

HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH RC10 (PART) IN THE PARISH OF RICHARDS CASTLE

Report By: Head of Highways and Transportation

Wards Affected

Bircher

Purpose

To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath RC10 in the parish of Richards Castle.

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 The application for the diversion of the public footpath was made in April 1996, by Mr N I Kemsley. The reasons for which were to take the path out of the applicant's garden and buildings and reduce the amount of fences crossed by users.
- 2 The initial consultation drew objections based on the obstruction of the legal line by fences and the view of the Open Spaces Society that the proposed route would be unnecessarily convoluted. The Open Spaces Society proposed an alternative route for the footpath.
- 3 That proposal was not acceptable to the applicant but, following a site meeting with Rights of Way Officers, a new route was proposed as shown in drawing number D220/321-10(i) (appendix 1). This proposal has been the subject of further consultation.
- 4 The applicant has agreed to pay for advertising and to reimburse in full the Council's costs incurred in making the diversion order.
- 5 The Open Spaces Society and the Ramblers Association have not commented on this proposal. The Parish Council has not objected to the proposal, but has made an alternative suggestion. The line proposed on Drawing Number D220/321-10(i) is considered to be a reasonable compromise between wishes of the Parish Council

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

and suggestions from the Open Spaces Society. No response was received from the local Councillor, S Bowen.

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 Sebastian Bowen
- Richards Castle Parish Council

Appendix

Appendix 1: Drawing number: D220/321-10(i)

Recommendation

That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D220/321-10(i) (appendix 1).