# **Individual Decision**



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

# Monday 25 March 2019

Ref:	Title	Portfolio Member	Page No.
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### **Individual Executive Member Decision**

# Case Programmes for Public Rights of Way Work for 2019/20

Committee considering

report:

Individual Executive Member Decision

Date ID to be signed: 25 March 2019

Portfolio Member: Councillor Jeanette Clifford

Forward Plan Ref: ID3717

#### 1. Purpose of the Report

1.1 To report progress on the Case Programmes for 2018/19 and to recommend Case Programmes for 2019/20.

#### 2. Recommendations

- 2.1 To note progress in dealing with the cases assigned for 2018/19. To agree recommended cases for 2019/20.
- 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 Alan Law

Ward Members: All Members are affected.

Opposition Spokesperson: Councillor Lee Dillon.

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 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, and other relevant council strategies. It also contains lists of routine tasks required each year.
- 7.2 There are many outstanding requests and needs for maintenance and improvements to the network, but limited resources necessitate 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, which also records progress from the 2018/19 Programme. 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. Three volunteer groups also carry out surveys and 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 officer. It includes only the large and involved specific cases, because there are so many smaller enforcement issues reported to us on a weekly basis. 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 2018/19 is represented at Appendix C1, and the proposed Case Programme for 2019/20 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 the path order cases proposed for 2019/20, and includes any outstanding work needed on the 2018/19 Programme. All other cases on the 2018/19 Programme have been completed. Completion is regarded as reaching the WBC decision stage (a public inquiry or written representations might follow, which are outside our control). Appendix D2 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. In this process, consideration ought to be given to any potential legal challenges.
- 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, following the completed project to re-digitise the Definitive Map of Public Rights of Way at a scale of 1:1250, the Definitive Map is presently being republished at this new, much clearer, and more accurate, scale.
- 7.12 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 **Rights of Way Improvement Plan Case Programme (ROWIP)**. The 2010 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).
- 7.14 Appendix E shows progress on all objectives. Some priorities were completed in 2018/19 and the \*\* notation has therefore been removed. These completed objectives are ROWIP numbers 4, 9, 10, 11, 13, and 33. Additional priorities have not been added, pending the review of the ROWIP, due to 2020.
- 7.15 The ROWIP is due for review in 2020, and consultation with the Mid and West Berkshire Local Access Forum on the best way to approach this has begun.
- 7.16 **General note.** The year 2018/19 has been difficult in terms of PROW staff resources. Two members of staff in the small team have been absent on long term sick leave and there have also been vacancies. The situation is much improved but it has had an impact on some achievements in 2018/19.
- 8. Options for Consideration
- 8.1 Comments on any aspects of the proposed case programmes are sought.
- 9. Proposals
- 9.1 That the proposed 2019/20 PROW Case Programmes are approved, subject to any approved modifications.
- 10. Conclusion
- 10.1 Progress on the 2018/19 Rights of Way Case Programmes has been set out in this report together with the recommended Case Programmes for 2019/20.

#### **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.

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Yes:	$V \times V$	110.	

Officer details:

Name: Elaine Cox

Job Title: Senior Rights of Way Officer

Tel No: (01635) 519069

E-mail Address: elaine.cox@westberks.gov.uk

#### 11. Executive Summary

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'. The report sets out details of progress on the previously-approved 2018/19 Case Programmes, and asks for comments on and approval of the proposed 2019/20 Case Programmes.

#### 12. Conclusion

12.1 Progress on the 2018/19 Rights of Way Case Programmes has been set out in this report together with the recommended Case Programmes for 2019/20.

#### 13. Appendices

- 13.1 Appendix A Priority matrix.
- 13.2 Appendix B Maintenance and Improvement Case Programme.
- 13.3 Appendix C1 Enforcement Case Programme 2018-19.
- 13.4 Appendix C2 Enforcement Case Programme 2019-20
- 13.5 Appendix D1 Proposed Legal Order case Programme 2019-20.
- 13.6 Appendix D2 Remaining Legal Order case list 2019 +.
- 13.7 Appendix E Rights of Way Improvement Plan Case Programme.
- 13.8 Appendix F Data Protection Impact Assessment.
- 13.9 Appendix G Equalities Impact Assessment.

### Appendix A - PUBLIC RIGHTS OF WAY MAINTENANCE AND ENFORCEMENT

### PROW Priority Matrix Calculator Speadsheet

Add your ratings for

each

parameter in

this column

	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		
2	Usage level	Not used	Very well used		
3	Degree of obstruction of Definitive line	No obstruction	Completely obstructed		
4	Benefit to general public once resolved	No benefit	Great benefit		
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		
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		
7	Potential for deterioration	Unlikely to deteriorate	Rapid deterioration could be stopped by prompt action		
	Score of 45 of	or over: high priority / 44 or less:	low priority	Total with Multiplier	

### MAINTENANCE AND IMPROVEMENT CASE PROGRAMME

### Progress (italics) on 2018/19 Case Programme

**Bucklebury Byway 11** – make safe for horses – deep ruts. *Basic levelling completed*.

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

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

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

**Bucklebury / other -** summer levelling etc works in conjunction with seasonal TRO. *Ongoing assessments as part of seasonal TRO project.* 

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

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

**Chieveley Byway 49** – Grundon need to reinstate the route across the quarry, as promised. *Route may be diverted.* 

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

**Kintbury Footpath 37/5** – canal towpath – bank and surface work needed, liaise with CRT. *Work to be done early April 2019, CRT to do work, WBC to contribute.* 

**Newbury Footpath 22** – SSSI and EA (check) consent needed. *Slow progress due to stretched staff resources 2018. Carried forward.* 

**Purley Footpath 4/2** – path down to lock, dip in field – there used to be a bridge. *Not done. Carried forward.* 

**Shaw Bridleway 3/1** – north of junction with Red Lane – aggregate through slurry area. *Not complete. Carried forward.* 

**Shaw Footpath 18/2** – Honeybottom – gate to be improved to conclude improvement works. *Not complete. Carried forward.* 

**Standford Dingley Byway 23/1** – very muddy section. *Complete*.

**Stratfield Mortimer Fairground footpaths –** muddy areas by gates. Ask parish if will contribute. *Not done. Carried forward.* 

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

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

**Thatcham Footpath 10 -** off Tull Way – raise path to avoid flooding. *Not complete, carried forward. Possible developer assistance.* 

**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. *Annually recurring work*.

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

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

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

<u>PROW USED FOR ACCESS TO LAND AND PROPERTY – 'RESIDENTIAL ACCESSES'</u> – solution needed either from WBC or in liaison with residents, depending on status and circumstances.

Aldworth Byway 19 – fill holes only /level off. Done by third party.

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

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

**Bradfield Byway 5 –** Heath Road. *Done by third party.* 

**Bucklebury Byway 5/2** – requires site visit. Done by third party.

**Chieveley Byway 29 – Curridge Green** – requires site visit. Low priority but further request received. Carried forward.

**Chieveley Byway 42 – Sandy Lane** – requires site visit. Low priority but further request received. Carried forward.

Frilsham Byway 2 - level off central ridge and remove hardcore. Done by third party.

**Hungerford Byway 53** – western end repairs once highway drain has been unblocked. *Complete*.

**Newbury Footpath 19/1** – Fifth Road – potholes in footpath caused by residential use. *Not priority. Potholes caused by private vehicle use.* 

**Sulhampstead Bridleway 4** – potholed tarmac – get quotation for tarmac and let residents know. Superseded by planning application to improve the access.

#### **OTHER**

**Install concrete aprons around Kent Carriage Gaps.** Decided to clear vegetation and monitor. Carried forward

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

**Signs needed - 'uneven surface' for residential accesses** – see quote information 14/1/14. *On hold. Carried forward.* 

**Damage or hazards due to badger setts** – as they arise. *Ongoing.* 

### **Proposed Case Programme 2019/20**

**Aldermaston Footpath 12** – Padworth Mill – private bridges have small holes.

**Beedon Byway 22** – N end – reports of 4 wheel drive ruts – assess priority.

Boxford Byway 2 – Penclose Wood area - reports of 4 wheel drive ruts again – assess priority.

**Bucklebury / other -** summer levelling etc works in conjunction with seasonal TRO. Ongoing assessments as part of seasonal TRO project.

Chieveley Bridleway 5A/1 – adjacent to M4 - reports of large puddle 30m long.

Chieveley Byway 7 - Green Lane - access to cottages, review surface where potholed tarmac.

Chieveley Byway 29 - Curridge Green - potholes - requires site visit to determine priority.

Chieveley Byway 30 – potholes – requires site visit to determine priority.

Chieveley Byway 42 - Sandy Lane - potholes - requires site visit to determine priority.

Chieveley Byway 49 - Marsh Lane - potholes - requires site visit to determine priority.

**Chieveley Byway 49** – work needed on alternative route around ex-Grundon quarry (Grundon to fund) if byway is diverted onto this route.

**East IIsley Byway 12** – off Old Street - 'vehicle rutting with non-parallel ruts which make it unsafe for the ridden and driven horse'.

**Kintbury Footpath 37/5** – canal towpath – bank and surface work needed, liaise with CRT. Work to be done early April 2019, CRT to do work, WBC to contribute.

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

**Lambourn Restricted Byway 45a** – contribute towards improvements for specialist equestrian use.

**Lambourn Byway 47/3** – deep ruts & drainage problem on natural surface.

**Lambourn Byway 48/2** – chewed up natural surface in woods – deep muddy saturated sections. **Padworth Footpath 1/3** – access to Padworth Mill - request for a ramp where there is a concrete step.

**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. Add a review of whole path to improve gates etc. to create an attractive accessible route out of Newbury.

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

**Speen Byway 22** – across Rack Marsh SSSI – request for motorcycle and bicycle access.

**Speen Byway 29/1** – Bagnor - residents laid pea shingle, letter needed to residents informing them of appropriate surfaces in future.

**Stratfield Mortimer Fairground footpaths** – muddy areas by gates. Ask parish if will contribute. **Streatley Footpath 21** – off Thames Path. Chase Volker or Highways engineers about how to do a feasibility study.

**Thatcham Footpath 10 -** off Tull Way – raise path to avoid flooding. Possible developer assistance?

**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. *Annually recurring work*.

**Tilehurst Footpath 13/2** – uneven and extremely boggy in winter – 'I would not be able to walk along the path with a pushchair or wheelchair and there are many trip hazards'.

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.

#### OTHER

Install concrete aprons around Kent Carriage Gaps. Decided to clear vegetation and monitor. 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. Ongoing.

#### ANNUALLY RECURRING ELEMENTS OF CASE PROGRAMME

#### **FUNDING**

Check with Gabrielle Esplin for CIL money for PROW.

#### **WORK PROMISED FOR 2019/20**

Compiled as year progresses.

#### **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.

Chaddleworth Bridleway 6/1 near junction with A338 – CARE FAST ROAD.

Chaddleworth 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.

**Restricted Byway 1/7** two sets on Chalk Lane near **Jimmies Farm**. **East Garston East Garston** 

Restricted Byway 5/1 & 5/3 one east of Grange Farm, one on

Washmore Hill.

East IIslev 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.

Bridleway 69/3 southern end of Long Ground Border, south of Inholmes. Lambourn

West IIsley 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.

Officer	Case	Summary of issue	Target	Progress (2018/19 in italics).	Complete/ carry forward
JT	Lambourn BW60 sarsens, gates, vehicles obstructing.	Trip/ impact/ hazard. Client of Concern.	Complete in 2018 (+ adjoining paths in Oxon)	Legal advice sought, letter sent. TVP, NE & Oxon CC contacted. No action by Oxon CC. Involves Oxon CC.	Carry forward.
				No progress due to temporarily reduced resources.	
JT	Lambourn BW61 ploughing.	Byway unavailable.	Aim to deal by harvest time 2018. (+ adjoining paths in Oxon)	Warning letters sent. NE & Oxon CC contacted. No action by Oxon CC. Tied in with BW60. Ramblers' Association complaint 2019.	Carry forward.
				No progress due to temporarily reduced resources.	
	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.	Complete.
				All complete October 2018, the route is available for use by all except 4WD vehicles*. The landowner removed obstructions, our Rangers installed a Kent Carriage Gap. *Currently there is a seasonal TRO in place prohibiting 4WD vehicles only, to protect the vulnerable surface. It will re-open on 12th April 2019.	
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  No progress due to temporarily reduced resources. Note there is a common law right for the public to deviate around the obstruction.	Carry forward.
JT	East IIsley BR15 horse injury on steel posts.	Trip/ laceration/ impact hazard.	Aim to complete by end 2018.	Steels removed.	Complete.

forward
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Complete.
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Project	Summary of Issue	Actions required	Progress (2018/19 in italics).	Complete/ carry forward
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.	Ongoing.
Intimidation Person/ animal/ notice.	Safety of users, availability of network.	Police, landowners contacted as necessary.	Ongoing area of work.	Ongoing.
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.  Ongoing as more sites are identified.	Ongoing.
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.  Currently seasonal Traffic Regulation Orders are in place on various Byways in Bucklebury following consultation with the Bucklebury Common Advisory Committee. Some bollards have been installed to enforce the temporary Orders, due to vandalism of Herras fencing.  Approach to be reviewed in conjunction with consideration of where surface	Ongoing but temporary projec - carry forward.

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 I/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.  Very successful. Work continues as in previous years.	Ongoing.
Electric gates	Liability on WBC / public accessibility.	Research histories. Enforcement as necessary.	Ongoing area of work, new cases come in occasionally. Expert Barrister advice sought on those which are Limitations.	Ongoing.
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.	Ongoing.
Fence encroachment	Safety of users, loss of path.	Landowners need to be contacted.	Ongoing area of work.	Ongoing.
Cropping	Network problem affecting ~300 paths.	Spring round- robin letter. Enforcement of complaint if required.	Ongoing area of work. Seasonal.	Ongoing.
Ploughing	Network problem affecting ~300 paths.	Autumn round- robin letter. Enforcement of complaint if required.	Ongoing area of work. Seasonal.	Ongoing.
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.	Ongoing.
			Contractor changes are delaying final 2018/9 works – new contractor coming on	

			stream.	
Landowner tree problems	Safety of users, obstructions.	Landowners contacted.	Ongoing area of work.	Ongoing.
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.	Ongoing.
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.	Ongoing.
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.	Ongoing.

Officer	Case	Summary of issue	Target	Progress	Complete carry forward
JT	Lambourn BW60 sarsens, gates, vehicles obstructing.	Trip/ impact/ hazard. Client of Concern.	Complete in 2019/20 (+ adjoining paths in Oxon)	Legal advice sought, letter sent. TVP, NE & Oxon CC contacted. No action by Oxon CC. Sarsens etc. remain in spite multi-agency approach. Site attended with TVP. Farmer warned. Carriage gap requested.	
JT	Lambourn BW61 ploughing.	Byway unavailable.	Aim to deal by harvest time 2019. (+ adjoining paths in Oxon)	Warning letters sent. NE & Oxon CC contacted. No action by Oxon CC. Tied in with BW60.	
JT	Boxford FP17 large pond excavated, trees planted.	Definitive line unavailable, unofficial line inconvenient.	Use common law right to deviate.	Enforcement action stalled from several years ago – diversion may be needed, but landowner highly resistant.  Note there is a common law right for the public to deviate around the obstruction.	
JT	Beenham BR 15	Obstructed definitive line (alternative permitted BR but have been problems there).	JT to enforce 2019/20.	Gates occasionally locked in 2017, but permitted path open without problem. Officers to interview I/o under caution if necessary. No complaints 2017.	
JT	Shaw FP 19	Repeat crop obstruction and heavily poached surface.	Annual monitoring required.		
JT	West IIsley FP 16	Unfenced danger adjoining, verge damaged and obstruction.	2019/20.	Suspect interviewed under caution, possible criminal case.	

SJ/JT/ Bucklebury BR Path obstructed by barns and a Divert path 2019/20 via Landowner applicant for diversion is presently constructed.	
SH poor equestrian gate. application from landowner. If diversion fails, then a review needed and possible enforcement required.	ting

Project	Summary of Issue	Actions required	Action taken / info.	Complete carry forward
General Obstruction 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.	Ongoing.
Intimidation Person/ animal/ notice.	Safety of users, availability of network.	Police, landowners contacted as necessary.	Ongoing area of work.	Ongoing.
Illegal vehicles – nor 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.  Ongoing as more sites are identified.	Ongoing.
Illegal vehicles - Byways	Landowners are asking for WBC to limit public use by vehicles. Safety concern.	Some WBC actions might arise from Police requests for new structures or closures. Police liaison desirable.	Trial closure of selected Byways in Bucklebury and Lambourn over Winter 2017 to protect surface. Liaison with Police.  Currently seasonal Traffic Regulation Orders are in place on various Byways in Bucklebury following consultation with the Bucklebury Common Advisory Committee. Some bollards have been installed to enforce the temporary Orders, due to vandalism of Herras fencing.  Approach to be reviewed in conjunction with consideration of where surface	Ongoing but temporary project.

Stiles and gates	Need to increase accessibility	Stile complaints inspected within 3 weeks of	Ongoing area of work replacing stiles with	Ongoing.	
project	of the network for less agile or disabled users.	complaint. Enforcement action taken or gate kits delivered for I/o installation. Or added to volunteer list.	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.  Very successful. Work continues as in previous years.		
Electric gates	Liability on WBC / public accessibility.	Research histories. Enforcement as necessary.	Ongoing area of work, new cases come in occasionally. Expert Barrister advice sought on those which are Limitations.	Ongoing.	
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.	Ongoing.	
Fence encroachment	Safety of users, loss of path.	Landowners need to be contacted.	Ongoing area of work.	Ongoing.	
Cropping	Network problem affecting ~300 paths.	Spring round- robin letter. Enforcement of complaint if required.	Ongoing area of work. Seasonal.	Ongoing.	
Ploughing	Network problem affecting ~300 paths.	Autumn round- robin letter. Enforcement of complaint if required.	Ongoing area of work. Seasonal.	Ongoing.	
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.	Ongoing.	
Landowner tree problems	Safety of users, obstructions.	Landowners contacted.	Ongoing area of work.	Ongoing.	
 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	Ongoing area of work, best resolved over Autumn & Winter.	Ongoing.	

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.	Ongoing.	
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.	Ongoing.	
Equestrian gates	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.	Working with landowners and British Horse Society.	To improve 10 to 12 equestrian gates per year would be achievable given resources. The British Horse Society has been consulted and has reported on the results of a survey of visiting 62 gates known to be a problem. The British Horse Society has offered a grant of £1000.	Ongoing according to target.	

#### West Berkshire Council Public Rights of Way Legal Order Cases Priority work list, April 2019- April 2020

Case Type*	Title	Parish	Ward	Description
•				A claimed public right of way (based on use as a footpath, with some bicycle use) along a well used path on the west bank of the River
DMMO	Newbury Business Park	Newbury	Clay Hill	Lambourn
	The Bevers to Windmill Road,			
DMMO	claimed public footpath	Stratfield Mortimer	Mortimer	Claimed public footpath
	Stephen's Road to Stephen's			
DMMO	Firs, claimed public footpath	Stratfield Mortimer	Mortimer	Claimed public footpath
	Stephen's Close to Stephen's			
DMMO	Firs claimed public footpath	Stratfield Mortimer	Mortimer	Claimed public footpath
	Great Plantation, claimed public			
DMMO	footpaths	Inkpen	Kintbury	Several claimed public footpaths running through Great Plantation, Inkpen
	Donnington Square, claimed			
	public footpath around back of			
DMMO	properties	Newbury	Northcroft	Claimed public footpath around the outside of the houses on Donnington Square
	Investigate a diversion of the			
	long-obstructed public bridleway	Bucklebury & Cold		See if the obstructed public bridleway through Broad View Farm can be diverted onto a suitable new route (partly in Bucklebury and partly in
PPO	running through Broadview Farm	Ash	Bucklebury & Cold Ash	Cold Ash parishes/wards)
	Investigate Holybrook parish			
	Council's request for a new			
	public footpath to link Sharnwood			
	Drive to London Road (A4), by			
PPO	Lidl	Holybrook	Calcot	Sharnwood Drive to London Road (A4) by Lidl
	Investigate the permanent			
	diverison of Byway Open to All			
	Traffic Chieveley 49 onto the			
	near temporary diversion route			Diversion of Byway Open to All Traffic Chieveley 49 onto the existing used route that was set out in a temporary diversion carried out to allow
PPO	that has been in use for 23 years		Chieveley	mineral extraction that has now ceased
	Beenham Grange claimed public			Application for order to record a claimed public right of way linking Byway Open to All Traffic Beenham 1 and Public Bridleway Beenham 7
DMMO	footpath	Beenham	Sulhamstead	through Beenham Grange. DECISION MADE 5th December 2018 to make an order. Order to be drafted and made shortly.
	Initial assessments of new			Many proposals come in each year. These will be assessed and preliminary investigation carried out if the legal criteria are considered to be
	queries and proposals as they			met. Further progress will only be made if the Council decides that any new case should take the place of a case on the an existing priority case
DMMO & PPO	come in	All	All	list.
	Old cases needing further			
	attention			
				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
	Tilehust - Calcot Centre to Farm			maintenance works may be required. WBC is to encourage owner to carry out tree maintenance as there are various informal access routes
Agreement/DMM0	Drive claimed public footpath	Tilehurst	Birch Copse	used by the public. Aim is to avoid landowner objection that would lead to a costly Planning Inspectorate determination.
	Thatcham, field between Lower			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
	Way and Nature Discovery			not oppose these two paths in principle, they would object to a formal order because applications for additional routes, unwanted by the owner,
	Centre - 2 claimed public	L	L	are expected. Attempts to encourage the owner to instead sign a dedication agreement have been made to avoid two costly Planning
Agreement/DMM0		Thatcham	Thatcham West	Inspectorate determinations.
	St Mary Church to footpath			Seek agreement from the two different landowners to link New Road by St. Mary's church to public footpath Greenham 13 as it exits the
Agreement	Greenham 13, new path	Greenham	Greenham	southern part of West Wood.

\*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)

Appendix D2 - Public Rights of Way - remaining path order cases 2019+ (claimed public rights of way, proposed diversions, extinguishments, creations), informal and formal.

	DMMC					
Ward	DMMO or PPO*	Case Title	Proposal	Applicant	Receipt date	Notes
			·		·	
		Public Footpath Brimpton				This diversion is from one landowner's property onto an objecting landowner's property. Compensation claims and a legal
1 Aldermaston	PPO	21	Diversion	Mr C Hayes	09/01/06	wrangle/neighbour dispute seems likely. Low priority. No material benefit for walkers.
				WBC (or developer		Path has been blocked since the early 1960s due to development of the extension, which was blocked by a housing estate
0.01.1	BBO	Public Footpath	Discouries (settings in bounds	possibly if planning		(now in Hampshire) - extension was extinguished by Hampshire in 2017 but the WBC remnant it there. Development proposed
2 Aldermaston	PPO	Aldermaston 15	Diversion/extinguishment	permission granted)	n.a.	that may actually link legal line to a continuation route.
		Public Footpath Brimpton 4				The public footpath has been flooded following mineral extraction work, and needs major work to reopen the legal line, or
3 Aldermaston	PPO	·	Diversion/Enforcement	WBC	n.a.	needs the owner/mineral extraction company to fund a diversion order.
			Record public footpath between Hill			
			Gardens and public footpath Streatley			
4 Basildon	DMMO	(informal claim)	1 (Green Hill)	n.a.	n.a. (Pending)	Claimed public footpath in Streatley parish running from Hill Gardens to public footpath Streatley 1
6 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
o Birch Copse	FFO	Public Footpath Stanford	Diversion	WBC	II.a.	uiven from blocked guily foute onto tarriac path already constructed along edge of federation Ground
		Dingley 9				There has been a longstanding field-edge alternative route signed as a public footpath with three gates/stiles already in place.
7 Bucklebury	PPO		Diversion	WBC	n.a.	Ramblers and Open Spaces Society happy.
		Public Footpath Burghfield		Mineral Extraction		The path has been quarried and has been flooded by a lake for several years. Was there ever a temporary diversion? Make
8 Burghfield	PPO	5	Diversion/Enforcement	Company	n.a.	the landowner resolve this matter by providing a new route and funding a diversion, or by reopening the legal path alignment.
			Diversion (unless clear legal document	t		
9 Inkpen	PPO		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.
		T done i cotpati i imperi 20	i cuto,		ma.	a logar document that was world's reaction of the longituding roats.
		Public Footpath Welford	Divert public footpath for benefit of			Proposal to divert path out of farmyard and onto a route to the east around the farm. Local Open Spaces Society has indicated
0 Kintbury	PPO	16	landowner	JHL Puxley	11/02/15	an objection on the basis that the existing route through the farmyard is more varied and interesting.
		Blind Lane, Lambourn				
			Regularize PROWs by			Lambourn 36/2 is a fenced off drainage ditch. Walkers in the area use a well trodden route with no formal status between
11 Lambourn Valley	PPO	Public Footpath Beech Hill	diversion/creations	WBC	n.a.	Bockhampton Road and Newbury Road, NW of Beales Farm Road.
		5				
12 Mortimer	PPO		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.
		Maari ara IIII ara Craft				
		Moor Lane, Hill Lane, Croft Lane - Speen/Newbury				Moor Lane, Hill Lane and Croft Lane are all 'Private Streets'. There is a threat to them having Public Rights extinguished in
Northcroft & Speen	DMMO	Private Streets	DMMO	WBC	n.a.	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.
		St David's Road to Craven				
	D1 11 10	•	Record public footpath between	O" D T \\" \		
14 Northcroft	DMMO	footpath	Craven Road and St David's Road	Cllr Dr Tony Vickers		Record a public footpath over the area behind houses on Craven Road linking to the end of St David's Road, Newbury.
15 Pangbourne	PPO	Pangbourne 10	Diversion	WBC	n.a.	longstanding unofficial/unintended diversion at Lower Bowden Manor
						landowner has created a pond on the line of the footpath and refuses to fill it in. The landowner has not approached WBC
6 Speen	PPO	Public Footpath Boxford 17	Diversion	WBC	n.a.	about making any diverison order.
7 Culhomoto a -l	DDO	Poonhom 45	Diversion	Mr Noloos	04/05/40	Divert ente en evicting permitted bridleway eyest from forms and paddeds
7 Sulhamstead	PPO	Beenham 15	Diversion	Mr Nelson	01/05/13	Divert onto an existing permitted bridleway away from farms and paddocks

### 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 2019/20

Rights of Way Improvement Plan (ROWIP) themes and objectives	ROWIP reference	Progress to date
A well-maintained and safe access network	1010101100	
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 prevents further complete surveys. The volunteer Ramblers' Work Party group carries out a complete survey of the entire network once every 5 years, on a rolling programme.
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	Complete - 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.		The WBC Bridges section inspects and maintains PROW bridges, 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.

Rights of Way Improvement Plan (ROWIP) themes and objectives	ROWIP	Progress to date
	reference	
		We are monitoring the performance of newer signs. Taller signs are
		now used to prevent tampering.
Remedy all unresolved PROW signage defects by the end of April each year.	ROWIP 8	The PROW Ranger team aims to complete this every winter.
Produce a prioritization scheme for physical works, vegetation clearance and enforcement on PROW.	ROWIP 9	Complete, and partially ongoing - a scheme of routine vegetation clearance has been in place for some years. A priority review was undertaken in 2018 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.		Imminent - re-digitisation at 1:1250 scale is complete. There are plans to republish in March 2019. The data needs to be added to the National Street Gazetteer, so that utility companies, etc. can see locations of PROW.
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	ROWIP 13	Priority locations have been identified and regular inspections and
of action to ensure the safety of PROW users.	ROWIP 14	works take place. Landowners are contacted where relevant.
Consider appropriate legal mechanisms to recognise acquisition of cycling rights	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
along urban footpaths.		known if the landowner objects.
		Sustrans may be of assistance.
An environmentally-sustainable access network		Sustrains may be or assistance.
**Implement methods to prevent fly-tipping and littering of PROW and also	ROWIP 15	The Furniture Project group clears litter from selected routes. Fly
improved methods for clearance of litter and fly-tipping when instances occur.		tipping strategy is the responsibility of the WBC Waste Team.
		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. This work sits more
		appropriately with the Waste Team.

Rights of Way Improvement Plan (ROWIP) themes and objectives	ROWIP	Progress to date
	reference	
**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 procurement. In 2018, some input was made into the WBC procurement process as part of a consultation following a procurement workshop.
**Introduce improved environmentally-sustainable working practices, which also protect and enhance biodiversity and historic landscape and features.	ROWIP 17	To be done via a review of procedures and ongoing monitoring of environmental effects.  A checklist has been compiled of environmental aspects to consider when carrying out practical works.  PROW staff and volunteers have been trained in basic habitat identification.  Consideration being given to the use of recycled plastics for certain purposes.  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.
Providing information / promoting the use of the access network		
**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, with improvements to the WBC on-line map already having been made.  Many Parish Plan teams are producing promotional leaflets and WBC may assist with and fund them.  Work is needed to re-design and print the set of 8 WBC walks and rides leaflets, and the two WBC riding routes. However, there is a WBC hold on such work (councillor instruction).  An on-line app is being created by IT for the series of WBC rural cycle maps.
Support parish councils and parish plan groups to increase the range and availability of promotional material for PROW / access.	ROWIP 19	Many Parish Plan teams are producing promotional leaflets. WBC officers have been told not to fund promotional work.

Rights of Way Improvement Plan (ROWIP) themes and objectives	ROWIP reference	Progress to date
Education / encouragement of responsible behaviour		
**Produce published material to provide information about PROW / access and about the responsibilities of PROW users, landowners and other bodies.	ROWIP 20	There is now a series of information sheets, and these need to be placed 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	Completed.
**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 asap, as staff resources were stretched in 2018 and little progress made. The Hermitage to Hamsptead Norreys railway line path is soon to be constructed.  New and improved routes are often created as part of the Path Orders Case Programme work.

Rights of Way Improvement Plan (ROWIP) themes and objectives	ROWIP	Progress to date
	reference	
**Seek to promote, improve and create (where necessary) suitable routes to school	ROWIP 26	Important school routes are prioritised for the regular clearance of
and consider an increased maintenance programme for these routes.		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	ROWIP 27	Some work to protect CAP permitted routes has been done by the
provision of additional permissive or Definitive access for all users.		LAF, which is active in campaigning independently for access post-
		Brexit. Work of 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	ROWIP 28	Piecemeal work is done annually via the annual programme of
•	NOVVIE 20	· · ·
low or fragmented, and where demand is high, especially routes which facilitate		improvements and maintenance. A more planned approach is
riding to and from livery yards without horseboxes.		needed.
Develop circular interlinking equestrian routes around settlements ("community	ROWIP 29	Piecemeal work is done annually via the annual programme of
circuits") which also link to longer rides.		improvements and maintenance. A more planned approach is
		needed.
Increase access for equestrians and carriages on West Berkshire-managed	ROWIP 30	Liaison needed with BBOWT.
commons.		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		duito.
,		
Research and implement mechanisms to realign the road user hierarchy in favour	ROWIP 31	Need to review in the light of new LTP policies.
of non-motorized transport modes, especially walking (LTP 2, policy WI9).		
Work with partners in rural areas to identify opportunities for improving the safety	ROWIP 32	Need to review in the light of new LTP policies.
of the physical environment, in particular for pedestrians, cyclists and horse riders		The state of the s
(LTP2, policy RSI 7).		
**Implement measures to ensure that all gates on equestrian routes are easily-	ROWIP 33	To improve 10 to 12 equestrian gates per year would be achievable
openable from horseback, using best practice gate and latch designs and gate		given resources. The British Horse Society has been consulted and
configurations. Mounting blocks to be installed where dismounting cannot be		has reported on the results of a survey of visiting 62 gates known to
avoided.		be a problem. The British Horse Society has offered a grant of
avolucu.		,
		£1000.

Rights of Way Improvement Plan (ROWIP) themes and objectives	ROWIP reference	Progress to date
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	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.

Rights of Way Improvement Plan (ROWIP) themes and objectives	ROWIP reference	Progress to date
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	There is an 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 250th 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 being led by the Public Health team in conjunction with PROW officers via the WHI Steering Group.  There needs to be closer working with the Public Health Team going forward.
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.

Rights of Way Improvement Plan (ROWIP) themes and objectives	ROWIP reference	Progress to date
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 now encouraging parishes to assist more with PROW work via the 'Devolution' scheme. There have been a number of enquiries from parishes about how to take this forward.
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 now encouraging parishes to assist more with PROW work via the 'Devolution' scheme. There have been a number of enquiries from parishes about how to take this forward.  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 the participation of volunteers of all ages in access work.	ROWIP 49	The Furniture Project and Ramblers' Work Parties continue to help to maintain and improve the ROW network. A new volunteer strimming group was set up by WBC in 2017. A new group of volunteers to assist with surveys and site visits was set up in 2018. 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.

Rights of Way Improvement Plan (ROWIP) themes and objectives	ROWIP	Progress to date
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 and in some cases the team have devolved powers to sign 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.		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, beyond parish council devolution.
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 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.

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Rights of Way Improvement Plan (ROWIP) themes and objectives	ROWIP	Progress to date
	reference	
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. The Senior Rights of Way Officer attends the quarterly ADEPT SE Region working group meetings of PROW managers (and chaired the group 2018/19).
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 March 2019

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

	Yes	No
Will you be processing SENSITIVE or "special category" personal data?		
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"		
Will you be processing data on a large scale?		$\boxtimes$
Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both		
Will your project or system have a "social media" dimension?		$\boxtimes$
Note – will it have an interactive element which allows users to communicate directly with one another?		
Will any decisions be automated?		$\boxtimes$
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?		
Will your project/system involve CCTV or monitoring of an area accessible to the public?		$\boxtimes$
Will you be using the data you collect to match or cross-reference against another existing set of data?		$\boxtimes$
Will you be using any novel, or technologically advanced systems or processes?		$\boxtimes$
Note – this could include biometrics, "internet of things" connectivity or anything that is currently not widely utilised		

If you answer "Yes" to any of the above, you will probably need to complete <u>Data Protection Impact Assessment - Stage Two</u>. 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, polices, 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:
    - 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 2018/19. To agree recommended cases for 2019/20.
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 March 2019.

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 and often consultation volumes and often consultation volumes and the Local Access F	
Sex	N/A.	N/A.
Sexual Orientation	N/A.	N/A.

#### **Further Comments relating to the item:**

explained in the table above for each category.

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?		
Please provide an explanation for your answer: see mitigating measures		

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 accessibility across the network, with priorities in the case programme for replacement of stiles wit gates and for identification of new routes for easy access be 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 <u>Equality Impact Assessment guidance and Stage Two template</u>.

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 March 2019.

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (<a href="mailto:rachel.craggs@westberks.gov.uk">rachel.craggs@westberks.gov.uk</a>), for publication on the WBC website.