

Traffic Management Sub-Committee

5 March 2026



Reading
Borough Council
Working better with you

Title	Public Right of Way Modification Order – Footpath 11
Purpose of the report	To seek approval from the Sub-Committee to approval the making of a Public Path Extinguishment Order in relation to part of Footpath 11 and to amend the Definitive Map and Statement accordingly.
Report status	Public report
Executive Director/ Statutory Officer Commissioning Report	Emma Gee, Executive Director Economic Growth and Neighbourhood Services
Report author	Natalie Lucas, Transport Development Control
Lead Councillor	Cllr John Ennis, Lead Councillor for Climate Strategy and Transport
Ward(s)	Whitley
Corporate priority	Deliver a sustainable and healthy environment and reduce our carbon footprint
Recommendations	<p>The Sub-Committee is asked to:</p> <ol style="list-style-type: none">1. Note the content of this report, including the Footpath 11 Rearrangement Plan in Appendix 1 illustrating the widths to be extinguished.2. Agree to the Officer recommendations and authorise the Executive Director Economic Growth and Neighbourhood Services in consultation with the Assistant Director of Legal and Democratic Services to make a Public Path Extinguishment Order to stop up that part Footpath 11 as detailed in the report under Section 118 of the Highways Act 1980 (“the 1980 Act”) and Section 53A(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”).3. Agree to the Definitive Map and Statement be amended to reflect the changes to Footpath 11 once the order is confirmed.4. Subject to no objections being received to authorise the Executive Director Economic Growth and Neighbourhood Services in consultation with the Assistant Director of Legal and Democratic Services to confirm the Public Path

	<p>Extinguishment Order to stop up that part Footpath 11 as detailed in the report.</p> <p>5. [that in the event of objection(s) received are not withdrawn a report is brought back to the sub committee for decide whether to submit it to the Secretary of State for determination.]</p>
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1. Executive summary

- 1.1 The purpose of this report is to seek approval to undertake a statutory consultation to make Public Path Extinguishment Order to stop up that part Footpath 11 as detailed in the report under Section 118 of the Highways Act 1980 (“the 1980 Act”) and under Section 53A(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”).
- 1.2 A combined Definitive Map Modification Order is proposed in relation to Footpath 11, made:
- under Section 118 of the Highways Act 1980 (“the 1980 Act”) to extinguish part of the Footpath, as it appears to the Authority that it is expedient to do so on the ground that it is not needed for public use; and
 - under Section 53A(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) to allow the modification of the Definitive Map and Statement to reflect the extinguishment of that part of Footpath 11.

2. Policy context

- 2.1. Reading Borough Council manages Public Rights of Way in accordance with its adopted Rights of Way Improvement Plan (ROWIP) 2023–2033, which forms part of the Council’s wider transport and active travel policy framework. The ROWIP seeks to ensure that the public rights of way network within the Borough is usable, accessible and fit for purpose, recognising that many routes operate within a constrained urban environment and form part of the wider pedestrian network rather than standalone rural paths.
- 2.2. The ROWIP and associated transport strategies focus on the practical function and usability of routes, including continuity, safety and adequate width to accommodate pedestrian use. They do not require the retention of historic dimensions where a route continues to function effectively for public use and where accessibility and connectivity are maintained.
- 2.3. The Council’s Transport Strategy 2040 and Local Cycling and Walking Infrastructure Plan 2020-30 promote walking as a key mode of travel for local journeys and support a pedestrian network that is safe, convenient and accessible. Public rights of way are recognised as contributing to this wider network, particularly in urban areas such as Reading.

- 2.4. The Reading Borough Local Plan supports sustainable development and inclusive access while acknowledging that public routes must operate efficiently alongside development, provided that public use is not materially compromised and appropriate legal processes are followed.
- 2.5. The proposed Public Path Extinguishment Order relates only to part of the historic width of Public Footpath 11. The alignment, connectivity and availability of the route are unaffected, and the footpath continues to operate as a usable pedestrian route. The proposal is therefore consistent with the Council's policy objective of maintaining a functional and accessible public rights of way network, while ensuring that the Definitive Map and Statement accurately reflect the position on the ground.

3 Background

- 3.1 Under the Wildlife and Countryside Act 1981, Reading Borough Council as the Surveying Authority is required to prepare and keep up-to-date a Definitive Map and Definitive Statement of all public rights of way within its administrative area.
- 3.2 Definitive map and statement – the legal record of public rights of way in an area. A way shown on the map is conclusive evidence that the public has the rights shown unless there has been a legal change. Definitive Map evidence is without prejudice to any other rights which might exist.
- 3.3 It may include details such as:
 - the start and end points
 - the recorded width (where known)
 - any features along the route (e.g., gates, stiles, limitations)
 - specific conditions or lawful restrictions
- 3.4 Section 118 of the Highways Act 1980 allows a local authority to extinguish (i.e. legally stop up/remove) part of a public right of way such as a footpath, bridleway, or restricted byway if the authority is satisfied that it is expedient on the ground that the whole width of the recorded route is not required for public use.
- 3.5 Section 53A(2) of the Wildlife and Countryside Act 1981 allows a local authority to modify the Definitive Map and Statement to ensure that the Definitive Map is updated so that it accurately shows the revised route and status. Section 53A(2) ensures that the Definitive map is brought up to date, the extinguished section is removed, and the legal record matches the new reality on the ground.

4 The proposal

- 4.1 Footpath 11 is routed through Green Park Business Park and the adjacent residential development within Green Park Village. The section of Footpath 11 to be extinguished commences at Longwater Avenue adjacent to the Huntley Place senior living apartment blocks, and continues in a westerly direction to join Kybes Lane opposite property no. 22 Kybes Lane. This section of the Footpath was

formally known as Smallmead Road.

- 4.2 In the Definitive Map and Statement, this section of Footpath 11 is recorded as being a minimum width of 5m narrowing to 1.2m at the barrier. The legal status of the route is a public Footpath, however, the route previously facilitated permitted vehicular traffic controlled with a barrier, reducing pedestrian access to 1.2m at this point.
- 4.3 The Green Park Village development achieved outline planning permission in 2010 (planning application reference 10/01461/OUT) for a mixed use development which included the construction of 129 Extra Care residential apartments, now known as Huntley Place.
- 4.4 The development was constructed over part of the public footpath without lawful authority, resulting in a permanent narrowing of the route and a reduction in width from approximately 5 metres to 3 metres. As a result, the legal width (as recorded in the Definitive Map and Statement) is no longer accurate and does not reflect the present width on the ground.
- 4.5 As the development is complete, there is limited options available to amend the footpath order to reflect the changes made to the width. Section 257 of the Town and Country Planning Act 1990 is not available as the development is already practically completed and cannot be applied retrospectively. Section 119 of the Highways Act 1980 (diversion) is also not applicable, as the footpath has not been diverted, only narrowed and follows the original alignment.
- 4.6 As such, given that a portion of the footpath has been permanently lost, the most appropriate legal route is a Public Path Extinguishment Order under Section 118 of the 1980 Act. This allows the Council to extinguish part of the footpath if it is satisfied that is expedient to do so on that the ground that is not needed for public use.
- 4.7 Having regard to the above, application has been made by the developer, St Edwards Home Ltd for a Public Path Extinguishment Order. The developer has agreed to pay the Council's fees in making and confirming the order.

Whether it is expedient to extinguish the path on the ground that it is not needed for public use;

- 4.8 The footpath has not been diverted and continues to follow its original alignment, and provides direct access between Kybes Lane and Longwater Avenue as it did before. The remaining available width of the footpath is approximately 3 metres along the affected section. Regard has been had to the current and foreseeable use of the route and the functional utility of the footpath as it now exists on the ground. The retained width of approximately 3 metres provides sufficient space to accommodate pedestrian use safely and conveniently, including two way pedestrian movement.
- 4.9 The footpath remains continuous, legible and accessible and continues to perform its public function as a pedestrian route. The railway Station at Green Park Village is now open and this section of Footpath 11 now connects to the footways along

Flagstaff Road which provides convenient pedestrian/cycle access to the Station from the wider Green Park Business Park.

- 4.10 There is no evidence to suggest that the additional width formerly available is required to meet current or anticipated levels of public use.
- 4.11 The extinguished part does not provide any additional functional utility over and above the width that remains available and its loss does not result in any material inconvenience or disadvantage to users of the footpath.
- 4.12 As a result of the development, the footpath surface has been upgraded and is now of a suitable for all users including those with restricted mobility. It is therefore considered that the length of width of the footpath proposed to be extinguished is not needed for public use.
- 4.13 Given that the extinguished part of the footpath is not needed for public use, it is necessary to consider whether it is expedient to stop up that part of the highway on that ground.
- 4.14 The part of the footpath proposed to be extinguished has been permanently lost as a result of the completed development and cannot be reinstated in practical terms. The making of an extinguishment order would regularise the position on the ground and ensure that the Definitive Map and Statement accurately reflect the extent of the public right of way that is available and usable by the public.
- 4.15 In these circumstances, it appears to officers that it is expedient to extinguish the affected part of the footpath on the ground that it is not needed for public use.
- 4.16 In addition, vehicular traffic is no longer facilitated along the route and the limitation recorded within the order (access barrier) has been removed. The route of the footpath is predominately unchanged and provides direct access between Kybes Lane and Longwater Avenue as it did before. However, the vehicular access from Kybes Lane into Green Park Village is no longer required aside from emergency access (emergency access is to be retained from Kybes Lane.)

Recommendations

- 4.17 Officers recommend making a combined order under Section 118 of the Highways Act 1980, to extinguish the part of the width no longer needed for public use, and Section 53A(2) of the Wildlife and Countryside Act 1981, to modify the Definitive Map and Statement so that it accurately records the lawful extent of the Footpath.
- 4.18 If no objections are received, it is recommended that the authority confirms the order itself (unopposed confirmation). If objections remain unresolved, the order will be referred back to the sub committee to decide whether the order should be submitted to the Secretary of State for determination.

5 Contribution to strategic aims

- 5.1 The Council Plan has established five priorities for the years 2025/28. These priorities are:
- Promote more equal communities in Reading
 - Secure Reading's economic and cultural success
 - Deliver a sustainable and healthy environment and reduce our carbon footprint
 - Safeguard and support the health and wellbeing of Reading's adults and children
 - Ensure Reading Borough Council is fit for the future
- 5.2 In delivering these priorities, we will be guided by the following set of principles:
- Putting residents first
 - Building on strong foundations
 - Recognising, respecting, and nurturing all our diverse communities
 - Involving, collaborating, and empowering residents
 - Being proudly ambitious for Reading
- 5.3 Full details of the Council Plan and the projects which will deliver these priorities are published on the Council's website - [Council plan - Reading Borough Council](#). These priorities and the Council Plan demonstrate how the Council meets its legal obligation to be efficient, effective and economical.
- 5.4 The recommendations in this report align with the Council's priorities, namely, to Deliver a sustainable and healthy environment and reduce our carbon footprint
- 5.5 The combined order under Section 118 of the Highways Act 1980 and Section 53A of the Wildlife and Countryside Act 1981 supports the council's priority to deliver a sustainable and healthy environment and reduce our carbon footprint by ensuring that the Public Rights of Way network is accurate, efficient, and encourages active travel. These provisions directly support reducing pollution, improving air quality and creating spaces where people feel the benefits of clean air and active travel like walking and cycling.
- 5.6 A legally sound and up-to-date Definitive Map reduces future disputes and ensures the PROW network is stable and resilient, aligning with its goal of promoting a healthy environment which has a positive impact on the life of every resident – making Reading a greener, more attractive place to live, with a tangible impact on physical and mental health and life expectancy.
- 5.7 These actions also support accessibility and mobility, which are key to thriving, connected communities, ensuring everyone including the vulnerable and excluded can safely use public spaces, regardless of age or ability.

6 Environmental and climate implications

- 6.1 The proposal has been assessed against the Council's climate change objectives and wider national commitments to addressing climate change.
- 6.2 The Public Path Extinguishment Order would not give rise to greenhouse gas emissions or increase climate related risks or materially affect opportunities for sustainable or active travel and is not expected to result in increased vehicle journeys.

Accordingly, the proposal has no significant implications for climate change mitigation or adaptation. If the recommendations are agreed, the legal process to modify the description of the Footpath will commence, however, there will be no physical changes on the ground.

7 Community engagement

- 7.1 Traffic Management Sub-Committee is a public meeting. The agendas, reports, meeting minutes and recordings of the meetings are available to view from the Council's website.
- 7.2 If the recommendations in this report are agreed, the order is then formally made, signed, dated, and sealed. Once the order is made, the local authority must undertake a minimum 28 day statutory consultation and publish a notice in a local newspaper, on the council website, at each end of the footpath and serve notice on required organisations landowners and occupiers

8 Equality impact assessment

- 8.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to—
 - 8.1.1 eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - 8.1.2 advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - 8.1.3 foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 It is not considered that an Equality Impact Assessment (EIA) is required at this time as the proposals are not deemed to be discriminatory to persons with protected characteristics, and the proposals will help the travel needs of users. The Statutory Consultation provides an opportunity for the content of objections/support/concerns to be considered prior to a decision being made on whether to confirm the order.

9 Other relevant considerations

- 9.1 None

10 Legal implications

- 10.1 The Council has considered all of its legal obligations when seeking to make a combined order under Section 118 of the Highways Act 1980, and Section 53A(2) of the Wildlife and Countryside Act 1981.
- 10.2 The Council has the power to make a Public Path Extinguishment Order under section 118 of the Highways Act 1980, where it appears to the authority that the public path is not needed for public use. In deciding whether to make the Order, the Council must have regard to the statutory considerations set out in section 118 of the Highways Act 1980, including the extent to which the path is likely to be

used by the public and the effect that its extinguishment would have on land served by the path and on persons with an interest in that land.

- 10.3 By virtue of section 53A(2) of the Wildlife and Countryside Act 1981, where a public path extinguishment order is made under section 118 of the Highways Act 1980, the Council may include within the same order provisions to modify the Definitive Map and Statement so as to give effect to the extinguishment. The purpose of section 53A(2) is to ensure that, if the extinguishment order is confirmed, the Definitive Map and Statement are updated automatically, without the need for a separate Definitive Map Modification Order. The extinguishment and the definitive map modification therefore take effect through a single statutory process.
- 10.4 The making, advertising, consultation and confirmation of the Order are governed by:
 - Schedule 6 to the Highways Act 1980; and
 - The Public Path Orders Regulations 1993.
- 10.5 Once made, the Council is required to publicise the Order and to allow a period of not less than 28 days from the date of first publication of the notice for representations or objections to be made.
- 10.6 The public right of way is not extinguished unless and until the Order is subsequently confirmed. If no objections are received within the statutory period, or if any objections are withdrawn, the Council may proceed to confirm the Order as an unopposed order.
- 10.7 Where objections are made and not withdrawn, the Order may be submitted to the Secretary of State for determination. The Secretary of State may decide the matter by written representations, local hearing, or public inquiry.
- 10.8 If confirmed, the public right of way is extinguished and the Definitive Map and Statement are modified accordingly.
- 10.9 It is considered that the making and confirming of this order would be compatible with the Council's Rights of Way Improvement Plan (ROWIP) 2023–2033.
- 10.10 While the Council is subject to wider highway and traffic management duties, including under section 122 of the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004, those duties do not form part of the statutory test for a public path extinguishment order and do not displace the specific criteria set out in section 118 of the Highways Act 1980.
- 10.11 Patricia Tavernier has cleared these Legal Implications.

11 Financial implications

- 11.1 The costs of making the combined order under Section 118 of the Highways Act 1980 and Section 53A of the Wildlife and Countryside Act 1981 will be met by the developer, St Edwards Home Ltd.

11.2 The developer is required to meet all legal and administrative costs of making the combined order including the costs associated where a referral has had to be made to the Secretary of State.

[Name of Finance Team member] has cleared these Financial Implications.

12 Timetable for implementation

12.1 The following table provides the intended timeline:

Line	Milestone	When
1	Undertake statutory consultation	April 2026
2	Review responses received from consultation	May 2026
3	If no objections are received, the authority may confirm the order itself (unopposed confirmation).	May 2026
4	If objections remain unresolved, report back to TMSO for approval to submit the order to the Secretary of State (via the Planning Inspectorate) for determination.	June 2026

13 Background papers

13.1 None

Appendices

1. **Appendix 1 – Footpath 11 Rearrangement Plan**

