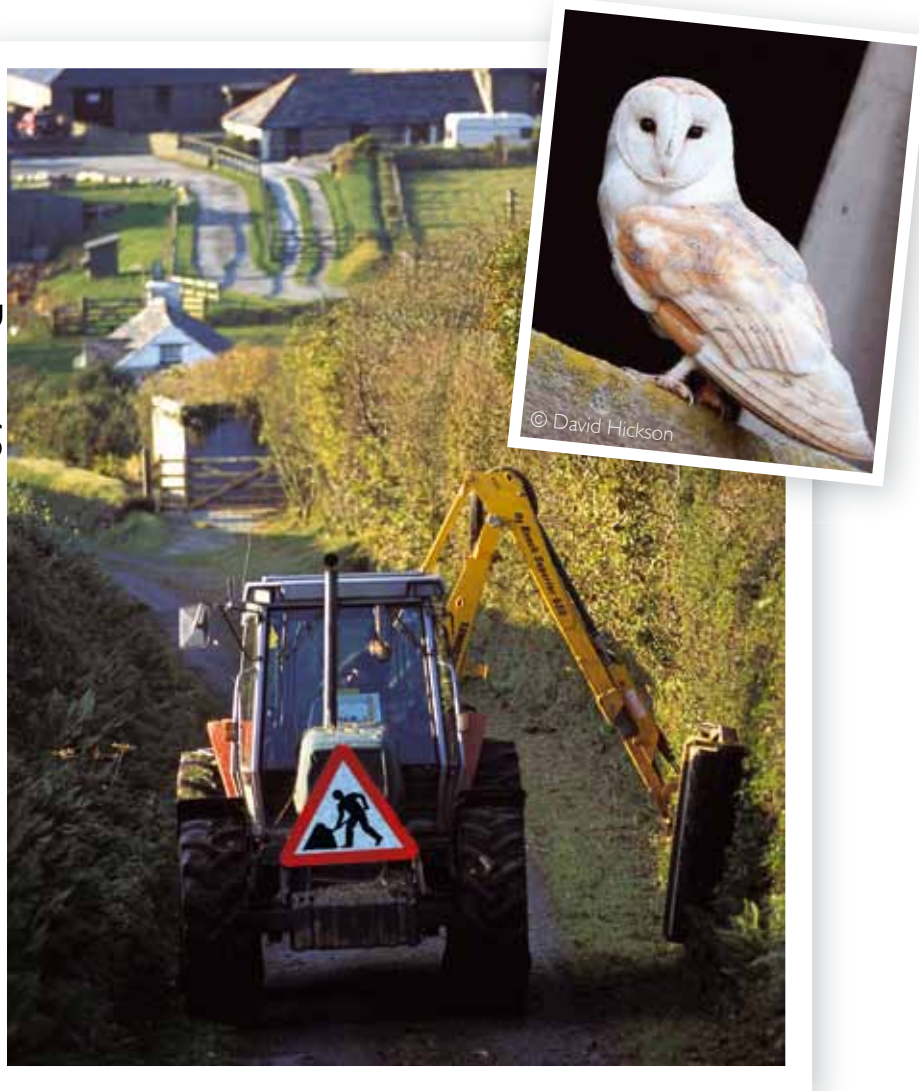
Any accumulation of material in excess of 300mm above the carriageway should be removed from the highway, as should any rubbish or tree roots.

Pipes and grids etc. should also be kept free of obstruction. Cumbria Highways' 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 highways drainage should contact Cumbria Highways.

## Hedge cutting

Hedges are the responsibility of the adjoining landowner or occupier. Modern machinery has revolutionised trimming by reducing the cut material to a small size but can deposit it over verges and sometimes the width of the road.



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### Advice

#### Preparation

Signs should be erected well in advance of the work in both directions. When a long section is being done, additional intermediate signs are needed. See 'Safety on the highway' for advice on correct signage.

#### Maintenance requirements

Hedges and trees adjacent to the highway must not be allowed to interfere with the safe use of the highway by vehicles, pedestrians or cyclists. Overhanging branches or hedges which obstruct passage or visibility or impair the effectiveness of streetlights should be lopped or trimmed. Cumbria Highways may, if necessary, serve notice on landowners to undertake maintenance.

#### Hedge cuttings

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 in the 1980 Highways Act under Section 149 to this effect.

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 Cumbria). Families and cyclists of all abilities who use these lanes and cycle-ways inevitably suffer punctures when cuttings are left on the surface. Repairs often have to be carried out in winter weather and/or in the dark, taking considerably longer and thus discouraging the use of cycles.

#### 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

Cumbria Highways 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'. Cumbria Highways can advise on this.

There is no objection to farmers cutting grass verges subject to the following conditions stipulated by Cumbria Highways:



- a. Protect the safety of the traveling public.
- 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 wild flowers 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. Cumbria Highways 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.

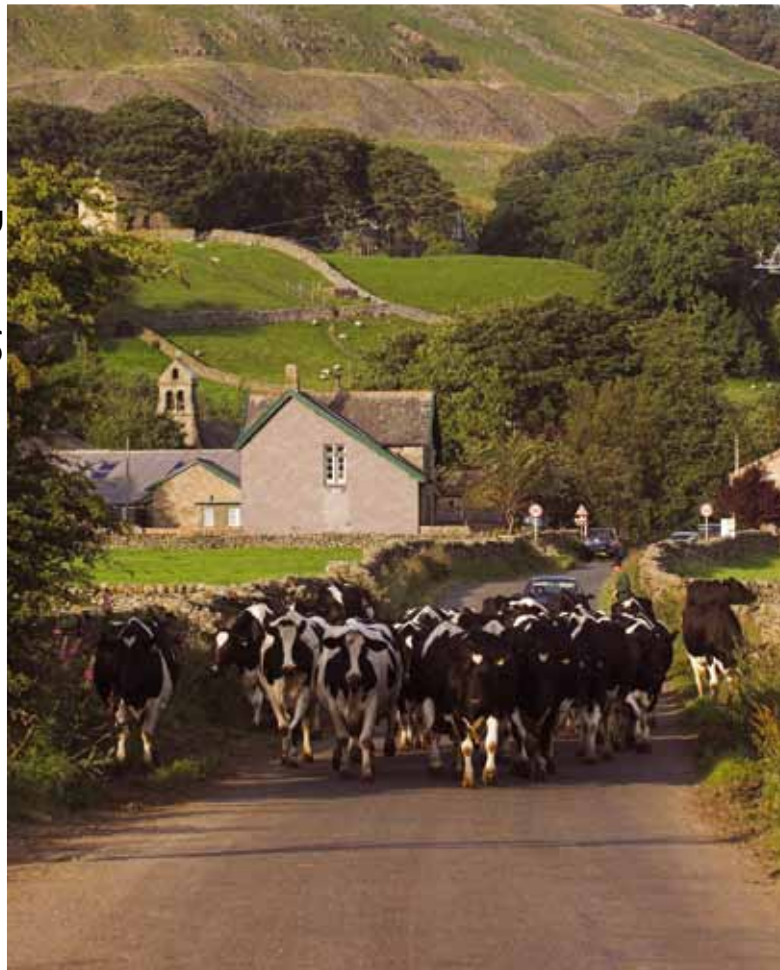
### Slow moving vehicles

Drivers of slow moving vehicles on main roads should remain aware of any tail-backs 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 are used on other roads as an additional warning / safety feature. Avoid using the roads during periods of heavy traffic, if possible.



## Mud on the roads

Mud 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.



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### Advice

#### Preparation and cleaning up

Prior to any activity 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 Cumbria Highways doing this work and charging for it.

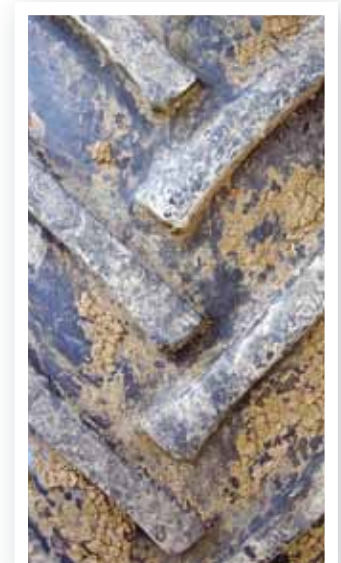
Those responsible for the work or moving cattle must ensure that it is carried out safely and must ensure that the highway is clean afterwards. If deposits on the road are insufficient to warrant immediate cleaning, care must be taken to prevent an accumulation of mud and manure from building up.

#### 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.

#### Soil and water from adjoining fields

Landowners are responsible for mud and water running off fields onto roads and can be required to do works 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.



## 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 Cumbria Highways, who will give you advice on the appropriate type of signing and on 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.
- Put the signs in place well in advance of the work and ensure that they are clearly 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 clearly visible at all times 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.

### 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.



### Signage for hazards on the road

The following warning sign denotes a hazard on the road. A fixed plate below should indicate the type of hazard e.g. mud on road, cattle 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 Cumbria Highways' property, caused by agricultural vehicles, to Cumbria Highways 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 encouraged. In exceptional circumstances, permits will be issued by Cumbria Highways for such storage, subject to certain conditions and indemnity for third party claims being provided.

### Ragwort

Cumbria Highways carries out an annual program of works to reduce the amount of ragwort that grows on highway verges. If land owners/occupiers are concerned about ragwort growing on the highway in the vicinity of their property they can report the matter to Cumbria Highways.



### Regular use by cattle

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



### Services in the highway

Any need for services to be installed in the highway will normally be handled by the appropriate statutory undertaker. Any private services for drainage or irrigation etc. will need a licence from Cumbria Highways 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 to roadside verges should avoid drift or overspray so that flora and fauna are not affected. Noxious weeds should be referred to Cumbria Highways for treatment.

## Contact

For further copies of this booklet and additional help and advice, please contact the Cumbria Highways hotline on:

Tel: 0845 609 6609

Email: [contact@cumbriahighways.org.uk](mailto:contact@cumbriahighways.org.uk)





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# The farmer and the highway

guidance on your  
responsibilities



*one and all* *onen hag oll*  
**CORNWALL  
COUNCIL**



# Introduction

The road network is of fundamental importance to the county for agricultural, industrial and leisure purposes. It also represents a major and continuing investment of public resources.

Farming activities have a significant effect on both the structure and appearance of our rural roads and we have produced this leaflet to advise the agricultural community on what it can do to help improve road safety and the roadside environment. It also sets out rights and responsibilities regarding the use of the highway as part of agricultural activities.

The Highways Act 1980 (as amended) and various other Acts, give the highway authority the power to deal with nuisances and dangers in the highway and the following points are worthy of attention.

In this context “highway” means any and all verges, drains, footways, carriageways, central reservations and the like, outside the adjacent private land.

Key areas of farming activity are identified and potential problems and their solutions are shown in this pamphlet.

The map on the back cover shows highway regional boundaries. You may also be able to get further information using the contacts provided.

# Mud on roads

## The problems

Mud and muck running or dropped onto the road causes accidents and annoyance to road users and blocks drains, leading to localised flooding. They are the subject of the most frequent complaints made by the public about farmers. The cause of these complaints can be mud from tyres of agricultural machinery, animals being driven along or crossing the road, or runoff from fields after cultivation.

It is an offence under the Highways Act 1980 to allow soil or refuse from land adjacent to a public highway to fall, be washed, or carried on to the road. If we become aware of a potentially hazardous situation due to mud on the carriageway we will attempt to contact those responsible to give them the opportunity to resolve the problem. If we are unable to make contact we will take action to remove the hazard and contact the police. In some cases the Environment Agency may issue those responsible with an anti-pollution works notice (Section 161 of the Water Resources Act 1991).

Under the Highways Act 1980, we may clean the road and recover reasonable expenses incurred from the person concerned. Who may also be open to action by third parties. Where this is a recurring problem we will consider prosecution.

## What can you do to help?

Programme and organise your work to deal with the problem before it occurs by cleaning mud from vehicles before bringing them onto the highway.

Mud and agriculture often go together. Where you can not avoid bringing mud onto the road, because of ground conditions, take measures as frequently as necessary to clean the road and to provide warning signs as illustrated on each approach until the road has been fully cleaned. Consider a tractor-mounted brush and front loading bucket or a mechanical road sweeper for this. Signs shown are available from your local builders' merchant or hire shop.

Where runoff is likely after cultivation, you should make special arrangements outside highway limits to prevent effluent, mud or silty water reaching the highway, highway drainage systems or watercourses. This is especially important for row crops, where contour planting is not always acceptable. You should follow the advice in the codes of good practice for both soil and water and keep your Soil Protection Review up to date.



## Animals

You should be aware that similar problems may exist where animals use the highway. Clean up any mess as soon as practicable. You may be able to confine livestock to the verge, but take care to prevent damage to grips and ditches.

At regular crossing points, where visibility may be poor, we will consider requests for permanent crossing signs (shown below). You should make such requests for these via your local area highway manager (see back cover).



# Ditches and drains

## The problems

Highway drainage systems are provided to remove water from the road surface and also to lower the water table in the ground below the road. Failure of either of these functions can lead to rapid deterioration of the road structure; ponds and potholes develop which lead to further weakening and are also a hazard in themselves.

The Highways Act 1980 gives powers to the highway authority to construct drains and to discharge water onto adjacent land, paying compensation for any damage done. If such drainage work is considered necessary we will attempt to make contact with the landowner and seek agreement. We will investigate issues where excessive water is discharging from adjacent land.

## What can you do to help?

Land drainage is not a highway authority function and normally landowners are responsible for the upkeep of ditches which drain adjacent land, even if there is a proportion of highway surface water involved. As with most maintenance tasks, a regular inspection and cleaning routine can prevent major problems developing. Ensure that ditch depths are maintained and that headwalls, grilles and catch pits are cleaned and maintained in good condition.

Among the main causes of blocked drains are sediments from soil erosion, vegetation or pieces of polythene. Make sure measures to prevent soil erosion are adopted and plastic, crop residues or hedge trimming arisings are not left where they can get into drainage systems.

Altered patterns of land use, building development and new roads all combine to change patterns of drainage established over the years. If you are adversely affected by surface water run-off from roads please contact the area highway manager for the area who may be able to help. In certain circumstances we may provide pipes to landowners in exchange for a formal agreement as to drainage rights.

Where you are considering works within the highway limits, you should contact customer services on **0300 1234 222** at least 10 working days in advance. We may require signage and traffic management under the Traffic Management Act 2004.

## Hedge & tree cutting

### The problems

You are responsible for growth emanating 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.

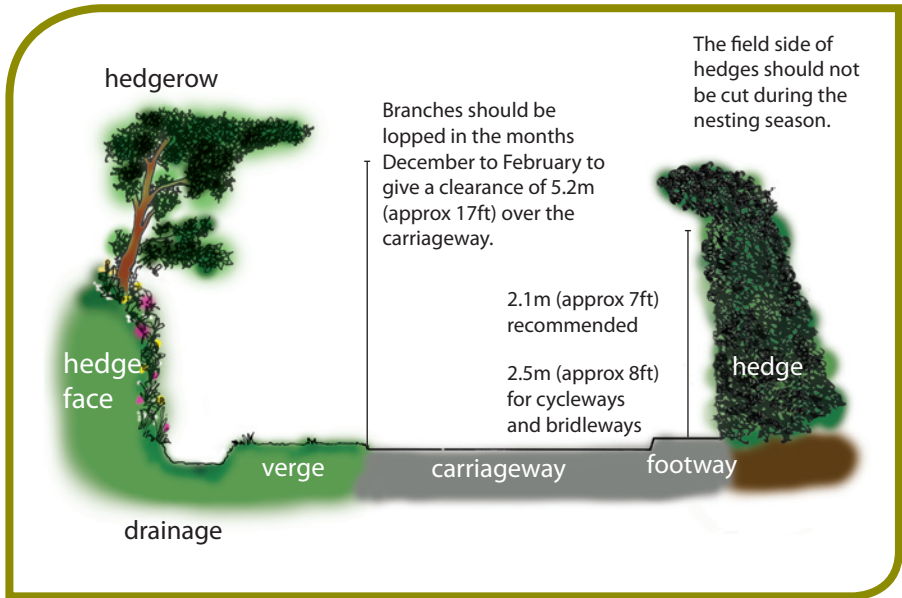
The Highways Act 1980 empowers us to issue a formal notice to an adjoining landowner requiring cutting or lopping of the hedge or branches where any growth is considered to be an interference with the safe use of the highway. If you do not do the work within the specified time, we may then complete the work ourselves and recover all reasonable costs.

Generally, you must not cut or trim any hedgerow on your farm between 1 March and 31 July (inclusive) – the main breeding season for birds – each year unless such work is essential for safety purposes.

The responsibility for management of plant growth includes:

- trimming roadside hedges to maintain visibility, particularly at junctions, on the inside of bends and at passing places.
- removing dead or decaying trees and other growth likely to fall across or onto the highway.
- removing branches and other growth that may prevent the passage of highway users including, where appropriate, high-sided vehicles.
- removing branches and other growth that may obstruct light from a public street light or visibility of a traffic sign.

The legislation specifies the minimum clearance of an overhanging tree is 5.2 metres (17ft) over the metalled surface of the highway.



## What can you do to help?

You are recommended to inspect your own highway frontages and attend to growth before problems develop. Regular trimming and pruning at the appropriate time is preferable to severe cutting. We do not require the wholesale removal of the growth on top of Cornish hedges which is part of the unique landscape of the county. A leaflet with more detail is available from customer services on **0300 1234 222**.

## Agricultural vehicles

### The problems

Agricultural vehicles are slow moving and this problem can be made worse by inadequate lighting at night and the poor view to the rear afforded by certain types of vehicle and by loaded trailers. Remember also that you may be turning into or off the road at points of which other drivers are not aware.



The sign shown is available from your local builders' merchant or hire shop.

These are permanent traffic signs, plates are non-prescribed.

## What can you do to help?

All tractors and associated equipment should be in roadworthy condition.

Drivers of slow-moving vehicles should be aware of the build-up of traffic behind them and, when convenient and safe, pull over to clear the tailback, giving appropriate signals. You are required to provide a flashing warning light at the rear of the equipment on dual carriageways, and this is highly desirable on other roads. The police can give further guidance on this. Remember that vehicles over 2.5m (8ft 3in) wide are subject to special regulations. Ensure that all vehicles and trailers using the road are equipped with lights that work and are not obscured by mud or by the load being carried.

Where entering or leaving the road by field gates with poor visibility, you are advised to station someone in the road to warn of approaching traffic.

## The highway

It is an offence under the Highways Act 1980 to deposit objects within the highway that could cause an obstruction or a hazard. The highway includes verges.



## **What can you do to help?**

Park all machinery off any part of the highway and away from sight lines. Do not leave farm materials on any part of the highway.

# **Environmental Protection Act 1990 (EPA)**

## **Straw and stubble burning**

This is strictly controlled by the Crop Residues (Burning) Regulations 1993.

Heather and grass burning is controlled by GAEC 10.

## **What can you do to help?**

Where burning is permitted please ensure that any resulting smoke does not blow across any highways.

## **Waste**

Under the EPA there is a requirement for those persons transporting controlled waste on the highway to be registered carriers.

The lighting of fires within 15m (50ft) of the centre of the road is an offence if road users are likely to be endangered (for example by drifting smoke). The new Agricultural Waste Regulations only allow the burning of plant tissue and natural wastes in the open under a paragraph 30 exemption.

## **Are you a carrier of controlled waste?**

Manures and slurries are not waste when used as a fertiliser on agricultural premises, but, as part of the new controls on agricultural waste, you have a legal duty of care when handling and carrying all your other farm wastes. People or organisations who wish to carry agricultural waste professionally (for profit) will need to register as a professional carrier of agricultural waste. Like a normal waste carrier registration, this isn't required if you carry your own waste. This registration is free, it's a one-off registration, and it lasts for life. For more information visit:

**[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)**

## Weed and pest control

The application of weed and pest control chemicals is an operation that needs extreme care both for the well being of the farmer and users of the highway.

### What can you do to help?

- Either employ trained contractors or ensure that you and your operatives are trained in the safe application of control chemicals.
- Do not spray where there is a danger of wind carrying spray droplets on to the highway.
- Only legally-approved pesticides are permissible.
- Do not allow noxious weeds, in particular ragwort, as described in The Weeds Act, to proliferate on your land where they can spread onto the highway verges.

## Responsibilities regarding public rights of way and open access areas

We all have responsibilities in the countryside. You are asked to bear the following responsibilities in mind:

- Know where public paths cross your land and ensure that contractors and others working for you are aware of where they run.
- Keep paths clear of obstructions, including fences and ditches.
- Keep stiles, gates and footbridges clear of overhanging growth.
- Maintain stiles and gates across footpaths and gates across bridleways. A grant is available from the highway authority.
- Do not place new stiles or gates on public paths without the prior permission of the highway authority.
- Do not place signs or notices which might deter use of a public path or byway.
- Do not place barbed wire alongside a public path or byway so as to be a nuisance to others.

- Do not plough any footpath or bridleway running along the edge or headland of a field.
- Keep public rights of way clear of any growing crops (The Rights of Way Act 1990).
- Reinstate, by rolling, the surface of any footpath or bridleway crossing a field which has been ploughed, within two weeks of ploughing or within 24 hours of any other disturbance.
- Do not allow any dairy bull, over ten months of age, free range in a field through which a public path passes.
- Do not allow any beef bull, over ten months old, free range in a field through which a public path passes, unless it is running with cows or heifers.
- Do not interfere with or divert a public path or byway without the permission of the highway authority.

## Further points

- Field gates should not open into the highway.
- Barbed wire should not be put adjacent to any highway where it is likely to injure highway users.

We hope these guidance notes are of use and clarify responsibilities. Whilst this document is endorsed by Cornwall Council and the NFU, it is not a definitive guide of responsibility and conduct. Compliance with it will not provide exemption from liability or prosecution but may be used by enforcement officers as a checklist when visiting the scene of any accident or site of public complaint. If you need further information on any of the points please contact us.

If you would like this information in another format please contact:

**Cornwall Council, County Hall**  
**Treyew Road, Truro TR1 3AY**

Telephone: **0300 1234 100**

Email: **[enquiries@cornwall.gov.uk](mailto:enquiries@cornwall.gov.uk)**

**[www.cornwall.gov.uk](http://www.cornwall.gov.uk)**

# Highways regional boundaries



## Who to contact

### All highway issues

Customer Services **0300 1234 222**

[highwayswest@cornwall.gov.uk](mailto:highwayswest@cornwall.gov.uk)

[highwayscentral@cornwall.gov.uk](mailto:highwayscentral@cornwall.gov.uk)

[highwayseast@cornwall.gov.uk](mailto:highwayseast@cornwall.gov.uk)

### Weed control

DEFRA [www.defra.gov.uk](http://www.defra.gov.uk)

### Agriculture waste

Waste Carriers;

Environment Agency **0845 603 3113**

EA Agriculture Waste Help line



**Agricultural vehicles and rural roads – briefing from the National Farmers' Union of England and Wales (NFU)**

**Responsible Officer**

Danial Webb, Overview and Scrutiny Officer  
danial.webb@shropshire.gov.uk  
01743 258509

**1.0 Summary**

1.1 This report provides members with a briefing from the National Farmers' Union of England and Wales (NFU) regarding road use by agricultural vehicles in Shropshire.

**2.0 Recommendations**

2.1 Members to read the attached briefing in advance of the meeting.

**3.0 Opportunities and risks**

3.1 There are no risks or opportunities inherent in this report. The information contained in this report and appendices is presented for information only.

**4.0 Financial assessment**

4.1 The recommendations contained in this report have no financial implications.

**5.0 Report**

5.1 At the meeting of the Place Overview Committee on 3 September 2020, committee members will consider the matter of agricultural vehicles on the road.

5.2 The NFU's regional director for Shropshire will be attending the meeting. Supporting this is an attached briefing from the NFU.

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

None

**Cabinet Member (Portfolio Holder)**

Steve Davenport, Portfolio Holder for Highways and Transport

**Local Members**

All

**Appendices**

Appendix 1: NFU briefing: Road Use of Agricultural Vehicles - Shropshire







Circulation: Shropshire Council

Date: 19 August 2020

Ref:

Contact: Tom Price

Tel: 024 7685 8526

## Road Use of Agricultural Vehicles - Shropshire

The NFU represents 55,000 members across England and Wales. In addition, we have 20,000 NFU Countryside members with an interest in farming and rural life.

In Shropshire, the NFU represents approximately 1600 members

### Agricultural in Shropshire Overview

#### Key statistics

- Holdings – 3,719 agricultural holdings recorded in 2016. Shropshire has the sixth largest number of farm holdings compared to other authorities in England.
- Farmed land – Total amount of farmed land in Shropshire in 2016 was 264,325 hectares which amounts to 76% of the total land area in the county. Shropshire is the ninth largest county in terms of the amount of farmed land in England.
- Farm Type - The use of farmland in Shropshire is set out in the table below (2016 figures)<sup>1</sup>

| Farm Type    | Area ha        | %           |
|--------------|----------------|-------------|
| Grassland    | 148,084        | 56%         |
| Cereals      | 66,489         | 25%         |
| Arable crops | 32,244         | 12%         |
| Fruit        | 1,405          | 1%          |
| Other        | 16,103         | 6%          |
| <b>Total</b> | <b>264,325</b> | <b>100%</b> |

- Employment – In 2016 there were 9,731 people working in agriculture. This is an increase of 5% compared to 2013. Shropshire has more people working in agriculture than any other local authority except Herefordshire and Cornwall.<sup>2</sup>
- Farm Business – 3,365 farm businesses were recorded in Shropshire. This is the highest number of any business category in the county. A farm business may have control more than one agricultural holding. This may explain the slight variance between total businesses and total holdings. The number of farm businesses increased by 12% in the period 2010 to 2018.<sup>3</sup>
- GVA - Agriculture accounts for £169 million of total GVA in Shropshire.<sup>4</sup>

<sup>1</sup> <https://www.gov.uk/government/statistical-data-sets/structure-of-the-agricultural-industry-in-england-and-the-uk-at-june>

<sup>2</sup> <https://www.shropshire.gov.uk/media/10640/survey-of-agriculture-report-july-2018.pdf>

<sup>3</sup> <https://shropshire.gov.uk/media/4196/shropshire-economic-profile-january-2017-v2.pdf>

<sup>4</sup> <https://shropshire.gov.uk/media/10640/survey-of-agriculture-report-july-2018.pdf>

In Shropshire agriculture plays a more significant role in the life and the economy of the county compared to other county and unitary authorities.

## Road Traffic Overview

### Vehicle registrations

Agricultural vehicles form a very small part of the overall vehicle road going fleet e.g. in 2018 2.9 million new vehicles were first registered in the UK<sup>5</sup> of which only 12,102 were agricultural tractors (0.4%).<sup>6</sup>

In 2018 a total of 38.2 million vehicles were registered in the UK. An exact total for agricultural vehicles registered in the UK is not available but it is estimated the entire agricultural fleet is approximately 400,000 vehicles.<sup>7</sup>

Vehicle numbers by category in 2018 are:

- Cars - 31.5 m
- LGV – 4 m
- HGV – 0.5m
- Motor bikes – 1.2m
- All other vehicles (inc. agriculture) – 0.9m

### Traffic volumes by road type

Rural 'A' roads account for 30% of all vehicle miles travelled and rural minor roads account for 14%.

Traffic volumes on rural roads have in general increased but primarily by cars and vans as can be seen in the table below.

| Vehicle type                      | % growth 2013 to 2018 |
|-----------------------------------|-----------------------|
| Cars                              | +7.7%                 |
| Vans                              | +21.2%                |
| Lorries                           | -10.5%                |
| Motorcycles                       | -8.3%                 |
| Other vehicles (inc. agriculture) | -21.9%                |

There is some evidence that increased maximum weights for HGVs has enabled goods to be carried more efficiently by a smaller HGV fleet.

The growth in van traffic could be the result of:

- The growth in internet shopping and home deliveries
- Changes to company car taxation which resulted in vans becoming a cheaper alternative than cars for some company users
- Less strict regulation c.f. HGV vehicles making vans cheaper to operate for commercial haulage

The decline in 'Other vehicles' is attributed mainly to a reduction in public transport provision and a reduction in bus miles travelled.

<sup>5</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/800502/vehicle-licensing-statistics-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/800502/vehicle-licensing-statistics-2018.pdf)

<sup>6</sup> <https://aea.uk.com/industry-insight/tractor-statistics/>

<sup>7</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/800502/vehicle-licensing-statistics-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/800502/vehicle-licensing-statistics-2018.pdf)

### **NFU policy and advice to members on road use**

We take matters such as road safety very seriously and take action to inform our members of their duties and obligations when operating farm vehicles on the public road. It must also be remembered that the operators of farm vehicles will also make use of the road network on a private basis and so it is in our member's interest to work to ensure that all road users use the network in a safe and responsible way.

It is our policy to promote compliance with the law, to work improve all aspects of health and safety at work and the safe and considerate use of the road network by all road users.

NFU activity to inform our members of their duties and obligations includes:

1. Member access to a suite of Business Guides on transport and health and safety matters. NFU Business Guides are intended to give members the need to know information required to operate their farm businesses efficiently in line with best practice and in compliance with any legal obligations. The suite of Business Guides available to members includes advice on:
  - a. Driver licensing
  - b. Operator license requirements
  - c. Tachograph requirements
  - d. Speed limits and weight limits applicable to agricultural vehicles
  - e. Safe transport of goods
  - f. Health and safety guidance
  - g. Risk assessment guidance
  - h. Transport of dangerous goods on road

NFU Business Guides are an exclusive member benefit and not made publicly available.

2. In addition to the range of Business Guides member briefings are produced on discrete topics at the appropriate time of year. Such briefings include:
  - a. Advice on obligations concerning mud on the road
  - b. Reporting of wide vehicle movements to the police
  - c. The need to maintain driver courtesy and practice considerate driving at all times but especially so around peak road use at harvest
  - d. Safe road use during winter

NFU member briefings are mostly classed as an exclusive member benefit and so not made publicly available.

3. Dedicated web pages on our web site to update members quickly on news items and regulatory changes. The web site is used to highlight key seasonal advice to members e.g. mud on the road prevention.
4. Several weekly and monthly newsletters published on our website or emailed direct to members.
5. A monthly printed magazine British Farmer and Grower which is mailed directly to our 55,000 members. Safety and transport related articles are often featured in the publication.
6. The NFU Farm Safety and Transport Policy Adviser delivers face to face briefings to NFU members using various formats:

- a. Local branch meetings
  - b. Larger scale regional meetings
  - c. High volume (100 + participants) farm safety workshops on transport matters hosted on member's farms
  - d. Online webinars
7. Transport and safety information is published by the NFU regional office and engagement activity with members takes place throughout the year

Physical events are currently suspended because of Covid-19 restrictions.

#### Complaints regarding agricultural vehicles

We are not aware of persistent complaints of agricultural vehicles:

- Damaging hedges and soft verges and road surfaces
- Depositing mud and animal waste on the highway
- Blocking use of the highway for other users

Regarding surface damage it is important to note that in general terms agricultural vehicles operate vehicles equipped with tyres which have significantly lower air pressures when compared to other vehicles e.g. HGVs. Agricultural vehicles use low pressure tyres to limit soil compaction in order to protect soil structures.

It is an offence under section 137 of the Highways Act 1980 to obstruct the highway and our advice to members is not to obstruct the highway and put themselves at risk of enforcement action. We are not aware of any enforcement action concerning obstruction of the highway and we will be grateful for more information on this matter. In particular are complaints about blocking concerning a complete obstruction of the highway or instances where a slower moving vehicle such as a trailer, HGV, horse box or caravan has slowed traffic or delayed overtaking for a period of time?

As mentioned above there has been a significant increase in traffic on rural roads in recent years particularly in vans used for the transport of goods. It may very well be the case that complaints of damage the Council has received may not be attributable to agricultural vehicles especially given the significant increase in van traffic on rural roads. We will be grateful for any additional information you can supply to consider this further. We welcome a discussion on how messaging to our members can be made more effective.

Lastly you will no doubt be aware that the majority of fatal road accidents occur on rural roads and we welcome an opportunity to discuss how we may be able to work together to promote safety messaging to make Shropshire's roads safer for all road users.<sup>8</sup>

8

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/83458/5/reported-road-casualties-annual-report-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/83458/5/reported-road-casualties-annual-report-2018.pdf)