

HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH ZK8 (PART) IN THE TOWN OF ROSS-ON-WYE

Report By: Public Rights of Way Manager

Wards Affected:

Ross-on-Wye (west).

Purpose

To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath ZK8 in the town of Ross-on-Wye.

Considerations

- 1 Herefordshire Council made the application on 16th February 2009. The reasons given for making the application were to rectify a slight error made by Herefordshire Council in setting out the layout of the path when the caravan site was built.
- 2 Pre-order consultation has been carried out by the Public Rights of Way department. The proposal has general agreement.
- 3 The Herefordshire Council will bear the costs of this proposed diversion.
- 4 The local members Cllr. P G H Cutter and Cllr. A E Gray, support the application.
- 5 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 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

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 Defra Rights Of Way Circular 1/08.
- Local Members – Cllr. P G H Cutter and Cllr. A E Gray
- Ross-on-Wye Town 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: D393/327-8

Appendices

Order Plan, drawing number: D393/327-8