

## RIGHTS OF WAY & HIGHWAY LICENSING PANEL

THURSDAY, 1 DECEMBER 2016

PRESENT: Councillors Maureen Hunt (Chairman), Clive Bullock, Gary Muir, Julian Sharpe (sub for Samantha Rayner) and Simon Werner.

Officers: Tanya Leftwich and Anthony Hurst.

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Yong, Ilyas and Samantha Rayner.

### DECLARATIONS OF INTEREST

None received.

The Chairman informed everyone present that the meeting was being recorded and that the audio would shortly be available on the RBWM website.

### MINUTES

**RESOLVED Unanimously; That the Part I minutes of the Panel held on the 27 July 2016 were agreed as a correct record.**

The Panel confirmed that they had nothing to add to the information sent out (6-monthly progress report) when the last meeting in September had been cancelled.

That an update had been received from the Legal Department stating that Footpath at Hurley 18 modification order had gone through.

The Chairman informed the Panel that Margaret Bowdery had very sadly died. It was noted that the Council would miss everything she had put forward in the residents interests and in keeping this footpath open. The Chairman requested that it be minuted that the Panel were saddened to hear of Margaret Bowdery's death.

### PUBLIC RIGHTS OF WAY: PUBLIC PATH CREATION ORDER: ASCOT STATION TO ASCOT HIGH STREET

The Parks and Countryside Team Leader, Anthony Hurst, informed Members that the report sought the Panel's authorisation to make a Public Path Creation Order to create a public footpath between Ascot High Street and Ascot Railway Station. It was noted that the public footpath would follow an existing informal footpath which was currently blocked by locked gates that were only opened on Ascot race days. Members were informed that a draft Order, including a plan of the proposed footpath, was attached at Appendix 1.

The Parks and Countryside Team Leader showed Members some photos of the footpath:

- From point A looking north towards Ascot High Street.
- From point A looking south towards Ascot Station.
- From point B at southern end of footpath: north of Ascot Station.
- Southern end of footpath: Ascot Station.
- Ascot Station access road.
- Subway under railway line (existing permitted path).

Members were referred to page 13 of the agenda which explained the legal implications which were noted as follows:

- The proposed Public Path Creation Order must be considered under the criteria set out in Section 26 of the Highways Act 1980. This required that before making a Public Path Creation Order the Council must be satisfied that there was 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 was provision in s 28 of the Highways Act 1980 for the payment of compensation to anyone who was able to show that the value of his interest in land was depreciated, or that he had 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 was unregistered land, and a Land Registry search had revealed no parties with a legal interest in the land.

The Parks and Countryside Team Leader explained that 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). It was noted that there would also be a one-off cost for newspaper advertising of the making and confirmation of the Order (approx. £1,000). The Parks and Countryside Team Leader explained that the costs could be met from within the annual Public Rights of Way maintenance budget (Budget Book page 53, item Rights of Way). The Panel was informed that the new public footpath would require the installation of lighting columns. The Parks and Countryside Team Leader explained that the outline cost of the lighting was £88,000 and provision had already been made for this in the approved capital programme (Budget Book page 148, item CD53). Members were informed that there were therefore no additional funds being sought to enable the implementation of the Path Creation Order.

In the ensuing discussion the following points were noted:

- ❖ The Chairman explained that Councillor Yong, the new Vice-Chair, had submitted her apologies for the meeting tonight as she had submitted written support for the opening of the path and therefore had a prejudicial interest in this item.
- ❖ That Councillor David Hilton was also in support of the opening of this path.
- ❖ The Chairman informed the Panel that Network Rail had believed Ascot Racecourse to own the path and vice-versa. It was noted that Network Rail had installed the gates after someone had fallen on some leaves.
- ❖ Members were referred to the plan of the path which could be found on page 19 of the agenda.
- ❖ That 16 to 20 lighting columns would be installed on the right hand side of the path (away from the trees). It was noted that this was the standard number of columns for a path of this length (approx. 470 metres long).
- ❖ Councillor Sharpe stated that he felt this was the safer route to use.
- ❖ Councillor Werner stated that he felt this to be a fantastic route and one that was really useful to the public. It was noted that he believed there to be only a small additional risk if the path was opened, as it would form a very small percentage of the overall public rights of way network.

Councillor Werner proposed that the Council proceeded to make a Public Path Creation Order to create a Public Footpath between Ascot High Street and Ascot Station as detailed in this report which Councillor Muir seconded.

The Parks and Countryside Team Leader explained that if no objections were received following publication of the Path Creation Order, or any such objections were subsequently withdrawn, to confirm the Order without further recourse to the Panel (possibly by the end of

January). Members noted that if objections were received and not subsequently withdrawn, the proposal would be brought back to the Panel for further consideration.

**RESOLVED Unanimously; 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 were 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 were received and not subsequently withdrawn, the proposal be brought back to the Panel for further consideration.**

## A.O.B.

### Changes to the Public Rights of Way Team

The Chairman informed the Panel that changes had been made to the Public Rights of Way Team. It was noted that the former 'Outdoor Facilities' and 'Public Rights of Way' teams had been merged into a single team. Members were informed that the new 'Parks and Countryside Team' had eight staff (five full-time and three part-time) led by Anthony Hurst, and the remit of the team included the following:

- Public rights of way
- Parks and open spaces
- Play areas
- Allotments
- Cemeteries
- Nature reserves/nature conservation
- Braywick Nature Centre
- Highway verge maintenance
- Outdoor volunteering
- Working with Parish Councils

The Parks and Countryside Team Leader confirmed that no change had been made to the number of staff in the newly merged team.

It was noted that the name of this Panel would not change as there were no changes to be made to the terms of reference of the Rights of Way & Highway Licensing Panel.

### Local Access Forum

The Chairman informed the Panel that the Local Access Forum looked at public access, etc. It was noted that the Parks and Countryside Team Leader had previously emailed the Panel and subs the Local Access Forum training notes which might be of interest to them. The Chairman explained that Appendix B (matters on which LAFs may advise) had also been attached for info.

The Chairman requested that the Clerk emailed this information to the Panel and subs to ensure they all had a copy of the Local Access Forum information.

### DATES OF FUTURE MEETINGS

- Tuesday 7 March 2017.

The meeting, which began at 6.30 pm, finished at 6.50 pm

CHAIRMAN.....  
DATE.....