

PUBLIC RIGHT OF WAY U63 – PETITION ASKING FOR THE RE-OPENING OF THE RIGHT OF WAY.

Cabinet Member	Councillor Keith Burrows
Cabinet Portfolio	Cabinet Member for Planning, Transportation and Recycling
Officer Contact	Richard Kane Planning, Environment, Education and Community Services
Papers with report	Appendix A & B

HEADLINE INFORMATION

Purpose of report	To inform the Cabinet Member that two petitions have been received asking for the Public Right of Way U63, which traverses through the Royal Air Force site at Uxbridge to be re-opened.
Contribution to our plans and strategies	The proposals form part of the council's strategy for a safer borough
Financial Cost	Any financial implications resulting from the recommendations of this report can be met from the Public Rights of Way maintenance budget.
Relevant Policy Overview Committee	Residents' and Environmental Services Policy Overview Committee
Ward(s) affected	Uxbridge North

RECOMMENDATION

That the Cabinet Member;

- 1. Meets and discusses with petitioners their request to re-open the Public Right of Way U63.**
- 2. Subject to the outcome of 1 above instructs Officers to take the appropriate action to facilitate this request.**

INFORMATION

Reasons for recommendation

The recommendation reflects the views of local residents and meets the Council's legal obligation as the Highway Authority to protect the rights of the public to use the Right of Way.

Cabinet Member meeting with Petitioners

PART 1 – Members, Public and Press

Alternative options considered

There are no alternatives to consider as failure to re-open this Right of Way will constitute an obstruction to the public as planning permission has not yet been approved and appropriate Legislation to temporarily divert or 'stop up' the route while development takes place cannot be considered at this present time.

Comments of Policy Overview Committee(s)

None at this stage.

Supporting Information

1. Two Petitions one with 53 signatures and the other with 24 Signatures have been submitted to the Council under the following heading 'We the undersigned petition the Council to as soon as the RAF leaves RAF Uxbridge, the public right of way from Vine Lane to St Andrews Gate Uxbridge should be re-opened'.
2. The Public Footpath U63 is a registered public footpath on the borough's Definitive Map and Statement which runs from St Andrews Gate to Vine Lane, Hillingdon. The route follows the line of St Andrews Road which traverses through the Royal Air Force (RAF) station.
3. The footpath was closed in 1988 for security reasons to mitigate the risk of a terrorist attack. However limited access was allowed to the public when RAF personnel opened the footpath at certain times of the day. In 1999 the footpath appears to have been permanently closed to the public but no official closure order or notice was made, but because of security risks it is believed to have been done with the co-operation of LBH.
4. The site has now been sold and is subject to redevelopment. The final RAF personnel are due to leave the site in April 2011 so it is recommended that the Cabinet Member asks Officers to arrange for the Public Right of Way to be opened at the earliest opportunity.

Planning

Any development of the site, in so far as it affects the Public Right of Way, would require an Order under Section 247 of the Town and Country Planning act 1990 for the temporary diversion or closure of the right of Way.

Safety, Security and Crime

Under Statutory Legislation Public Right of Way U63 should be re-opened when the military presence leaves the site but consideration should also be given to public safety for users of the footpath and also the safety of the site itself. Consultation will need to be carried out between the Council and the land owner / developer to ensure the safety of the public and the site itself. Methods such as fencing the route, lighting and closing the gates at night could be considered on a temporary basis until the development is under way with security.

Financial Implications

The Council are responsible for the surfaces of most Public Rights of Way. Since the closure no survey of the surface has taken place. Should the footpath be re-opened then a survey would have to be made and any maintenance work identified would be met from the Public Rights of Way budget.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

The footpath provides the residents of Vine Lane and surrounding areas with an environmentally friendly route into Uxbridge town centre. The Council will be carrying out its statutory duty to assert and protect the public's right to use the Public Right of Way.

Consultation Carried Out or Required

Consultation will need to be carried out between the developer, Planning Department and Petitioners regarding short/long term use of the footpath.

CORPORATE IMPLICATIONS

Legal

Officers have indicated in this report that the public footpath that is the subject of this report has never been formally stopped up. Although public footpaths may in some circumstances be stopped up for military or defence reasons, such stopping up may only be effected by following the relevant statutory procedures. That being the case, it would on the face of it appear that the footpath has not been lawfully stopped up.

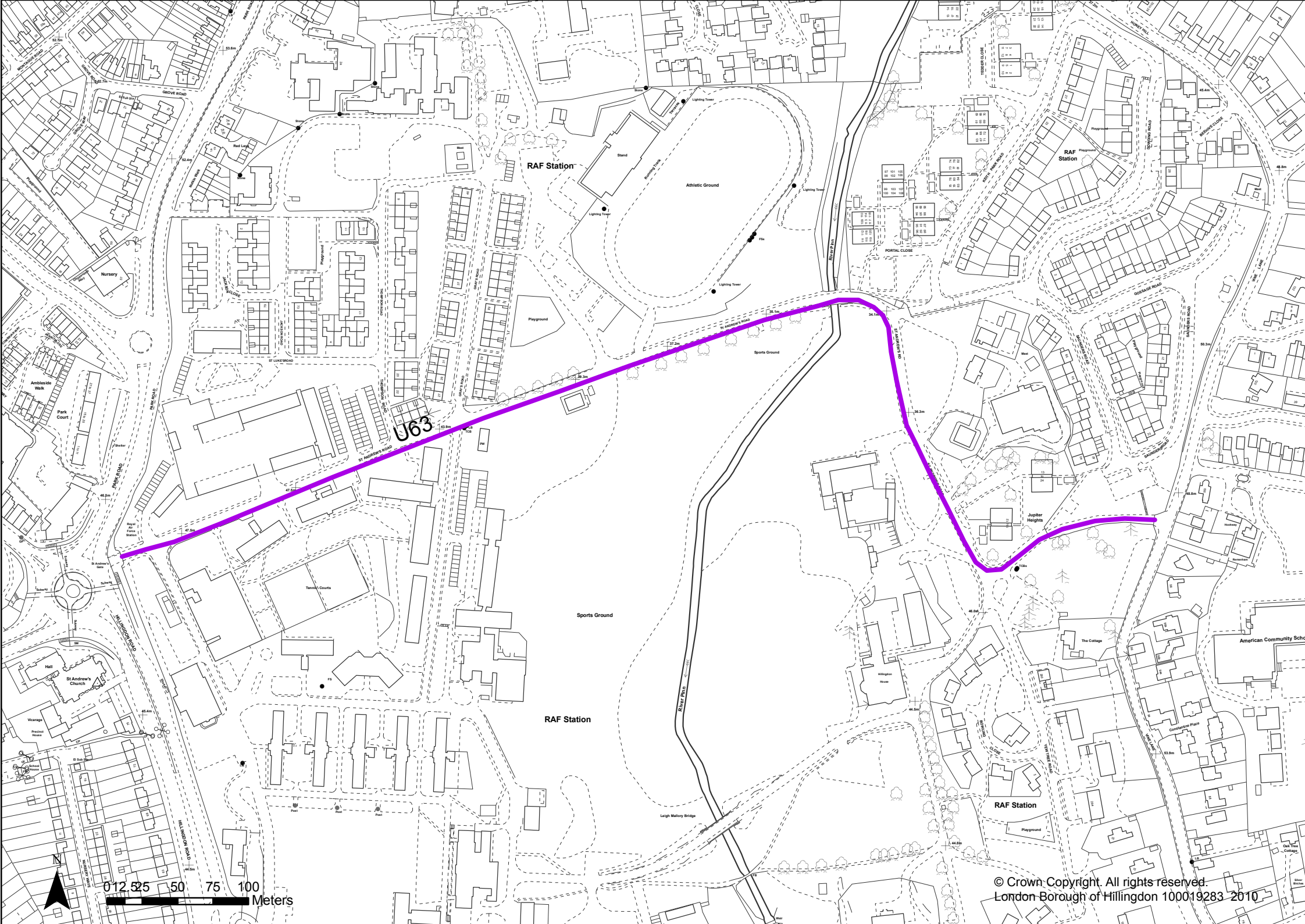
Section 130 of the Highways Act 1980, places a duty on the Council to assert and protect the public's right to use the highway at all times. If the gates are not re-opened this may contravene Section 137 of the Highways Act 1980 by constituting an obstruction to the highway. The Council could be at risk of a legal challenge if it failed to observe and perform its statutory duties with regards to the footpath.

BACKGROUND PAPERS

Petitions received July 2010 and March 2011
Copy of the Definitive Map and Statement

Appendix A

U63	FP	Starts in Vine Lane at Lodge and proceeds along private carriageway through the grounds of the RAF Station. River Pinn crossed by a substantial bridge. Ends at a close-boarded gate in a wall by large entrance gates in High Street opposite War Memorial.
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RAF Station

Athletic Ground

RAF Station

U63

Sports Ground

RAF Station

RAF Station

