

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received following publication of the Path Creation Order, or any such objections are subsequently withdrawn, to confirm the Order without further recourse to the Panel. If objections are received and not subsequently withdrawn, the proposal is to be brought back to the Panel for further consideration.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