

HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATHS VO33 (PART) AND VO34 (PART) IN THE PARISH OF VOWCHURCH

Report By: Head of Highways and Transportation

Wards Affected:

Golden Valley South

Purpose

To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert parts of footpaths VO33 and VO34 in the parish of Vowchurch.

Reasons

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.

Considerations

- 1 An application for a diversion order was made in 1996 and has been the subject of subsequent consultation and amendment. The reasons for the diversion are: ease of movement for walkers and the current close proximity of the path to the house.
- 2 The applicant has agreed to pay for advertising, to pay the Council £400 in administration costs and to reimburse in full the Council's costs incurred in making the diversion order.
- 3 During the initial consultation stage the original proposal was objected to by the Ramblers Association and Open Spaces Society. They suggested amendments to the proposal which the applicant has accepted.
- 4 The main reason for the delay in processing this application is that one of the landowners affected was unwilling to give consent to the proposed diversions. That owner has since sold his land, and the new landowner has given written confirmation that the proposals can go ahead with no objections from himself.

Further information on the subject of this report is available from Lisa Hughes Assistant Rights of Way Officer on (01432) 261721

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- 5 Pre-order consultations have been carried out again, due to the time elapsed since the initial consultation in 1996. The Ramblers Association objected to the proposal for several reasons in a letter dated 5th March 2004 (appendix 1). The Open Spaces Society made several comments on the proposal in its letter of the 18th of February 2004 (appendix 2). Following a site visit made on the 16th March 2004 slight amendments to the plan were made and a letters sent to the Open Spaces Society (appendix 3) and the Ramblers Association (appendix 4) asking whether they wish to sustain their objection to the proposal. No response to this letter has been received from the Ramblers Association. The Open Spaces Society did respond and is not minded to object to the new proposal (appendix 5)

- 6 Local Member Cllr J B Williams and the Vowchurch Group Parish Council support the proposal.

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 annexe E of Department of the Environment Circular 2/93
- Statutory undertakers
- Local Member - Councillor J B Williams
- Vowchurch and District Group Parish Council.

Appendix

Appendix 1: Letter of objection from Ramblers Association. Dated 5th March 2004.

Appendix 2: Letter from the Open Spaces Society making comments. Dated 18th Feb 2004.

Appendix 3: Letter to the Ramblers Association outlining amendments made to the plan and asking if they wish to sustain their objection. Dated 18th March 2004.

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Appendix 4: Letter to the Open Spaces Society outlining amendments made to the plan and asking if they wish to sustain their objection. Dated 18th March 2004.

Appendix 5: Letter from the Open Spaces Society stating that they are not minded to object to the proposal. Dated 22nd March 2004.

Recommendation

That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D393-393-33/34(ii).

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