

Proposed deletion of Footpath HWU/80/1 – West End Road, High Wycombe

Discussions have been held internally between the Definitive Map team and Rights of Way Operations teams about the above proposal and we have concluded that we should continue with the current Public Spaces Protection Order which is the most appropriate use of legislation for this issue.

A complete extinguishment of the route can only be achieved under s118 Highways Act 1980, and this will only succeed if it can be clearly demonstrated the route is not needed for public use. The legislation is very clear on that: reasons of anti-social behaviour cannot be taken into account. As the route is currently closed under a PSPO, it cannot be demonstrated that it is not needed for public use as the public have no choice but to not use it. The route would have to be reopened whilst the Order ran its course – which would most likely subject the residents to anti-social behaviour throughout. However, even if the route was reopened, we are still not convinced the legal tests would be met. The route is a through-route and connects with the wider PROW network. It provides a short cut, which could be beneficial to those less able bodied as opposed to the roadside footway. Proving it is not needed for public use is going to be far from easy.

The general theory behind a PSPO is that it allows time for miscreants to leave the area and criminality to reduce. If the wider area was to redevelop as maybe the case, this may drive the anti-social behaviour away. Once a PROW is extinguished, it is gone for good. Whereas the issues that are occurring along the route may only be temporary. It would seem unfair to seek full closure of a public highway for something which may be overcome over time.

It is therefore our view that the PROW remains closed under a PSPO and the situation reviewed as and when the Order expires. PSPOs are available for this very reason – to combat anti-social behaviour, but not to the long-term detriment of wider public access.



Plan of HWU/80/1 highlighted pink