

Individual Decision



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

Wednesday 4 July 2018

Ref:	Title	Portfolio Member	Page No.
ID3439	Public Rights of Way Case Programmes	Councillor Jeanette Clifford	3 - 48



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Individual Executive Member Decision

Public Rights of Way Case Programmes

Committee considering report:	Individual Executive Member Decision
Date ID to be signed:	29 June 2018
Portfolio Member:	Councillor Jeanette Clifford
Forward Plan Ref:	ID3439

1. Purpose of the Report

- 1.1 To report progress on the Case Programmes for 2017/18 and to recommend Case Programmes for 2018/19.

2. Recommendations

- 2.1 To note progress in dealing with the cases assigned for 2017/18. To agree recommended cases for 2018/19.

3. Implications

- 3.1 **Financial:** none.
- 3.2 **Policy:** the PROW case programmes contribute to a number of objectives within the Council Strategy, particularly the economy, wellbeing, and infrastructure.
- 3.3 **Personnel:** none.
- 3.4 **Legal:** none.
- 3.5 **Risk Management:** none.
- 3.6 **Property:** none.
- 3.7 **Other:** none.

4. Consultation Responses

Members:

Leader of Council: Councillor Graham Jones.

Overview & Scrutiny Management Commission Chairman: Councillor Emma Webster.

Ward Members: all Members are affected.

Opposition Spokesperson: Councillor Alan Macro.

Local Stakeholders: Mid and West Berkshire Local Access Forum.

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

Trade Union: David Lowe.

5. Other options considered

- 5.1 Many public rights of way functions are statutory and so might potentially be subject to judicial review if not carried out. Some of the proposed Rights of Way Improvement and Path Orders work is discretionary.

6. Introduction/Background

- 6.1 The Council possesses statutory duties to maintain the public rights of way network; keep it open for public use; to record it and then to keep the records under continuous review (the 'Definitive Map' process). These duties have been translated into four public rights of way Case Programmes, concerned with 'Maintenance and Improvement', 'Enforcement', 'Path Orders', and the 'Rights of Way Improvement Plan'.
- 6.2 **The Maintenance and Improvement Case Programme** is concerned with ensuring that the Council complies with its statutory duty to keep the standard of public rights of way suitable for the public use which is made of them.
- 6.3 **The Enforcement Case Programme** is concerned with ensuring that the Council complies with its statutory duty to ensure that the network remains free from obstruction and interference.
- 6.4 **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.
- 6.5 The Council 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.

7. Supporting Information - details of the four existing Case Programmes

- 7.1 **Maintenance Case Programme.** This is drawn up each year from requests and complaints from the public, plus surveys, and includes strategic improvements which enhance the network in accordance with the objectives of the Rights of Way Improvement Plan. It also contains lists of routine tasks required each year.
- 7.2 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. It also lists records of routine annual work such as signposting, vegetation clearance, volunteer tasks, stiles/gates and minor drainage. A working version is updated continually as new requests and needs come to light.
- 7.3 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 other maintenance work is carried out by the team of rights of

way Rangers, e.g. vegetation clearances, routine drainage maintenance, and winter signposting. Volunteers also carry out simple tasks to keep the network open and easily useable.

- 7.4 **Enforcement Case Programme.** The Council possesses extensive legal powers to assist it to carry out enforcement work if necessary. This Case Programme is compiled from complaints from the public, surveys, and problems noted by officers, and includes only the large and involved specific cases. 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.
- 7.5 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. Because of the constantly-changing nature of this work, these items are recorded on the Case Programme as 'general obstructions.' The prioritisation matrix used is attached at Appendix A.
- 7.6 The progress for the Case Programme 2017/18 is represented at Appendix C1, and the proposed Case Programme is shown at Appendix C2.
- 7.7 **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.
- 7.8 Appendix D1 lists all path order cases which have been dealt with in 2017/18. Completion is regarded as reaching the WBC decision stage (a public inquiry might follow, which is outside our control). Appendix D2 lists the path order cases proposed for 2018/19 and Appendix D3 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.
- 7.9 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.
- 7.10 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.

- 7.11 In addition to the cases, there has been a completed 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. The Definitive Map will need to be republished at the new scale following the re-digitisation.
- 7.12 **Rights of Way Improvement Plan Case Programme.** 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 have been contacted to explain this legislation, and were 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.
- 7.13 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 the proposed manageable number are identified by a ** in the table of all 63 objectives (Appendix E).

8. Conclusion

- 8.1 Progress on the Rights of Way Case Programmes has been set out in this report together with the recommended Case Programmes for 2018/19.

Background Papers:

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.

Subject to Call-In:

Yes: No:

Officer details:

Name: Elaine Cox
Job Title: Senior Rights of Way Officer
Tel No: (01635) 519069
E-mail Address: Elaine.Cox@westberks.gov.uk

9. Appendices

- 9.1 Appendix A – Priority matrix.
- 9.2 Appendix B – Maintenance and Improvement Case Programme.
- 9.3 Appendix C1 – Enforcement Case Programme 2017-18.
- 9.4 Appendix C2 – Enforcement Case Programme 2018-19
- 9.5 Appendix D1 - Legal Order case list 2017-18.
- 9.6 Appendix D2 - Legal Order case programme 2018-19.
- 9.7 Appendix D3 - Remaining Legal Order cases 2018+.
- 9.8 Appendix E – Rights of Way Improvement Plan Case Programme.
- 9.9 Appendix F - Data Protection Impact Assessment.
- 9.10 Appendix G - Equalities Impact Assessment.

Appendix A - PUBLIC RIGHTS OF WAY MAINTENANCE AND ENFORCEMENT

Add your ratings for each parameter in this column

PROW Priority Matrix Calculator Spreadsheet

	Factor	Circumstances which would produce a score of 0	Circumstances which would produce a score of 5	Score for your path	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 or a survey / 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 CASE PROGRAMME

Work proposed for 2018/19

Bucklebury Byway 11 – make safe for horses – deep ruts.

Bucklebury Byway 49/7 - 4WD damage on Bucklebury Common. Small section yet to do.

Bucklebury Byway 39/2 – 4WD damage on Bucklebury Common.

Bucklebury Byway 48 - N end to Fairchilds, and sloping part on slope just S of Fairchilds.

Bucklebury / other - summer levelling etc works in conjunction with seasonal TRO.

Burghfield Footpath 18 – Chapel Path – parish to do work, WBC to fund.

Catmore Bridleway 3 and Byway 1 – work needed as we open up Byway 1, which has been obstructed for many years.

Chieveley Byway 49 – Grundon need to reinstate the route across the quarry, as promised.

Inkpen Restricted Byway 49/3 – Bitham Lane - gullying and dangerous crack at junction with Byway 48.

Kintbury Footpath 37/5 – canal towpath – bank and surface work needed, liaise with CRT.

Newbury Footpath 22 – SSSI and EA (check) consent needed.

Purley Footpath 4/2 – path down to lock, dip in field – there used to be a bridge.

Shaw Bridleway 3/1 – north of junction with Red Lane – aggregate through slurry area.

Shaw Footpath 18/2 – Honeybottom – gate to be improved to conclude improvement works.

Standford Dingley Byway 23/1 – very muddy section.

Stratfield Mortimer Fairground footpaths – muddy areas by gates. Ask parish if will contribute

Streatley Footpath 21 – use flood money ? Chase Volker or Highways engineers about how to do a feasibility study.

Streatley Footpath 25 – Thames Path - resurfacing past Cleeve Court, working with National Trails Office.

Thatcham Footpath 10 - off Tull Way – raise path to avoid flooding.

The Ridgeway National Trail – the annual survey and works to keep the Trail up to the Surface Standard as agreed with Natural England. Consider chalk grassland study going on, contact them about ecological considerations generally. Also Bury Down - good for bird life.

Theale Footpath 7 - near kissing gate – deteriorating. Revisit to see if work required yet.

Tilehurst Footpath 7 – off Little Heath Road – extremely muddy and waterlogged.

Winterbourne Restricted Byway 10/1 across Snelsmore Common. Muddy and in a gully, a request from BBOWT to improve for all users.

PROW USED FOR ACCESS TO LAND AND PROPERTY – ‘RESIDENTIAL ACCESSES’ – *solution needed either from WBC or in liaison with residents, depending on status and circumstances.*

Aldworth Byway 19 – fill holes only /level off.

Beenham Byway 1 – Clay Lane - southern end residential access. Work done 2017 hasn't held up.

Beenham Byway 1 – Clay Hill - northern end – section of tarmac and section of aggregate needed.

Bradfield Byway 5 – Heath Road.

Bucklebury Byway 5/2 – requires site visit.

Chieveley Byway 29 – Curridge Green – requires site visit.

Chieveley Byway 42 – Sandy Lane – requires site visit.

Frilsham Byway 2 - level off central ridge and remove hardcore.

Hungerford Byway 53 – western end repairs once highway drain has been unblocked.
Newbury Footpath 19/1 – Fifth Road – potholes in footpath caused by residential use.
Sulhampstead Bridleway 4 – potholed tarmac – get quotation for tarmac and let residents know.

FUNDING

Check with Gabrielle Esplin for CIL money for PROW.

WORK PROMISED FOR 2019/20

Compiled as year progresses.

LOWER PRIORITY - TO REVIEW

Aldworth Byway 11/2 – deep surface gullying.
Cold Ash Footpath 15 - ‘Siskin House’ – flooding of adjacent properties – work to prevent, working in liaison with Highways, and Planning.
Enborne Byway 12A – major drainage and surface works needed.
Farnborough Restricted Byway 15/3 – repair of soft spots as part of vehicle management work.
Hungerford Footpath 41/3 – very muddy in low area.
Pangbourne Footpath 17/1 - muddy, a popular path by river.
Stratfield Mortimer Byway 7 – potholes in residential access. *Still needed ?*

OTHER

Install concrete aprons around Kent Carriage Gaps.
Sustainable practices - find out about appropriate materials to use in woodland environments, use appropriate materials for all environments. Consider ecological surveys where appropriate
Signs needed - ‘uneven surface’ for residential accesses – see quote information 14/1/14.
Damage or hazards due to badger setts – as they arise.

MONITOR

Aldworth Byway 9 / Ridgeway link to Warren Farm access –monitor pro-actively once every 3 months, keep photos and dates of inspection. Inform Warren Farm residents of dates of inspection and results. Also we have agreed to provide aggregate for Warren Farm residents to use to maintain the access ROWs and for ‘reasonable use’ for driveway maintenance.

LIGHTING COLUMNS ON PROW – MAINTENANCE REQUIRED

Bridleway 11 Tilehurst – Spring Lane.

PROW RANGERS - ONGOING ANNUAL WORKS

Winter signposting project.
Summer vegetation clearances and routine clearance schedule.
Winter clearances.
Volunteer group site preparations.
Step construction and maintenance and annual survey.

Tree clearances.
Gate deliveries.
Stile and gate maintenance.

PROW RANGERS – ROUTINE SURFACE GRADING AND ROLLING

Possible list to be compiled following possible purchase of grader box.

PROW RANGERS – SEASONAL BOLLARD REMOVAL / REPLACEMENT FOR TROs

Beedon Byway 22 – south of Hailey Lane – seasonal TRO required central post to be removed end May and replaced end September.

Hermitage Restricted Byway 1 - Fence Lane – lock and unlock gate for seasonal TRO.

PROW RANGERS - ROUTINE CARRIAGE GAP MAINTENANCE

Vegetation clearance around bollards following installation of anti-vehicle Carriage Gaps on various Restricted Byways and other paths: Also inspections to check condition of structures and warning signs. Photos need to be taken of the cleared vegetation and signs.

Aldermaston	Bridleway 4/1 west end near Raghill road.
Aldworth	Byways 9, 10/5, 10/6 and Streatley Byway 20/1 .
Ashampstead	Restricted Byway 33/1 – western end at B4009 – CARE FAST ROAD .
Basildon	Byway 13A/1 Adders Lane west of junction with Yattendon Rd.
Beedon	Byway 22 South of Hailey Lane – north and south ends.
Brightwalton	Restricted Byway 9RB/1 – north of junction with Coombe Hill Rd to Farnborough House .
Catmore	Restricted Byway 9/2 north of Catmore Road junction.
Chaddleshott	Bridleway 6/1 near junction with A338 – CARE FAST ROAD .
Chaddleshott	Restricted Byway 7/1 & 7/2 at Woolley Down Cottages and Parish Boundary .
Chieveley	Restricted Byway 13/1 just west of junction with Footpath 40 near Ash Row .
Chieveley	Restricted Byway 18/1 at Oxford Rd and Restricted Byway 18/3 at arable field entrances 448585 175850 and Restricted Byway 18/6 at Bradley Court Cottages .
East Garston	Restricted Byway 1/7 two sets on Chalk Lane near Jimmies Farm .
East Garston	Restricted Byway 5/1 & 5/3 one east of Grange Farm , one on Washmore Hill .
East Ilsley	Restricted Byway 34/1 just east of junction with Ashridge Farm track.
Farnborough	Byway 10/1 north end where Byway 10/1 finishes at a dead end with Restricted Byway 15 at Whiteshute Row wood.
Farnborough	Restricted Byway 15/2 west end near junction with Footpath 2/1 by water tower and 15/3 just east of junction with Bridleway 18 .
Hampstead Norreys	Restricted Byway 29/1 at south end junction with C road from Four Elms to Worlds End.
Hermitage	Footpath 16/1 south end with Marlston Road .
Lambourn	Bridleway 49/1 two locations south of Cleeve Wood – junction with Byway 47 and Footpath 11 .
Lambourn	Bridleway 58/1 at junction with private drive to Park Farm – CLIENT OF CONCERN land.

Lambourn	Bridleway 69/3 southern end of Long Ground Border, south of Inholmes .
West Ilsley	Restricted Byway 2/1 south of junction with Copperage Road .
Winterbourne	Bridleway 14/4 Pebble Lane; one south of junction with Footpath 13/3 and Bridleway 14/4 one north of junction with Footpath 16/2 .
Winterbourne	Bridleway 6/1 near junction with B4494 Wantage Road .

DRAINAGE GRIPS

PROW RANGERS - GRIPS TO KEEP CLEAR & VISIBLE.

Chieveley Byway 42 - Sandy Lane Curridge.

Chieveley Byway 26 - Doctors Lane Hermitage.

Aldworth Byway 9 - in low areas to the east.

Inkpen Byway 49/4 - Bitham Lane. One only at lower end.

The Ridgeway throughout (included in the annual maintenance programme).

Lambourn Byway 55/4 - Farncombe Farm.

PROW RANGERS – GRIPS TO BE CUT & KEPT CLEAR & VISIBLE.

Lambourn Byway 42/2 - Eastbury Grange.

Lambourn Byway 57/2.

Lambourn Byway 63/1 - Seven Barrows.

Lambourn Byway 47/3.

Thatcham Bridleway 25/1 - Highfield Farm.

Bucklebury Byway 11/2.

PROW RANGERS - other grips

Lambourn Byway 38/2.

Welford Footpath 17/1, by the waymarker on the bend.

Lambourn Byway 48/2.

Lambourn Byway 47/3.

Appendix C1 PROW Enforcement Case Programme 2017/18

MAJOR SPECIFIC SITE CASES					
Officer	Case	Summary of issue	Target	Action taken	Complete/ carry forward
JT	Lambourn BW60 sarsens, gates, vehicles obstructing.	Trip/ impact/ hazard. Client of Concern.	Complete in 2017/18 (+ adjoining paths in Oxon)	Legal advice sought, letter sent. TVP, NE & Oxon CC contacted. Sarsens etc. remain in spite multi-agency approach. Site attended with TVP. Farmer warned. Carriage gap requested.	No action by Oxon CC For 2018
JT	Lambourn BW61 ploughing.	Byway unavailable.	Aim to deal by harvest time 2017. (+ adjoining paths in Oxon)	Warning letters sent. NE & Oxon CC contacted. Tied in with BW60.	No action by Oxon CC For 2018
SJ	Catmore BW1 ploughing / obstruction	Byway unavailable.	Aim to complete by end of March 2018.	Byway to be re-opened across the field, landowner informed. Surfacing works are required on sections of the byway and an adjacent bridleway.	Byway not cultivated 2017/18 but obstructed
JT	Boxford FP17 large pond excavated, trees planted.	Definitive line unavailable, unofficial line inconvenient.	Decide on appropriate action 2017/18. Common law right to deviate.	Enforcement action stalled from several years ago – diversion may be needed, but landowner highly resistant. Not picked up 2017.	Using Common Law right to deviate - Rangers to clear 2018
EC	East Ilsley BR15 horse injury on steel posts.	Trip/ laceration/ impact hazard.	Aim to complete by end of March 2017.	Steels removed, but replaced with gate posts on slope.	WBC can remove or relocate posts
JT	Greenham FP6 Illegal vehicles.	Safety of public (and residents) on path.	Complete in 2017/18.	WBC to install anti-vehicle barrier in 2017. Member and TVP involved. Landowner agreement finally granted 2017.	Completed

Appendix C1 PROW Enforcement Case Programme 2017/18

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Officer	Case	Summary of issue	Target	Action taken	Complete/ carry forward
JT	Beenham BR 15	Obstructed definitive line (alternative permitted BR but have been problems there).	Complete in 2017/18.	Gates occasionally locked in 2017, but permitted path open without problem. Officers to interview l/o under caution if necessary.	No complaints 2017
JT	Shaw FP 19	Crop obstruction – June 2017	14 days	Legal Notices served on all Title holders. Contractor lined up. 11 th hour compliance.	Completed
JT	Shaw FP 19	Hazardous bale stack	Immediate	Passed to HSE who took enforcement action.	Completed

Appendix C1 PROW Enforcement Case Programme 2017/18

PROJECTS					
Count	Project	Summary of Issue	Actions required	Action taken / info.	Outstanding
35	General Obstructions Various locations throughout District.	Many erected by farmers/ landowners to prevent illegal vehicle access.	Site visit. Make initial contact. High priorities to go to specific site cases.	Ongoing area of work, new cases coming in all the time.	18
4	Intimidation Person/ animal/ notice.	Safety of users, availability of network.	Police, landowners contacted as necessary.	Ongoing area of work.	0
9	Illegal vehicles – non motor routes Various Bridleways and & Restricted Byways especially in Downlands.	Safety hazard, surface damage. Police involvement.	Ongoing area of work in Bucklebury Common, Farnborough and East Garston areas. Kent Carriage Gaps installed during winter months on routes identified. Action days with Police to be organised periodically during autumn and winter months.	Carriage gaps installed, signage installed, camera traps installed at various sites. Liaison with Police.	1
18	Illegal vehicles - Byways	Landowners are asking for WBC to limit public use by vehicles. Safety concern.	Police to lead. Some WBC actions might arise from Police requests for new structures or closures.	Trial closure of selected Byways in Bucklebury and Lambourn over Winter 2017 to protect surface. Liaison with Police.	0
40	Stiles and gates project	Need to increase accessibility of the network for less agile or disabled users.	Stile complaints inspected within 3 weeks of complaint. Enforcement action taken or gate kits delivered for l/o installation. Or added to volunteer list.	Ongoing area of work replacing stiles with more user-friendly structures esp. on well-used routes. Currently 1 gate installed per month by the Ramblers' Work Party / gate kits supplied to landowners.	0
2	Electric gates	Liability on WBC / public accessibility.	Research histories. Enforcement as necessary.	Ongoing area of work, new cases come in occasionally. Expert Barrister advices sought on those which are Limitations.	2

Appendix C1 PROW Enforcement Case Programme 2017/18

1	Electric fences	Safety of public.	Inspected or landowner contacted on receipt of complaint within 24 working hours of complaint.	Ongoing area of work. Tends to be seasonal, and temporary.	0
6	Fence encroachment	Safety of users, loss of path.	Landowners need to be contacted.	Ongoing area of work.	1
23	Cropping	Network problem affecting ~300 paths.	Spring round- robin letter. Enforcement of complaint if required.	Ongoing area of work. Seasonal.	5
11	Ploughing	Network problem affecting ~300 paths.	Autumn round- robin letter. Enforcement of complaint if required.	Ongoing area of work. Seasonal.	5
152	Visual tree inspection project	Safety of users, particularly on popular routes and routes to school.	The high-priority tree-lined routes must be identified and surveyed. Works needed and/ or contact landowners.	The high-priority tree-lined routes have been identified and surveyed. 10 Top Tier Urban routes & 9 Rural Service Centre school routes surveyed. School Route inspections complete. WBC works largely completed, some enforcement required in 2018.	<10
117	Landowner tree problems	Safety of users, obstructions.	Landowners contacted.	Ongoing area of work.	36
68	Overhanging vegetation	Boundary vegetation can obstruct PROWs, but it is the responsibility of the landowner.	Landowners/ farmers contacted in Autumn round- robin letter, and householders contacted following inspection of problem.	Ongoing area of work, best resolved over Autumn & Winter.	21
5	Badger Setts	Damage to surface.	Liaise with Natural England over where action can and can't be taken. Cordon off or close PROW where there is a hazard and where action can't be taken.	Licences required for works disturbing setts. One sett worked on autumn 2017. Small number of paths closed over winter for public safety. Work planned for 2018.	2
6	Streetworks Failures	Surface damage, WBC liability and maintenance risk	Contact utilities, issue failure Notices in conjunction with Streetworks Team.	Gigaclear liaison meetings ended. Subcontractors contacted on site. PROWs being added to Streetworks Gazeteer.	3

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SJ	Catmore BW1 ploughing / obstruction	Byway unavailable.	Aim to complete by end of 2018.	Byway not cultivated 2017/18 but obstructed . Surfacing works are required on sections of the byway and an adjacent bridleway.	
JT	Boxford FP17 large pond excavated, trees planted.	Definitive line unavailable, unofficial line inconvenient.	Use common law right to deviate.	Using Common Law right to deviate - Rangers to clear 2018	
EC	East Ilsley BR15 horse injury on steel posts.	Trip/ laceration/ impact hazard.	Aim to complete by end 2018.	Steels removed, but replaced with gate posts on slope. WBC can remove or relocate posts.	
JT	Beenham BR 15	Obstructed definitive line (alternative permitted BR but have been problems there).	Complete in 2018.	Gates occasionally locked in 2017, but permitted path open without problem. Officers to interview l/o under caution if necessary.	
JT	Shaw FP 19	Repeat crop obstruction and heavily poached surface.	Pair of Officers to attend with TVP for corroboration.	Interview under caution?	Spring/ Summer 2018

MAJOR SPECIFIC SITE CASES					
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	Intimidation Person/ animal/ notice.	Safety of users, availability of network.	Police, landowners contacted as necessary.	Ongoing area of work.	
	Illegal vehicles – non motor routes Various Bridleways and & Restricted Byways especially in Downlands.	Safety hazard, surface damage. Police involvement.	Ongoing area of work in Bucklebury Common, Farnborough and East Garston areas. Kent Carriage Gaps installed during winter months on routes identified. Action days with Police to be organised periodically during autumn and winter months.	Carriage gaps installed, signage installed, camera traps installed at various sites. Liaison with Police.	
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	Stiles and gates project	Need to increase accessibility of the network for less agile or disabled users.	Stile complaints inspected within 3 weeks of complaint. Enforcement action taken or gate kits delivered for l/o installation. Or added to volunteer list.	Ongoing area of work replacing stiles with more user-friendly structures esp. on well-used routes. Currently 1 gate installed per month by the Ramblers' Work Party / gate kits supplied to landowners.	
	Electric gates	Liability on WBC / public accessibility.	Research histories. Enforcement as necessary.	Ongoing area of work, new cases come in occasionally. Expert Barrister advices sought on those which are Limitations.	

Appendix C2 PROW Enforcement Case Programme 2018/19

	Electric fences	Safety of public.	Inspected or landowner contacted on receipt of complaint within 24 working hours of complaint.	Ongoing area of work. Tends to be seasonal, and temporary.	
	Fence encroachment	Safety of users, loss of path.	Landowners need to be contacted.	Ongoing area of work.	
	Cropping	Network problem affecting ~300 paths.	Spring round- robin letter. Enforcement of complaint if required.	Ongoing area of work. Seasonal.	
	Ploughing	Network problem affecting ~300 paths.	Autumn round- robin letter. Enforcement of complaint if required.	Ongoing area of work. Seasonal.	
	Visual tree inspection project	Safety of users, particularly on popular routes and routes to school.	The high-priority tree-lined routes must be identified and surveyed. Works needed and/ or contact landowners.	The high-priority tree-lined routes have been identified and surveyed. 10 Top Tier Urban routes & 9 Rural Service Centre school routes surveyed. School Route inspections complete. WBC works largely completed, some enforcement required in 2018.	
	Landowner tree problems	Safety of users, obstructions.	Landowners contacted.	Ongoing area of work.	
	Overhanging vegetation	Boundary vegetation can obstruct PROWs, but it is the responsibility of the landowner.	Landowners/ farmers contacted in Autumn round- robin letter, and householders contacted following inspection of problem.	Ongoing area of work, best resolved over Autumn & Winter.	
	Forestry Works	Traffic management often lacking/ poor. Failure to liaise with WBC. Surface damage.	Landowners/ Forester to be contacted as necessary.	Advice from Streetworks given. Industry guidance collated.	
	Streetworks Failures	Surface damage, WBC liability and maintenance risk	Contact utilities, issue failure Notices in conjunction with Streetworks Team.	Subcontractors contacted on site. PROWs being added to Streetworks Gazeteer.	

Public Rights of Way: Legal Order cases for April 2017-2018

Case Type*	Title	Parish	Ward	Description
PPO	Bucklebury 138 Public Footpath diversion proposal	Bucklebury	Bucklebury	An obstructed public footpath, blocked by two fences and a pond by the previous landowner. The new landowner is seeking to create a new route through the copse to the east and is prepared to physically create a new public footpath route to accommodate it. Matter to be investigated to see if long-standing issue can be resolved to benefit of all parties. DECISION to make Order made 6th December 2017. Order to be drafted.
PPO	Fawley 10 public bridleway	Fawley	Downlands	Diversion of public bridleway from tarmac driveway and electric security gates onto a new route a few metres to the south with a more suitable non-tarmac surface. Decision report drafted. DECISION to make order, 1st February 2018. **Landowner has not been in contact to agree final details**
DMMO	Saltney Mead claimed public footpath	Pangbourne	Purley-on-Thames	Claimed public footpath to investigate, over old track to the west of Springs Farm - recently fenced off. Lots of user evidence. Landowner to oppose. Investigation and determination required. DECISION made 22nd May 2018.
DMMO	Route running parallel, and west of, the Sul Brook, claimed public footpath	Pangbourne	Pangbourne & Purley-on-Thames	Claimed public footpath west of Sul Brook linking to Thames Path. Matter investigated. DECISION made 22nd March 2018 NOT to make an order.
DMMO	Springs Farms claimed public footpath	Purley-on-Thames	Pangbourne & Purley-on-Thames	Claimed public footpath to investigate between Sul Brook and Pangbourne Meadow, linking to Thames Path. Investigation and determination required. Landowner evidence received 9th November 2017 and requires assessment. DECISION made 22nd May 2018.
PPO	Shaw-cum-Donnington 20 public footpath	Shaw-cum-Donnington	Speen	Diversion of public footpath from private vehicular driveway alongside Walnut Cottage onto a new field edge route with good views of the surrounding countryside - will re-route the path out of electric security gates. Order made and unopposed. CONFIRMED & IN EFFECT 7th March 2018.
	Old cases needing further attention			
DMMO	B4001 to Oldings Road, Lambourn – claimed public footpath* outstanding from 2016-2017 case list	Lambourn	Lambourn Valley	Decision made 3rd October 2017 NOT to make an order as there is insufficient evidence. Route runs east from the B4001, over field immediately north of the M4, running east onto Oldings Hill (a cul-de-sac public road). No appeal made.
PPO	Public Footpath Welford 16, Elton Farm, Weston - diversion application - outstanding from 2016-2017 case list	Welford	Kintbury	Application to divert public footpath out of old farm yard onto a more direct route with better views to the north-east. Applicant will cover costs. Consultations made - deadline for comments 18th July 2016. An objection has been raised. CASE ON HOLD whilst landowner considers whether to proceed in light of the objection.
DMMO	Tilehurst - Calcot Centre to Farm Drive claimed public footpath	Tilehurst	Birch Copse	WBC has decided to make an order to record this route as a public footpath. The landowner may not object, but certain tree maintenance works may be required. WBC is to encourage owner to carry out tree maintenance as there are various informal access routes used by the public. Aim is to avoid landowner objection that would lead to a costly Planning Inspectorate determination.
DMMO	Thatcham, field between Lower Way and Nature Discovery Centre - 2 claimed public footpaths	Thatcham	Thatcham West	WBC has decided to make an order to record two public footpaths across this field. The landowner has indicated that although they do not oppose these two paths in principle, they would object to a formal order because applications for additional routes, unwanted by the owner, are expected. Attempts to encourage the owner to instead sign a dedication agreement have been made to avoid two costly Planning Inspectorate determinations.

*DMMO = Definitive Map Modification Order case (i.e to prove/disprove existence of a public right of way)

*PPO = Public Path Order case (e.g. diversion, creation or extinguishment)

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From webpage: <http://info.westberks.gov.uk/index.aspx?articleid=28887>

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Case Type*	Title	Parish	Ward	Description
DMMO	Cold Ash 18 width case	Cold Ash	Cold Ash	A case to define a legal width for public footpath Cold Ash 18 in light of a fence narrowing part of it to 1 metre in 2017.
PPO	Beech Hill public footpath 5	Beech Hill	Mortimer	Application to divert public footpath Beech Hill 5 from Priory Farm to a route across farmland to the west
PPO	Westrop Woods package	Bucklebury	Bucklebury	A proposed set of diversions/extinguishments and creation that will improve public rights of way through Westrop Wood
DMMO	Beenham Grange claimed public footpath	Beenham	Sulhamstead	A claimed public right of way linking Byway Open to All Traffic Beenham 1 and Public Bridleway Beenham 7 through Beenham Grange
PPO	Bucklebury, Broad View Farm	Bucklebury	Bucklebury	Diversion of public right of way for current landowner to resolve a longstanding obstruction created by previous landowner
GENERAL	Publish new Definitive Map and Statement	All	All	Republish the West Berkshire Council Definitive Map and Statement, last published January 2000
DMMO & PPO	Initial assessments of new queries and proposals as they come in	All	All	Many proposals come in each year. These will be assessed and preliminary investigation carried out if the legal criteria are considered to be met. Further progress will only be made if the Council decides that they should be escalated onto the 2018-2019 priority case list.
	Old cases needing further attention			
DMMO	Tilehurst - Calcot Centre to Farm Drive claimed public footpath	Tilehurst	Birch Copse	WBC has made a decision to make an order to record this route as a public footpath. The landowner may not object, but certain tree maintenance works may be required. WBC is to encourage owner to carry out tree maintenance as there are various informal access routes used by the public. Aim is to avoid landowner objection that would lead to a costly Planning Inspectorate determination.
DMMO	Thatcham, field between Lower Way and Nature Discovery Centre - 2 claimed public footpaths	Thatcham	Thatcham West	WBC has made a decision to make an order to record two public footpaths across this field. The landowner has indicated that although they do not oppose these two paths in principle, they would object to a formal order because applications for additional routes, unwanted by the owner, are expected. Attempts to encourage the owner to instead sign a dedication agreement have been made to avoid two costly Planning Inspectorate determinations.

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Public Rights of Way
Modification and Path Orders, 2018+ Remaining cases

	Ward	DMMO or PPO*	Case Title	Proposal	Applicant	Receipt date	Notes
1	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. Low priority. No material benefit for walkers.
2	Aldermaston	PPO	Public Footpath Aldermaston 15	Diversion/extinguishment	WBC (or developer possibly if planning permission granted)	n.a.	Path has been blocked since the early 1960s due to development of the extension, which was blocked by a housing estate (now in Hampshire) - extension was extinguished by Hampshire in 2017 but the WBC remnant it there. Development proposed that may actually link legal line to a continuation route.
3	Aldermaston	PPO	Public Footpath Brimpton 4 and Woolhampton 16	Diversion/Enforcement	WBC	n.a.	The public footpath has been flooded following mineral extraction work, and needs major work to reopen the legal line, or needs the owner/mineral extraction company to fund a diversion order.
4	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
5	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
6	Bucklebury	PPO	Public Footpath Stanford Dingley 9	Diversion	WBC	n.a.	There has been a longstanding alternative route signed as a public footpath with three gates/stiles already in place. Ramblers and Open Spaces Society happy.
7	Burghfield	PPO	Public Footpath Burghfield 5	Diversion/Enforcement	Mineral Extraction Company	n.a.	The path has been quarried and has been flooded by a lake for several years. Was there ever a temporary diversion? Make the landowner resolve this matter by providing a new route and funding a diversion, or by reopening the legal path alignment.
8	Calcot	DMMO/P	Claimed/desired public footpath	Record public footpath through 20yrs use, or creation agreement/order	Holybrook Parish Council	n.a.	Request for long used route to be recorded as public footpath between Sharnwood Drive and A4 (Bath Road) immediately west of the new Lidl on the Bath Road, Reading
9	Chieveley	DMMO	Byway Open to All Traffic Chieveley 49	Record a Byway on the Definitive Map and Statement	WBC	n.a.	Path was temporarily stopped-up (12 years) for mineral extraction - this expired in 2008 but the order was worded to create the new route without ever extinguishing it. Informal consultation shows that one landowner would dispute this interpretation. Make an evidential DMMO? Check with Legal team for a formal WBC viewpoint
10	Clay Hill	DMMO	Claimed/desired public footpath	Record a public footpath along existing track	none	n.a.	Request to record public footpath on west bank of River Lambourn, running north from A4 alongside Newbury Business Park
11	Cold Ash	DMMO	Cold Ash 18	Record width for this public footpath	none (Councillor Garth Simpson interest)	n.a.	Landowner has fenced a part of the route to a width of only 1 metre, making it inconvenient for walkers as it was previously around twice as wide. Local walkers have given evidence about the width of the route. Councillor Garth Simpson has been awaiting a local resident to submit a formal application to WBC for an order to record a width.
12	Greenham	PPO	Claimed/desired public footpath	Agree public footpath between developments	none (Planning matter)	n.a.	Agree a new public footpath across land owned by two developerts between Greenham Road and St. Mary Church, New Road, Greenham. Request from a Council committee.
13	Inkpen	PPO	Public Footpath Inkpen 26	Diversion (unless clear legal document can be found to record actual used route)	WBC	n.a.	The legal line does not reflect the longstanding path built when Robins Road (and extension) was built. Check to see if there is a legal document that was wrongly recorded on the Def Map, or else make a diversion order onto longstanding route.
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. Local Open Spaces Society has indicated an objection on the basis that the existing route through the farmyard is more varied and interesting.
15	Lambourn Valley	PPO	Blind Lane, Lambourn	Regularize PROWs by diversion/creations	WBC	n.a.	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.
16	Mortimer	PPO	Public Footpath Beech Hill 5	Divert public footpath for benefit of landowner, with public benefit too		n.a.	Request from landowner to divert public footpath Beech Hill 5, which runs through a busy farm yard, after thieves stole her mobility scooter from the path.
17	Mortimer	DMMO	Three estate paths in Mortimer village	Request to record 3 public footpaths	Stratfield Mortimer Parish Council	expected	Three footpaths on estates on Mortimer village have no legal status. The parish council have been in contact and intend on submitted threee applications to WBC for order to record the routes a public footpaths.
18	Northcroft & Speen	DMMO	Speen/Newbury	DMMO	WBC	n.a.	Moor Lane, Hill Lane and Croft Lane are all 'Private Streets'. 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	Northcroft	DMMO	Donnington Square perimeter path	DMMO	pending	n.a.	A physical path has run around the outside perimeter of all the rear gardens of Donnington Square gardens for several decades. A local resident is keen to gather evidence and to have the route recorded as a public right of way.
20	Pangbourne	PPO	Pangbourne 10	Diversion	WBC	n.a.	longstanding unofficial/unintended diversion at Lower Bowden Manor
21	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.
22	Sulhamstead	PPO	Beenham 15	Diversion	Mr Nelson	01/05/2013	Divert onto an existing permitted bridleway away from farms and paddocks

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Appendix E

RIGHTS OF WAY IMPROVEMENT PLAN OBJECTIVES - PROGRESS

Key: PROW = 'public right(s) of way'; WBC = 'West Berkshire District Council'; AONB = 'Area of Outstanding Natural Beauty'

****Suggested priorities for 2018/19**

Rights of Way Improvement Plan (ROWIP) themes and objectives	ROWIP reference	Progress to date
A well-maintained and safe access network		
Produce a strategy to reduce the instances of laying of unauthorized tarmacadam surfaces on PROW and a policy to set out the District Council's approach to tarmacadam on PROW.	ROWIP 1	Need to spread the message via Land Charges searches, web site etc.
Carry out a complete condition survey of all Definitive PROW every five years.	ROWIP 2	Survey completed 2010. Lack of funds is preventing further surveys.
Investigate the feasibility of a limited scheme to remunerate landowners for carrying out repair, maintenance and improvement works on PROW.	ROWIP 3	
**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, and enforces against landowners when such growth impedes public access. A reminder to landowners about their responsibilities is sent in the annual autumn ploughing/cropping reminder letter.
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	Completed.
Produce a design and consultation protocol for the repair, replacement and installation of bridges on PROW.	ROWIP 6	A meeting has been held with the WBC Bridges section and a system is 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, and monitoring takes place. Particular attention is to be given to monitoring the new generation of resin-coated signpost fingers which contain the WBC logo within the arrow. We are monitoring the performance of newer signs. Taller signs are now used to prevent tampering.

Rights of Way Improvement Plan (ROWIP) themes and objectives	ROWIP reference	Progress to date
Remedy all unresolved PROW signage defects by the end of April each year.	ROWIP 8	
**Produce a prioritization scheme for physical works, vegetation clearance and enforcement on PROW.	ROWIP 9	A scheme of routine vegetation clearance has been in place for some years. A priority review is underway to take into account increased growth due to climate change, and an increase in on-line reports from the public.
A legally-recorded PROW network		
** 'Consolidate' and publish the Definitive Map and Statement in a clear and useable format.	ROWIP 10	Re-digitisation at 1:1250 scale is complete. There are plans to republish in 2017. The data needs to be added to the National Street Gazetteer, so that utility companies, etc. can see locations of PROW. New Definitive Map publication is planned for 2018/19.
**Each year to complete the processing of the annually-agreed list of applications for modification orders and path orders.	ROWIP 11	Completed each year. Any amendments to the programme are agreed by the Portfolio member.
Produce a published prioritization scheme for dealing with applications for modification orders and applications for path orders.	ROWIP 12	Completed.
**Carry out risk assessments for trees within PROW and formulate a prioritized plan of action to ensure the safety of PROW users.	ROWIP 13	Priority locations have been identified and works planned. Landowners are being contacted where relevant.
Consider appropriate legal mechanisms to recognise acquisition of cycling rights along urban footpaths.	ROWIP 14	Little progress. Recent thinking is that cycling may lead to restricted byway status. Should not install 'no cycling' signs where it is not known if the landowner objects. Sustrans may be of assistance.
An environmentally-sustainable access network		
**Implement methods to prevent fly-tipping and littering of PROW and also improved methods for clearance of litter and fly-tipping when instances occur.	ROWIP 15	The Furniture Project group clears litter from selected routes. Fly tipping strategy is the responsibility of the WBC Waste section. Tipping on PROW is cleared when accessible, otherwise contractors are needed. Approximately 150 fly-tips are cleared from PROW by the Waste Team each year. The Waste and PROW sections have used enforcement cameras at some hot spots.
**Implement 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

Rights of Way Improvement Plan (ROWIP) themes and objectives	ROWIP reference	Progress to date
<p>**Introduce improved environmentally-sustainable working practices, which also protect and enhance biodiversity and historic landscape and features.</p>	ROWIP 17	<p>procurement.</p> <p>To be done via a review of procedures and ongoing monitoring of environmental effects.</p> <p>A checklist has been compiled of environmental aspects to consider when carrying out practical works.</p> <p>PROW staff and volunteers have been trained in basic habitat identification.</p> <p>Consideration being given to the use of recycled plastics for certain purposes.</p> <p>More work is needed on the impacts on trees of different types of surfacing - liaison with WBC's Tree and Ecology sections is taking place. The new WBC-hosted Local Nature Partnership Officer may be able to assist.</p>
<p>Providing information / promoting the use of the access network</p>		
<p>**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.</p>	ROWIP 18	<p>Work on improved use of electronic media and a more interactive web site are particular priorities for the future, with improvements to the WBC on-line map already having been made.</p> <p>Many Parish Plan teams are producing promotional leaflets and WBC may assist with and fund them.</p> <p>Work is needed to re-design and print the set of 8 WBC walks and rides leaflets, and the two WBC riding routes.</p>
<p>Support parish councils and parish plan groups to increase the range and availability of promotional material for PROW / access.</p>	ROWIP 19	<p>Many Parish Plan teams are producing promotional leaflets. WBC officers have been told not to fund promotional work.</p>
<p>Education / encouragement of responsible behaviour</p>		
<p>**Produce published material to provide information about PROW / access and about the responsibilities of PROW users, landowners and other bodies.</p>	ROWIP 20	<p>Some work on a booklet and web site material has started, some material is on the web site now. Greater efforts are needed at dissemination of the information more widely. Social media might be considered.</p>
<p>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</p>	ROWIP 21	<p>Completed.</p>

Rights of Way Improvement Plan (ROWIP) themes and objectives	ROWIP reference	Progress to date
vehicles.		
**Implement procedures to remove unsuitable PROW from published satellite navigation routes.	ROWIP 22	A couple of routes have been removed from the material produced by some sat. nav. companies. Much more work is needed, as the problem appears to be increasing. It may not be possible as there are so many companies. The best way appears to be to take measures on the ground at each problem site.
Continue to contribute access information to the “Greenways” newsletter.	ROWIP 23	This particular newsletter has lapsed. More use of newsletters and publications is needed to spread PROW news and good practice.
Explore opportunities to work with schools within the National Curriculum to increase understanding of the role of access within the countryside and the responsibilities of citizens.	ROWIP 24	No work done directly by PROW team.
Development of new access		
**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	Piecemeal work done annually via the annual programme of improvements and maintenance. A more planned approach is needed. BBOWT approval for the Snelsmore bridleway link has been given, and obstructions have been removed. Completion is planned for 2018/19. The Hermitage to Hamsptead Norreys railway line path is also progressing well.
**Seek to promote, improve and create (where necessary) suitable routes to school and consider an increased maintenance programme for these routes.	ROWIP 26	A greater effort is being made to keep important school routes clear of vegetation. A priority is also given to surface improvements which may be required. The PROW team often works with the School Transport team.
**Seek greater partnership with businesses and landowners to secure the provision of additional permissive or Definitive access for all users.	ROWIP 27	Some work to protect CAP permitted routes has been done by the LAF, which is active in campaigning independently for access post-Brexit. Work now this kind is not carried out by the PROW team unless opportunities arise indirectly from other work, e.g. path diversions.
**Increase the provision of suitable equestrian routes where existing provision is low or fragmented, and where demand is high, especially routes which facilitate	ROWIP 28	Piecemeal work is done annually via the annual programme of improvements and maintenance. A more planned approach is

Rights of Way Improvement Plan (ROWIP) themes and objectives	ROWIP reference	Progress to date
riding to and from livery yards without horseboxes.		needed.
Develop circular interlinking equestrian routes around settlements (“community circuits”) which also link to longer rides.	ROWIP 29	Piecemeal work is done annually via the annual programme of improvements and maintenance. A more planned approach is needed.
Increase access for equestrians and carriages on West Berkshire-managed commons.	ROWIP 30	Liaison needed with BBOWT. Note that BBOWT have recognized the lawful rights for horse riding on those commons with a Scheme of Management made under the 1889 Act following submissions by the BHS & LAF to the access audits.
Physical improvements to the access network		
Research and implement mechanisms to realign the road user hierarchy in favour of non-motorized transport modes, especially walking (LTP 2, policy WI9).	ROWIP 31	Need to review in the light of new LTP policies.
Work with partners in rural areas to identify opportunities for improving the safety of the physical environment, in particular for pedestrians, cyclists and horse riders (LTP2, policy RSI 7).	ROWIP 32	Need to review in the light of new LTP policies.
**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. Mounting blocks to be installed where dismounting cannot be avoided.	ROWIP 33	There is a corporate target to improve 20 equestrian gates per year. The British Horse Society has been consulted and has report on the results of a survey of visiting 62 gates known to be a problem.
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

Rights of Way Improvement Plan (ROWIP) themes and objectives	ROWIP reference	Progress to date
		beyond the roadside.
**Improve the signage of PROW in and around West Berkshire's countryside sites.	ROWIP 35	Much recent work has been done by the BBOWT access audits. Need to check that they are promoting access beyond the boundaries of their sites.
Implement measures to improve signage and promotion of all permissive access.	ROWIP 36	The routes are digitised for internal staff use. We cannot publicise these widely because there are so many variations in permission and we do not have the resources to review the paths and to keep the records up to date. Some are signed by WBC or by landowners.
Implement measures to improve management and promotion of open access land and links to and from access land.	ROWIP 37	Initial work only was done to waymark access routes when the legislation was introduced.
Improving accessibility for all users		
**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	Work is ongoing on a circular route at Purley, nearing completion 2018. Another priority location needs to be identified, preferably in the urban fringe so as to provide maximum benefit. BBOWT have established routes on Snelsmore & Wokefield Commons, with a web page being developed. The WBC on-line map now shows locations of structures on PROW.
Continue to provide buggies, for those with restricted mobility, at West Berkshire countryside sites.	ROWIP 39	There was once a stock of buggies at Snelsmore Common, but there were some problems with use of the scooters, and booking. Find out from BBOWT if they plan any more such work.
**Continue to improve the accessibility of structures on rights of way and introduce and implement new incentives for landowners to do likewise.	ROWIP 40	Ongoing project to replace stiles with gaps or gates, mostly via volunteer help. For a number of years, one new easily-accessible gate was installed on average every three weeks via the volunteer Ramblers' Work Party team, and their 250 th gate was installed in 2016. The scheme is to continue, but a review in 2017 has concluded that one gate every four weeks will be less of a strain on staff and volunteer time, and will also allow the internal PROW Rangers to install additional gates occasionally.
**Implement improved promotion of access to the PROW / access network for Walking the Way to Health (WHI) participants.	ROWIP 41	Waymarking of some 'Walk4Life' mile routes has taken place. More local short routes are planned around population centres. Work

Rights of Way Improvement Plan (ROWIP) themes and objectives	ROWIP reference	Progress to date
		being led by the Public Health team in conjunction with PROW officers via the WHI Steering Group.
Establish greater dialogue with ethnic minority groups, children and young people and groups which traditionally do not visit the countryside, to produce an action plan of high-quality measures to encourage and maintain participation.	ROWIP 42	No progress by PROW team but work could be done to encourage this via other sections of WBC.
Support and encourage measures to provide shower, clothes-drying and cycle-parking facilities at schools, work places and other destinations, to encourage non-car transport.	ROWIP 43	For Transport Strategy Team, also via Cycle Forum.
Audit car park barriers on the access network, and ensure that access is possible for horseboxes, where appropriate.	ROWIP 44	Examples are Bury Down, Paices Wood, Hosehill Lake, Sheffield Bottom, Snelsmore Common, Bowdown House. Progress has been made by removal of the height restrictor at Snelsmore Common.
Seek new car parking, cycle parking and horsebox/trailer parking on the access network, where there is a proven need.	ROWIP 45	Little progress made.
Working with partners		
Provide support, where needed, to other bodies whose aspirations compliment those of this ROWIP.	ROWIP 46	Any offers of help are welcomed and considered. We try to use all offers if we can, providing it is cost-effective.
**Encourage parish councils to use their full range of powers where appropriate and support the appointment of parish council public rights of way officers.	ROWIP 47	A simple guide was produced c 2010 and sent to parish groups via the Community Council. WBC is presently exploring how parishes can assist more with PROW work via the 'Devolution' scheme.
Arrange formal rights of way training for parish public rights of way officers, parish plan teams and voluntary groups.	ROWIP 48	WBC is presently exploring how parishes can assist more with PROW work, therefore training requirements may arise. Advice sheets have been sent to parish councils on several occasions. Advice has also been added to the WBC PROW web site. WBC is presently exploring how parishes can assist more with PROW work via the 'Devolution' scheme. There are few requests for training from parishes but the PROW team would be willing to meet any such requests.
**Continue to provide support and direction to voluntary groups and to encourage	ROWIP 49	The Furniture Project and Ramblers' Work Parties continue to help

Rights of Way Improvement Plan (ROWIP) themes and objectives	ROWIP reference	Progress to date
the participation of volunteers of all ages in access work.		to maintain and improve the ROW network. A new volunteer strimming group was set up by WBC in 2017. There is no staff time available to introduce initiatives to expand the volunteer scheme. The idea of a volunteer volunteer co-ordinator has been discussed.
Support the access work identified within parish plans and 'Area Visions'.	ROWIP 50	Reactive support given when ROW team approached.
Improving working practices and customer care		
**Create a comprehensive PROW / access library incorporating controlled copies.	ROWIP 51	An on-line and hard-copy library exists but it is not controlled, therefore there is no system to identify superseded items. It is also not a comprehensive library, but is added to only when items come to light.
Use all appropriate internal District Council communication channels to inform relevant parties of developments in PROW / access work.	ROWIP 52	There is an active informal system where District councillors are regularly informed and updated.
Improve the efficiency and speed of use of available legal powers in relation to PROW.	ROWIP 53	Legal Notices can now be issued by the PROW team but more work is required to devolve signatures to letters. Much work has been done to identify where direct action can be taken, thus reducing the length of some procedures.
Improve awareness of land management priorities and procedures amongst District Council PROW staff.	ROWIP 54	Efforts ongoing to increase knowledge of relevant aspects of land management.
Liaise more closely with West Berkshire's Planning and Transport Strategy group, and other planning consultees, so as to benefit the PROW / access network.	ROWIP 55	At present the main mechanism is via the Cycle Forum (meets quarterly).
Funding		
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.
Seek to involve community and special interest groups in funding and delivering small access schemes.	ROWIP 57	Little progress made.
Investigate opportunities for external and grant funding for PROW / access projects.	ROWIP 58	Little progress made, partly due to lack of staff time. Also, many grants are not available for statutory Council work. However, new promising sources can be accessed via Government money for

Rights of Way Improvement Plan (ROWIP) themes and objectives	ROWIP reference	Progress to date
		sustainable transport, particularly cycling, and where the network has been severed by major roads. Some AONB funding has been acquired in the past but effort needs to be made to source more. Other possible promising sources might be the Greenham Common Trust, Landfill etc.
Monitoring / continued consultation		
Continue to receive and consider requests for improved access, and to incorporate them into an annually-updated list of requests for specific access improvements.	ROWIP 59	Ongoing. All requests to date are shown on the staff mapping system. The 2005 ROWIP public requests are also shown on the public on-line map.
The Mid and West Berkshire Local Access Forum to advise on implementation of the Rights of Way Improvement Plan.	ROWIP 60	Via annual report to the LAF.
Learn and listen to views of others, at the same time seeking and implementing best practice in relation to PROW / access work.	ROWIP 61	Ongoing
**Implement an effective internal method of recording good practice and lessons learnt in PROW / access work, for the benefit of present and future staff.	ROWIP 62	All staff are required to read the IPROW publication 'Waymark' each month. Efforts are made to record legal advice and learning points on the WBC shared system. There is an annual WBC training budget.
Produce an annual progress report on the Rights of Way Improvement Plan Action Plan.	ROWIP 63	Sent to LAF and Portfolio member annually.

Appendix F

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Environment
Service:	Transport and Countryside
Team:	Public Rights of Way
Lead Officer:	Elaine Cox
Title of Project/System:	Public Rights of Way Case Programmes ID Report
Date of Assessment:	1 June 2018

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p><small>Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”</small></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be processing data on a large scale?</p> <p><small>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</small></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project or system have a “social media” dimension?</p> <p><small>Note – will it have an interactive element which allows users to communicate directly with one another?</small></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will any decisions be automated?</p> <p><small>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</small></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p><small>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</small></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	To note progress in dealing with the cases assigned for 2017/18. To agree recommended cases for 2018/19.
Summary of relevant legislation:	Mainly Highways Act 1980 and Wildlife and Countryside Act 1981.
Does the proposed decision conflict with any of the Council's key strategy priorities?	No.
Name of assessor:	Elaine Cox.
Date of assessment:	1 June 2018.

Is this a:		Is this:	
Policy	No	New or proposed	Yes
Strategy	No	Already exists and is being reviewed	Yes
Function	Yes	Is changing	Yes
Service	Yes		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	Improvement of the public rights of way network and ensuring ease of use.
Objectives:	Specific targets for physical works, path orders, enforcement, and general improvements.
Outcomes:	Improvements to access in terms of physical provision for the public. Also delivery of applications to create, move or extinguish access.
Benefits:	Improvement of the public rights of way network, and ensuring ease of use, in certain targeted areas of work.

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively 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
Age	Inaccessible structures, e.g.	Work planning involves EIA

	stiles, and uneven PROW surfaces, exist on the PROW network. Some PROW may therefore be difficult to negotiate.	and often consultation with local people, parish councils and the Local Access Forum.
Disability	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.
Gender Reassignment	N/A.	N/A.
Marriage and Civil Partnership	N/A.	N/A.
Pregnancy and Maternity	Inaccessible structures, e.g. stiles, and uneven PROW surfaces, exist on the PROW network.	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.
Religion or Belief	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.
Sex	N/A.	N/A.
Sexual Orientation	N/A.	N/A.
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 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	Yes
Please provide an explanation for your answer: see mitigating measures explained in the table above for each category.	

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.
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?			No
Please provide an explanation for your answer:			

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	No.
Owner of Stage Two assessment:	N/A.
Timescale for Stage Two assessment:	N/A.

Name: Elaine Cox

Date: 1 June 2018.

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

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