

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.....