

HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH 4 IN THE PARISH OF ADFORTON

Report By: Public Rights of Way Manager

Wards Affected:

Mortimer

Purpose

To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert footpath 4 in the parish of Adforton. The application is being made in the Public's interest. Border Group Parish Council put the proposal forward with the support of the landowners, following consultation on the Rights of Way Improvement Plan (ROWIP). The Local Access Forum advised on the priority of the proposal.

Considerations

- 1 The Herefordshire Council Public Rights of Way department made the application on 11th September 2007. The reasons for making the application were:
 - To improve walker safety by improving visibility where path meets the main County Road A4110.
 - To improve links with footpaths AF8 and AF12 by reducing road walking.
 - To create a new circular walk.
 - To improve access along the path by removing need for steps.
 - To improve walking conditions by taking the path out of a streambed and onto dry and level ground.
- 3 The Public Rights of Way department has carried out pre-order consultation. The proposal has general agreement of the Open Spaces Society, Ramblers Association, Byways and Bridleways trust & Cyclists Touring Club, Border Group Parish Council & all Statutory Undertakers and the adjoining landowners Mr Ruell and Mr Whitman, whose property is also affected by the application.
- 4 The Herefordshire Council's, Public Rights of Way Department will meet all costs incurred in making the diversion order. These costs will be approximately £2600 for gates and signposts and approximately £800 for advertisements. Affected landowners have given their written consent that they will not claim compensation, if this diversion Order is made and comes into operation.
- 5 The new route will create a safe circular walk, which the Parish Council has said will be well used by locals and visitors, as it will take in the Wigmore Abbey and Adforton Church.
- 6 The local member, Cllr Barnett, supports the application

- 7 The proposed diversion 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 section A to F of the existing path. This is because part of the existing path passes through the middle of a field and the proposed path passes along the field edge for its duration.
 - The proposal does alter the point of termination of the path but it still ends on the same highway as the existing path.
 - The proposal is not substantially less convenient to the public.

Alternative Options

Under Section 119 of the Highways Act 1980 the Council has the power to make diversion orders. It does not have a duty to do so. The Council could reject the application on the grounds that it does not contribute sufficiently to the wider ambitions and priorities of the Council.

Risk Management

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

Consultees

- Prescribed organisations as per Rights Of Way Circular 1/08.
- Local Member – Cllr Barnett
- Border Group Parish Council.
- Statutory Undertakers

Recommendation

That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D383/7-4

Appendices

Order Plan, drawing number: D383/7-4

Annex A Signed compensation indemnity form from Mr R Ruell

Annex B Signed compensation indemnity form from Mr S Whitman.

Annex C Letter of support from the Border Group Parish Council.