

Individual Decision

The attached report will be taken as an Individual Portfolio Member Decision on:

Friday 27th March 2015

Ref:	Title	Portfolio Member(s)	Page No.
ID2951	Public Rights of Way Case Programmes	Councillor Hilary Cole	3 - 32



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Individual Executive Member Decision

Title of Report:	Public Rights of Way Case Programmes
Report to be considered by:	Individual Executive Member Decision
Date on which Decision is to be taken:	27 March 2015
Forward Plan Ref:	ID2951

Purpose of Report: To report progress on the Case Programmes for 2014/15 and to recommend Case Programmes for 2015/16.

Recommended Action: To note progress in dealing with the cases assigned for 2014/15. To agree recommended cases for 2015/16.

Reason for decision to be taken: To monitor progress on the Case Programmes

Other options considered: N/A

Key background documentation: Public Rights of Way Case Programmes
Report to Management Board - 11th September 2008
Statement of Prioritisation for Claims and Path Orders
Rights of Way improvement Plan 2010 - 2020
Full working Maintenance and Improvement Case Programme

Portfolio Member Details	
Name & Telephone No.:	Councillor Hilary Cole - Tel (01635) 248542
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Contact Officer Details	
Name:	Elaine Cox
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Implications

Policy:	The PROW Case Programmes contribute to the following corporate objectives: Promoting and acting in the interests of the communities, people and businesses of the district. Promoting a vibrant district. Protecting the environment. Putting people first.
Financial:	None
Personnel:	None
Legal/Procurement:	None
Property:	None
Risk Management:	None

Is this item relevant to equality?	Please tick relevant boxes	Yes	No
Does the policy affect service users, employees or the wider community and:			
• Is it likely to affect people with particular protected characteristics differently?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Is it a major policy, significantly affecting how functions are delivered?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Will the policy have a significant impact on how other organisations operate in terms of equality?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Does the policy relate to an area with known inequalities?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Outcome (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)			
Relevant to equality - Complete an EIA available at www.westberks.gov.uk/eia			<input checked="" type="checkbox"/>
Not relevant to equality			<input type="checkbox"/>

Consultation Responses

Members:

Leader of Council: Councillor Gordon Lundie

Overview & Scrutiny

Management

Commission Chairman: Councillor Brian Bedwell

Ward Members: N/A

Opposition

Spokesperson: Councillor Jeff Brooks

Local Stakeholders: Mid and West Berkshire Local Access Forum

Officers Consulted: Paul Hendry, Jon Thomas, Sallie Jennings, Stuart Higgins

Trade Union:

David Lowe

Is this item subject to call-in?	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	
Report is to note only	<input type="checkbox"/>	

Supporting Information

1. Background

- 1.1 The Council possesses statutory duties to maintain the public rights of way network; keep it open for public use; and to record it and then to keep the records under continuous review (the 'Definitive Map' process). These duties have been translated into three public rights of way Case Programmes, concerned with 'Maintenance and Improvement', 'Enforcement', and 'Path Orders'.
- 1.2 The Council also has a statutory duty to prepare a Rights of Way Improvement Plan ROWIP, which is the means by which the council identifies the changes to be made to its rights of way networks in respect of management and improvement, so that it can improve provision for walkers, cyclists, equestrians and people with restricted mobility. Implementation of the ROWIP is not a duty, and it is therefore good practice to formulate an appropriate Case Programme so that progress can be made within available resources.
- 1.3 The Maintenance and Improvement Case Programme is concerned with ensuring that the standard of public rights of way is suitable for the public use which is made of them. It is drawn up each year from requests and complaints from the public, and from surveys, and incorporates strategic improvements which enhance the network in accordance with the objectives of the Rights of Way Improvement Plan.
- 1.4 The Enforcement Case Programme is concerned with ensuring that the network remains free from obstruction and interference. The Council possesses extensive legal powers to assist it to carry out enforcement work if necessary. The Enforcement Case Programme is compiled from complaints from the public, surveys, and problems noted by officers. Some categories of enforcement work can be grouped together so as to utilise economies of scale, and these are termed 'projects'. An example of an annually active project is ploughing and cropping.
- 1.5 The Path Order Case Programme comprises two processes: 1. the investigation of evidence to support the existence of a public right of way which has not yet been recorded on the Definitive Map (a 'claim'); 2. the legal diversion, extinguishment or creation of a right of way. Both processes are usually carried out on receipt of an application from the public. The Council is under a statutory duty to investigate claims, but only a discretionary power to divert, extinguish or create rights of way.

2. Details of the three existing Case Programmes

- 2.1 **Maintenance Case Programme.** There are many outstanding requests and needs for maintenance and improvements on the network, but limited resources require a method of prioritisation. As a general approach, relative priorities for attention are determined through a matrix, attached as Appendix A, through which benefits to the public and value for money are assessed. The recommended priorities for the coming year are listed in the Maintenance and Improvement Priority Case Programme attached at Appendix B. The full Case Programme is an ongoing working document which also records routine annual work such as signposting, vegetation clearance, volunteer tasks, stiles/gates and minor drainage. It is updated continually as new requests and needs come to light.

- 2.2 Funding comes via the annual revenue rights of way works budget, and the capital programme (including S.106/CIL). There are plans to seek increased external funds where appropriate. Most surface works projects are carried out by contractors and a large amount of maintenance work carried out by the team of rights of way Rangers, e.g. vegetation clearances and winter signposting. Volunteers also carry out simple tasks to keep the network open and easily useable.
- 2.3 Enforcement Case Programme.** There are many outstanding enforcement matters recorded on the rights of way network, and present resources do not allow the Council to resolve them all. A monthly prioritisation process takes place, from which the highest priorities are selected for attention. The prioritisation matrix used is attached at Appendix A. The resulting Case Programme for 2014/15 is represented at Appendix C, showing progress and work yet to be done. The proposed Case Programme for 2015/16 is at Appendix D.
- 2.4 Path Order Case Programme.** The Path Order Case Programme is determined each year with close reference to the prioritisation procedure which was agreed between Countryside and Environment and Legal Services in 2008/09 (see background papers). 'Claims' are generally dealt with in chronological order of receipt. For the diversion, extinguishment or creation of public rights of way, the application will only be accepted if the relevant legal criteria are met, and will generally need to demonstrate public benefit, or benefit to the overall management of PROW.
- 2.5 Appendix E lists all path order cases which have been being dealt with in 2014/15. Completion is regarded as reaching the WBC decision stage (a public enquiry might follow, which is outside our control). Appendix F lists the path order cases proposed for 2015/16 and Appendix G lists the remaining path order cases yet to be dealt with. If a new case is presented in a current year which meets the Statement of Prioritisation for Claims and Path Orders, then officers have agreed to make a request to the Portfolio, and relevant ward members, for permission for it to replace an agreed lower-priority case in the current Case Programme.
- 2.6 For 'claims', the Council has 12 months, from the date that the landowner was notified of the possibility that a right of way exists, to decide whether the evidence is sufficient for a Definitive Map Modification Order to be made. This timescale allows for the due legal processes to be followed. There is a right of appeal to the Planning Inspectorate if the Council either declines to make an Order or if there is a delay of more than one year in reaching a decision. A public inquiry procedure will be required if an Order is made and objections received.
- 2.7 For diversions, extinguishments and creations, there is no right of appeal to the Planning Inspectorate, but a public inquiry procedure will be required if an Order is made and objections received.
- 2.8 In addition to the cases, there has been a project to re-digitise the Definitive Map of Public Rights of Way. The present Definitive Map is accurate to a scale of 1:10,000 only, and this restricts the scale at which it can be viewed accurately, therefore limiting its use for both the public and council staff. Re-digitisation at 1:1250 also is consistent with British Standard 7666 Pt. 4 and is needed prior to the statutory re-publication of the Definitive Map so that legal changes can be incorporated at the correct scale. Re-digitisation will also enable the rights of way to be shown on the National Street Gazetteer, which is used by utility companies to identify and protect

highways planned for excavation. This project was left for several years whilst the rights of way Case Programme backlog was reduced but is now almost complete.

- 2.9 In 2026, any right of way or highway which was in existence in 1949 and which has never been formally recognised will be automatically extinguished. Parish councils and interested groups are being contacted to explain this legislation and being asked to make known to us any suspected public rights of way which are useful to the public but under threat of extinguishment under this legislation. WBC will then have a duty to examine the evidence for any such suspected routes and to make or reject an Order.

3. Rights of Way Improvement Plan Case Programme

- 3.1 The ROWIP contains 63 strategic objectives, concerned with improving access provision for users and also improving the efficiency of service delivery. Many of these objectives are ongoing, and are incorporated into the normal day-to-day work of the team. Some require special effort in order to progress, and to this end the objectives are reviewed each year and a manageable number are each year are set out in the proposed Case Programme (Appendix H).

4. Equalities Impact Assessment Outcomes

- 4.1 An Equalities Impact Assessment has been undertaken and is attached.

5. Conclusion

- 5.1 Progress on the four Rights of Way Case Programmes has been set out in this report together with the recommended Case Programmes for 2015/16.

Appendices

Appendix A – Prioritisation matrix for maintenance and enforcement
Appendix B – Maintenance and Improvement Priority Case Programme 2015/16
Appendix C - Enforcement Case Programme 2014/15
Appendix D – Enforcement Case Programme proposed 2015/16
Appendix E – Path Order Case Programme - path order cases completed 2014/15
Appendix F - Path Order Case Programme – proposed cases for 2015/16
Appendix G – Path Order Case Programme - remaining cases
Appendix H – Rights of Way Improvement Plan Priority Case Programme 2015/16
Appendix ! – Equalities Impact Assessment

PUBLIC RIGHTS OF WAY MAINTENANCE AND ENFORCEMENT

Add your ratings for each parameter in this column

APPENDIX A: PROW Priority Matrix Calculator Spreadsheets

	Factor	Circumstances which would produce a score of 0	Circumstances which would produce a score of 5	Score for your path	With Multiplier
1	Danger level along used route	No danger	Severe danger on a well-used path		4
2	Usage level	Not used	Very well used		3
3	Degree of obstruction of Definitive line	No obstruction	Completely obstructed		3
4	Benefit to general public once resolved	No benefit	Great benefit		2
5	Cost/time effectiveness in resolving	Major works on little-used path / poor evidence for enforcement action	Minor works on little-used path/ good evidence for enforcement action		1
6	Level of complaint	Minor problem noted by staff member / very low number of complaints	Many complaints received and/or representation from Parish Council		1
7	Potential for deterioration	Unlikely to deteriorate	Rapid deterioration could be stopped by prompt action		1
Score of 45 or over: high priority / 44 or less: low priority				Total with Multiplier	

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APPENDIX B

Maintenance and Improvement Priority Case Programme 2015/16

- Aldworth Byway 10/6 (part of Ridgeway)** – work promised 2015, access to Warren Farm.
- Basildon Restricted Byway 13A** – muddy – need to assess for horse use, alleged ‘slippery’ at western end
- Beenham Byway 1 (Clay Lane)** – consider long-term solution from traffic survey and tarmac quote.
- Harrowing and rolling summary: Byways 2 Beedon, 2 Boxford and 20 Winterbourne** – do again May 2014 then TRO to follow is essential. Rangers may purchase a grader box and be able to do this themselves. *Note: TRO is for 18 months.*
- Holybrook Footpath 5** – requested surfacing, lighting and some vegetation clearance/maintenance to help reduce antisocial behaviour.E
– surface and some vegetation clearance, request from Police. Lighting ?
- Hungerford Footpath 20/5 and 20/6**– canal towpath west from the town – well-used and muddy. A number of requests especially for 20/5. .
- Hungerford Footpath 43/2** – formal complaint made to Town and Manor early 2015 about muddy condition.
- Inkpen Byway 11 (Wayfarers Way)** – bad condition from road, past Gibbett to Wiltshire border – very expensive. Inform Stuart Tagg (Greenham Trust) of plans and progress.
- Kintbury Footpath 14** – churchyard – add hand-rail in-keeping with historic site. Planning permission required.
- Kintbury Byway 34 (Lip Lane)** – sunken path, ruts. Work promised for 2014/15.
- Lambourn Byway 64/2** – part of Lambourn Valley Way
- The Ridgeway** – annual maintenance to comply with Natural England 10 year commitment. Note in 2014/15 check for damage by landowner A34 east to gallops.
- Shaw Footpaths 13 / 16 (Honeybottom)** – steps needed along woodland slope ? Maintenance agreement needs to be enforced.
- Stanford Dingley Restricted Byway 1** – very wet, users deviate. Needs drainage / surfacing.
- Stanford Dingley Footpath 18/2** – surface water springs making path very muddy.
- Stanford Dingley Bridleway 24/2 and Bradfield Bridleway 19/3 (Rotten Row to Stanford Dingley)** – muddy and poached, a well used route, improvements promised for 2015.
- Streatley Footpath 21 (Cleeve Court road to Thames Towpath)** - a very low path which has always been at water level and not used – consider possible measures to open up.
- Streatley Footpath 24** – three places where urgent works needed to make safe
- Streatley Footpath 25** – south of Cleeve Court – banks and surface works with possible NTO contribution. Postponed to 2014/15 due to flooding.
- Thatcham Footpath 10/3** – off Tull Way by steps, drainage work needed. Liaise with Jon Bowden
- Theale Footpath 4** - S of Calcot Mill S of bridge – riverside section very muddy.
- West Ilsley Restricted Byway 11** – part of Old Street complex, low vegetation, restricted width and mud plus damage by illegal motorcycles. Consider as part of overall plan for management of vehicles in the area.
- Winterbourne Byway 8/1, 8/2** – residential access at North Heath. To liaise with landowner user
- Winterbourne Restricted Byway 10/1** across Snelsmore Common. Muddy and in a gully, a request from BBOWT to improve for all users, promised 2015. Check carriage driver needs. Consult BBOWT on specification.
- Wokefield Byway 13** – vehicle ruts
- Wokefield Footpath 16** – request 2014 by Ramblers’ Association

Sustainable practices - find out about appropriate materials to use in woodland environments, use appropriate materials for all environments. Consider ecological surveys where appropriate

FLOOD DAMAGED PATHS FOR WORK 2015/16:

Beenham Byway 1/5 – gullying due to flash flooding

Lambourn Byway 45/6 – scouring

Lambourn byway 64/1 – 10m of scouring – Lambourn Valley Way

Streatley Footpath 24 – Thames Towpath – bank collapses / erosion

Streatley Footpath 25 – Thames towpath – various matters

Tilehurst Footpath 13/3 – surface scouring

Welford Byway 26/1 – surface water scouring

APPENDIX C - PROW Enforcement Case Programme – Feb 2015 update

Green – on course to be completed 2014/15

Amber – aim to complete 2014/15 if possible

Red – will not be completed 2014/15

No	Case	Overriding Issue	Priority	Action	Consequences if not dealt with	Traffic Lights
1	Lambourn/ East Garston unauthorised gates	User complaints	Medium	Part resolved – Police concern about illegal vehicle access	Increased complaints, precedent	May allow gap instead
2	Chaddleworth BR6 tree trunk & ditch obstruction.	Trip hazard at A338 junction	High	S66 installation of gap carried out by landowner.	Injury to road user/ path user. WBC liability.	Resolved
3	Hampstead Norreys BR3 <i>Rising bollard</i>	WBC safety & liability issue	High	High Court Consent Order in place.	Injury to road user/ path user. WBC liability. Precedent	Landowner working to meet a couple of conditions
4	Sulham BR6 2 new electric rising bollards	Insurers & Legal very concerned	High	Legal advise enforcement as normal	Injury to path user. WBC liability	Recent case
5	Beenham BR18 A4 Metals site traffic impact	Safety of users – now little used BR due to traffic & noise levels	High	Planning taking lead	Safety hazard, dissuading users	JR against Planning Inspector delaying outcome. Court dates in November 2015
6	Stanford Dingley FP6/ RB1	Fence obstructions and unauthorised gates	Medium	Site meeting with landowner	Increased complaint. Precedent	Resolved

APPENDIX C - PROW Enforcement Case Programme – Feb 2015 update

No	Case	Overriding Issue	Priority	Action	Consequences if not dealt with	Traffic Lights
7	Leckhampstead BR4 horse injury on tree trunks	Trip/ laceration/ impact hazard	High	S66 installation of gap paid for by landowner	Injury to path user. WBC liability	Resolved
8	Lambourn BR58 sarsens obstructions	Trip/ impact/ hazard	High	S66 installation of gap	Injury to path user. WBC liability	Sarsens yet to be removed, legal advice sought
9	Lambourn BW60 sarsens, gates, vehicles obstructing	Trip/ impact/ hazard	High	Legal advice sought, letter drafted. NE & Oxon CC contacted	Injury to path user. WBC liability	Recent case - Dec 2014
10	Lambourn BW61 ploughing	Byway unavailable	Medium	Warning letters sent. NE & Oxon CC contacted	Precedent	
11	Catmore BW1 ploughing	Byway unavailable	Medium	Site meeting with landowner	Precedent. Increased complaint from user groups	Complex longstanding situation, given recent impetus incl from Police
12	Boxford Footpath 17 large pond excavated, trees planted	Definitive line unavailable, unofficial line inconvenient	Medium	Enforcement action stalled from several years ago – Diversion needed	Increased complaint, impotent enforcement	Time constraints mean not picked up in 2014/15
13	East Ilsley BR15 horse injury on steel posts	Trip/ laceration/ impact hazard	High	Suggested replacement S66 installation of gap	Injury to path user. WBC liability	Steels removed, but replaced with gate posts on slope. Enforcement continues

APPENDIX C - PROW Enforcement Case Programme – Feb 2015 update

<i>Nos</i> 2014/15	<i>Project</i>	<i>Overriding Issue</i>	<i>Priority</i>	<i>Action</i>	<i>Consequences if not dealt with</i>	<i>Traffic Lights</i>
40	General Obstructions Various locations throughout District	Many erected by farmers/ landowners to prevent illegal vehicle access	High	Enforcement	Possible WBC liability if member of public injured. Paths obstructed	Ongoing area of work 4 not yet started
7+	Various BRs & RBs Downlands Illegal vehicles	Safety hazard, surface damage. Police involvement	Medium	Carriage gaps, signage, camera trap installed at various sites	Potential injury to path user, ongoing maintenance cost	Ongoing area of work with recent Police involvement. 7+ this year
14	Electric gates	Liability on WBC / public accessibility	High	Begun writing to landowners	Liability on WBC / public accessibility/ safety	14 motorised gates identified on network carried into 2014/15. One resolved
20	Electric fences	Safety of public	High	Inspected on receipt of complaint	Potential safety hazards	Ongoing area of work. 9 resolved
20+	Stiles and gates project	Need to increase accessibility of the network	Medium to high / ongoing	Ongoing replacing stiles etc with more accessible structures	Equalities implications, continued requests from the public	Ongoing area of work

APPENDIX C - PROW Enforcement Case Programme – Feb 2015 update

<i>Nos</i> <i>2014/15</i>	<i>Project</i>	<i>Overriding Issue</i>	<i>Priority</i>	<i>Action</i>	<i>Consequences if not dealt with</i>	<i>Traffic Lights</i>
581	Ploughing 33 complaints	Network problem	High	Autumn Round Robin sent - complaints being followed up	Increased complaints	Ongoing area of work
16	Visual tree inspection project	Safety of users, particularly on popular routes and routes to school	High	Inspection programme has started.	Safety implication for users. WBC liability if left	Ongoing area of work. Routes to School surveys. Resource intensive area of work
110	Landowner tree problems	Safety of users, obstructions	High	Landowners contacted	Safety implication for users. WBC liability if left	100 dealt with, ~10 to chase
7	Intimidation Person/ animal/ notice	Safety of users, availability of network	High	Police, landowners contacted as necessary	Safety implication for users; potential loss of path	4 resolved, 3 low priority
7	Fence encroachment	Safety of users, loss of path	Medium	Landowners contacted	Safety implication for users	2 resolved, 2 actioned, 3 unresolved

APPENDIX D - PROW Enforcement Case Programme – 2015/16

Green – on course to be completed 2015/16

Amber – aim to complete 2015/16 if possible

Red – will not be completed 2015/16

No	Case	Overriding Issue	Priority	Action	Consequences if not dealt with	Traffic Lights
1	Lambourn/ East Garston unauthorised gates	User complaints	Medium	Part resolved – Police concern about illegal vehicle access	Increased complaints, precedent	May allow gap instead
3	Hampstead Norreys BR3 <i>Rising bollard</i>	WBC safety & liability issue	High	High Court Consent Order in place.	Injury to road user/ path user. WBC liability. Precedent	Landowner working to meet a couple of conditions
4	Sulham BR6 2 new electric rising bollards	Insurers & Legal very concerned	High	Legal advise enforcement as normal	Injury to path user. WBC liability	Recent case
5	Beenham BR18 A4 Metals site traffic impact	Safety of users – now little used BR due to traffic & noise levels	High	Planning taking lead	Safety hazard, dissuading users	JR against Planning Inspector delaying outcome. Court dates in November 2015

APPENDIX D - PROW Enforcement Case Programme – 2015/16

No	Case	Overriding Issue	Priority	Action	Consequences if not dealt with	Traffic Lights
8	Lambourn BR58 sarsens obstructions	Trip/ impact/ hazard	High	S66 installation of gap	Injury to path user. WBC liability	Sarsens yet to be removed, legal advice sought
9	Lambourn BW60 sarsens, gates, vehicles obstructing	Trip/ impact/ hazard	High	Legal advice sought, letter drafted. NE & Oxon CC contacted	Injury to path user. WBC liability	Recent case - Dec 2014
10	Lambourn BW61 ploughing	Byway unavailable	Medium	Warning letters sent. NE & Oxon CC contacted	Precedent	
11	Catmore BW1 ploughing	Byway unavailable	Medium	Site meeting with landowner	Precedent. Increased complaint from user groups	Complex longstanding situation, given recent impetus incl from Police
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APPENDIX D - PROW Enforcement Case Programme – 2015/16

<i>Nos</i> 2014/15	<i>Project</i>	<i>Overriding Issue</i>	<i>Priority</i>	<i>Action</i>	<i>Consequences if not dealt with</i>	<i>Traffic Lights</i>
4	General Obstructions Various locations throughout District	Many erected by farmers/ landowners to prevent illegal vehicle access	High	Enforcement	Possible WBC liability if member of public injured. Paths obstructed	Ongoing area of work
	Various BRs & RBs Downlands Illegal vehicles	Safety hazard, surface damage. Police involvement	Medium	Carriage gaps, signage, camera trap installed at various sites	Potential injury to path user, ongoing maintenance cost	Ongoing area of work
13	Electric gates	Liability on WBC / public accessibility	High	Begun writing to landowners	Liability on WBC / public accessibility/ safety	14 motorised gates identified on network carried into 2015/16. One resolved
11	Electric fences	Safety of public	High	Inspected on receipt of complaint	Potential safety hazards	Ongoing area of work.
20+	Stiles and gates project	Need to increase accessibility of the network	Medium to high / ongoing	Ongoing replacing stiles etc with more accessible structures	Equalities implications, continued requests from the public	Ongoing area of work

APPENDIX D - PROW Enforcement Case Programme – 2015/16

Nos <i>2014/15</i>	Project	Overriding Issue	Priority	Action	Consequences if not dealt with	Traffic Lights
581	Ploughing 33 complaints	Network problem	High	Autumn Round Robin sent - complaints being followed up	Increased complaints	Ongoing area of work
16	Visual tree inspection project	Safety of users, particularly on popular routes and routes to school	High	Inspection programme has started.	Safety implication for users. WBC liability if left	Ongoing area of work. Routes to School surveys. Resource intensive area of work
10	Landowner tree problems/ hedge encroachment	Safety of users, obstructions	High	Landowners contacted	Safety implication for users. WBC liability if left	
	Intimidation Person/ animal/ notice	Safety of users, availability of network	High	Police, landowners contacted as necessary	Safety implication for users; potential loss of path	
3	Fence encroachment	Safety of users, loss of path	Medium	Landowners contacted	Safety implication for users	

Appendix E - West Berkshire Council Public Rights of Way Case programme April 2014-April 2015

These are the cases that West Berkshire Council have prioritized for attention for April 2014-2015. Each case is to be investigated, and a formal decision made on how to proceed. Wherever possible, Orders will be made, advertised and confirmed the same financial year but occasionally cases will carry over due to uncontrollable events such as third party input

DMMO or PPO*	Ward	Parish/Case	Path/location	Details
PPO	Thatcham Central	Thatcham 20 footpath	Appelford Close, Danvers Close, Fyfield Road (Thatcham)	Order made 24th October 2014 and confirmed (and in effect) 15th December 2014 - extinguishes unwalkable public footpaths blocked by housing estate - alternative tarmac paths already exist alongside.
PPO	Bucklebury & Cold Ash	Bucklebury & Cold Ash	land around Westrop Farm, Cold Ash	Seeking formal dedication of public bridleway parallel/on Public Footpaths Bucklebury 90 and Cold Ash 6. A Legal Agreement will be needed.
PPO	Mortimer	Ufton Nerve - missing footbridge diversion	Public Footpath Ufton Nerve 6	Order confirmed without objection, 3rd March 2015. Confirmation notice to be published.
PPO	Sulhamstead	Sulhamstead	Restricted Byway Sulhamstead 16	Restricted Byway - extinguishment Order unopposed and confirmed on 20th August 2014
PPO	Thatcham Central	Thatcham 18 bridleway	Braemore Close, Thatcham	Bridleway diversion Order unopposed and confirmed - came into effect 21st May 2014.
DMMO	Lambourn Valley	Lambourn, Lynch Lane	west of Lambourn village	Claimed public footpath. Recommendation report NOT to make Order is being assessed by Legal team at present before final ratification
DMMO	Birch Copse	Tilehurst, Farm Drive	former golf course behind Sava Centre	claimed public footpath - decision recommendation report drafted and authorisation request to make an Order is due May 2014
Definitive Map All Public Rights of Way outside of Bucklebury Parish have been redigitized to 1:1000 scale accuracy.				
These have been de-prioritized from the 2014-2015 case list to make room for more pressing cases				
DMMO	Chieveley	Chieveley, Crabtree Lane	Heatherpine Cattery, Curridge	claimed public footpath - case investigated and decision recommendation report is being finalised
PPO	Bucklebury	Bradfield 26 -Public Bridleway ford & diversion	south of Frogmore Farm, Bradfield	Seeking formal dedication of Public Bridleway across ford, and diversion of the 'kink' in the existing Public Bridleway
DMMO	Northcroft	Newbury, Craven Road to St David's Road	access over 'private' access area	claimed public footpath - case to be investigate and decision recommendation report drafted
These are 2010-2011 cases where administrative action is required...				
PPO	Birch Copse	Tilehurst 13	Extinguishment application - superceded by diversion proposal as extinguishment unlikely to succeed	Extinguishment application refused but a diversion application form was submitted February 2011 to resolve this matter. Applicant has not responded to request for landownership clarification and has built a garage on legal line of path without planning permission - matter on hold.
PPO	Purley-on-Thames	Purley-on-Thames	Thames Path creation agreements or orders	Further Public Footpath Creation Agreements are being negotiated by West Berkshire Council to complete the Thames Path route approved by the Secretary of State for Environment in 1989. Creation Orders may also be considered. Case ongoing...
PPO	Hungerford	Hungerford 36	Public Footpath	Diversion Order made and unopposed but only comes into effect once works to create new path are certified by the Council - although planning permission was granted, the marina development has been postponed for foreseeable future. Land has changed hands since, and new landowners have fenced the route - further action needed as they have put barbed wire on pedestrian side of the fence and it appears to encroach on the new route in one area. October 2012.
These are 2009 cases where administrative action is required...				
PPO	Chieveley	Chieveley 20 & 48	Public Bridleway diversion	The developer needs to pay Council's fees and create a suitable new diversion path before the diversion can come into effect. A new public bridleway needs to be created to prevent Chieveley 48 from becoming a cul-de-sac.

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Appendix F - Proposed Public Rights of Way Legal Order cases for April 2015-2016

Title	Parish	Description
Crabtree Lane	Chieveley	DMMO - claimed public footpath - has been investigated and is being discussed with Legal Team to see whether or not the legal tests are met for an Order to be made and advertised.
Lower Way	Thatcham	DMMO - claimed public footpaths - this affects access for many local residents in Thatcham, and also an area that was designated as a potential housing site in Thatcham, which local residents are seeking to prevent. It is in all parties interests to investigate this case and clarify all the issues as soon as possible. The matter appeared in the Newbury Weekly News February 2015.
Welford 15	Welford	Diversion application - opposed by Open Spaces Society but applicant will cover WBC admin costs. Investigation and consultation within WBC will take place before a final decision is made.
Kintbury 39	Kintbury	Diversion - longstanding application resulting from confusion during Planning Permission - applicant will cover WBC costs. Previous objectors have indicated that this revised proposal will be acceptable - a good new path has been set out that seems preferable to the existing route proposed for diversion.
Stra/9, The Avenue	Stratfield Mortimer	Diversion - longstanding issue where development took place across a public footpath several decades ago, leaving an obstruction but a simple alternative route alongside. A diversion onto this alternative will regularize the situation on the ground with the legal record. No objections expected.
Bradfield 26 (Ford)	Bradfield	DMMO - claimed public bridleway - longstanding issue since the 1960s, when a public bridleway was diverted over a footbridge - horses have to use a ford alongside the footbridge, but this has not been legally safeguarded. Research and investigation is required.
Purl/12 & Tile/3	Purley/Tilehurst	Extinguishment of public footpaths blocked by a housing development - physically, paths have been created as alternative routes to the old routes that were blocked by development. A diversion will regularize the legal record with what is available on the ground. No objections expected.

Consider changes to legislation when they are finalised (they are currently going through the House of Lords as part of the Deregulation Bill) and consider whether it is necessary to make Parish Councils aware of the potential for any unrecorded Public Rights of Way that have existed since before 1949 to be automatically extinguished.

Definitive Map:

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	Ward	DMMO or PPO*	Case Title	Proposal	Applicant	Receipt date	Notes
1	Aldermaston	DMMO	Brimpton, Little Park Orchard	Claimed Public Footpath	ex local resident	01/02/2006	Application withdrawn. 2014: have informed applicant that NO Order will be made - to formally close the case.
2	Aldermaston	PPO	Public Footpath Brimpton 21	Diversion	Mr C Hayes	09/01/2006	This diversion is from one landowner's property onto an objecting landowner's property. Compensation claims and a legal wrangle/neighbour dispute seems likely.
3	Birch Copse	PPO	Tilehurst 14 diversion	Diversion	WBC	n.a.	divert from blocked gully route onto tarmac path already constructed along edge of Recreation Ground
4	Bucklebury	PPO	Public Bridleway Bucklebury 54a	Diversion	WBC	n.a.	Possible diversion to resolve farm buildings on path, but possible development may resolve this so matter on hold
5	Burghfield	PPO	Public Footpaths Burghfield 15 & 24	Diversion	WBC	n.a.	Bridge over Kennet&Avon canal was replaced on new alignment several years ago. Diversion required to re-route legal line onto walkable alignment.
6	Burghfield	PPO	Public Footpath Burghfield 22	Extinguishment	WBC	n.a.	Path runs through man-made lake and would link to nowhere if walkable - extinguish.
7	Burghfield	PPO	Public Footpath Burghfield 5	Temporary Diversion	Mineral Extraction Company		Mineral Extraction diversion request ??
8	Burghfield	PPO	Public Footpath Burghfield 2	Extinguishment	Landowner	n.a.	This public footpath is a cul-de-sac and seems to have been blocked for 30+ years. Landowner (Searle's Farm) wishes to pay for extinguishment to resolve longstanding issue.
9	Chieveley	PPO	Byway Open to All Traffic Chieveley 49	Diversion	Mineral Extraction Company	n.a.	Path was temporarily diverted (12 years) for mineral extraction - this has expired - the landowners have inquired about a diversion - but this would be needed through the Magistrate's Court (WBC has no direct powers for Orders or Byways Open to All Traffic). They should have reinstated as clearly stated in the Temp diversion.
10	Chieveley	PPO	The Green to Chie/10b	Creation	Portfolio Holder (Hilary Cole)	2013	Hilary asked for Public Footpath from The Green west onto Public Footpath Chieveley 10b
11	Downlands	DMMO	Beedon Manor Farm	Investigate whether to make Order to modify Def. Map	Mr V Pocock	01/10/2004	Application withdrawn. 2014: have informed applicant that NO Order will be made - to formally close the case.
13	Kintbury	PPO	Public Footpath Inkpen 22	Concurrent Creation-Extinguishment	WBC oversight to be resolved by WBC?	01/06/2005	A cul-de-sac has been created on the network following diversion of a road that needs to be resolved by means of a creation-extinguishment. Will not change the situation on the ground.
14	Kintbury	PPO	Public Footpath Welford 16	Divert public footpath for benefit of landowner	JHL Puxley	11/02/2015	proposal to divert path out of farmyard and onto a route to the east around the farm
15	Kintbury	PPO	Inkpen 14a	Proposed public footpath creation	WBC - due to WBC oversight	n.a.	there is a gap in the PROW network due a badly thought out WBC highway diversion Order.
16	Lambourn Valley	PPO	Blind Lane, Lambourn	Regularize PROWs by diversion/creations	WBC	01/11/2013	Lambourn 36/2 is a fenced off drainage ditch. Walkers in the area use a well trodden route with no formal status between Bockhampton Road and Newbury Road, NW of Beales Farm Road.
17	Lambourn Valley	DMMO	Lambourn 59 bridleway 'gap'	a section in the middle was wrongly omitted from 2000 DMS	WBC		this section will be permanently deleted in 2026 at present - it was wrongly omitted from the 2000 DMS due to its line being wrongly interpreted as being on the modern, physical track that runs in Oxfordshire, but should have been on historic route to south, in Berkshire. Oxon said they do not intend to do anything to record a PROW along the route in their section unless an application comes in. Threat of being lost altogether.
18	Northcroft & Speen	DMMO	Speen/Newbury	DMMO	WBC		Moor Lane, Hill Lane and Croft Lane are all 'Private Streets' but Highways probably don't recognize them as privately maintainable highways. There is a threat to them having Public Rights extinguished in 2026 if not recorded on the DMS by then. Would be very bad as they are vital links to the PROW network in a populous area.
19	Pangbourne	PPO	Pangbourne 10	Diversion	WBC	n.a.	longstanding unofficial/unintended diversion
21	Speen	PPO	Public Footpath Shaw-cum-Donnington 20	Diversion	Charles Oliver-Bellasis for Mr & Mrs Newman, Honeybottom House RG20 8AL	03/02/2008	Small diversion to benefit owner of adjacent house but house has since been sold and reasons given for diversion appear to have been superceded - no contact from new owner of house.
22	Speen	PPO	Public Footpath Boxford 17	Diversion	WBC	n.a.	landowner has created a pond on the line of the footpath and refuses to fill it in - no enforcement action proposed.
23	Sulhamstead	PPO	Beenham 15	Diversion	Mr Nelson	01/05/2013	Divert onto an existing permitted bridleway away from farms and paddocks
24	Thatcham South and Crookham	PPO	Public Footpath Thatcham 16	Diversion	Nicky Levy - landowner	26/09/2011	request to divert path from field onto riverbank as landowner keeps cropping the path and walkers use the riverbank alternative - JT prefers Perm path here please

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APPENDIX H

Rights of Way Improvement Plan Priority Case Programme 2014/15 - ANNOTATED Rights of Way Improvement Plan Priority Case Programme 2015/16 – PROPOSED

Proposed for temporary removal (lower priority)

Proposed to be added (higher priority)

Proposed to remain for further work (higher priority)

<u>ROWIP Objective</u>	<u>ROWIP Objective Number</u>	<u>Progress to March 2015</u>
Implement measures to ensure that landowners maintain all hedges adjacent to PROW so as to prevent obstruction of PROW by overgrowth.	ROWIP 4	WBC does not clear hedge overhang, as it is the responsibility of landowners. A greater effort is to be made to enforce this obligation when such growth impedes public access.
Formally adopt the draft policy governing the maintenance of PROW used for access to residential properties, farms and other private land or establishments.	ROWIP 5	A procedure is in place which has been approved by the Local Access Forum. ID presented March 2014.
Produce a design and consultation protocol for the repair, replacement and installation of bridges on PROW.	ROWIP 6	A meeting needs to be held with the WBC Bridges section in order to review and refine the system already in place.
Review PROW sign and waymark designs to reduce future instances of fading and unauthorized relocation or redirection.	ROWIP 7	Some work has been done with manufacturers regarding reduction of fading. Particular attention is to be given to monitoring the new generation of resin-coated signpost fingers which contain the WBC logo within the arrow. Taller signs have been introduced to prevent tampering.
Produce a published prioritization scheme for dealing with applications for modification orders and applications for path orders.	ROWIP 12	A procedure has been adopted by Management Board.
Carry out risk assessments for trees within PROW and formulate a prioritized plan of action to ensure the safety of PROW users.	ROWIP 13	A number of high priority routes have been identified, and it is hoped that the new Highways Tree Officer will be able to take on the surveys and tree work required.
Investigate methods to prevent fly-tipping and littering of PROW and also improved methods for clearance of litter and fly-tipping when instances	ROWIP 15	Some CCTV has been used at fly-tip hot-spots. Approximately 150 fly-tips are cleared from PROW by the Waste Team each year. The Waste Team would have to lead on measures to reduce fly-tipping.

<u>ROWIP Objective</u>	<u>ROWIP Objective Number</u>	<u>Progress to March 2015</u>
occur.		
Investigate improved sustainable procurement practices.	ROWIP 16	Sustainably-sourced wood is stipulated and recycled surfacing material used where possible. Vigilance will continue in the field of procurement.
Introduce improved environmentally-sustainable working practices, which also protect and enhance biodiversity and historic landscape and features.	ROWIP 17	A checklist has been compiled of environmental aspects to consider when carrying out practical works. Volunteers carry out ecological surveys prior to some maintenance projects. PROW staff and volunteers have been trained in basic habitat identification. There is a need to work in the context of the Biodiversity Action Plan. A survey is needed to assess what needs to be managed or protected on PROW. The Local Nature Partnership may be able to assist.
Increase the availability of PROW / access information and promotional material and explore greater use of a wider range of formats, to compliment relevant work carried out by others.	ROWIP 18	Work on improved use of electronic media and a more interactive web site are particular priorities for the future. The Bradfield recreational route is being reprinted and redesigned. The work will then extend to the other existing WBC walks and rides publications. There are no plans to increase the number of publications, but to ensure that the existing product is provided to a high standard (including maintenance of the routes on the ground). Parishes are assisted by checking the content of their promotional material.
Produce published material to provide information about PROW / access and about the responsibilities of PROW users, landowners and other bodies.	ROWIP 20	Some material is on the web site. Greater efforts are needed at dissemination of the information more widely. Social media might be considered.
Produce a formal policy for the management of vehicular use and vehicular surfaces, with the aim of improving the condition of PROW used by recreational vehicles.	ROWIP 21	Policy approved by ID in March 2014.
Seek to promote, improve and create (where necessary) safe and commodious links between, within and around population centres, rural and urban facilities, attractions and transport interchanges.	ROWIP 25	BBOWT is submitting a report to its Trustees on the proposed Snelsmore to Chieveley bridleway link.
Implement measures to ensure that all gates on equestrian routes are easily-openable from horseback, using best practice gate and latch designs and gate configurations. Consider the	ROWIP 33	Concerted work to start in 2015/16 with a target of 20 gate improvements per year. The British Horse Society has been consulted and has been helping to identify suitable locations. The project has been delayed due to national uncertainties over the best designs of gates to use.

<u>ROWIP Objective</u>	<u>ROWIP Objective Number</u>	<u>Progress to March 2015</u>
installation of mounting blocks where dismounting cannot be avoided.		
Increase the numbers of PROW signposts indicating destinations, distances and local attractions.	ROWIP 34	Some signposts already show these from an old project with parish councils. There may be scope to produce such signs where replacement is needed and the information would be useful. Some authorities, e.g. Herts, have much information on every signpost (e.g. path number, destination and mileage). An investigation revealed that the signs cost about twice as much to produce as those with basic status information. There are no plans for any major progress at present due to staff resource constraints and the higher priorities of statutory duties. There is also a question over the practical usefulness because the signage would often have to continue each time at several points beyond the roadside.
Improve the signage of PROW in and around West Berkshire's countryside sites.	ROWIP 35	The 2014/15 BBOWT Access Audits have addressed this to a large extent.
Identify routes and circuits which are suitable for promotion for use by those with restricted mobility, including within countryside sites. Promote and sign the routes in terms of grading and carry out works, where needed.	ROWIP 38	A scheme has already nearly been completed in Purley, but has stalled due to a landowner objection. Another priority location needs to be identified, preferably in the urban fringe so as to provide maximum benefit.
Arrange formal rights of way training for parish public rights of way officers, parish plan teams and voluntary groups.	ROWIP 48	Advice sheets have been sent to parish councils on several occasions. There appears little cause for concern at present and therefore this can be a lower priority objective. Advice has also been added to the WBC PROW web site. There are few requests for training from parishes but the PROW team would be willing to meet any such requests.
Investigate the feasibility of a grant scheme for access work by parish councils, parish plan groups and others, taking into account funding already available.	ROWIP 56	Successful schemes already run in Hampshire and Wiltshire. A cost/benefit analysis is required. Budgetary constraints following the 50% cut in the capital PROW budget means this is probably not a practical option at present.
Investigate opportunities for external and grant funding for PROW/ access projects.	ROWIP 58	Some AONB funding has been acquired in the past but effort needs to be made to source more. Possible promising sources might be the Greenham Common Trust, Landfill etc.
Complete and formally adopt an enforcement protocol.	Additional priority	A need has arisen for such a protocol, to help defend legal challenges. Work is almost finished and will also to incorporate our internally-agreed approach for dealing with electric structures on PROW.

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Equality Impact Assessment

Name of item being assessed:	Public Rights of Way (PROW) Case Programmes
Version and release date of item (if applicable):	March 2014
Owner of item being assessed:	Elaine Cox
Name of assessor:	Elaine Cox
Date of assessment:	10 March 2014

1. What are the main aims of the item? (What does the item try to achieve?)

Improvement of the public rights of way network and ensuring ease of use.

2. What are the results of your research?

Note which groups may be affected by the item. Consider how they may be affected and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

Group Affected	What might be the effect?	Information to support this
Older people	Inaccessible structures, e.g. stiles, and uneven PROW surfaces, exist on the PROW network. Some PROW may therefore be difficult to negotiate.	Work planning involves EIA and often consultation with local people, parish councils and the Local Access Forum
Physically disabled/ pregnancy and maternity	Inaccessible structures, e.g. stiles, and uneven PROW surfaces, exist on the PROW network. For the blind or partially-sighted, there may be trouble reading promotional information.	Work planning involves EIA and often consultation with local people, parish councils and the Local Access Forum
Race	For those who are unable to read English, some PROW signs and literature may be unclear.	Work planning involves EIA and often consultation with local people, parish councils and the Local Access Forum

Further comments relating to the item: Those managing the public rights of way (PROW) network are legally obliged to ensure that all PROW are maintained in a suitable condition for those who wish to use them. There is a network of 700 miles of

rural, urban and suburban PROW. When managing and maintaining this network, each PROW is considered on a case-by-case basis and reasonable adjustments are made to for access for the disabled.

3. What actions will be taken to address any negative effects?			
Action	Owner	By When	Outcome
Inaccessible structures, e.g. stiles, and uneven PROW surfaces, are to be removed/improved as part of the case programmes.	PROW team	Ongoing	A gradual improvement in accessibility across the network, with priorities in the case programme for replacement of stiles with gates and for identification of new routes for easy access by those with reduced mobility.
The case programme contains steps to introduce greater use of QR codes and interactive web pages, to benefit the partially-sighted and those unable to read English.	PROW team	Ongoing	There is a priority in the case programme for promotional work, so there will be an improvement in accessibility to such material.

4. What was the final outcome and why was this agreed?
 (Was the item adjusted, rewritten or unchanged? Refer to page 15 of *Meeting the Equality Duty in Policy and Decision Making* for more information.)
 N/A

5. What arrangements have you put in place to monitor the impact of this decision?
 N/A

6. What date is the Equality Impact Assessment due for Review?
 March 2015

Name: Elaine Cox

Date: 10/3/14