

NOTICE
OF
MEETING



RIGHTS OF WAY & HIGHWAY LICENSING PANEL

will meet on

THURSDAY, 1ST DECEMBER, 2016

At 6.30 pm

in the

COUNCIL CHAMBER - TOWN HALL, MAIDENHEAD

TO: MEMBERS OF THE RIGHTS OF WAY & HIGHWAY LICENSING PANEL

COUNCILLORS MAUREEN HUNT (CHAIRMAN), LYNDA YONG (VICE-CHAIRMAN),
CLIVE BULLOCK, JOHN COLLINS, MOHAMMED ILYAS, GARY MUIR,
SAMANTHA RAYNER AND SIMON WERNER

SUBSTITUTE MEMBERS

COUNCILLORS PAUL BRIMACOMBE, MARIUS GILMORE, JESSE GREY,
DAVID HILTON, JOHN STORY, NICOLA PRYER, MALCOLM BEER, LYNNE JONES
AND JULIAN SHARPE

Karen Shepherd - Democratic Services Manager - Issued: Wednesday 23 November 2016

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Tanya Leftwich** 01628 796345

Fire Alarm - In the event of the fire alarm sounding or other emergency, please leave the building quickly and calmly by the nearest exit. Do not stop to collect personal belongings and do not use the lifts. Congregate in the Town Hall Car Park, Park Street, Maidenhead (immediately adjacent to the Town Hall) and do not re-enter the building until told to do so by a member of staff.

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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 27 July 2016.	7 - 10
4.	<u>PUBLIC RIGHTS OF WAY: PUBLIC PATH CREATION ORDER: ASCOT STATION TO ASCOT HIGH STREET</u> By the Parks and Countryside Team Leader, Anthony Hurst (RBWM).	11 - 20
5.	<u>DATES OF FUTURE MEETINGS</u> <ul style="list-style-type: none">• Tuesday 7th March 2017.	-

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MEMBERS' GUIDANCE NOTE

DECLARING INTERESTS IN MEETINGS

DISCLOSABLE PECUNIARY INTERESTS (DPIs)

DPIs 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 license 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.

PREJUDICIAL INTERESTS

This is an interest which a reasonable fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs your ability to judge the public interest. That is, your decision making is influenced by your interest that you are not able to impartially consider only relevant issues.

DECLARING INTERESTS

If you have not disclosed your interest in the register, you **must make** the declaration of interest at the beginning of the meeting, or as soon as you are aware that you have a DPI or Prejudicial Interest. If you have already disclosed the interest in your Register of Interests you 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' has been taken to mean a discussion by the members of the committee or other body determining the issue. You should notify Democratic Services before the meeting of your intention to speak. In order to avoid any accusations of taking part in the discussion or vote, you must move to the public area, having made your representations.

If you have any queries then you should obtain advice from the Legal or Democratic Services Officer before participating in the meeting.

If the interest declared has not been entered on to your Register of Interests, you must notify the Monitoring Officer in writing within the next 28 days following the meeting.

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Agenda Item 3

RIGHT'S OF WAY & HIGHWAY LICENSING PANEL

WEDNESDAY, 27 JULY 2016

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

Officers: Tanya Leftwich and Anthony Hurst.

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Simon Werner (Councillor Lynne Jones was his substitute).

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

DECLARATIONS OF INTEREST

None.

MINUTES

That the Part I minutes of the Panel held on the 10 March 2016 were agreed as a correct record.

PROPOSED DIVERSION ORDER, HURLEY FOOTPATH 18

The Principal Rights of Way Officer, Anthony Hurst, informed Members that the report sought the Panel's authorisation to publish a Diversion Order for part of Hurley Footpath 18, at the Berkshire College of Agriculture. It was noted that a plan showing the proposal could be found on page 17 of the agenda.

Members were referred to pages 11 – 17 of the agenda and assured that all costs associated with the diversion would be met by the applicant, Berkshire College of Agriculture, resulting in there being no cost to the Council.

The Principal Rights of Way Officer showed the Panel photos of the existing route and the proposed route.

Members were informed that the reasons given in the application for the diversion were as follows:

"BCA's campus has grown significantly over recent years and the pathway now joins a main student thoroughfare channelling students to classrooms and canteens. For safeguarding reasons we would like to keep our walkers on a separate walkway, visible from staff offices. We believe that public footpath users will have a simpler and more interesting route through the college campus".

The Panel was informed that if no objections were received during the statutory public consultation period, it was anticipated that the diversion could be confirmed and implemented by November 2016.

In the ensuing discussion the following points were noted:

- The land owner was confirmed to be the BCA.

- That the Local Access Forum had not objected to the proposed route and had recommended that an interpretation board be installed. It was noted that the college had already agreed to install a plaque and information board.
- That the Council pays for the maintenance of the footpath at present and that the Council would also be responsible for the maintenance of the proposed new route.

UNANIMOUSLY AGREED That the Head of Highways and Transport be authorised to publish a Diversion Order for Hurley Footpath 18 (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.

THE RAMBLERS BIG PATHWATCH

The Principal Rights of Way Officer informed Members that the information report updated the Panel on the results of 'The Ramblers Big Pathwatch' national survey of public rights of way.

Members were referred to pages 19-47 of the agenda.

The Principal Rights of Way Officer stated that he had been pleased to see the Ramblers report published last week as it had singled out the Royal Borough for special praise.

Members were shown extracts of the report detailing the praise given. The Principal Rights of Way Officer explained that there were 307 km of public rights of way in the Royal Borough which equated to approximately a third of the Royal Borough's total highway network. It was noted that this was a similar picture to the national picture.

The Chairman congratulated the officers involved and explained that she had herself informed the Leader of the success of the Big Pathwatch project. Councillor Muir asked whether it would be possible to let the public and residents of the Royal Borough know of the hard work being done by the Council via the Around the Royal Borough newsletter / press release. Members were informed by the Principal Rights of Way Officer that the Ramblers were looking to issue a press release via the Maidenhead Advertiser and that they planned to share it with the Council in the first instance. It was suggested that there might be an opportunity that it could be done as a part of a joint press release. The Chairman requested that it involved Parishes / Parish Councillors too. The Chairman requested that a letter of thanks be written by the Principal Rights of Way Officer, on behalf of the Council to the Parish Councils involved in the Big Pathwatch project to thank them for all their help over the years. Councillor S Rayner requested that information about the project be provided to the Eton, Eton Wick and Wraysbury wards.

The Principal Rights of Way Officer went on to show the Panel photos of stiles replaced with gates at Bray footpath 41, Bray footpath 53 and Waltham St. Lawrence footpath 16.

Members were informed that in the last couple of weeks there had been a Thames Path 20th Anniversary sixteen-day walk from the source of the Thames to the sea. It was noted that walkers had gathered at Marlow for the start of day 9 of the walk from Marlow to Maidenhead. A photo was shown to Members of the Thames Path walkers at Cockmarsh in Cookham along with a photo of the Deputy Mayor of the Royal Borough, Councillor John Lenton, and the Mayor of Eton, Councillor Derek Bishop, handing over the relay baton to Joyce Keegan of the Windsor Ramblers Group.

The Panel noted that Ramblers undertook a condition survey of all the paths in the Royal Borough on a routine basis to ensure that paths were signposted appropriately. It was stated that a member of the public was able to report if a sign was found to have been vandalised / damaged which the Council would then replace. It was suggested that the extensive ramblers

routes be published on the Royal Boroughs website which the Principal Rights of Way Officer confirmed already took place by way of links. It was noted that all public rights of way that met a road should be signposted but that rights of way in urban areas did not need to be signposted. The Chairman referred the Panel to pages 46 & 47 of the agenda and congratulated the Rights of Way team for their hard work.

It was suggested that Councillor Lynne Jones worked with the Principal Rights of Way Officer to create a leaflet outlining the walks available in the Old Windsor ward.

The Principal Rights of Way Officer informed the Panel that last week the Council had published the Thamesfield, Wraysbury Definitive Map Modification Orders (DMMO) which had been made up of fourteen paths. It was noted that there was now a six week public consultation period which had a deadline of the 09 September 2016 for land owner objections.

The Principal Rights of Way Officer stated that a further update would be available in September.

The Chairman thanked the Principal Rights of Way Officer for his presentation which was echoed by the Panel. Councillor Jones added that found the pictures included in the presentation to be really helpful.

UNANIMOUSLY AGREED That the Panel noted the report.

DATES OF FUTURE MEETINGS

The Panel noted the dates of the future meetings which were as follows:

- 13 September 2016.
- 8 December 2016.
- 7 March 2017.

The meeting, which began at 6.30 pm, finished at 6.55 pm

CHAIRMAN.....

DATE.....

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Agenda Item 4

Report for: ACTION



Contains Confidential or Exempt Information	NO
Title	PUBLIC RIGHTS OF WAY: Public Path Creation Order: Ascot High Street to Ascot Railway Station
Responsible Officer(s)	Ben Smith, Head of Highways and Transport
Contact officer, job title and phone number	Anthony Hurst, Parks and Countryside Team Leader 01628-796180
For Consideration By	Rights of Way and Highway Licensing Panel
Date to be Considered	1 st December 2016
Implementation Date if Not Called In	N/A
Affected Wards	Ascot and Cheapside, Sunninghill and South Ascot

REPORT SUMMARY

This report seeks the Panel's authorisation to make a Public Path Creation Order to create a public footpath between Ascot High Street and Ascot Railway Station. The public footpath would follow an existing informal footpath which is currently blocked by locked gates that are only opened on Ascot race days. A draft Order, including a plan of the proposed footpath, 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 residents can expect to notice a difference
The proposed new public footpath would provide a safe and convenient walking route between Ascot High Street and Ascot Station/South Ascot.	If no objections are received the Public Path Creation Order would come into effect in January 2017 and the footpath would then be opened to the public.

1. DETAILS OF RECOMMENDATIONS

RECOMMENDATION: That the Head of Highways and Transport be authorised to make a Public Path Creation Order to create a Public Footpath between Ascot High Street and Ascot Station as detailed in this report. If no objections are

received following publication of the Path Creation 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.

2. REASON FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

Option	Comments
Make a Public Path Creation Order.	This is the recommended option , as it is considered that the proposed new public footpath would provide a safe and convenient pedestrian route between Ascot High Street and Ascot Station/South Ascot.
Do not make a Public Path Creation Order	This option is not recommended.

3 KEY IMPLICATIONS

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
Path Creation Order confirmed, and footpath opened to public use	Path Creation Order not confirmed	31 st Jan 2017	20 th Jan 2017	10 th Jan 2017	31 st Jan 2017

4. FINANCIAL DETAILS

Financial impact on the budget

	2016/17	2017/18	2018/19
	Revenue	Revenue	Revenue
Addition	£0	£0	£0
Reduction	£0	£0	£0

	2016/17	2017/18	2018/19
	Capital £'000	Capital £'000	Capital £'000
Addition	£0	£0	£0
Reduction	£0	£0	£0

The new public footpath would be added to the Council's maintenance schedule for litter picking, annual leaf clearance/sweeping, and winter maintenance (approx. £1,000 per annum). There will also be a one-off cost for newspaper advertising of

the making and confirmation of the Order (approx. £1,000). These costs can be met from within the annual Public Rights of Way maintenance budget (*Budget Book page 53, item Rights of Way*). The new public footpath will require the installation of lighting columns. The outline cost of the lighting is £88,000 and provision has already been made for this in the approved capital programme (*Budget Book page 148, item CD53*). Therefore no additional funds are being sought to enable the implementation of the Path Creation Order.

5. LEGAL IMPLICATIONS

- 5.1 The proposed Public Path Creation Order must be considered under the criteria set out in Section 26 of the Highways Act 1980. This requires that before making a Public Path Creation Order the Council must be satisfied that there is a need for the footpath. The Council must also have regard to “*the extent to which the path would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of persons resident in the area*”; and “*the effect which the creation of the path would have on the rights of persons interested in the land, account being taken of the provisions as to compensation contained in Section 28 of the Act*”. There is provision in s 28 of the Highways Act 1980 for the payment of compensation to anyone who is able to show that the value of his interest in land is depreciated, or that he has suffered damage by being disturbed in his enjoyment of land as a consequence of a Path Creation Order. However, it should be noted that the land crossed by the proposed footpath is unregistered land, and a Land Registry search has revealed no parties with a legal interest in the land.
- 5.2 It is considered that the proposed Order path would clearly meet the above criteria, as it would provide a shorter, safer and more direct route between Ascot Station and Ascot High Street, as well as an improved walking route between South Ascot and Ascot High Street. The proposed new footpath would provide a more convenient and enjoyable alternative to the use of the station access road and the roadside footway alongside the A330 Station Hill, and as such would be likely to be used by a significant number of walkers, including local residents and users of the railway station.
- 5.3 Before making a Public Path Creation Order, the Council must also “*have regard to the needs of agriculture and forestry (including the breeding or keeping of horses)*”, and the “*desirability of conserving flora, fauna, biodiversity, and geological and physiological features*”. Before confirming an Order, the Council (or the Secretary of State in the case of opposed Orders), must “*have regard to any material provision of a Rights of Way Improvement Plan prepared by the local highway authority*”. In this case the proposed Order path would have no adverse impact on agriculture, forestry, flora, fauna, biodiversity or geological and physiological features, and the path is included as a specific proposal in the approved RBWM “*Public Rights of Way Management and Improvement Plan 2016-2026*”.
- 5.4 If objections are received to the Order during the statutory consultation period, the Council would be unable itself to confirm the Order and would have the following three options:
- (i) Seek withdrawal of the objections (in which case the Order could then be confirmed unopposed).

(ii) Refer the Order (with the objections) to the Secretary of State (in which case a decision on whether or not the Order is confirmed would be made by an Inspector appointed by the Planning Inspectorate, following a local public inquiry or hearing)

(iii) Withdraw the Order.

6. VALUE FOR MONEY

6.1 The proposed public footpath already has an adequate sealed surface, on-going maintenance costs would be minimal and can be met from existing public rights of way maintenance budget, and funding has already been set aside in the current capital programme for the installation of lighting columns along the footpath. It is considered that the project would represent excellent value for money, given the clear public benefits of opening up this footpath.

7. SUSTAINABILITY IMPACT APPRAISAL

7.1 The proposed public footpath would provide an improved pedestrian link between South Ascot, Ascot Station and Ascot High Street, and as such would have a clear positive impact on sustainable transport. With the option of using the footpath, some residents may choose to walk rather than drive between South Ascot and the local facilities at Ascot High Street.

8. RISK MANAGEMENT

Risks	Uncontrolled Risk	Controls	Controlled Risk
Objections may be received to the Order	If objections are received the Council would have the three options identified in para. 5.4 above	Pre-Order consultations have been carried out with interested parties to identify potential objections	If objections are received the Council would have the three options identified in para. 5.4 above

9. LINKS TO STRATEGIC OBJECTIVES

The recommendation, if adopted, strongly supports the council's strategic objectives; putting residents' first, value for money, and equipping ourselves for the future. The new public footpath would provide an improved pedestrian link to/from Ascot High Street, both for residents of Ascot and South Ascot, and users of Ascot Railway Station.

10. EQUALITIES, HUMAN RIGHTS AND COMMUNITY COHESION

The proposed new public footpath would significantly enhance pedestrian access between South Ascot/Ascot Station and Ascot High Street, to the benefit of the local community and community cohesion.

11. STAFFING/WORKFORCE AND ACCOMMODATION IMPLICATIONS

None

12. PROPERTY AND ASSETS

The proposed new public footpath would be a significant addition to the borough's Public Rights of Way assets.

13. ANY OTHER IMPLICATIONS

None.

14. CONSULTATION

Pre-Order consultations: Although the land crossed by the proposed footpath is unregistered, pre-Order consultations have been undertaken with Network Rail, South West Trains and the Crown Estate (who own or lease land close to the footpath). Network Rail and South West Trains have confirmed that they have no objection to the proposed Path Creation Order. The onward connection between the railway station and South Ascot is via a tunnel beneath the railway, which is already accessible as a permitted path.

A response from the Crown Estate to the pre-Order consultation is awaited.

Ascot and Sunninghill Parish Council has been consulted, and have confirmed that they support the proposed Order.

Ward councillors for Ascot and Cheapside, and Sunninghill and South Ascot have been consulted: Councillor Yong has confirmed that she supports the proposed Order.

Formal consultation: There is a statutory requirement to publish Notice of the making of Public Path Creation Orders: this entails posting site Notices at each end of the proposed footpath, and publication of a Notice in the local press. There follows a statutory 28 day period during which objections or representations can be made.

15. TIMETABLE FOR IMPLEMENTATION

Date	Details
December 2016	Publication of Path Creation Order
January 2017	Order confirmed (if no objections received) and footpath opened to the public

16. APPENDICES

Appendix 1, draft Public Path Creation Order

17. BACKGROUND INFORMATION

None.

18. CONSULTATION (MANDATORY)

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
Internal				
Ben Smith	Head of Highways and Transport, Operations	8 th Nov		
Mark Lampard	Finance Partner Corporate Services and Operations	8 th Nov		
External				
See para 14				See para 14

REPORT HISTORY

Decision type:	Urgency item?
	No

Full name of report author	Job title	Full contact no:
Anthony Hurst	Parks and Countryside Team Leader	01628-796180

Stages in the life of the report (not all will apply)	Date to complete
1. Officer writes report	8 th Nov
2. Report goes for review to head of service or DMT	8 th Nov
3. To specialist departments: e.g., legal, finance, HR	8 th Nov
4. To lead member (Chairman's Briefing)	14 th Nov

DATED _____ 2016

Section 26 Highways Act 1980

**THE ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
ASCOT HIGH STREET TO ASCOT STATION
PUBLIC PATH CREATION ORDER 2016**

Ben Smith, Head of Highways and Transport, Town Hall, St Ives Road, Maidenhead,
Berkshire, SL6 1RF

PUBLIC PATH CREATION ORDER

HIGHWAYS ACT 1980

THE ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD COUNCIL

**ASCOT HIGH STREET TO ASCOT STATION
PUBLIC PATH CREATION ORDER 2016**

This order is made by the Council of the Royal Borough of Windsor and Maidenhead ('the authority') under section 26 of the Highways Act 1980 because it appears to the authority that, having regard to the matters set out in section 26(1), there is a need for a public footpath over the land to which this order relates, and that it is expedient that the path should be created.

BY THIS ORDER:

There shall be at the end of seven days from the date of confirmation of this order a public footpath over the land situate to the south of Ascot High Street described in the Schedule to this order and shown by a bold broken line on the map attached to this order.

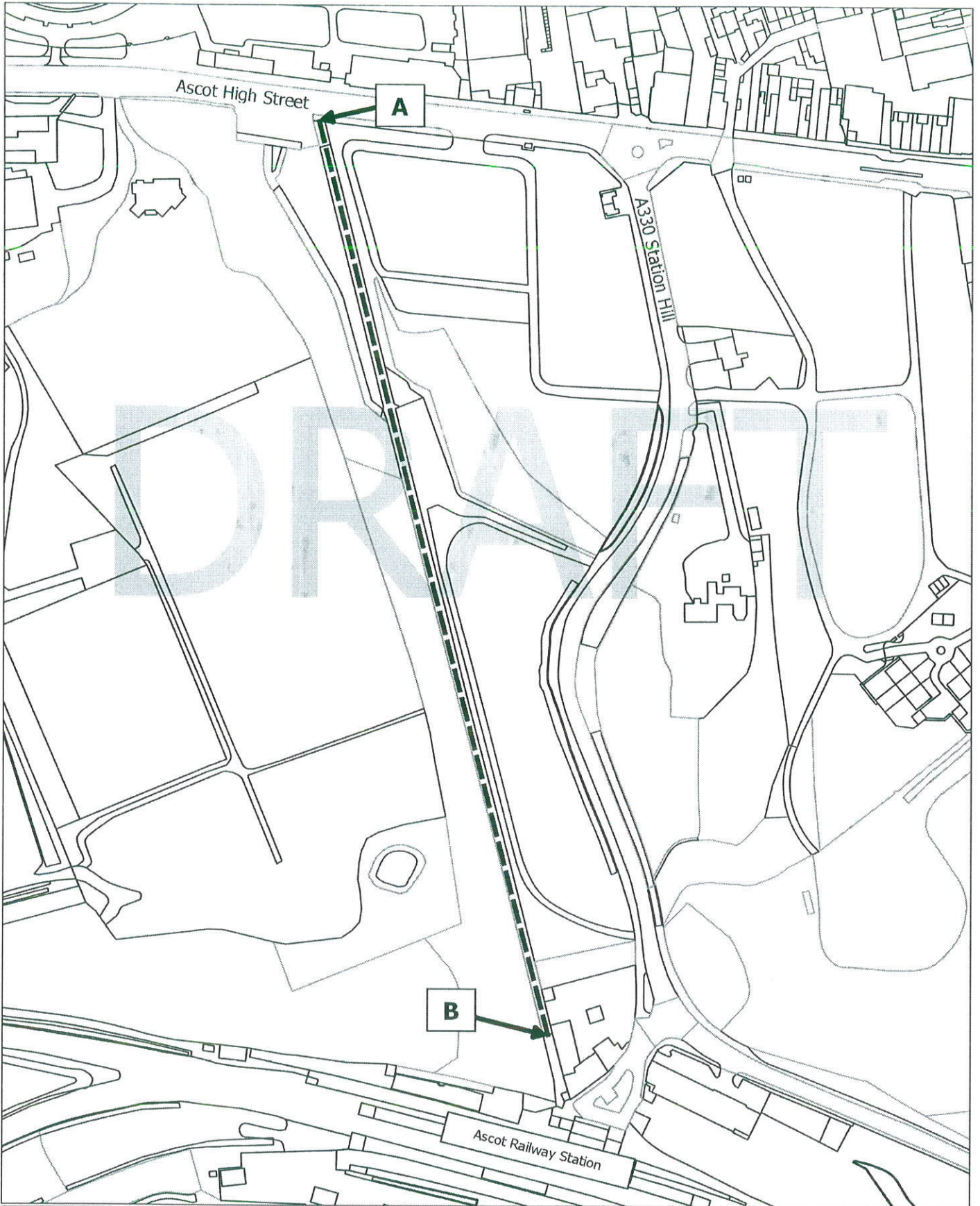
SCHEDULE

DESCRIPTION OF LAND

(Lettered points are as indicated on the map attached to this Order. All distances are approximate)

<u>Position of path</u>	<u>Description</u>	<u>Width</u>
A – B	Commencing at point A (grid ref. 429056 - 168818) on Ascot High Street, being a point 160 metres west of the junction of Ascot High Street and Station Hill, and running in a south-south-easterly direction for a distance of 475 metres to point B, (grid ref. 492173 - 168360), being a point 35 metres north-north-west of Ascot Railway Station.	4.8 metres

THE COMMON SEAL of the COUNCIL
of the ROYAL BOROUGH OF WINDSOR
AND MAIDENHEAD was hereunto affixed
in the presence of :-



Public Rights of Way
 Drawn by: Andrew Fletcher

Section 26 Highways Act 1980

Scale: 1:2,500

**Ascot High Street to Ascot Station
 Public Path Creation Order 2016**



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