

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

Case Type*	Title	Parish	Ward	Description
	Initial assessments of new queries and proposals as they come in	All	All	Provisions from the Deregulation Act 2015 are due to come into effect, that will put a statutory requirement for initial assessment decisions on Public Path Orders (PPOs) and Definitive Map Modification Orders (DMMOs) applications within 4, and 3, months, respectively. At present, many proposals and queries come in each year. These are assessed straight away, and preliminary investigations are carried out. At present the Council has a discretion to process Path Orders, although it has an obligation to determine all duly made DMMO applications. Accepted cases that are then prioritized make it onto the annual caselist. Refused cases do not appear on any caselist, but the investigation and informal assessment still take time and resource.
DMMO & PPO	Investigate a diversion of the long-obstructed public bridleway running through Broadview Farm	Bucklebury & Cold Ash parishes	Bucklebury Ward, and Chieveley & Cold Ash Ward	See if the obstructed public bridleway through Broad View Farm can be diverted onto a suitable new route (partly in Bucklebury and partly in Cold Ash parishes/wards). Parish meeting held in autumn 2019. No application has been submitted to date and so no formal decision can be made and the matter cannot be determined as yet. A meeting between WBC and the owners is due to take place March 2020.
PPO	Public footpath Burghfield 3 extinguishment	Burghfield	Burghfield & Mortimer	Proposed extinguishment of public footpath Burghfield 3 by Moatlands Cottages. The route is a 140 metre long cul-de-sac that was cut off by the building of the M4 in the late 1960s. It does not lead anywhere of public interest and is not needed for public use. Liaison is going on with the WBC highways drainage team and the landowners. Further investigation relating to ownership of the track is underway. At present the matter is on hold until WBC receives a response from a local 1980s landowner about current ownership.
PPO	Investigate the permanent diversion of Byway Open to All Traffic Chieveley 49 onto the near temporary diversion route that has been in use for 23 years	Chieveley	Chieveley & Cold Ash ward	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 mineral extraction that has now ceased. WBC published an order under section 116 Highways Act 1980 on 31st October 2019. Reading Magistrates' Court confirmed the order on 6th December 2019. Diversion complete.
PPO	Public bridleway East Ilsley 18 extinguishment	East Ilsley	Ridgeway	Proposed extinguishment of public bridleway East Ilsley 18, which has been blocked and impassable due to the presence of the A34, which paths users would have to cross at a dangerous location. There is an alternative route via Filders Lane subway beneath the A34 to the north. Unsafe and not needed for public use. Extinguishment order advertised 9th January 2020
PPO	Public footpaths East Ilsley 31 & 35 extinguishment	East Ilsley	Ridgeway	Proposed extinguishment of public footpaths East Ilsley 31 & 35. The route has been blocked by the A34 and various other impediments that have been left in abeyance due to the danger should anyone try to cross the A34 at this point. There is an alternative route around 40 metres to the north via a wide purpose-built subway beneath the A34. Unsafe and not needed for public use. Extinguishment order advertised 9th January 2020
DMMO	Legal Event Modification Order to update Definitive Map with effects of the extinguishment of public bridleway East Ilsley 18, public footpaths East Ilsley 31 & 35 and public footpath Holybrook 6	East Ilsley & Holybrook	Ridgeway Ward & Tilehurst South & Holybrook Ward	The three extinguishment orders have come into effect, but the Definitive Map and Statement now require updating by means of a separate administrative order. An order was authorized on 21st February 2020. An Order will now be prepared and sealed.
PPO	Investigate Holybrook parish Council's request for a new public footpath to link Sharnwood Drive to London Road (A4), by Lidl	Holybrook	Tilehurst South & Holybrook Ward	Sharnwood Drive to London Road (A4) by Lidl. Delays have come about following a couple of potential compensation claims. Matter is on hold until this can be clarified, and then Holybrook Parish Council will have to decide whether they want to pursue the matter as they will be liable to pay any successful compensation claims.
PPO	Public footpath Holybrook 6 extinguishment	Holybrook	Tilehurst South & Holybrook Ward	Proposed extinguishment of public footpath Holybrook 6, which has been blocked by residential housing since the early 1970s and which would only serve as a 40 metre long cul-de-sac route terminating in a private garden if reopened. Not need for public use. Extinguishment order advertised 9th January 2020
DMMO	Newbury Business Park	Newbury	Newbury Clay Hill	A claimed public right of way along a route along the west bank of the River Lambourn, running north from London Road (A4) immediately east of Newbury Business Park. The matter has been investigated despite the fact that no formal application was submitted for the case, and that the right of the public to use the route has not been brought into question under the usual statutory processes (by signs or obstruction). During investigation, a 1988 agreement was found that prevents dedication of a public right of way from being inferred under common law. No order will be made based on the evidence currently available.
DMMO	Donnington Square, claimed public footpath around back of properties	Newbury	Newbury Speen	Claimed public footpath around the outside of the houses on Donnington Square. Matter has been investigated. A decision report is being drafted.
PPO	Public footpath Sulhamstead 2 railway level crossing diversion	Sulhamstead	Bradfield ward & Theale ward	Network Rail are seeking to divert their railway level crossing for safety reasons, so that instead of the current situation where path users cross three sections of railway, they will only have to cross two, making it less distance and reducing the risk significantly. Network Rail have submitted a formal application but this did not include landowner agreement from an adjacent affected owner. The matter has been fully investigated but WBC cannot proceed until Network Rail has agreed terms with the landowner.
DMMO	Lower Way footpath, north of Thatcham Nature Discovery Centre	Thatcham	Thatcham West Ward	A public footpath was created by agreement between West Berkshire Council and the landowners on 10th July 2019. A Legal Event Modification Order was subsequently authorised and sealed on 25th July 2019.
Creation	Create public footpath by agreement between Tull Way and Bowling Green Lane	Thatcham	Thatcham West Ward	Request from developer and Highways team to record a public footpath along this route to accompany housing development to the south. A track has existed here for many years. It was the private access lane to Henwick Manor before the building of Tull Way left it as a spur between roads. It has been left open since then, and is a useful local pedestrian link. It is in the ownership of the developer to the south, who is happy to accept it as a public footpath, as is the owner of the westernmost part of the track by Tull Way. This matter was investigated but cannot proceed due to a legal issue between the main landowner and a private right holder.
	Old cases needing further attention			
DMMO	Opposed Definitive Map Modification Orders at Cold Ash 18, Saltney Mead (Pangbourne) and Springs Farm (Purley-on-Thames)	Cold Ash, Pangbourne & Purley-on-Thames	Chieveley & Cold Ash ward, and Tilehurst & Purley ward	In June 2019, WBC submitted these three cases to the Planning Inspectorate for determination. WBC has carried out significant administrative and report-writing tasks, and arranged Planning Inspectorate inquiries for each case in summer 2020.
Agreement/ DMMO	Tilehurst - Calcot Centre to Farm Drive claimed public footpath	Tilehurst	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	The Bevers to Windmill Road, claimed public footpath	Stratfield Mortimer	Burghfield & Mortimer	Claimed public footpath. The matter has been postponed until April 2020 as the required application certificate was not received from the applicant until October 2019, six months after the initial part of the application.
DMMO	Stephen's Road to Stephen's Firs, claimed public footpath	Stratfield Mortimer	Burghfield & Mortimer	Claimed public footpath. The matter has been postponed until April 2020 as the required application certificate was not received from the applicant until October 2019, six months after the initial part of the application.
DMMO	Stephen's Close to Stephen's Firs claimed public footpath	Stratfield Mortimer	Burghfield & Mortimer	Claimed public footpath. The matter has been postponed until April 2020 as the required application certificate was not received from the applicant until October 2019, six months after the initial part of the application.
DMMO	Great Plantation, claimed public footpaths	Inkpen	Hungerford & Kintbury	Several claimed public footpaths running through Great Plantation, Inkpen. FIVE separate applications were submitted to cover various paths in Great Plantation. Substantial investigation has taken place. However, the application certificates were not duly made as the correct landowners were not correctly notified. Whilst this is a technical issue, it may have a material impact on the ability to appeal against the matter, and means that the obligation for WBC to determine the matters has not been activated.

*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)
 Grey Rows = complete. Amber Rows = on hold (awaiting third part input)

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