

APPENDIX 2

Work to date to maintain and improve the access network.

Legal definition of the public rights of way network

- 1.1 West Berkshire Council is legally responsible for producing the Definitive Map of public rights of way. This document is, in law, conclusive, and therefore a very high degree of care is required in its preparation.
- 1.2 The former Berkshire County Council produced 'consolidated' Definitive Maps and Statements in 1991 and 1994. Consolidation means inclusion of all the known changes made to the network since 1954 and 1956, which were dates at which the information contained in the first Definitive Maps, for the areas which now comprise West Berkshire, was correct. Legal changes are translated to the Definitive Map via 'modification orders'. The County Council's successor, West Berkshire District Council, published the first West Berkshire Consolidated Definitive Map and Statement in March 2000, which shows all the legal changes to the network since 1994. This map was supplied to all local councils, user groups and landowners' organizations, and is available for free public inspection.
- 1.3 The 2000 Consolidated Definitive Map is far from complete. Claims that rights of way exist which are not recorded on the map may be made by anyone, and these need time-consuming and thorough investigation. There are also errors and anomalies in the Definitive Map and Statement, which need to be corrected.
- 1.4 Since 2000, further legal changes have taken place, and legislation in 2006 converted all former 'Roads Used as Public Paths' (RUPPs) to Restricted Byways. The District Council wishes to consolidate these changes within a new published map in the near future. The Definitive Map is held as both a hard copy and in digitized form.
- 1.5 Applications from landowners for the diversion, extinguishment, or creation of rights of way are regularly received. Most applications are made on the grounds that they are in the interests of the owner or occupier, and the administration costs for the preparation of the necessary orders are charged to the applicants. Such public path orders are also made by the District Council in association with new developments.

Maintenance of the public rights of way network, etc.

- 1.6 The physical condition of the rights of way network is identified from many sources. The County Council and subsequent District Council have in the past undertaken surveys of the condition of all their rights of way, with 'General Condition Surveys' having taken place in 2002 and 2009. Reports of problems are received from the public, rights of way staff and volunteers. All reported problems are entered on the rights of way database system, which is continually updated. Reported problems are addressed using letters and negotiation, legal powers, the District Council's Rangers, volunteers, and other bodies or contractors where appropriate. A simple prioritization procedure addresses each in terms of danger level, usage level, degree of obstruction, benefit to the public once resolved, cost/time effectiveness in resolving, the level of complaint, and potential for deterioration.

- 1.7 The District Council's duty to ensure that public rights of way are maintained in a condition suitable for their public use means that substantial amounts of resurfacing and drainage are often required each year. Reported cases requiring attention are prioritized (using the above criteria), resulting in the compilation of an annual programme of works to be carried out by contractors. Due to difficulties that can occur in accessing sites, much of the work is concentrated into the summer months.

Landowners / other bodies

- 1.8 Landowners may possess their own duties of maintenance, e.g. they must clear rights of way of vegetation from their land or boundaries, and have some responsibilities for maintenance of routes which are used by virtue of private easement. British Waterways helps to maintain the sections of the Kennet and Avon Canal towpath (a public footpath) for which it is the owner. The District Council works very closely with the National Trails Office to maintain The Ridgeway and Thames Path National Trails.
- 1.9 A number of parish councils have been keen to use their powers with regard to the provision of public access, and the District Council responds to requests for advice and assistance. In return, parish councils assist by providing local knowledge and advice on many access matters. The relationship with parish councils was enhanced by the 'Parish Paths Initiative', during which a District Council officer helped parishes to undertake local maintenance and promotional projects. This scheme has now officially ended, but the legacy of closer working with certain parish councils remains.
- 1.10 Maintenance and improvement works are also carried out by other bodies, such as the Pang, Kennet and Lambourn Countryside Project, Sustrans, and voluntary groups. All must consult the District Council prior to working on rights of way.

Ploughing and Cropping

- 1.11 For the past few years the District Council has written to landowners twice a year to remind them of their statutory duties to reinstate ploughed rights of way and to keep them free of obstruction by crops. Improved recording of information has aided the targeting of potential problem areas in advance.

Bridges

- 1.12 All bridge structures are recorded by the District Council's Highways and Transport department, and are inspected regularly for structural soundness. The results of the inspections reveal relative priorities for repair or replacement, which are implemented by the department's bridge engineering team. Requests from the public for alterations to bridge designs, to facilitate easier use, are introduced into this system and carried out as soon as practicable.

Volunteers

- 1.13 In recent years, the help of volunteers has greatly increased the rate of resolution of path problems, and data from surveys by volunteers have improved the maintenance of accurate path records. The volunteers concentrate on vegetation clearance, waymarking, gate-installation and litter clearance. Volunteer groups from the Ramblers' Association, adults with learning disabilities

from the Phoenix Centre ('ROAR'), the Pang, Kennet and Lambourn Countryside Project, and many other groups and individuals, are to be thanked for their continued excellent work.

Signposting

- 1.14 Over the last few years, the repair and replacement of defective signposts and waymarks has taken place during the winter months, when there is a reduced need for vegetation clearance. During the winter of 2007/08, all outstanding reported signposting and waymarking defects were resolved, and the Council aims to resolve all subsequent reported problems each winter. Destination/distance information has been added to some suitable roadside signposts, following consultation with landowners and parish councils. The District Council's promoted routes are all distinguished by recreational route signage.

Private and illegal use

- 1.15 The surface conditions of certain rights of way are adversely affected by their use, the effect being a function of the level and type of use and the local physical conditions. The District Council has a duty to maintain all rights of way to a standard suitable for the use which is made of them, but there are exceptions, e.g:
- Where use is by virtue of a private easement (formal or informal). In these cases the Council may come to an arrangement with the landowner, and/or users, regarding maintenance.
 - Where the status of the right of way does not permit the use which is being made of it, and/or the use of a right of way is rendering the surface inconvenient for others. Signage, plus dialogue with user groups, have to date been used to address this problem when it occurs, but the efficacy of this approach has been limited. A written procedure has recently been produced, to guide the Council towards appropriate remedies.
- 1.16 In the past, liaison with vehicular users and other user groups has taken place through the 'RUPPs and Byways Users' Group', at which attempts were made to reach a consensus on priorities for repair, and mechanisms to restrict or manage vehicular use of vulnerable rights of way. Inappropriate vehicular use is a matter for police enforcement, and recently the police have undertaken patrols of The Ridgeway National Trail as part of an action plan designed to protect and improve the condition of this important route.

Routine maintenance – vegetation

- 1.17 Vegetation clearance is undertaken on a pro-active basis throughout the summer and winter. Clearance of certain well-used paths takes place several times during the summer, and the winter is reserved for clearance of woody growth, both on these paths and on other routes, where such work during the summer would not be appropriate due to the possible presence of nesting birds. The District Council's promoted routes are checked annually, and works are carried out to maintain safety and usability.
- 1.18 A proportion of the annual maintenance budget was diverted in 2002 towards the employment of a third Public Rights of Way Maintenance Ranger, and this minor reorganization has resulted in a greater flexibility of the Ranger team and much more efficient working routines.

Trees

- 1.19 The rights of way network embraces many ancient highways, and these in particular may accommodate established trees within their boundaries. The District Council has a duty of care to rights of way users and manages the trees where a safety problem or potential problem comes to light. Boundary trees and trees within neighbouring properties might also potentially affect public rights of way users, and owners are contacted when their action is required.

Publicity for the rights of way network

- 1.20 West Berkshire Council has aimed to develop a promoted range of recreational routes which are readily-accessible, easy to use and offer a wide choice in terms of their length, character and appeal to all types of user. The enjoyment of West Berkshire's countryside by the use of its public rights of way network has been encouraged through publications from many sources produced by the former County Council, the former Newbury District Council and its successor West Berkshire Council, along with user groups, commercial organizations and others. The volume of this literature has increased in recent years. The completion of the signing and waymarking of all public paths in West Berkshire in 1997, and the subsequent ongoing work to maintain this standard, has allowed people to use guidebooks and leaflets with increasing confidence.
- 1.21 Currently available from West Berkshire Council is a series of walks and cycle/equestrian rides; promotional material relating to access across West Berkshire's managed commons; publications from the Tourism section of the Council, designed to guide and welcome visitors to West Berkshire; and recently-published maps for walking and cycling in Newbury and Thatcham, plus a guide along some recommended rural cycle routes.
- 1.22 Amongst user groups and others, the Ramblers' Association is particularly active in producing high-quality publications describing circular walks and rides respectively. A number of parishes publish guides to their access networks, in partnership with the District Council. The National Trails Office produces a range of publicity material for The Ridgeway and Thames Path National Trails. Sustrans actively promotes long-distance cycle routes through the district.
- 1.23 The District Council's bi-annual magazine 'Greenways' contains up-to-date information on the work of the rights of way and countryside teams, plus events information for the Thatcham Nature Discovery Centre.
- 1.24 There are methods of promotion other than by the distribution of publications, and West Berkshire's Countryside Rangers regularly lead guided walks through the District Council's managed countryside sites. Council staff also lead guided walks as part of a contribution to the 'Walking the Way to Health' scheme. Guided walks are also organized by others, including the Ramblers' Association, the National Trails Office, the Kennet and Avon Canal Trust and the Pang, Kennet and Lambourn Countryside Project.

Disabled access to the countryside

- 1.25 Following the Disability Discrimination Acts of 1995 and 2005, the District Council included a simple assessment of the suitability of paths for those with restricted mobility in the 2002 and 2009 General Condition Surveys. A further survey of all reported stile and gate problems has been carried out by volunteers, and reports are also received from the public. The information

from these sources has been used to guide a steady programme of installation of easily - accessible structures (where structures are required), largely with the help of volunteers from the Ramblers' Association.

Permissive access

- 1.26 Access permitted by landowners contributes hugely to the general access network. The District Council is not aware of many of the informal local arrangements, but advises landowners, on request, of the legal considerations when allowing the public across their land, and may provide its own 'permitted path' waymarks for certain suitable routes. Permissive access is also provided by landowners under the DEFRA Stewardship schemes, details of which are held on DEFRA's website and posted on site notices.

Database Development

- 1.27 Central to the District Council's aim of developing efficient methods of working is the rights of way database. This has been in existence since the early 1990s (when it was one of the first of its kind), and has in 2009 been upgraded to an improved access map-to-database electronic link system, which stores information and improves the effectiveness of general working methods, feedback and on-site surveys.

Systems analysis and improvements

- 1.28 Over the past few years, several measures have been introduced to increase working efficiency. In particular, the database has been further developed and used to streamline some work processes and to group similar work items into discreet planned projects.

Communication with the public

- 1.29 The Council aims to acknowledge all requests for service from the public, and aims to provide progress reports and/or feedback once the service has been delivered.

Planning application consultations

- 1.30 The rights of way team comments on all planning applications which lie close to a public right of way, and applies planning policy, plus its statutory duties, to help to protect and improve the network through the planning system.

Open access land

- 1.31 The District Council is in the process of surveying all the open access land in the district, and has helped some landowners to introduce management measures through the installation of gates and provision of information for the public.