

MEETING:	REGULATORY COMMITTEE
DATE:	2 NOVEMBER 2010
TITLE OF REPORT:	HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER, FOOTPATH SP9 (PART) IN THE PARISH OF STOKE PRIOR
PORTFOLIO AREA:	HIGHWAYS AND TRANSPORTATION

CLASSIFICATION: Open

Wards Affected

Hampton Court

Purpose

To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath SP 9 in the parish of Stoke Prior.

Key Decision

This is not a Key Decision.

Recommendation

That The Regulatory Committee agrees to make a public path diversion order under Section 119 of the Highways Act 1980, to divert footpath SP9 (part), in the parish of Stoke Prior, as illustrated on drawing number D405/361-9.

Key Points Summary

- An application was made in June 2010 to divert footpath SP9 in the parish of Stoke Prior to enable the use of the adjacent field as disabled parking for the village hall and to create a more level footpath into the field.
- The proposals were sent to pre-order consultation to which there were no objections.
- The applicants have agreed to pay for advertising and to reimburse, in full, Herefordshire Council's costs incurred in making this diversion order.
- The application is being fast tracked as it is deemed to be in the public's interest

Alternative Options

- 1 Under Section 119 of the Highways Act 1980, the Council has the power to make diversion

Further information on the subject of this report is available from
Will Steel on (01432) 842106

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. However, this may make it difficult for the Parish Council to realise their ambition of creating disabled access to the village hall.

Reasons for Recommendations

- 2 The public path order should be made because it is felt that it meets the criteria set out in s119 of the Highways Act and the requirements of Herefordshire Council's Public Path Order policy and there have been no objections at pre-order consultation stage.

Introduction and Background

- 3 Before an order is made to divert a footpath under the Highways Act 1980, it is necessary to gain a decision from the Regulatory Committee as they hold the delegated authority to make this decision.

Key Considerations

- 4 Mr & Mrs Young, who are the landowners, made this application in June 2010. The reasons given for making the application were, 'to enable the future use of adjacent field as disabled parking for village hall and to create a more level footpath into large field.' The proposal is also of benefit to the landowners as it will take the path out of their garden.
- 5 The applicant has carried out all pre-order consultation. The proposal has wide agreement.
- 6 The applicant has agreed to pay for all advertising costs and to reimburse in full, Herefordshire Council's costs incurred in making the diversion order.
- 7 The neighbouring affected landowner, Mr R L Bemand, has given his written agreement to the proposals and has signed an agreement to waive any claim for compensation and expense that may become payable as a consequence of this order.
- 8 In line with herefordshire council's statement of priorities, this application is being fast tracked because, in the opinion of the officers and following consultation with the Parish Council, it was felt the making of an order would provide greater amenity value to local residents and visitors.
- 9 The local member, Cllr. Grumbley supports the proposals

Community Impact

- 10 The Stoke Prior Village Hall Trustees are in support of this application as it will enable them to use an adjacent field for disabled parking and to gain disabled access to the village hall as at present; there is no dedicated parking provision for the users of the hall. It is understood that the Parish Council wish to apply for an improvement grant for the village hall but conditions state that disabled facilities must be provided.

Financial Implications

- 11 The applicants, Mr and Mrs Young have agreed to pay for all administration and advertising costs associated with this order as well as any works necessary in bringing the path into being.

Legal Implications

12 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.

Risk Management

13 If an order is made as proposed within this report, there is a risk that the order will receive objections and would be referred to the Secretary of State. However, this risk has been minimised by assessing user group and statutory undertaker opinion at pre-order consultation stage. There were no objections to the proposals.

Consultees

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- Prescribed organisation as per Defra Rights of Way circular 1/09
- Local Member – Cllr. K G Grumbley
- Stoke Prior Parish Council
- Statutory Undertakers

Appendices

15 Order plan, drawing number: D405/361-9

Background Papers

- None identified.