

HIGHWAYS ACT 1980, SECTION 119. AMENDMENTS TO PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH FD4 (PART) IN THE PARISH OF FORD

Report By: Public Rights of Way Manager

Wards Affected:

Hampton Court

Purpose

The County of Herefordshire District Council (the Council) to consider amendments to the route for an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath FD4 in the parish of Ford.

Considerations

- 1 Mr R Helme, the landowner of Ford Farm, made an application for a public path diversion for footpath FD4 in 1993. This was originally made under section 257 of the Town and Country Planning Act 1990. Because development was substantially completed before an Order could be confirmed, it became necessary to process the application under section 119 of the Highways Act 1980 instead.
- 2 The Regulatory Committee has already considered a report on this application, as processed under the Highways Act 1980 and resolved that a Public Path Diversion Order should be made (see report-Annex A-and minutes of Regulatory Committee meeting on 30th November 2004-Annex B.) Instructions were forwarded to the Council's Legal Services department in June 2006 to make and advertise an Order in respect of this application.
- 3 Before Legal Services were able to process these instructions and make an Order, Mr Helme submitted a planning application for construction of a bowling centre adjacent to the Grove Golf Centre (see development plan NC2006/3136/F-Annex C.) When this was forwarded to the Public Rights of Way department in September 2006 for comment, it became apparent that the development would affect the line of the proposed new route of footpath FD4. Chris Ham of Amber Project Management, who drew up the development plans, confirmed this; the new bowling centre is positioned on the line of the proposed diversion. The planning permission that has been granted will also not allow for the footpath to run along a 2-metre corridor between the clubhouse patio and parking area as proposed, because this area is to become marked parking bays.
- 4 The applicant was offered the options of amending either his development plans or the proposed diversion route. He has agreed to amend the proposed diversion route and to meet the additional administrative costs that will be incurred as a result of this. He also agrees to meet the costs of advertising and any works required to bring the proposed new route into being.

- 5 The amendments to the route mean that the footpath would run around the new bowling centre along the path currently used for access to the golf course, then down the centre of one aisle of the car park.
- 6 User groups and statutory undertakers have not been consulted about the changes to the route, as it was felt the changes are relatively minor. This was agreed with the applicant, who is aware that this may increase the risk of objections being made to the Order.
- 7 The local member, Councillor Keith Grumbley, has been consulted and supports the amendments to the proposed route for this diversion. He has liaised with Humber, Stoke Prior & Ford Group Parish Council, who he reports as supporting the proposed changes.
- 8 The amendment to the proposed diversion still meets the specified criteria as set out in section 119 of the Highways Act 1980 in that:
 - The proposal benefits the owner of the land crossed by the existing path.
 - The proposal does not alter the point of termination of the paths.
 - The proposal is not substantially less convenient to the public.

Alternative Options

The Council could reject the amendments to the application. However, this would result in there being obstructions on both the existing and proposed new routes; the clubhouse is on the existing line of the footpath and the new bowling centre, on the line of the proposed route, is substantially complete. If the Council were to reject these amendments, there would be a need to either re-open the legal line or to propose another alternative route for this diversion.

Risk Management

There is a risk that the Order will be opposed, leading to additional demand on existing staff resources.

Consultees

- Local Member – Councillor Keith Grumbley

Recommendation

That amendments are made to the proposed route for the public path diversion order for footpath FD4 under Section 119 of the Highways Act 1980, as illustrated on drawing number: D165/148-4(ii)

Appendices

- Order Plan, drawing number: D165/148-4(ii)
- Annex A: Report submitted to Regulatory Committee on 30th November 2004
- Annex B: Minutes of Regulatory Committee meeting on 30th November 2004
- Annex C: Development Plan for planning application DCNC2006/3136/F