

REPORT TO CABINET

Title: **PETITION: OLD WINDSOR FOOTPATH 7, FENCE REMOVAL**

Date: 23 April 2009

Member Reporting: Councillor Rayner

Contact Officer(s): Stephen Brown, Head of Highways Tel: 01628 796770

Wards affected: Old Windsor

1. SUMMARY

- 1.1.1 Council received a petition from 23 residents of Old Windsor regarding two sections of chain link fence alongside Public Footpath 7. The petition requests “the new badly damaged fence and its supports to be removed, and the tarmac reinstated where damaged, and the debris removed.’ The petition is attached as appendix A.
- 1.1.2 Ongoing investigations by officers prior to receiving the petition had come to a similar conclusion in consultation with Ward Councillors, the Parish Council and adjacent landowners.
- 1.1.3 This report seeks Cabinet endorsement of the action taken to remove the fence.

2. **RECOMMENDATION: That action be taken in the interests of public health and safety to remove the chain link fence at the Council’s expense.**

What will be different for residents as a result of this decision?
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The two sections of chain link fence presently vandalised, an eyesore and a litter trap along Old Windsor Footpath 7 have been removed which will make the route safer for users. Adjacent landowners will retain the option to install boundary fences at this location at their own expense.
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3. SUPPORTING INFORMATION

3.1 Background

- 3.1.1 Old Windsor Footpath 7 runs from Straight Road to the Recreation ground in Old Windsor. A map of the path is attached as appendix B. The path is fully surfaced and two sections of chain link fence running between points 1 and 2 on the plan existed along each side of the footpath. Behind the chain link fences are wooden fences installed by the adjacent landowners.

- 3.1.2 A chain link fence had been in this position for many years, and had fallen into disrepair. The fence was very loose and rusty and along one side included two strands of barbed wire. Many complaints were received about the condition of the fence from users of the footpath. The path surface was also in a very poor condition and in a joint project with the Parish Council the surface was tarmaced.
- 3.1.3 When the Council resurfaced the path a replacement chain link fence was installed in consultation with the Parish Council and adjacent landowners.
- 3.1.4 The fence had been subject to repeated acts of vandalism and was left in a poor condition. The Council made repairs to the fence in order to make it safe after each vandalism attack. The adjacent residents refused to accept maintenance liability for the fence and the Council was not in a position to continually maintain the fence after each attack.
- 3.1.5 It was considered that the public interest would be best served by removal of the fence at the Council's expense on the grounds of public health & safety, and the fence was removed accordingly. If a second fence in this location is still required by the landowners, they do have the option of paying for the installation and on-going maintenance of a suitable fence.

4. CONSULTATIONS CARRIED OUT

- 4.1.1 The recommendations of this report respond to the concerns of the community raised in the petition.
- 4.1.2 Old Windsor Parish Council and Councillor Malcolm Beer have been consulted regarding the options. Both favoured removal of the fence.
- 4.1.3 The two adjacent landowners have been consulted, both of which favoured removal of the fence. One landowner has indicated that they are considering erecting an iron railing fence once the chain link fence has been removed.

5. COMMENTS FROM THE OVERVIEW AND SCRUTINY PANEL

5.1.1

6. IMPLICATIONS

6.1.1 The following implications have been addressed where indicated below.

Financial	Legal	Human Rights Act	Planning	Sustainable Development	Diversity & Equality
N/A	✓	N/A	N/A	N/A	N/A

Background Papers: None