



Mr Nigel Lynn, Chief Executive
West Berkshire Council
Council Offices
Market Street
Newbury
RG14 5LD

31 May 2024

By email only to: nigel.lynn1@westberks.gov.uk

Dear Chief Executive

Long-standing obstruction of bridleway Cold Ash 25a and Bucklebury 54a, West Berkshire

I write from the Ramblers, a charity which promotes walking for recreation and everyday transport. Walking is beneficial for physical and mental health, and good for the environment; and promoting it is in line with Government initiatives: see for example the DfT's Second Walking and Cycling Investment Strategy, updated March 2023. The nation's network of public rights of way plays a crucial role in people's ability to walk; and section 130 of the Highways Act 1980 gives your Council as highway authority the duty to assert and protect the rights of the public to use all highways, including footpaths and bridleways.

At Ramblers GB we share the concerns of the West Berks Group of the Ramblers about the outrageously protracted closure of bridleway nos Cold Ash 25a and Bucklebury 54a. It goes past premises at Broad View Farm where a fire occurred a few years ago, and on the strength of the purported "danger" to users from these buildings its use has since been prohibited by your Council using a "temporary" traffic regulation order.¹ Your Council should, of course, have been securing the repair or demolition of the (purportedly) dangerous buildings, pursuant to the duty to assert and protect the public's right to use the bridleway. Instead, your Council has extended the temporary traffic regulation order (even though it is apparent that the path is in use by the occupants despite the "danger"), while slowly going about agreeing and processing a permanent and highly unsuitable diversion under section 119 of the Highways Act 1980.

The Ramblers would support, and indeed have ourselves proposed, a permanent *nearby* diversion, west of the site; but the actual proposed diversion (were the proposed order to be confirmed, which is highly unlikely) will take users substantially out of their way, and through totally different terrain through which there exists a right of way already of which the proposed route will virtually be the duplicate. It is no adequate replacement: wide-ranging views over open country will be lost within woodland, and the proposed route is the most wayward diversion proposal our longest-serving staff members can recall over the past 36 years.

¹ Under section 14 of the Road Traffic Regulation Act 1984.

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Registered office: The Ramblers, c/o Bates Wells, 10 Queen St Place, London EC4R 1BE.





We cannot see how the proposed diversion will be a satisfactory or viable solution. An order under section 119 of the Highways Act 1980 cannot be confirmed if it appears to the Secretary of State's Inspector to be inexpedient to confirm it having regard to the effect on public enjoyment of the path as a whole. We do not believe for a moment that an Inspector will confirm the diversion order.

Processing this diversion proposal will merely delay the existing problem for as long as it takes to determine it, and then for longer still, since the order cannot have anything like a real prospect of success measured against the criteria set out in the legislation. Moreover the order, which has been spoken about by the highway authority staff for more than two years, and which was supposed to have been made and advertised for public comment in April 2023, has still not been advertised as a made order. First it was said to our local representatives that the proposed route had the wrong type of latches on its gates for a bridleway; then some unsuitably boggy terrain (whose existence hardly makes the proposal more attractive) had to be made suitable. What the latest delay is, we do not know; but the deep impression is that the proposal is an excuse to evade dealing with the obstruction of the path, and we suppose that once the order is advertised and receives objections there will be another delay in submitting it for determination by the Secretary of State.

In the view of long-experienced staff here, the diversion will fail at inquiry; and the Ramblers as a statutory objector will seek its costs against the Council for pursuing an order which on any sensible view has no prospect of success. We suggest to you that your Council abandon this diversion proposal and instead take action to reopen the bridleway on its current line, with a possible view to promoting a short diversion to the west of the farm buildings.

We look forward to hearing from you within 6 weeks of this letter.

Yours faithfully

JACK CORNISH
HEAD OF PATHS
THE RAMBLERS

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