

APPENDIX 2- HCC Access Enforcement Policy- Consultation Responses

Recipient	Representing	Comment	Response	
Alan Taylor	HCAF Chairman	<p>It is good to see that the difficulties causing delay have been resolved and that it is now hoped to have the policy adopted around the end of the year.</p> <p>I have a number of comments, but none are major:</p> <ol style="list-style-type: none"> 1. Page 10 1st para: The six circumstances bullet-pointed in the second sentence are all cases where prosecution could be in the public interest. They are not “additional”. 2. Page 10 reference to RPA: would it be prudent to phrase this more generally given that Defra support schemes are likely to change; GAEC might not survive in its present form in the new ELM or whatever. 3. Page 11, de minimis obstructions: would it be appropriate to take action when higher priority action is being taken on the same RoW? 	<ol style="list-style-type: none"> 1. Agreed 2. Agreed 3. Add “Priority will increase if de-minimis obstructions are part of wider issues on the same land” 	
Henry Mellor	NFAF - Accessibility	<p>I think the Equality and Diversity Statement is excellent and I like the term ‘...people who share a protected characteristic...’</p> <p>Moving to the next page headed ‘Public Rights of Way - Definition’, the first three definitions seem to run contrary to the Equality and Diversity Statement. I suggest the following alternative wording to illustrate my point:-</p> <p>Item one: Public Footpaths - Where the public has a right of way on foot or on a wheelchair, electrically powered mobility scooter or wheelchair (where safe to do so).</p> <p>NB The onus here would be on HCC place signs on footpaths that are safe for wheelchairs and mobility scooters and</p> <p>Item two: Public Bridleways - where the public has a right of way on foot, on horseback, leading a horse, on a bicycle or an electrically powered bicycle, on a wheelchair or on an electrically powered mobility scooter or wheelchair.</p> <p>Item three: Restricted Byways - where the public has a right of way on foot, on horseback, leading a horse, on a bicycle or an electrically powered bicycle, on a wheelchair or on an electrically powered mobility scooter or wheelchair and riders of non-mechanically propelled vehicles (such as horse drawn vehicles).</p> <p>The current wording places a lot of emphasis on the use of horses which, ironically, remains appropriate in the New Forest but generally also harks back to a past age. In the interest of equality and diversity I therefore advocate a review of the wording along the lines suggested.</p>	<ol style="list-style-type: none"> 1. Comments noted. To add following; ‘on foot’ includes the use of a pram, pushchair or wheelchair, or mobility vehicle where possible 	
Gail Johnson/Gill Plumbley	HCAF/Equestrians BHS British Carriage Riders	<p>Generally, we believe this to be a good document, but suggest the following points/amendments are considered:</p> <p>Is HCC satisfied that the terminology and explanation of terms within the document is helpful to the layman to understand?</p>	<ol style="list-style-type: none"> 1. Stronger Language 2. Timescales 3. Pg5 - Agreed 	Language – we believe that the Language used has the correct level and balance, some minor adjustments have been made.

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		<p>The document is quite 'soft' in tone and the language needs to be strengthened to give it authority. An example is on page 15 - see comment below.</p> <p>Timescales: throughout the document (particularly page 9) the timescales for when action will be taken are too vague. They need to be more precise to provide better clarity of when action will be taken.</p> <p>Specific points:</p> <p>Page 5: We believe that the bullet points need to be re-ordered in that recreational is listed first above utilitarian. The reason for this is that the PROW are primarily used for recreational purposes.</p> <p>Page 9: Timescales too vague</p> <p>Page 13: We believe that warning signs should be in place where there are young bulls/heifers under the age of 10 months with their mothers in a field. Mothers are likely to be extremely protective of their young.</p> <p>Page 14: line 3 from bottom: grammatical error. Take out 'effected' and replace with 'affected'.</p> <p>Page 15: Electric fences across a public right of way: what is the specified time that the text refers to?</p> <p>Electric fences alongside a PROW: penultimate line change 'may' to 'will' to reinforce enforcement authority</p> <p>Page 18: Obstructions which are more recent: what does the last sentence mean?</p> <p>Page 19: Change the wording 'should be' to 'will be' in both paragraphs.</p>	<ol style="list-style-type: none"> 4. Pg 9 -"within a given time period" In guidance docs for officers 5. Pg13- NFU provide guidance 6. Pg14-Agreed 7. Pg15- In guidance docs for officers 8. Pg18-Agreed removed 9. Pg19-Agreed 	<p>Timescales - will vary between each case. Staff Guidance documents are being finalised which will provide guidelines to timescales</p>
Alan Marlow	HCAF/Ramblers	<p>I have received the document both as a member of the Hampshire Ramblers Footpath Secretariat (FPAWE), and as a member of HCAF. Overall, I believe that the document represents a positive step in the right direction towards improving enforcement on Hampshire's PROWs. I support the comments submitted by David Clark on behalf of the Ramblers Secretariat.</p> <p>The one other comment I would make, prompted by the current usual bout of flooding issues that seem to happen every year, is that this form of obstruction is not mentioned in the document.</p> <p>Is there a case for inclusion in the listing on page 7 the situation where serious flooding is obstructing a PROW because of the lack of adequate drainage provision by a landowner?</p>	<ol style="list-style-type: none"> 1. See D Clarke 2. Flooding--? Not specifically mentioned but dealt with in surfacing and obstruction 	<p>consider for inclusion in future review of policy</p>
Melanie Fortescue	4x4	<p>Although I am no longer a member of HCAF and with Alan's grace am available to engage with the Forum until a replacement can be found, I would like to request two amendments to the policy document.</p> <p>The section about disturbance of the surface on page 22 says that the surfaces are susceptible to damage by motor vehicles. Unbound surfaces are susceptible to damage from all use and also from the weather.</p>	<ol style="list-style-type: none"> 1. Pg 22- Suggest removing 'by motor vehicles' in 2nd paragraph. The 'for example' is regarding 	

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		I request that (a) the part of the statement after "and" is deleted as it is unnecessary and misleading and (b) that qualifier "for example in motorised vehicles" is also removed as it is unnecessary to the meaning of the paragraph.	private vehicle use by landowners.	
Anna Hammond	Accessibility	Page 4 - It needs to be in writing that people with mobility problems that may necessitate a wheelchair or mobility scooter are still 'on foot' there needs to be some definition between a mobility device and an ATV which should be restricted to a BOAT even if it's being used by a disabled person, a Class 3 'invalid carriage' seems sensible. Page 22 - In the bit about stiles and gates there could be further encouragement to promote disabled access. The section about surface could include poor surface condition caused by farm machinery for example near me a tractor that has driven a path which was also a PROW footpath when clay mud was very soft leaving trenches now in places a foot deep which were done nothing about so in the summer they dried hard, the same happened the next year and so on.	1. see above 2. Surface damage by private use is covered. See above	
Sue Coles	Cycling	Thanks for sight of this document. It is generally a good document but like Gail and Gill I should like to see the language strengthened. This would give it greater credence.		See comments above regarding language.
Paul Knipe	Conservation Interests	This appears to be an uncluttered document and covers the essential areas of concern. I did wonder, in the current situation if it would be worth commenting on landowners with rights of way crossing, or adjacent to their property, taking greater note of the condition of their trees; this particularly with regard ash trees with the incidence of the Chalara Ash Die-back disease' Additionally where a time limit is given to carry out work there should be a rider explaining that the work should be carried out with regard to the Countryside and Wildlife Act . An extension to this time limit may be granted to prevent, for instance, nesting birds.	1. Covered by Liability section 2. Noted for Officer guidance	see timescale comments above regarding Staff Guidance
David Clark	Hampshire Ramblers	Submitted draft paper with suggested added comments/amendments; 1. Comments regarding processes and officer actions 2. Need for contact email/date 3. Addition of Cycleways/Cycletracks 4. Use of "that is of value" pg 5 5. Section on ropes-addition of fencing etc 6. Comments regarding timescales 7. Priority for notices served against council 8. Addition of ripped clothing-barbed wire 9. Include use of volunteers 10. Explanation of CAMS and process to follow	1. Noted for officer guidance 2. Agreed 3. Only Routes on Definitive Map 4. Agreed 5. HA s162-add 'etc' 6. Timescales comments above	

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