

## **HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH LV46 (PART) IN THE PARISH OF LLANVEYNOE**

**Report By: Public Rights of Way Manager**

### **Wards Affected:**

Golden Valley South

### **Purpose**

To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath LV46 in the parish of Llanveynoe.

### **Considerations**

- 1 The application was made on 8<sup>th</sup> March 1997 by Mr Andrew King, who was the landowner at the time. The reasons for making the application were to move the footpath out of the applicants' garden, for reasons of privacy and security.
- 2 Pre-order consultation was carried out in 1997 by the Public Rights of Way department. The proposal has general agreement of the Open Spaces Society, the Ramblers' Association and South Herefordshire District Council. The Parish Council have no objections but are concerned that the proposal has the agreement of the adjoining landowner. The Byways and Bridleways Trust have requested that a check for higher rights is made - none have been claimed. Statutory undertakers have not yet been consulted.
- 3 Written agreement has not yet been obtained from the adjoining landowner, whose property is also affected by the application. In 1997 this was a Mr G Jones, of New Forest Farm in Craswall.
- 4 On his original application form, the applicant has agreed to pay for advertising and to reimburse, in full, the Council's costs incurred in making the diversion order. However, the last written communication from him was on 16<sup>th</sup> October 1997 (see appendix B.) No reply was received to the letter sent to Mr King in January 2006 at his London address, although a 28-day deadline for response was given. A copy of the letter was sent to Black Hill Farm at the same time; this was returned undelivered. His last known phone number in London is 'not recognised.'
- 5 Attempts have been made to identify the current landowner, to allow them the opportunity to take over as the applicants for this diversion. This has been unsuccessful; Land Registry searches show the land as being unregistered. The clerk to the Longtown Group Parish Council thinks that Mr King may have moved away; she does not have details of the current owners. On a visit to the site in October 2006, it appeared that the property is inhabited infrequently, if at all. There is no obvious vehicle access to the property from the county roads in Olchon Valley; the track marked on the attached plan is grassed over and runs down a very steep slope.

- 6 The legal line of the footpath was open and unobstructed when the site was visited in October 2006. A member of the public made the last recorded report of problems on the section of footpath LV46 at Black Hill Farm in 2002. This related to overgrowth of vegetation.
- 7 As it has not been possible to contact the landowner for the property, Local Member consultation has not been carried out.

## **Alternative Options**

There are no alternative options.

## **Risk Management**

There is a risk that the current landowners will contact us with regard to the progress of this diversion. If they chose to continue with the proposal, a new application form would need to be completed and pre-order consultation repeated.

## **Consultees**

- Prescribed organisations as per annexe E of Department of the Environment Circular 2/93.
- Longtown Group Parish Council.
- South Herefordshire District Council

## **Recommendation**

That a public path diversion order is not made under Section 119 of the Highways Act 1980, as illustrated on the attached plan D262/244-46 and that the application is rejected.

## **Appendices**

Appendix A-Order Plan, drawing number: D262/244-46

Appendix B-Letter sent to Mr A. King in January 2006