

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	11 OCTOBER 2011
TITLE OF REPORT:	THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL BRIDLEWAY HU4 (PART), HUMBER, PUBLIC PATH DIVERSION ORDER 2011
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 bridleway HU4 in the parish of Humber.

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 D409/193-4.

Key Points Summary

- One of the landowners, Mr Stephen Knight, applied for the diversion of part of bridleway HU4 on 3 November 2010.
- Part of the existing bridleway is not used as it is in close proximity to buildings at Humber Court and Cider Mill House and the majority of users already use the proposed diverted route.
- Informal consultations have taken place and there are no outstanding objections to the proposal; the Parish Council has not objected and neither has the local Ward Member.

Further information on the subject of this report is available from
Chris Chillingworth, Assistant Rights of Way Officer (01432) 842100

Alternative Options

- 1 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. Another option would be a different alternative route for the diversion

Reasons for Recommendations

- 2 The public path order should be made because it is felt that it meets the criteria set out in Section 119 of the Highways Act 1980 and Herefordshire Council's public path order policy and there have been no objections at pre-order consultation stage

Introduction and Background

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

Key Considerations

- 4 Mr. Stephen Knight, one of the affected landowners, made the application on 3rd November 2010. The reason given for making the application was to make the current 'permissive route' used by horse riders the legal route by diverting part of the existing bridleway. The section of bridleway close to Humber Court (section A-F) is not currently shown on the Definitive Map although it is described on the Definitive Statement. The proposed diversion would resolve this anomaly and avoid the need for a definitive Map Modification Order at some future stage.
- 5 The applicant has carried out all pre order consultations. The proposal has general agreement including from the adjoining landowners Mr Richard Collins and Mr. Hugh Fowler-Wright, whose properties are also affected by the application.
- 6 The local member, Councillor Millar, sees no reason to object to the application.
- 7 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 owners of the land crossed by the existing paths.
 - 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 bridleway.

Community Impact

- 8 The Parish Council and local user groups have been consulted as part of the process and the proposal has general agreement. Councillor Millar has been consulted and does not object to the proposals.

Financial Implications

- 9 The applicant has agreed to pay for advertising and to reimburse, in full, the Council's costs incurred in making the diversion order. The applicant has agreed to pay the costs applicable at

the time of the application which are £800 and also to pay costs associated with bringing the diverted bridleway into operation. The other directly affected landowner over whose land part of the diverted bridleway will pass has given his written consent that they will not claim compensation, if this diversion order is made and comes into operation.

Legal Implications

- 10 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

- 11 If an order is made to divert part of bridleway HU4 as recommended within this report, there is a risk that the order will receive objections and would then require referral to the Secretary of State which will increase the demands on officer time and resources. However, extensive informal consultations and negotiations have taken place to minimise the risk of such objections.

Consultees

- 12 Prescribed organisations as per Defra Rights Of Way Circular 1/09:

Local Member – Councillor J Millar

Humber, Ford & Stoke Prior Group Parish Council.

Statutory Undertakers.

Appendices

- 13 Order Plan, D409/193-4 and Order and Schedule.

Background Papers

- None identified.