

AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	-
2.	<u>DECLARATIONS OF INTEREST</u> To receive declarations of interests in respect of any item to be considered at this meeting.	5 - 6
3.	<u>MINUTES</u> To confirm the Part I minutes of the Panel held on the 7 March 2017.	7 - 12
4.	<u>PUBLIC RIGHTS OF WAY: PROPOSED DIVERSION ORDERS, MAIDENHEAD FOOTPATHS 12, 16 (PART) AND 19 (PART)</u> By the Parks and Countryside Team Leader (Anthony Hurst).	13 - 26
5.	<u>DATES OF FUTURE MEETINGS</u> <ul style="list-style-type: none">• 14 September 2017• 4 December 2017• 5 March 2018	-

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MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in discussion or vote at a meeting.** The term 'discussion' means a discussion by the members of meeting. In order to avoid any accusations of taking part in the discussion or vote, Members should move to the public area or leave the room once they have made any representations. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any licence to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where:
 - a) that body has a piece of business or land in the area of the relevant authority, and
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: 'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: 'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

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Agenda Item 3

RIGHTS OF WAY & HIGHWAY LICENSING PANEL

TUESDAY, 7 MARCH 2017

PRESENT: Councillors Maureen Hunt (Chairman), Lynda Yong (Vice-Chairman), Clive Bullock, John Collins, Mohammed Ilyas, Gary Muir and Samantha Rayner

Officers: Tanya Leftwich and Anthony Hurst

APOLOGIES FOR ABSENCE

Apologies were received from Councillor Simon Werner (no sub was available).

It was announced by the Chairman that the meeting was being recorded.

DECLARATIONS OF INTEREST

None received.

MINUTES

RESOLVED: That the Part I minutes of the meeting of the Panel held on 1 December 2016 be approved.

PUBLIC RIGHTS OF WAY: PROPOSED DIVERSION ORDER, BRAY FOOTPATH 61(PART)

The Chairman asked the Parks and Countryside Team Leader to outline the report to the Panel.

The Parks and Countryside Team Leader, Anthony Hurst, informed Members that the report sought the Panel's authorisation to publish a Diversion Order for part of Bray Footpath 61, in response to an application received from the owner of the land crossed by the footpath. Members were informed that there would be no cost to the Council as all costs would be met by the applicant. A plan showing the proposal could be found at Appendix 1 (page 15 of the agenda).

Members were shown photos of the Footpath 61 Bray (point A looking west and point B looking east) and the route shown on the Definitive Map (between points A and B).

The Parks and Countryside Team Leader explained that the reason for the diversion as stated by the applicant was to formalise the route of the footpath so that the route shown on the Definitive Map followed the same route that walkers used on the ground. It was noted that this would provide clarity both for the applicant/landowner and path users.

It was noted that no works were proposed to the new route of the footpath which already had a firm, level well-drained surface. Members were informed that the new route of the footpath would have a legally defined width of 2.0m (the current route had no legally defined width).

The Parks and Countryside Team Leader explained that it was considered that the criteria set out in Section 119 of the Highways Act 1980 were met in this case. Members were informed that no objections had been received in response to the preliminary consultations on the proposal. Members were referred to section 8 of the report on page 13 of the agenda which listed the consultation responses.

It was noted that whilst the Ward Councillors for Bray had been consulted as the diversion part of the footpath was located in Bray, the neighbouring Ward Councillors should also have been consulted.

RESOLVED Unanimously that the Head of Highways and Transport be authorised to publish a Diversion Order for Bray Footpath 61 (part) as detailed in this report. If no objections are received following publication of the Order, or any such objections are subsequently withdrawn, to confirm the Order without further recourse to the Panel. If objections are received and not subsequently withdrawn, the proposal is to be brought back to the Panel for further consideration.

MILESTONES STATEMENT 2017/18

The Chairman asked the Parks and Countryside Team Leader to outline the report to the Panel.

The Parks and Countryside Team Leader explained to Members that the report sought the Panel's approval for the "Milestones Statement and Public Rights of Way Improvement Plan Annual Review 2017/18" attached in Appendix 1 which set out the Council's objectives, priorities, targets and service standards for public rights of way work in the coming year and the resources available for delivering this service.

Members were informed that the Local Access Forum had considered the Milestones Statement 'Targets', 'Priorities' and 'Service Standards' at its meeting held on 11 November 2016, and made the following recommendations. The Panel went through each target and agreed the following for 2017/18:

Well Maintained

WM 1: To ensure that all public rights of way are easy to use by members of the public. (This is the former Best Value Performance Indicator for public rights of way). Target: 95%.

The LAF had recommended keeping this target at 95% to which the Panel agreed.

WM 2: To carry out major surface improvements/ vegetation clearance on 10 public rights of way.

The LAF had recommended to keep this target at 10 paths to which the Panel agreed.

WM3: To repair or replace 5 bridges.

The LAF had recommended to keep this target at 5 bridges to which the Panel agreed.

Legally Defined

The Panel agreed to remove LD1: *To actively progress a minimum of 4 applications to add public rights of way to the definitive map, including resolving significant errors in the map, as suggested by the LAF.*

Well Publicised

WP1: To produce 1 new Parish rights of way leaflet.

The LAF had recommended to increase this target to 2 new Parish rights of way leaflets, the Panel agreed to keep the target at 1.

WP2: To assist others to produce effective promotional material: a minimum of 1 new or updated publication.

The LAF had recommended to keep this target at 1 new or updated publication to which the Panel agreed.

Improving Access and Connectivity

AC1: Create 1 new strategic path, either public right of way or permitted, to fill identified gaps in the public rights of way network.

The LAF had recommended to keep this target at 1 new path to which the Panel agreed subject to the following wording being added *as/when opportunities arise*.

The Chairman congratulated the officers involved and Ward Councillors (specifically Councillor Hilton) that pushed for the new path from Ascot High Street to Ascot Station.

AC2: To make 15 physical access improvements, including the replacement of stiles with gates or gaps, to facilitate use by those with special needs, the elderly, people with pushchairs etc.

The LAF had recommended to keep this target at 15 physical access improvements to which the Panel agreed.

Enforcement

EN 1: To resolve 10 enforcement issues.

The LAF had recommended to change the target to a Service Standard ‘resolve all new enforcement cases within 3 months’ to which the Panel agreed.

2.Priorities for 2017/18

The LAF had recommended to change the existing priority to: “Improvements: seek improvements *and additions* to the network to *enhance connectivity* for horse riders, cyclists and people restricted mobility” to which the Panel agreed.

The LAF had recommended to change the existing priority to “Liaise with landowners and occupiers on all public rights of way matters, including updating and advising landowners on changes in legislation *and encouraging the establishment of permitted routes*” to which the Panel agreed.

3.Service Standards for 2017/18

The LAF, following a suggestion from William Emmett, had recommended replacing the existing enforcement Service Standard with the following procedure, to which the Panel agreed:

Use powers:

To enforce and remove any obstructions to the public rights of way network within three months of inspection, and enforce compliance with the Rights of Way Act 1990 (ploughing etc.) within 6 weeks of inspection [*replace “within 6 weeks of inspection” with “in accordance with the Council’s Ploughing and Cropping procedure below”*], and give consideration to all available statutory powers including prosecutions where appropriate.

Ploughing and cropping procedure:

1. Make first contact with farmer via telephone and email (*with a read receipt*) to explain the report or issue. This telephone call and email should agree the date with the farmer for the resolution of the issue based upon the statutory 14 day deadline. Explain that if the works are not done by this deadline the issue will be reported to the Rural Payments Agency.
2. Take the 14 day deadline from the date that the farmer is first contacted by the Council. Where necessary, agree an extension of this deadline for up to 28 days, for example where ground conditions do not allow proper reinstatement within the normal 14 day period.
3. Request the farmer to contact RBWM when the reinstatement works have been done, if possible providing photographic evidence. If the agreed deadline has not been met, the breach of regulations should then be reported to the Rural Payments Agency
4. If the path has not been cleared and the path reinstated by the stated deadline the Council arranges for a contractor to clear the path and reinstate the surface (as required) and the cost of these works is re-charged to the farmer. This issue is then closed.

In the ensuing discussion the following points were noted:

- ❖ Hurley Parish Council had submitted the following comment:
“The Milestones Statement was discussed at last week’s Hurley Parish Council meeting and our response is broadly supportive. Whilst the council understands and applauds the setting of targets we suggest that given the limited resources of the team, the specific targeted items should be interchangeable should the need arise. The council also welcomed the initiative to work closer with the Parish Councils”.
- ❖ Cox Green Parish Council had submitted the following comment:
“This Council supports the priorities, targets and standards as supplied”.
- ❖ Members were referred to the list of achievements of the Milestones Targets 2016/17 which could be found on page 41 of the agenda.
- ❖ Members were referred to the budgets on page 26 of the agenda – it was noted that the main revenue (£60,000) and capital budgets (£20,000 Rights of Way general & £40,000 Rights of Way bridges) were different from last year although the total amount was the same (last year the Rights of Way general budget had been £40,000 and the Rights of Way bridges budget had been £20,000).
- ❖ That the Revenue budget covered work such as an annual vegetation clearance, contract of programmed works, and additional reactive works such as clearance of fallen trees and branches from public rights of way.
- ❖ That the Capital budget (Rights of Way general) covered work such as surface improvements or repairs to public rights of way that have become eroded, rutted or poached, and access improvements such as replacement of step-stiles with more accessible gates.
- ❖ That there was a Highways budget (£250k) that was assigned for bridge strengthening and £40,000 had been allocated from this budget for work on ROW bridges.
- ❖ That a request for additional funding from another budget could be made if needed for emergency or safety work.
- ❖ That the Parks and Countryside Team arranged clearance of fallen trees across public ROW / countryside paths, rather than the Streetcare Team. It was noted that the Streetcare Team referred people to the Parks and Countryside Team if they received requests / reports of fallen trees across the path network
- ❖ That the ROW budgets were flexible and could be interchanged if needed. It was agreed that the Parks and Countryside Team Leader would add a footnote to the Milestones Targets to this effect.
- ❖ That if a Utility Company damaged a public ROW they would be responsible for repairing the damage and for reporting it to the Council before any work took place.
- ❖ That the Public Rights of Way Officer, Andrew Fletcher, had a list of contact details for farmers in the Royal Borough.

The Chairman encouraged Members to attend the Local Access Forum if they were available as she had found the meetings to be very informative and very helpful. It was agreed that the Clerk circulate the LAF meeting dates to the Panel and electronic copies of the agendas be sent to the Panel via Mod.Gov.

RESOLVED: Unanimously that the Panel approved the “Milestones Statement and Public Rights of Way Improvement Plan Annual Review 2017/18” subject to the removal of LD1, for AC1 to read ‘Create 1 new strategic path, either public right of way or permitted, to fill identified gaps in the public rights of way network as/when opportunities arise’. That EN1 be changed to a Service Standard to read ‘resolve all new enforcement cases within 3 months’. That Priorities for 2017/18 be changed to “Improvements: seek improvements and additions to the network to enhance connectivity for horse riders, cyclists and people restricted mobility” and to “Liaise with landowners and occupiers on all public rights of way matters, including updating and advising landowners on changes in legislation *and encouraging the establishment of permitted routes*”. To replace the Service Standard “*within 6 weeks of inspection*” with “*in accordance with the Council’s Ploughing and Cropping procedure*”.

The Chairman, on behalf of the Panel, thanked the Principal Rights of Way Officer and his team for all their hard work and dedication.

PATH PROGRESS REPORT

The Principal Rights of Way Officer explained to Members that the report (for information only) updated the progress made with regard to Public Rights of Way issues during the six months from August 2016 to February 2017. Members were informed that the Progress Report was attached as Appendix 1. It was noted that the Progress Reports were submitted to the Panel in March and September each year, and were also circulated to all members of the borough’s Local Access Forum.

Photos of Public Footpath 19 Eton (Southfield) were shown to Members (before and after photos). It was noted that initially the footpath had not been marked properly but had since been sprayed by the farmer in response to a request from the Rights of Way Officer . The Chairman stated that going forward she hoped landowners would be able to submit photos to the ROW team as proof the work had been completed.

Photos of the Restricted Byway 11 Bisham (Bisham Woods) surface improvements were shown to Members (before and after photos). It was noted that the restricted byway had been extremely muddy and that horse riders had found it hard to use. Members were informed that limestone scalplings had been used and the path was now used by all. It was noted that limestone scalplings had been used because the woods were owned by the Woodlands Trust and the scalplings contained no residues of oil and also blended into the surroundings well after a while. Members were informed that volunteers had been used to help level the spoil on the banks after the contractors had laid the scalplings.

Photos of the new Public Footpath 36 Sunninghill (Ascot High Street to Ascot Station) were shown to Members. It was noted that a salt bin had been added to this new path along with street lights. It was noted that gates at the entrances to this path were keptunlocked locked as it was a public right of way.

Photos of Byway 67 Bray (Hog Oak Lane) width restriction installed were shown to Members (after photo). It was noted that the width restriction had been requested by the landowner and residents of Hog Oak Lane, strongly supported by Ward Councillors. Members were informed that the ROW Capital Budget would have funded this work. It was noted that a combination lock had been installed and that the code had been provided to a local pony & trap owner so

he could continue to use the path legally. The Chairman felt that had been a good compromise.

Photos of Public Footpath 18 Hurley (Diversion Order confirmed) were shown to Members (new route opened and old route access restricted).. It was noted that it was now possible to walk past the statue and enjoy the splendid views. Members were informed that the old route had been close to the college buildings and as such had been moved for security and privacy reasons. It was noted that the Diversion Order process had taken approximately six months to complete.

Photos of the boardwalk construction at Footpath 5 Sunninghill were shown to Members. It was noted that the conservation volunteers had added railway sleepers to the previously flooded path. Members were informed that a hand rail would also be added but that the footpath was already in use.

The Chairman thanked the Principal Rights of Way Officer for his before and after photos which she felt were excellent.

RESOLVED: Unanimously that the Panel noted the report.

A.O.B.

Volunteers

Councillor Samantha Rayner suggested that a letter of thanks from the Mayor be sent to all the volunteering groups that the Council had utilised over the past year to which the Panel agreed.

Cox Green

Councillor Clive Bullock explained that there was a large amount of land in Cox Green that could be accessed by the public and suggested that it might be worth adding a public footpath adjacent to the stream so it was never lost if ownership of the land ever changed. The Parks and Countryside Team Leader confirmed that the current consultation did include the option of adding a new footpath along the stream. Members were informed that it was not yet decided whether to make this path a designated ROW. Councillor Samantha Rayner added that if the path was made a designated ROW it might restrict it's use in the future but that it was something that could be considered.

DATES OF FUTURE MEETINGS

Future meeting dates were noted to be as follows:

- 12 July 2017
- 14 September 2017
- 4 December 2017
- 5 March 2018

The meeting, which began at 6.30 pm, finished at 7.40 pm

CHAIRMAN.....

DATE.....

Agenda Item 4

Report Title:	PUBLIC RIGHTS OF WAY: Proposed Diversion Orders, Maidenhead Footpaths 12, 16 (part) and 19 (part)
Contains Confidential or Exempt Information?	NO
Officer reporting:	Anthony Hurst, Parks and Countryside Team Leader
Meeting and Date:	Rights of Way and Highway Licensing Panel 17 th July 2017
Responsible Officer(s):	David Scott, Head of Communities and Highways
Wards affected:	Maidenhead Riverside

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Royal Borough
of Windsor &
Maidenhead

REPORT SUMMARY

This report seeks the Panel's authorisation to publish Diversion Orders for Maidenhead Footpaths 12/16 (part) and Maidenhead 19 (part), in response to an application received from the owner of the land crossed by the footpaths. There will be no cost to the Council as all costs will be met by the applicant. Plans showing the proposal are attached at Appendix 1.

1. DETAILS OF RECOMMENDATION

RECOMMENDATION:

That the Head of Communities and Highways be authorised to publish a Diversion Order for Maidenhead Footpath 12/16 (part), and Maidenhead Footpath 19 (part) as detailed in this report. If no objections are received following publication of the Orders, or any such objections are subsequently withdrawn, to confirm the Orders without further recourse to the Panel. If objections are received and not subsequently withdrawn, the proposal is to be brought back to the Panel for further consideration.

2. REASON FOR RECOMMENDATION AND OPTIONS CONSIDERED:

Option	Comments
Publish Diversion Orders for Maidenhead Footpath 12/16(part) and Maidenhead 19 (part).	This is the recommended option , as the footpath diversions and associated access improvements would be in the interests of both the landowner and users of the footpaths.
Decline the Diversion Order application	This option is not recommended.

3. KEY IMPLICATIONS:

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Orders confirmed, and diversions implemented	Orders not made.	Diversion implemented by 30 Sept.	Diversion implemented by 22 Sept.	Diversion implemented by 15 Sept.	30 Sept 2017.

4. FINANCIAL DETAILS / VALUE FOR MONEY

Financial impact on the budget: All costs associated with the footpath diversions, (including legal and administration costs, the cost of newspaper advertisements, and the costs of works carried out on the ground) will be met by the applicant. There will thus be no cost to the Council. The diverted routes of the footpaths will be maintainable by the Council as part of the public rights of way network (as are the existing routes), but no additional maintenance costs will be incurred as a result of the diversions.

5. LEGAL IMPLICATIONS

Legal test to be applied: The proposed diversions must be considered under the criteria set out in Section 119 of the Highways Act 1980. This requires that before making a Diversion Order the Council must be satisfied that the proposal would be in the interests of the owner of the land and/or in the interests of the public. The Council must also be satisfied that the proposed new route will not be substantially less convenient to the public than the existing route, and must have regard to the effect that the diversion would have on public enjoyment of the path as a whole, and the effect that the coming into operation of the diversion would have on land served by the existing right of way. The Council must also have regard to the needs of agriculture and forestry, flora and fauna, and any relevant provisions within the current “*Royal Borough of Windsor and Maidenhead Public Rights of Way Management and Improvement Plan 2016-2026*”

The applications:

Footpath 12/16: The current route of Maidenhead Footpath 12 runs westwards from Summerleaze Road, (starting near to the sharp bend where Summerleaze Road meets Blackamoor Lane), then turns northwards along the surfaced access road to North Maidenhead Cricket Club. Part-way along the route the footpath number changes from Footpath 12 to Footpath 16. The footpath is shown by the solid black line B-A on Map 1 attached.

The proposal submitted by the landowner is to divert this section of footpath to follow the route shown by the dashed black line between points A-C on Map 1, part of which is an existing surfaced permitted footpath-cycleway. A level permeable surface 2.5m wide will be provided along the whole length of the proposed new route of the footpath, which would have a legally defined width of 2.5 metres.

The reasons for the diversion of Footpaths 12/16 as stated by the applicant are as follows:

“For the safety and enjoyment of users of FP12:

The existing public footpath runs on a shared surface with vehicles accessing the North Maidenhead Cricket Club. This is used by various teams, playing cricket, football, softball and a thriving social club, with darts, snooker and other games. This results in substantial traffic levels at times when it is most likely walkers and cyclists will be using the path. In addition there is a large vehicle repair facility which takes access from the track used by FP12, resulting in pedestrians having to avoid these vehicles. The proposed diversion would provide a safer route, removing the joint use of the access road by FP12 to the

currently used permissive path, which runs north-south parallel with the existing FP12 line.

For the safety and enjoyment of users of FP16 and to provide a link with FP12:

FP16 runs due west from the northernmost point of FP12. The proposal is to divert the most easterly part of FP12 onto the permissive path which is the subject of a concurrent application for the diversion of FP12. This small part of FP16 (18m) occupies a shared surface with vehicles accessing the North Maidenhead Cricket Club. This is used by various teams, playing cricket, football, softball and a thriving social club, with darts, snooker and other games. This results in substantial traffic levels at times when it is most likely walkers and cyclists will be using the path. There is also a “large vehicle” repair facility which takes access from the track shared by FP12, requiring pedestrians having to avoid these vehicles. The proposed diversion completes a safer route, removing the joint use of the access road by FP12 to the currently permissive path, which runs north-south parallel with the existing FP12 line. FP16 will remain for pedestrian use, whilst the cycle path will share the surface of the access road. However this has good visibility and traffic within this area is slowed by the bend.”

Footpath 19: The section of Maidenhead Footpath 19 proposed for diversion follows a curving route as shown by the solid black line between points A and B on Map 2 attached. The proposal submitted by the landowner is to divert this section of the footpath to follow the route shown by the dashed black line between points A and B on Map 2, which is an existing surfaced permitted footpath-cycleway. No works are proposed to the proposed new route of the footpath, which already has a reasonably firm and level surface. The proposed new legal route of the footpath would have a legally defined width of 2.7 metres.

The reasons for the diversion of Footpath 19 (part) as stated by the applicant are as follows:

“A Permissive Path has already been provided as a more convenient and direct route between points A and B on the enclosed Plan. The Permissive Path is surfaced with gravel and is used by the great majority of walkers, including users of Green Way East. The present Definitive Route loops into a small field that the applicant wishes to continue using for recreational use for football in response to requests from local community football clubs. The footpath conflicts with this use due to walkers exercising their right during periods when the football pitch is in use. Users of the footpath also exercise their dogs in the field and do not clear up their dog faeces. This unedifying task is left to the players and is deterrence to participation. The playing area therefore needs to be fenced”.

Associated accessibility improvements: No gates or barriers will be installed on the proposed new sections of Footpaths 12/16, or Footpath 19. Additionally, the landowner has agreed that, if the Diversion Orders are confirmed, five existing gates/barriers on connecting footpath/cycleways will be removed: three of these barriers will be replaced by easy-access “K barriers” (which allow access for most designs of cycles, mobility vehicles, pushchairs etc.), and two existing gates/barriers will be replaced by gaps (minimum 1m width). The locations of these accessibility improvements are on shown on Maps 1, 2 and 3.

Assessment: It is considered that the criteria set out in Section 119 of the Highways Act 1980, as detailed above, are met in this case: the proposed new routes of the footpaths would be equally or more convenient and enjoyable for users than the existing routes; potential for conflict between walkers/cyclists and vehicles will be reduced; there would be no adverse impact on agriculture, forestry, flora or fauna. The proposed accessibility improvements would improve access for cyclists and mobility restricted users, including users of National Cycle Route 4, and are consistent with the following proposals in the adopted “*Royal Borough of Windsor and Maidenhead Public Rights of Way Management and Improvement Plan 2016-2026*”

2.15 Removal of unsuitable barriers on paths, and other access improvements.

25 (c) make the Greenway accessible to mobility restricted users

No objections were received in response to the preliminary consultations on the proposal, as detailed in section 8 below. It is therefore recommended that Diversion Orders are published, as shown on the Plans attached at Appendix 1.

6. RISK MANAGEMENT

There are no identified risks associated with this proposal.

7. POTENTIAL IMPACTS

7.1 SUSTAINABILITY IMPACT APPRAISAL

The proposed diversions and associated accessibility improvements would have a positive impact on sustainable transport by encouraging alternative forms of transport to the car.

7.2 EQUALITIES, HUMAN RIGHTS AND COMMUNITY COHESION

The accessibility improvements associated with the diversion applications would have a positive impact on ‘access for all’.

7.3 STAFFING/WORKFORCE AND ACCOMMODATION IMPLICATIONS

None.

7.4 PROPERTY AND ASSETS

None.

8. CONSULTATION

The Local Access Forum has confirmed that in principle it has no objection to the proposed diversions, subject to a number of detailed comments (see Appendix 2).

Maidenhead Civic Society has confirmed that in principle it has no objection to the proposed diversions, and has submitted a number of detailed comments (see Appendix 2).

The East Berks Ramblers have confirmed that they support the proposed diversions, subject to a comment about the width of the proposed new barriers (see Appendix 2).

Ward councillors (Maidenhead Riverside) have been consulted, and have raised no objections to the proposed diversions.

9. TIMETABLE FOR IMPLEMENTATION

If no objections are received during the statutory 28-day public consultation period, it is anticipated that the diversions could be confirmed and implemented by the end of September 2017.

10. APPENDICES

Appendix 1: plan of the diversion proposals and associated accessibility improvements.

Appendix 2: consultation responses

11. BACKGROUND DOCUMENTS

None.

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Commented & returned
Cllr Maureen Hunt	Panel Chairman	22/06/17 (Briefing 29/06/17)	
David Scott	Head of Communities and Highways	22/06/17	
Ben Smith	Highways, Parks and Countryside Manager	22/06/17	

REPORT HISTORY

Decision type: Non-key decision	Urgency item? No
Report Author: Anthony Hurst, Parks and Countryside Team Leader 01628-796180	

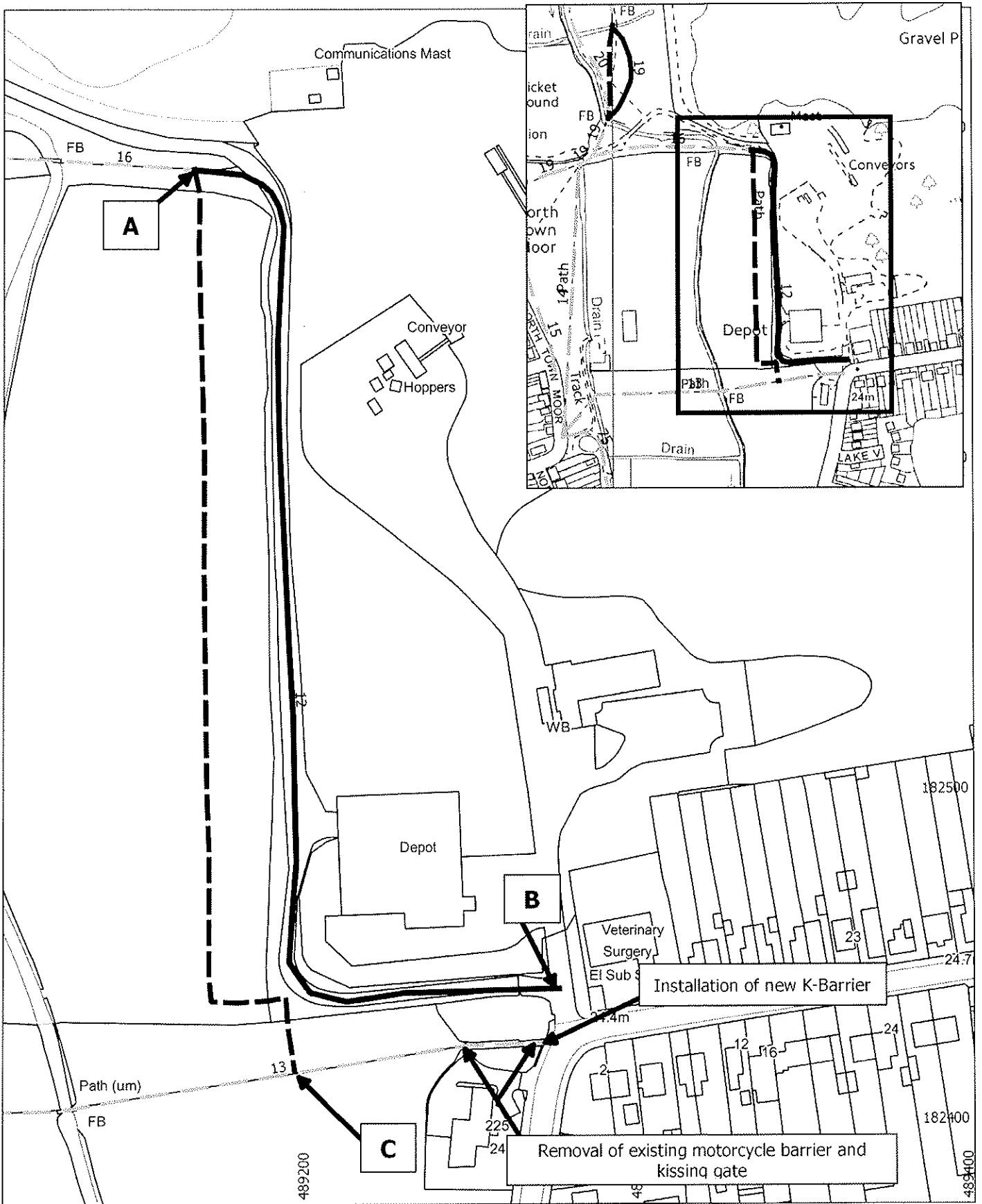
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Appendix 1

Map 1: Maidenhead Footpaths 12 and 16 (part) Diversion Order proposal

Map 2: Maidenhead Footpath 19 (part) Diversion Order proposal

Map 3: Additional accessibility improvements offered as part of the diversion proposals

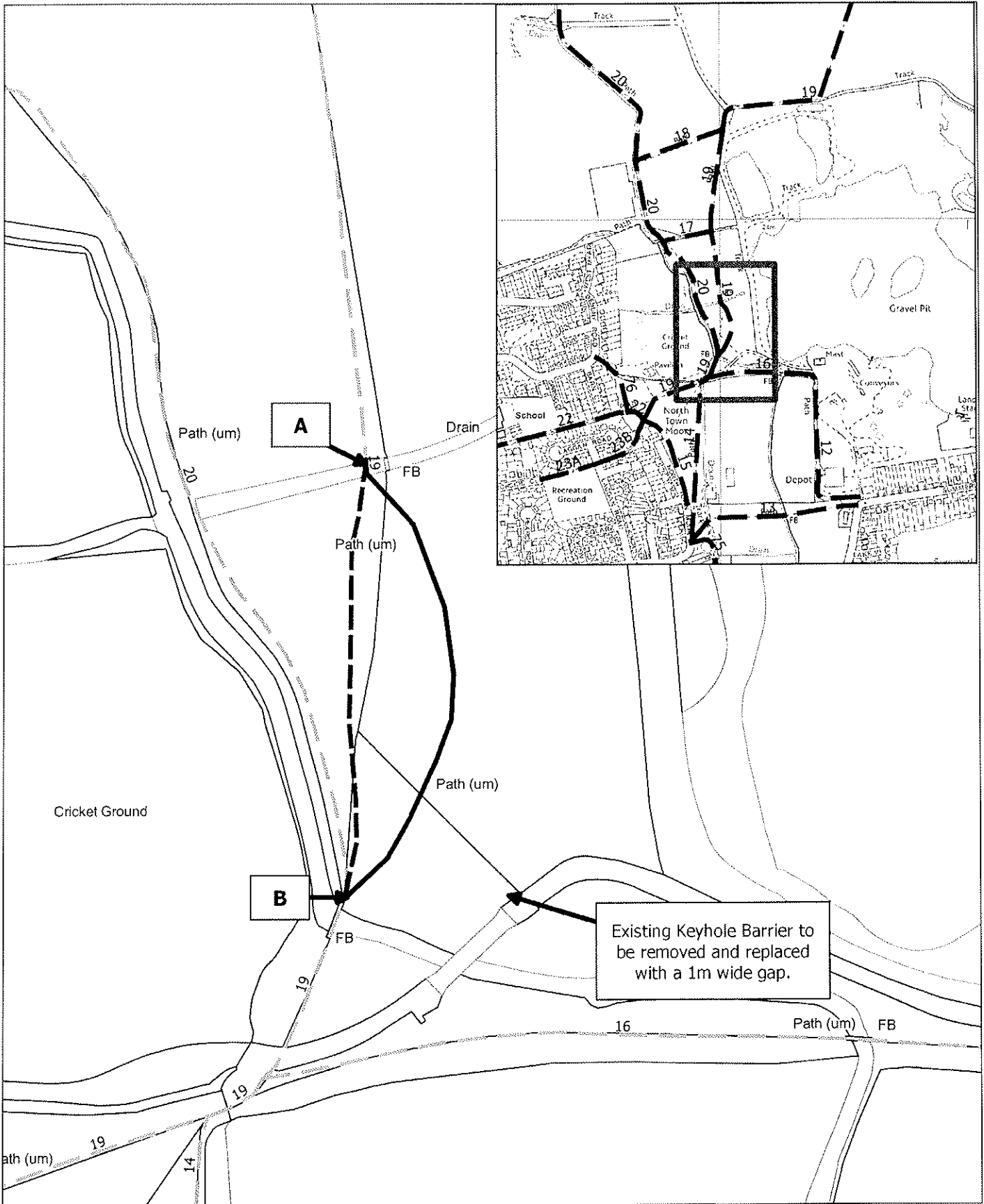


Public Rights of Way
 Drawn by: Andrew Fletcher

Date: 07/06/2017
 Scale: 1:1,500

Maidenhead Footpaths 12 & 16 Diversion Order Proposal

- Path to be added to the definitive map
- Path to be deleted from the definitive map
- Section of footpaths unaffected by the proposal



Public Rights of Way
 Drawn by: Andrew Fletcher

Date: 07/06/2017
 Scale: 1:1,250

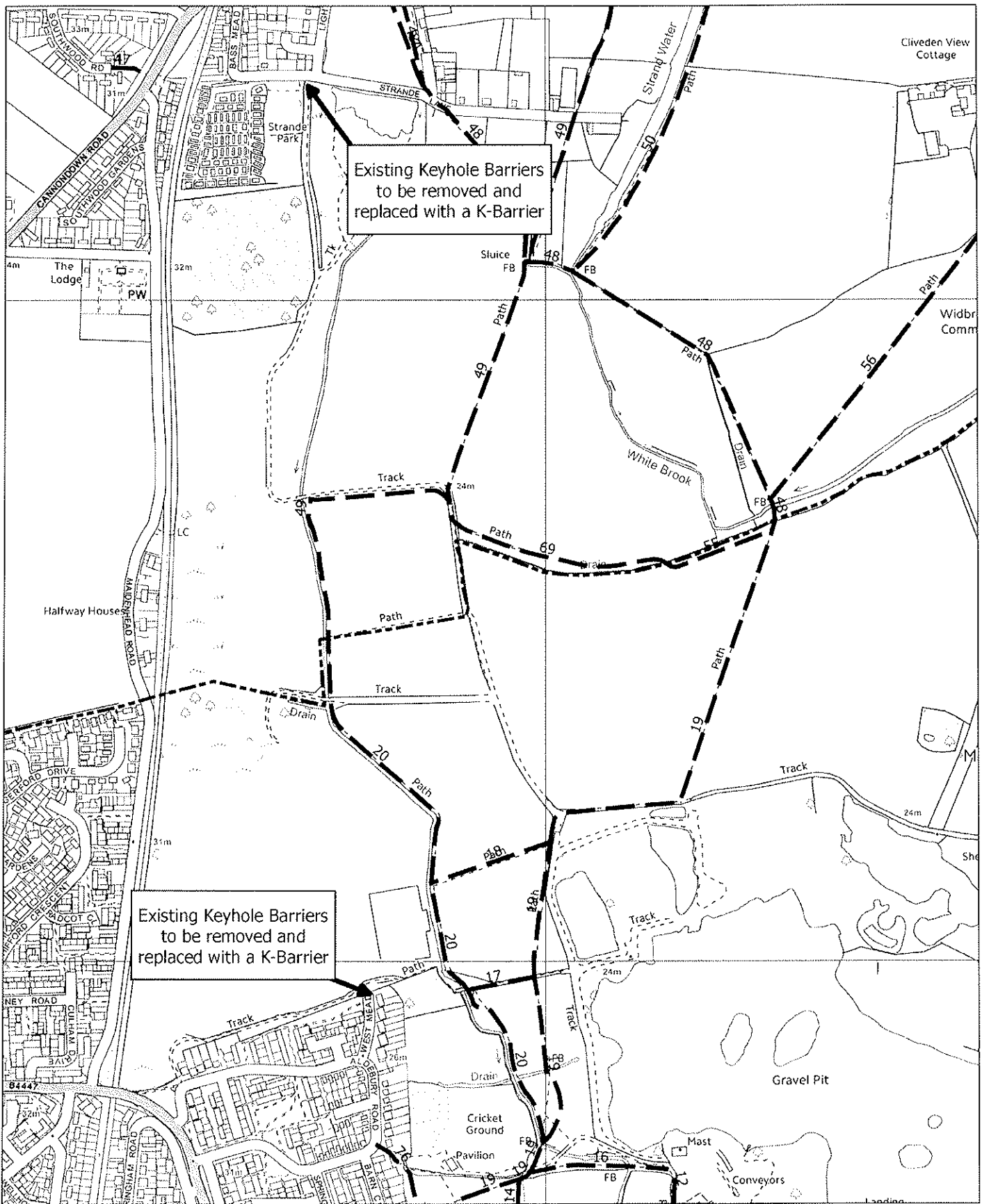
Maidenhead Footpath 19 - Diversion proposal

- Path to be added to the definitive map
- Path to be deleted from the definitive map
- Route of existing permitted cycle track
- Section of footpaths unaffected by the proposal

The Royal Borough



Windsor & Maidenhead



Existing Keyhole Barriers to be removed and replaced with a K-Barrier

Existing Keyhole Barriers to be removed and replaced with a K-Barrier

Public Rights of Way
 Drawn by: Andrew Fletcher

Maidenhead Footpaths 12 & 16 Diversion Order Proposal

Date: 07/06/2017
 Scale: 1:7,500

Additional Keyhole Barrier replacement offered as part of the proposal

www.rbwm.gov.uk



Royal Borough of Windsor & Maidenhead

Appendix 2

Consultation responses:

Local Access Forum

Maidenhead Civic Society

East Berks Ramblers

The Royal Borough of Windsor and Maidenhead Local Access Forum

Secretariat: Andrew Fletcher, Public Rights of Way Officer
Royal Borough of Windsor and Maidenhead, Town Hall, St. Ives Road, Maidenhead, Berkshire, SL6 1RF
Telephone: 01628 796122 **Email:** prow@rbwm.gov.uk
https://www3.rbwm.gov.uk/info/200938/local_access_forums

RBWM Local Access Forum Fast Response Team

Consultation Response: Maidenhead Footpath 12, 16 & 19 diversion proposals

22nd June 2017

Maidenhead Footpath 19 (part)

The Local Access Forum has previously examined the proposal for the diversion of Maidenhead Footpath 19 at its full meeting on the 29th June 2016. The Forum recommended that the diversion be allowed, with the following conditions:

- a. Width of the path should be a minimum of 3 metres to cater for cyclist and walking traffic
- b. The new line of the path should be protected on the Definitive Map
- c. Access to the cycle track should be improved at each end of the footpath, in particular the keyhole barriers in place along the cycleway should be replaced with more accessible structures

Maidenhead Footpaths 12 & 16 (part)

The Local Access Forum (LAF) Fast Response Team have examined the above diversion application and make the following comments on behalf of the Forum:

1. The forum notes the revised application for the diversion of Footpath 19 (with a width of 2.7 metres), as well as the diversion of Maidenhead Footpaths 12 and 16 (part).
2. The forum welcomes the agreement to remove the 5 existing barriers along the paths in this area, to be replaced with 3 K-Barrier installations, however it would like to recommend that the width of the K-Barriers be set to 600mm between the squeeze plates. This is felt to be the best width in order to provide good accessibility to all users whilst still preventing motorcycle access.
3. Subject to the specified barrier width above, the forum has no objection to the proposed diversion order for Maidenhead Footpath 12, 16 (part) and 19 (part).

This letter constitutes formal advice from the Royal Borough of Windsor and Maidenhead. The Royal Borough of Windsor and Maidenhead Council is required, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to relevant advice from this forum in carrying out its functions.

Anthony Hurst

Subject: FW: Proposed Footpath Diversions (Summerleaze)

From: Ann Darracott

Sent: 18/06/2017 14:58

To: Anthony Hurst

Subject: RE: Proposed Footpath Diversions (Summerleaze)

Dear Anthony

These proposed diversions were discussed at the recent Civic Society executive committee meeting.

Map 1: Approve of the removal on FP 13 of the existing motor cycle barrier and barred kissing gate and replacement with a K barrier.

We wish to point out that diverting FP12 onto the permitted path/cycleway will mean that on occasion the relocated footpath will be closed due to flooding (see attached image), but on balance it is probably a good idea to move the footpath away from the road.

We reiterate our earlier comment that the edges of a shared use path must be cleared regularly as vegetation over time encroaches.

There have been rumours that Little Farm Nursery is to be developed. Such development will require an access road, the location of which is at present unknown, at least to us. It is likely to impact on FP12 and 16. We strenuously object to the creation of any more roads in this area, that would be likely to cross footpaths and cycleway, endangering walkers and cyclists. There is no point in diverting a footpath away from road traffic only to have the path crossed by it elsewhere.

Map 2: Approve of the diversion of FP19 to the cycleway. We note that the keyhole barrier is to be replaced by a 1m wide gap. Is this sufficient for the manhandling of a cycle through the gap? We are concerned that cyclists will still prefer to use the old footbridge.

Map 3: Approve of the replacement of keyhole barriers on Lutman Lane and Strand Lane with K barriers.

Regards

Ann Darracott

Maidenhead Civic Society

Anthony Hurst

Subject: FW: Proposed Footpath Diversions (Summerleaze)

From: [Steve Gillions](#)

Sent: 15/06/2017 12:06

To: [Anthony Hurst](#)

Cc: ljhhugo@yahoo.co.uk; [David Bailey](#); [Gordon Marrs](#)

Subject: RE: Proposed Footpath Diversions (Summerleaze)

Dear Anthony

Thank you very much for coming back to me on this.

As you say, the proposed changes do take our comments and suggestions on board and EBR think they will result in a substantial improvement to the PROW network in North Maidenhead. We do therefore support the proposal, subject to one qualification as set out below. I would like to express our appreciation of the consultation process undertaken by Jan Molyneux as Summerleaze's consultant, and the input to the process from your team.

I would ask that that the K barrier width between the squeeze plates be set at 620mm in order to allow the passage of most mobility equipment and pushchairs. This accords with the view of Lisa Hughes, who represents disabled users on the LAF, and would match the gap at an existing K barrier in Eton.

Kind regards

Steve

Steve Gillions

Footpath Secretary, East Berks Ramblers.