

Report for: ACTION
Item Number: 4

Contains Confidential or Exempt Information	NO
Title	Shottesbrooke Footpath 5 (part): proposed Diversion Order
Responsible Officer(s)	Anthony Hurst, Principal Rights of Way Officer Ben Smith, Strategic Manager Highways and Transport.
Contact officer, job title and phone number	Anthony Hurst, Principal Rights of Way Officer 01628-796180
For Consideration By	Rights of Way and Highway Licensing Panel
Date to be Considered	5 th September 2013
Affected Wards	Shottesbrooke

Report Summary

This report seeks the Panel's approval to publish a Diversion Order for part of Shottesbrooke Footpath 5, which crosses a Network Rail footbridge (Waltham Bridge), in order to facilitate the Great Western Mainline electrification programme. A plan showing the proposal is attached at Appendix 1.

If recommendations are adopted, how will residents benefit?

Benefits to residents and reasons why they will benefit	Dates by which they can expect to notice a difference
The proposed new route of the footpath is equally as convenient to the public as the original route.	September 2013
The diversion will help to facilitate the Great Western Mainline electrification programme.	

Details of Recommendations:

- i) That the Head of Legal Services, in consultation with the Strategic Manager of Highways and Transport, be authorised to publish a Diversion Order for Shottesbrooke Footpath 5 (part) as detailed in this report.
- ii) If no objections are received following publication of the Order, or any such objections are subsequently withdrawn, to confirm the Order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 If objections are received and not subsequently withdrawn, to report the proposal back to the Panel for further consideration

Financial Details: The costs of the diversion, (including legal and administration costs, newspaper advertisements, and the costs of works carried out to create the new route of the footpath) will be met by the applicant, Network Rail. There will thus be no cost to the Council.

Legal implications: The proposed diversion 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 expedient in the interests of the owner of the land and/or in the interests of the public. Due regard has to be paid to the needs of agriculture and forestry and to the desirability of conserving flora, fauna and geological features.

Before it confirms the Order 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.

Value for Money: There will be no cost to the Council arising from this diversion proposal, as all costs will be met by the applicant, Network Rail. With the exception of the section of footpath that crosses the footbridge itself, which is maintainable by Network Rail, the diverted route of the footpath will be maintainable by the Council as part of the public rights of way network (as is the existing route), but no additional maintenance costs will be incurred as a result of the diversion..

Sustainability Impact Appraisal: Effective management of the public rights of way network has a positive impact on sustainable transport by encouraging alternative forms of transport to the car.

Risk Management: There are no identified risks associated with this proposal.

Links to Strategic Objectives: Effective management of the public rights of way network has a positive impact on healthy lifestyles by encouraging walking.

Equalities, Human Rights and Community Cohesion: The proposed new route of the footpath will have no stiles or steps, and has sufficient width (2.5 metres) to accommodate push chairs, wheel chairs or buggies. A wooden kissing gate has been provided at the southern entrance to the new footbridge (replacing an earlier kissing gate that was in place at the entrance to the old footbridge), at the request of the landowner, and this new gate complies with the current British Standard for kissing gates.

Staffing/Workforce and Accommodation implications: none.

Property and Assets: none.

Consultations:

The Local Access Forum has no objection to the diversion proposal and has submitted comments on the width of the new route and the design of the gate at the entrance to the new footbridge (see Appendix 2).

Shottesbrooke Parish Council: no comments received.

Waltham St Lawrence Parish Council: no comments received.

The East Berks Ramblers have submitted comments on the width of the new route and on the design of the gate at the entrance to the new footbridge. (see Appendix 3)

The Ward members for Hurley & the Waltham's (Cllrs. Cox, Evans and Hunt): no comments received.

Timetable for Implementation:

The original footbridge across the railway line has recently been removed and replaced with a new footbridge following a slightly different alignment across the tracks (the original footbridge followed a skewed alignment, and the new footbridge is perpendicular to the track and has been constructed to current day standards).

A new kissing gate has been installed at the southern entrance to the new footbridge, and security fencing has been installed between the footpath and the railway tracks.

The only outstanding work required on site is the installation of boundary fencing along the section of footpath that connects with the northern side of the footbridge.

The footbridge has been re-opened and is available for public use, initially as a permitted path pending the confirmation of the Diversion Order

Appendices:

Appendix 1: plan showing diversion proposal.

Appendix 2: consultation response from Local Access Forum

Appendix 3: consultation response from East Berkshire Ramblers

Background Information:

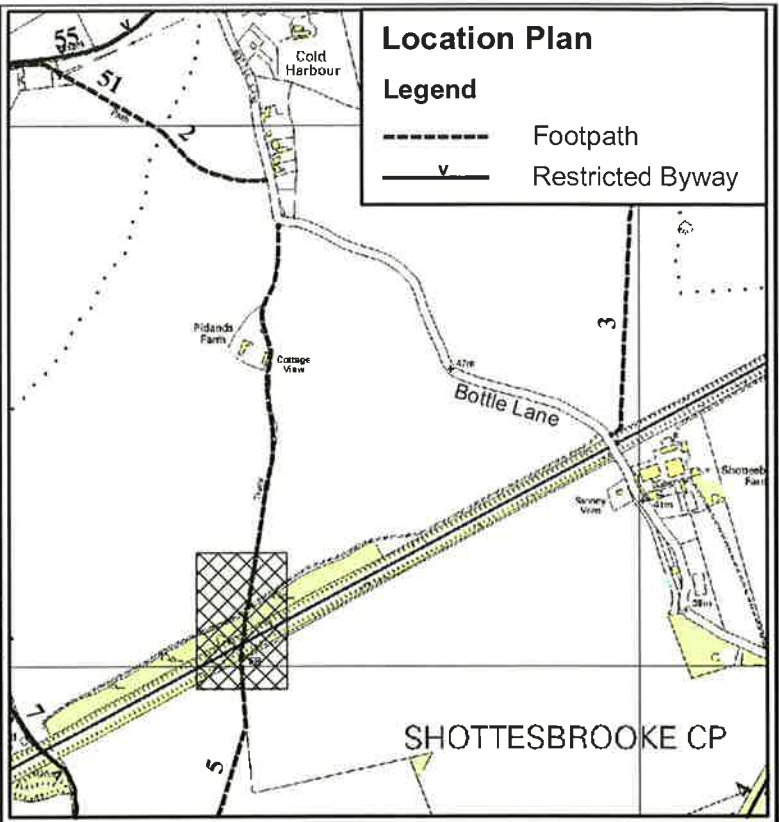
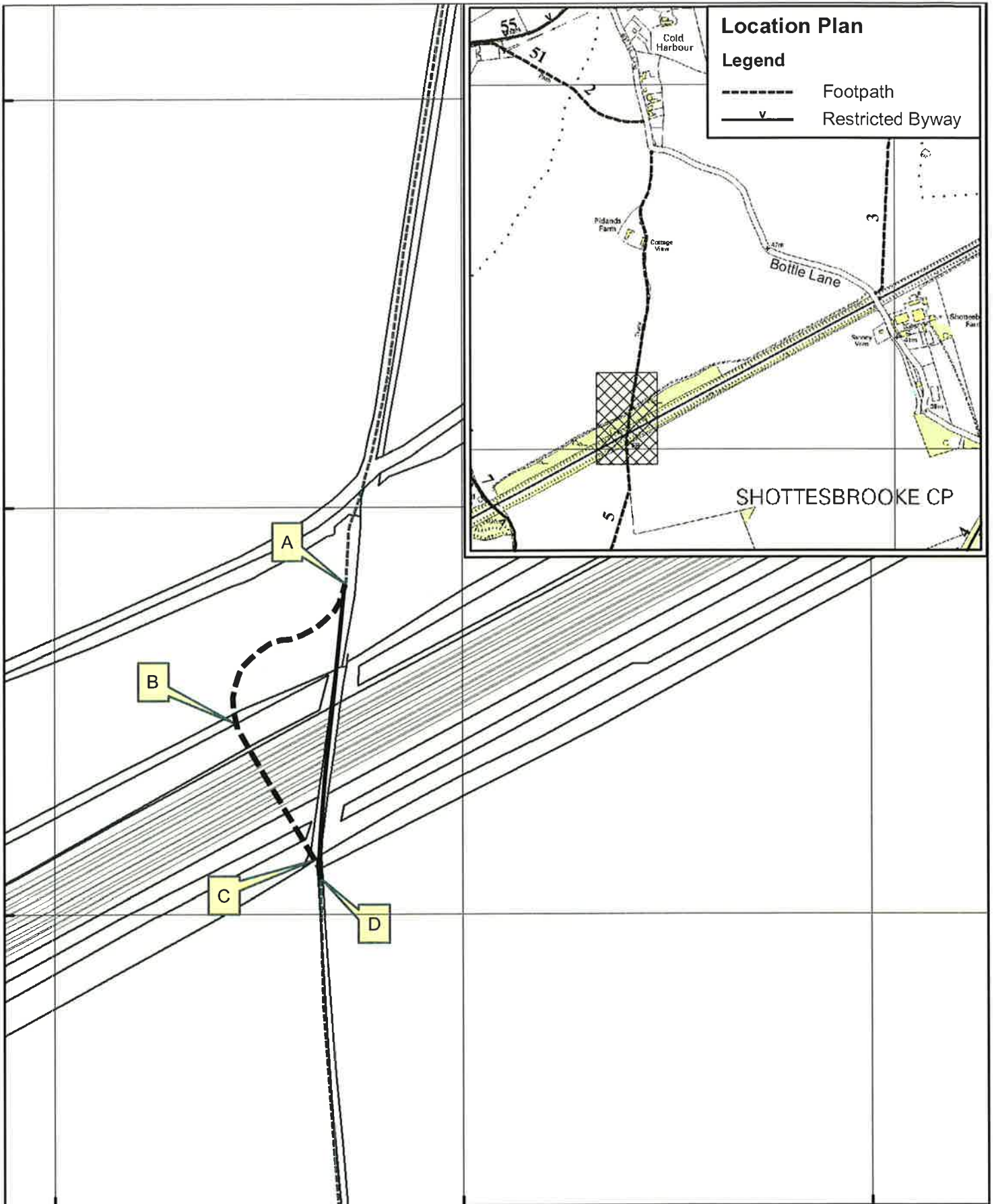
1. **The application:** the Council has received an application from Network Rail for the diversion of part of Shottesbrooke Footpath 5, which crosses the Maidenhead to Reading railway line via Waltham Bridge and forms a link between Bottle Lane and Waltham St Lawrence. The application also includes the diversion of a short section of Footpath 5 which passes through a woodland belt on the northern side of the railway line, and the owner of this land (Shottesbrooke Estate) has consented to the diversion proposal.
2. The diversion is required in order to accommodate modifications to the railway as part of the Great Western Mainline Electrification programme.
3. It is considered that the new footbridge and footpath are equally as convenient to the public as the original footbridge and footpath. The width of the new section of footpath on the northern approach to the footbridge (2.5 metres) is suitable, bearing in mind the location and setting of the footpath, and is the same width as the original footpath
4. **Conclusion:** The new footbridge and footpath will continue to provide a useful link in the public rights of way network in this part of the Borough. No objections

have been received in response to pre-order consultations with the Local Access Forum, the East Berks Ramblers, the Parish Councils, and ward members.

5. It is therefore considered that the legal criteria for making a Diversion Order (as set out in the Legal Implications paragraph above) are clearly met, and that a Diversion Order should be published. In the event that any objections are received following publication of the Order, and are not subsequently withdrawn, the proposal would be brought back to the Panel for further consideration.

Consultation

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
Internal				
Cllr John Stretton	Panel Chairman	8 th August	Chairman's Briefing 12th August	
Cllr Maureen Hunt	Panel Vice-Chairman	8 th August	Chairman's Briefing 12th August	
Ben Smith	Strategic Manager Highways & Transport	8 th August		
Decision type: decision Urgency item NO				
Report no.	Full name of report author	Job title	Full contact no:	
	Anthony Hurst	Principal Rights of Way Officer	01628-796180	



Location Plan

Legend

-  Footpath
-  Restricted Byway

483200

483300

483400




Public Rights of Way

Scale: 1:1,250

Printed by: Andrew Fletcher



Shottesbrooke Footpath 5 (part) Proposed Public Path and Definitive Map and Statement Modification Order

-  Route as existing A-D
-  Route as proposed A-B-C-D
-  Parts of footpath 5 unaffected by the Order

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The Royal Borough



Windsor & Maidenhead

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
http://www.rbwm.gov.uk/web/prow_local_access_forum.htm

RBWM Local Access Forum Fast Response Team

Consultation Response: Shottesbrooke Footpath 5

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 has no objection to the proposed diversion order for Shottesbrooke Footpath 5, but would like to make the following observations
2. On balance it was felt that a defined width of 2.5m is acceptable for the diverted route.
3. A wooden gate would be more preferable to a metal gate, however the key factor is that the gate should be fully accessible for people with disabilities.

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.



East Berkshire Ramblers' Group

5 August, 2013

Shottesbrooke Footpath 5 (part) Proposed Diversion

Consultation response on behalf of East Berkshire Ramblers' Group.

1. We ask that the defined width between points A and B and between points C and D is made 3 metres as stated in the email from Network Rail to Margaret Bowdery dated 30/1/13.
2. We ask that the gate on the south side of the new footbridge be removed but failing that the existing timber gate should be replaced with a fully accessible metal gate in order to comply with the Disability Discrimination Act.

Phil Smith

Assistant Footpath Secretary, East Berkshire Ramblers' Group.