

## Record of officer decision

<b>Decision title:</b>	PROPOSED NEW 40 MPH SPEED LIMIT ORDER FOR THE A4110 AT KINGSLAND TO REPLACE THE EXISTING UNLAWFUL 40 MPH SPEED LIMIT ORDER.
<b>Date of decision:</b>	20 May 2019
<b>Decision maker:</b>	Acting Assistant Director Highways & Transport
<b>Authority for delegated decision:</b>	<p>Directorate scheme of delegation: updated 1 November 2018  Directorate: Economy and Place, section 69.</p> <p>To act on behalf of the council in respect of the legislation specified in the foregoing:  Traffic Management Act 2004, Road Traffic Act 1988 Acting Assistant Director for Highways and Transport (Traffic Manager designate) and The Traffic Manager may in making arrangements to ensure that the authority has: (a) determined specific policies or objectives in relation to different roads or classes of road in their road network; (b) monitored the effectiveness of – 117</p>
<b>Ward:</b>	Mortimer
<b>Consultation:</b>	<p>Consultations were carried out on 16<sup>th</sup> January 2019. Cllr Carole Gandy responded that she fully supported the recommendation. Leintwardine Group Parish Council also responded to say that they unanimously supported the recommendations of the report. Similarly, the applicant, Mr Jonathan Hopkinson also expressed his support for the findings of the report. Mr Robert Judges, one of the owners of land adjoining the claimed route A – B also wrote to express his support for the recommendations.</p> <p>Mr Paul Tilson, the landowner of Rope Walk over which route C – D passes, has expressed concerns relating to the maintenance of the route, and safety of the junction of this route onto the A4113 main road. Whilst these are very valid concerns, they are not relevant to the question of the existence of public rights over the route, and they must be considered separately. He also stated that his mother and her sister considered it more of a permissive route, used by family and friends. However, he mentioned that several locals also used to use it.</p>
<b>Decision made:</b>	<p>THAT:</p> <p style="padding-left: 40px;">an order or orders be made under section 53(2)(b) of the Wildlife and Countryside Act, 1981 in consequence of an event specified in section 53(3)(c)(i) of that Act, to add:</p> <p style="padding-left: 40px;">a restricted byway along the route shown A – B on the plan at Appendix 1. The route to have a variable width as shown on the 1903 Second Edition 1:2500 Ordnance Survey plan between 4.5 metres and 8 metres widening to 12 metres towards the northern end of the route at point B on the plan where the route joins the U92207 road (Kinton Lane).</p> <p>and:</p> <p style="padding-left: 40px;">a public footpath along the route C – D marked as Rope Walk on the plan at Appendix 1 from the U92207 road (Kinton Lane) running northwards along the eastern side of that strip of land (as shown on the 1903 Second Edition 1:2500 Ordnance Survey plan) to the main A4113 road. The footpath to have a width of 2</p>

	metres.
<b>Reasons for decision:</b>	To consider an application under section 53 of the Wildlife and Countryside Act 1981, to record a byway open to all traffic at Kinton in the parish of Leintwardine.
<b>Highlight any associated risks/finance/legal/equality considerations:</b>	None
<b>Details of any alternative options considered and rejected:</b>	There are no alternative options. The Council is carrying out a statutory duty in determining this application under the provisions of section 53 of the Wildlife and Countryside Act 1981. This function is quasi-judicial in nature and therefore the Council's role is to assess the evidence and decide whether the claim meets the appropriate legal tests. If it fails to act appropriately on the evidence discovered, the Council could face an appeal to the Secretary of State or ultimately a statutory challenge under the provisions of the Act.
<b>Details of any declarations of interest made:</b>	

I am an officer delegated to make the decision

Signed:

Job Title:                   Acting Assistant Director Highways & Transport