



Farming and public roads

This leaflet is being produced by Conwy County Borough Council. We will use 'we' to mean Conwy County Borough Council.

Introduction

One of the results of changes in the agricultural industry in recent years has been that larger and heavier vehicles are using public roads in rural areas. The greatest effect has been on minor rural roads, most of which were not built to carry such large vehicles, and the damage is obvious.

Changes in ways of working in the agricultural industry have also caused problems with roads, and we have to decide where would be best to spend our funds.

We can only maintain our roads by working together.

This leaflet will cover activities which you carry out and which have a direct effect on the roads in Conwy. The leaflet will explain the issues and how we are looking for your support and co-operation.



Our legal power

We are the highway authority for all small roads in our boundary. This means that under the Highways Act 1980 we are legally responsible for protecting the rights of everyone who uses our roads, including drivers, pedestrians, cyclists, horse riders and so on. The Welsh Assembly Government are the highway authority for trunk roads (major roads which usually connect two or more cities, ports, airports and so on).

We can ask you to remove, within a reasonable period, anything which causes a nuisance or obstruction. We will ask you to remove something straight away if it causes a danger.

It is extremely important that people are able to use our roads safely, and any danger, nuisance or obstruction can have a serious effect. If we ask you to remove something and you do not, we have the power to remove the item and you will have to pay our costs for doing this.

Legal responsibility

We can and we will take action against you if you create a danger either on or next to the road. If you do not take appropriate action to prevent something being a danger, or you do not keep to the laws on roads and there is an accident, you may be legally responsible for paying a compensation claim which may not be covered by your insurance policy.

We cannot let a situation stay as it is after we have received a report about it, as we would be legally responsible for this. This means we have to take action against anyone causing a problem.



Trees and hedges next to the road



Trees

You are responsible for any hedges and hedgerow trees you have along a road. You should not let trees grow in a way that means they:

- are a danger;
- get in the way of vehicles or pedestrians;
- block a driver's view;
- block the light from any street lights; or
- block road signs.

You are responsible for preventing harm to people who use roads from any trees on your land which are unstable or diseased. You must regularly inspect trees to prevent accidents. Some trees may be protected by laws such as Tree Preservation Orders (TPOs). Please ask us for advice if you are not sure about a tree.

Cutting hedges

Under the Highways Act 1980, we may ask you to cut back any hedges that come through onto the highway. In line with the UK Roads Board and Roads Liaison Group's 'Well-Maintained Highways: A Code of Good Practice for Highway Maintenance', and the increasing environmental concerns for nesting birds and other small mammals breeding in hedges, we are asking you to trim your hedges during autumn and winter.

During spring and summer, we may also ask you to trim your hedges if they are a danger.

When you cut your hedges you



must make sure that you immediately remove any cuttings which fall onto a road or footpath. Hedge cuttings left on roads are dangerous as people may be injured and cyclists can be left stranded if thorns are in the cuttings and these puncture their tyres. You must also remove any cuttings which fall into roadside ditches, drainage grips and road gullies.

Under section 149 of the Highways Act 1980, if you do not remove the cuttings we may do this and charge you.

Mud on roads



Mud on roads can be dangerous. We or the police will ask you to clean up the mud. You should clean up the mud appropriately, for example by using water bowsers (but not during icy conditions) and yard scrapers (as long as you do not damage the surface of the road).

Under section 149 of the Highways Act 1980, if you do not clean up the mud in a reasonable time we may arrange for the mud to be removed and you will have to pay the full costs.

Mud on wheels

Remove excessive amounts of mud and soil from your vehicles before you take them on the roads. Building a hardstanding area near your gates can help with this, but you may need planning permission. Please get advice from our planning services.

Mud and water running from fields

You are responsible for mud and water that runs from your fields and

gates onto the roads, and you may have to carry out work to prevent this from happening. During the winter, water running off fields and gateways onto the road can make the roads icy and a danger to other road users. Also, if your land is cultivated right up to its boundary and has a downward slope towards a road this can cause problems, for example water can quickly run onto the road.

Sometimes a little thought beforehand can prevent a problem from happening!



Moving animals and cleaning up

If you have cattle or other livestock regularly crossing or travelling along the road, you are responsible for moving them safely and for cleaning up any mess. At regular crossing points where visibility is poor, we may provide appropriate warning signs. Please get our advice about this.

You must take care to prevent mud building up by regularly cleaning your vehicles and any roads, but be careful not to use equipment which may damage the road.

Using farm vehicles on roads Wide vehicles

Do not use vehicles which are too wide for the road. If you drive over grass verges on narrow lanes, this causes mud to spread onto the road, weakens the edge of the road and may damage drainage grips, pipes and open ditches, which causes the road to flood. Under section 59 of the Highways Act 1980 we can claim



compensation if you cause extensive damage to the road because your vehicle was too heavy or too wide.

Overloading vehicles

Do not overload trailers, muck spreaders and so on. You must make sure that anything you carry is properly secured so it does not cause a danger, and make sure you keep to the Road Traffic Act 1988 and associated regulations.



Ditches and drains

Having good drains is essential for maintaining roads in an affordable way. Many countryside areas rely greatly on ditches to remove water. How effective ditches are is important in keeping roads in good condition.



Usually you are responsible for any roadside ditch that is joined to your land. You are not responsible for ditches if:

- we have built the ditch to drain the road;
- the ditch is on land which we own; or
- we have been maintaining the ditch over the years.



If there is a disagreement about who is responsible, and even when we both use the ditch (us to drain water from roads and you to drain water from your land), the law says that you are responsible for maintaining the ditch, unless you can prove otherwise.

You should not lay pipes in ditches without contacting us and getting our permission. Pipes that are the wrong size could cause a blockage and you could be legally responsible for changing them.

You should regularly clean items such as grills, headwalls and catch-pits. You should also check any drains regularly, especially in the autumn, as you may have to remove items that are blocking them such as leaves and so on.

The depth of a ditch, how often you should clean it and what to do with material you remove

You should keep the ditch at the correct depth to make sure it continues to drain water effectively. You should clear ditches regularly and remove any obstructions which may stop the water flowing properly. Make sure you put back in any drainage grips after you clear a ditch so the water can run freely off the road and into the ditch.



When you remove anything from the ditch, such as soil and so on, you should take it away from the area. This will prevent the same material being washed back into the ditch or pushed back in by passing vehicles.

Other things to consider

Advice on road signs and safety while working on or next to the road

Working on or next to the road can make it less safe for vehicles and pedestrians to move freely. You should take all reasonable steps to make sure you keep any risks to others to a minimum.

Our Environment Roads and Facilities Department can give you advice on:

- the signs you need to put up when you are working on a road (in line with chapter 8 of the Traffic Signs Manual);
- putting up warning signs before you start any work that will affect the road, and removing them at the end of each day, even if you

will be working the next day;

- where you should put warning signs before you start any work;
- vehicle warning beacons you should use and protection clothing you should wear, such as high-visibility jackets and vests; and the appropriate licence or permission you need to carry out certain work, and the notice you need to give us.

If you would like advice, please contact our Customer Service Team by telephone 01492 575337 or by email erf@conwy.gov.uk



Laying pipes and making excavations

Under the New Roads and Street Works Act 1980 you must get the appropriate licence before you lay a pipe, for example for a private water or electrical supply or laying a drainage pipe in a road.

Under the Traffic Management Act 2004 we are responsible for co-ordinating any work on the road, so you must give us notice of any work you plan to carry out.

It is an offence to carry out work without the appropriate licence and permission.

Damage to the road

You should tell us straight away about any damage you cause to the road.



Our and your responsibilities

What we are responsible for	What you are responsible for	General Guidance
<p>We are responsible for protecting the rights of road users. If you are committing an offence under the Highways Act 1980 we can take action and get back the costs of taking this action. The police also have powers under the Highways Act 1980 and the Road Traffic Act 1988.</p>	<p>You must do everything you can to prevent hedge cuttings, mud and surface water running onto roads.</p> <p>You must do everything you can to prevent damage to roads, ditches and associated features such as road signs, walls, bridges and so on.</p>	<p>You should clean hedge cuttings, mud and so on from off the road and prevent water from running on to the road during the working day (and always at the end of the working day).</p> <p>Make sure that you have the equipment you need to do any work, and the correct equipment for the weather conditions.</p>
<p>We will tell the Health and Safety Executive (HSE) if you break any conditions of the Health and Safety at Work Act 1974 and other laws which put people in danger.</p>	<p>Under the Health and Safety at Work Act 1974, you are responsible for looking after the health and safety of anyone who may be affected by your work, including yourself, your family and employees.</p>	<p>Only use road signs that we have approved.</p> <p>Make sure you have taken all reasonable steps to work safely.</p> <p>If you have used a contractor, make sure you agree before they start the work who is responsible for issues that could affect the road, including having the necessary public liability insurance.</p>

This is not a full list of your responsibilities. Keeping to these points will not mean you are not legally responsible for other things, but an officer may use these points as a checklist when they visit an area that someone has complained about.

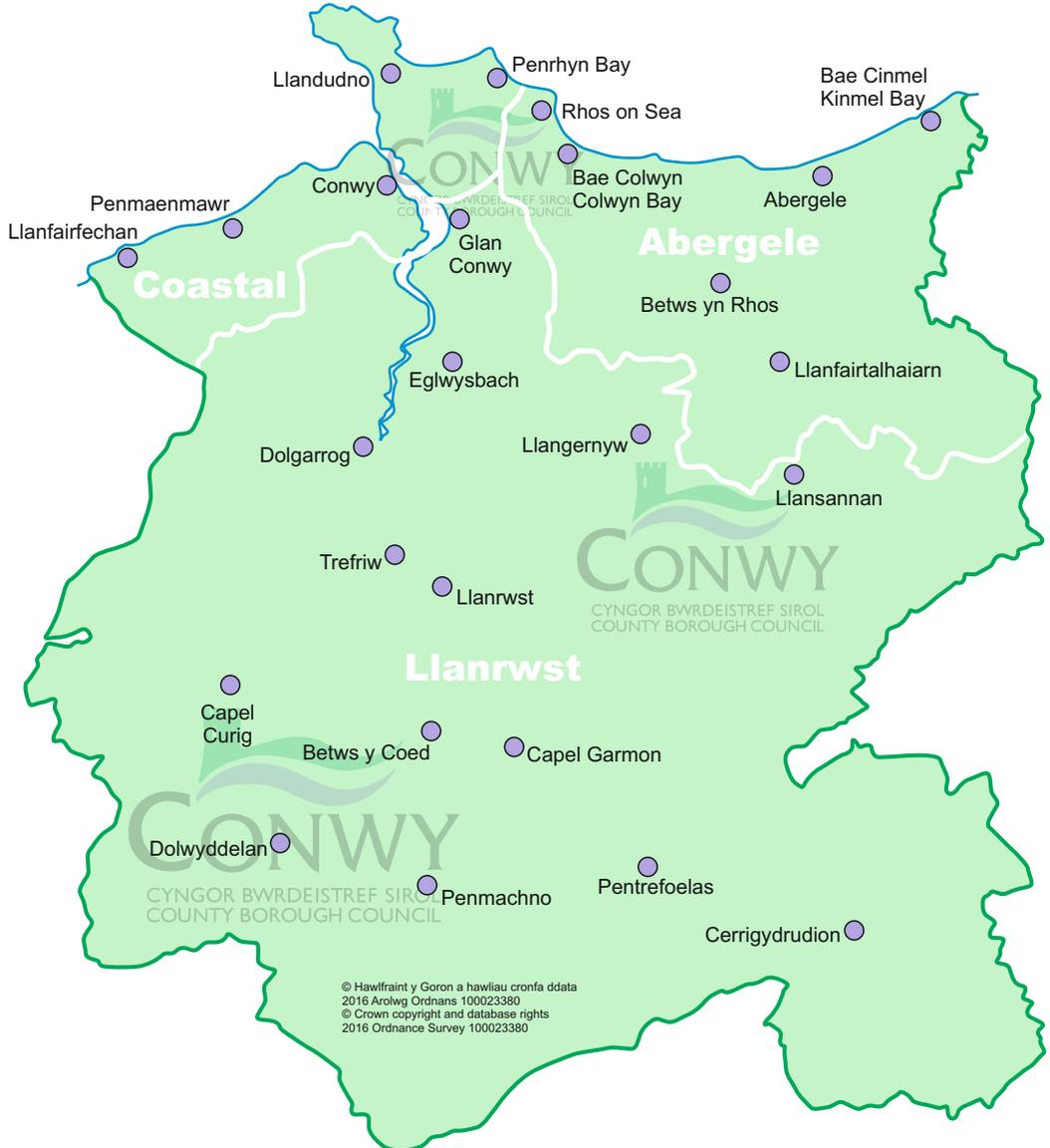
Who to contact

To discuss any work you are going to carry out and which could affect road users, please contact our Customer Service Team. This will help us deal with any issues before they become problems, and you will find out who to contact if you receive any complaints. We want to work with you to make sure roads are safe and everyone can use them.

Customer Service Team:

Phone: 01492 575337

Email: erf@conwy.gov.uk



Rhoddir trwydded ddrymiadwy nad yw'n gyfyngedig, heb freindal, i chi weld y Data Trwyddedig ar gyfer defnydd anfasnachol yn unig, o'r cyfnod y bydd ar gael gan Gyngor Bwrdeistref Sirol Conwy; Ni chewch gopïo, is-drwyddedu, dosbarthu, gwerthu neu fel arall drefnu bod y Data Trwyddedig ar gael mewn unrhyw ffurf i drydydd partion; a Neilltuir hawliau trydydd parti i orfodi telerau'r drwydded hon i'r Arolwg Ordnans.

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