Further to your Freedom of Information request FOI67794 please find your questions and our responses below:

1. When were the Highway Rights ‘assumed’ on the stated land?
   
   If we are talking about Welley Road, this is an ancient highway (was in existence prior to August 31st 1835) and is therefore by default a highway maintained at public expense.

2. Are these rights formal or informal?
   
   Formal.

3. When did the Council acquire the Highway Rights (formal or informal) over the said land?
   
   See question 1.

4. What statutory procedure did you follow to acquire these rights (formal or informal)?
   
   See question 1.

5. Provide a plan showing the extent of Highway Rights along the Welley Road frontage of the said property.
   
   Please find attached.

6. Were such rights approved by the Parish Council / Borough Council? If yes, please supply a copy of the minutes and officer’s report.
   
   See question 1.

7. If approved by the Council, when did these rights came into operation?
   
   See question 1.

8. Was the owner of the above property notified / consulted when acquiring Highway Rights? If so, please supply a copy of the consultation letter. If not what was the reason?
   
   The road was in existence long before the properties were constructed.

9. What does Highway Rights involve in this case?
   
   In all cases where a highway exists the public have a right to pass and re-pass along the highway and to do those things which are reasonably incidental to that right of passage.

10. Do the Highway Rights have any effect on ownership of the land?
Highway rights mean that there are restrictions on what can be done with the land regardless of who owns it. The land must remain open and unrestricted and may not be built upon or obstructed.

11. What are the implications or obligations for the owner of the land subject of Highway Rights?
   For a Highway maintained at public expense there are no obligations for the owner of the land, the implications are as stated in the answer to question 10.

12. How many other properties are affected by Highway Rights within 50 metres of the above property along Welley Road? Supply address and numbers of the properties marked on a plan together-with the land subject to Highway Rights.
   Not sure what is meant by “affected by highway rights”. No part of the highway in this general location is owned by any of the adjacent properties (as per HM Land Registry documents) so none can be “affected by highway rights”.

13. Have the Highway Rights remained continually operational and practicable since their inception in this case?
   Yes.

14. In what circumstances do Highway Rights cease to exist?
   Highway rights can only be extinguished by a magistrate or the secretary of state for transport.

15. Did the Council carry out any works on the said land to keep the Highway Rights operational? If yes, how frequently?
   Once a highway, always a highway. No works are required to keep the highway rights operational.

16. Has the grass verge situated between the back of the footway along Welley Road and the boundary of the said property been maintained? If so, by who?
   The glass verges are the responsibility of the Parish Council.

Please see attachment

If you are unhappy with the information we have provided in response to your request please write to:

Information Management Team Manager
Royal Borough of Windsor & Maidenhead
Town Hall, St Ives Road
Maidenhead
SL6 1RF

or send an e-mail to martin.tubbs@rbwm.gov.uk

We are proud to be one of the leading authorities in England for consistently responding to information requests within the 20 working days set down by statute. Information about our performance and summaries of requests received can be found on our website:

http://www.rbwm.gov.uk/web/foi_information_requests.htm

We are keen to hear about your experience with the Information Management Team here at the Royal Borough of Windsor & Maidenhead and look forward to receiving any comments you have about the way your information request was processed.

Please send any feedback to the Information Management Team Manager either by e-mail martin.tubbs@rbwm.gov.uk or in writing to the address above.

Yours sincerely

David Davies
Information Management Officer
Legal Department
Corporate Directorate
Royal Borough of Windsor & Maidenhead
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