

Upper Deverills Parish Council

Rights of Way Accessibility Monitoring Policy

1. Landowners have a legal responsibility to ensure that rights of way (RoW) are maintained and cleared to allow access year-round, abiding by the RoW's legal dimensions but recognising that seasonal constraints may sometimes delay clearance within the mandated time-frame.
2. The Parish Council has no specific power to enforce the accessibility and maintenance of RoW. Those powers are vested in the principal authority – Wiltshire Council.
3. The Parish Council will engage volunteer RoW Assistants (as willing) in each of the three villages to monitor RoW accessibility and report breaches.
4. If a breach of accessibility of a RoW is identified by a RoW assistant or parish resident the following procedure is to be applied:
 - a. The issue is to be investigated by the RoW parish councillor within 2-3 weeks of the report if possible. If the report is found to be valid, the landowner is to be approached informally by the RoW parish councillor to remind them of their responsibilities. The RoW parish councillor will keep the Chairman of the Parish Council informed throughout the process, as well as the relevant RoW assistant and, if applicable, the parish resident who reported the breach.
 - b. If the matter has not been remedied, or steps to remedy the situation have not been advised by the landowner, after another 2-3 weeks the Parish Council (Clerk) is to write to the landowner in a prescribed form to remind them of their responsibilities (Letter 1). This letter will be copied to the Chairman of the Parish Council as well as to the relevant RoW assistant and, if applicable, the parish resident who reported the breach.
 - c. If after a further 2-3 weeks the matter has not been remedied, or steps to remedy the situation have not been advised by the landowner, the Parish Council (Clerk) is to write to the landowner again in a prescribed form to remind them of their responsibilities (Letter 2). As well as being copied to the Chairman of the Parish Council and the relevant RoW assistant and, if applicable, the parish resident who reported the breach, Letter 2 is to be copied to Wiltshire Council (RoW Department) inviting them to take the matter forward for enforcement action as they deem appropriate and requesting feedback to the Parish Council on their decision within a month of receiving Letter 2.
 - d. Depending on the feedback provided by the Wiltshire Council RoW department to Letter 2, the Parish Council may take no further action save to continue monitoring the situation, with the help of its RoW Assistants. However, if the Parish Council feels it to be in the public interest to pressure

the Wiltshire Council Highways Authority to take the matter further, it may use the provisions available under the Highways Act 1980. However, it will endeavour to settle the matter amicably as well as effectively with the RoW Department of Wiltshire Council, recognising the value of maintaining constructive working relations with the Council.

Adopted by the Parish Council 21 August 2024