

## RIGHTS OF WAY & HIGHWAY LICENSING PANEL

Thursday 14 December 2023

Present: Councillors Mandy Brar (Chair), Clive Baskerville (Vice-Chair), Alison Carpenter, Wisdom Da Costa, Geoff Hill, Maureen Hunt and Julian Tisi

Officers: Helena Stevenson, Katherine Joanna Lamprell, Sharon Wootten and Will Ward

Officers in attendance virtually: Sharon Wootten and Jacqui Wheeler

### Apologies for Absence

Councillor Coe submitted an apology for absence.

### Declarations of Interest

Councillor Brar declared that she had abstained when the application had previously come before the Cookham Parish Council. Councillor Brar stated that she would approach the application with an open mind.

Councillor Baskerville declared that he had previously played for the adjacent football club, but would approach the application with an open mind.

### Minutes

**AGREED UNANIMOUSLY: That the minutes of the meeting held on the 29th March 2023 were a true and accurate record.**

### Footpath 19 Maidenhead: diversion application

The Chair introduced all to the panel.

Sharon Wootten Public Rights of Way Officer introduced the panel to the application. Stating that the application was to divert a cross field path to an edge field path, the reason was for the extra space to be used to accommodate extra football pitches for public use.

Sharon Wootten stated that the application had been tested against the legal criteria, and it had met said criteria as it was in the interests of the landowner.

Councillor Wisdom Da Costa stated that he was new to the panel, Councillor Da Costa stated that he was familiar with planning panels where the regulation was clearer in his mind. Councillor Da Costa asked Sharon Wootten what laws and case laws were relevant for the panel to come to a decision.

Sharon Wootten stated the diversion order would be made under S119 of the Highways Act, and that to make a diversion it either had to be in the interests of the landowner or the public. Those were the only two criteria that the panel had to consider at this stage. If the panel decided to approve the application, it would move to a formal consultation and at that point it would need to meet additional criteria.

Sharon Wootten emphasised to the panel that at this stage it was only considering if it met the legal criteria that if it was in the interests of the landowner or the public. Councillor Da Costa

asked what issues would determine if it befitted the public. Sharon Wootten that at this stage the application had to benefit either the public or the landowner, not necessarily at this stage.

Councillor Hill proposed a motion to go with officers' recommendation and approve the footpath diversion application and publish a diversion order under s119 of Highways Act 1980.

Councillor Maureen Hunt stated that the application was an excellent idea, highlighting how the path would be well used and that football pitches were an excellent idea for the local community. Councillor Hunt asked about the surface that the new footpath would have. Sharon Wootten stated that a limestone surface would be more in keeping with the local area, Councillor Hunt concurred. Councillor Hunt seconded Councillors Hill's motion.

Councillor Julian Tisi stated that he supported the application in principle, he also asked the officer to repeat the point about the surface of the path. Sharon Wootten again stated a limestone path was favoured, as limestone was seen as more in keeping with the local area. Councillor Clive Baskerville stated that since he played at Holyport football club, he was pleased to see the club expanding and that it would be to the benefit of the local community.

Councillor Da Costa asked why Cookham Parish Council objected to the application initially, Sharon Wootten stated that apart from what was listed in the report they had received no further comment. Councillor Da Costa stated that in his opinion the path was not in the interests of the public, he asked how the public benefit from a new path. Sharon Wootten stated that in her interpretation the public would be benefitting as they would be getting a better surface, as it would be available more of the year by more people. She also highlighted that the path would be a permitted cycle route, as well as the public benefit gained from the new football pitches.

A named vote was taken.

<b>Footpath 19 Maidenhead: diversion application (Motion)</b>	
Councillor Mandy Brar	Abstain
Councillor Clive Baskerville	For
Councillor Alison Carpenter	For
Councillor Wisdom Da Costa	For
Councillor Geoff Hill	For
Councillor Maureen Hunt	For
Councillor Julian Tisi	For
<b>Carried</b>	

**Action: To Grant the footpath diversion application and publish a diversion order under s119 of Highways Act 1980.**

The meeting, which began at 6.30 pm, finished at 7.00 pm

Chair.....

Date.....