

MEETING:	REGULATORY COMMITTEE
DATE:	2 NOVEMBER 2010
TITLE OF REPORT:	HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER BRIDLEWAY CO1 (PART) AND FOOTPATH CO2 (PART) IN THE PARISH OF COLLINGTON
PORTFOLIO AREA:	HIGHWAYS AND TRANSPORTATION

CLASSIFICATION: Open

Wards Affected

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Purpose

To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of bridlepath CO1 and part of footpath CO2 in the parish of Collington.

Key Decision

This is not a Key Decision.

Recommendation

That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D301/94-01/02

Key Points Summary

- The landowner applied for the diversion of CO1 and CO2 in 1997
- Bridleway CO1 has been obstructed by a lake for many years. The alternative route proposed is that which is currently used.
- Footpath CO2 has been obstructed by farm buildings for many years. The alternative route proposed is that which is currently used.
- Informal consultations have been carried out and there are no outstanding objections to the proposal.

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 and Public Rights of Way Manager, Amey on (01432) 845980

orders. It does not have a duty to do so. Other options include alternative routes for the diversions or the removal of the lake and buildings obstructing the paths.

Reasons for Recommendations

- 2 The public path order should be made because it is felt that it meets the criteria set out in s 119 of the Highways Act and Herefordshire Council's Public Path Order Policy. The objections received at pre-order consultation stage have been over-come

Introduction and Background

- 3 This report is being considered by the Regulatory Committee because it has the delegated authority to make the decision whether or not to make an order.

Key Considerations

- 4 Mr Brian Edwards, the landowner, made the application on 16/10/1997. The reasons given for making the application were that the original line of the bridleway passes through a lake and the line of the footpath passes through a barn both of which were constructed many years ago.
- 5 The applicant has carried out all pre order consultations. There was an initial objection from the Open Spaces Society about the line route but this was subsequently withdrawn and the proposal has general agreement from all consultees.
- 6 The route forms part of the 3 Rivers Ride which is a nationally promoted horse trail across the county with links to both Worcestershire and Powys.
- 7 The applicant has agreed to pay for advertising and to reimburse, in full, the Council's standard charge for making the diversion order.
- 8 The local member, Councillor TW Hunt, has no objections to the application.
- 9 The proposed diversion meets the specified criteria as set out in section 119 of the Highways Act 1980, and in particular that:
 - The proposal benefits the owner of the land crossed by the existing path.
 - The proposal is not substantially less convenient to the public.
 - It would be expedient to proceed with the proposal given the effect it will have on public enjoyment of the paths.

Community Impact

10. The Parish Council and local user groups have been consulted as part of the process, there was one objection which has been resolved. Cllr. Hunt has been consulted and does not object to the proposals.

Financial Implications

11. The applicants have agreed to pay the Council's standard fee for the making of a diversion order and to pay associated advertising costs. However as the application was made in 1997,

the applicants will be charged the rate applicable at the time (£600), not the current costs (£800). The applicant has also agreed to meet the cost of bringing the paths into operation.

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 to divert CO1 and CO2 as recommended within this report, there is a risk that the order will receive objections and would therefore require referral to the Secretary of State which will increase the demands on officer time and resources. However extensive informal consultations have taken place to minimise the risk of such objections.

Consultees

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- Prescribed organisations as per Defra Rights Of Way Circular 1/09.
- Local Member – Councillor TW Hunt
- Thornbury Group Parish Council.
- Statutory Undertakers.

Appendices

- 15 Draft Order and Order Plan, drawing number: D301/94-01/02

Background Papers

- None identified.