

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	29 MAY 2012
TITLE OF REPORT:	HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH GR6 (PART) IN THE PARISH OF GOODRICH
PORTFOLIO AREA:	HIGHWAYS AND TRANSPORTATION

CLASSIFICATION: Open

Wards Affected

Kerne Bridge

Purpose

To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath, GR6, in the parish of Goodrich.

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: D417/154-6

Key Points Summary

- Goodrich and Welsh Bicknor Parish Council made an application to divert footpath GR6 on the 9th of January 2012.
- The proposals were identified in the Village Design Statement and the School Travel Plan to enable a safe route between Dean Swift/Goodrich Cross area and the school.
- The parish have gained funding to support the proposals.
- A pre-order consultation has been carried out to which there were no objections.

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

Further information on the subject of this report is available from
Name and Title on (01432) 26

Council.

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 the 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 they have the delegated authority to make the decision whether or not to make an order.

Key Considerations

- 4 Goodrich and Welsh Bicknor Parish Council made the application on 9th of January 2012. The reasons given for making the application were:

The desire to provide parents and children with a safer walking route from the Dean Swift/Goodrich Cross areas to the school were included within the School Transport Plan. The existing route brings walkers out onto a section of road with poor visibility. There is also a need to then walk along a stretch of narrow and dangerous road. The proposed diversion will bring walkers out at a point where visibility is better and it will only be necessary to cross the road rather than walk along it.

The proposed diversion will provide a wider path along the stretch in question thereby improving the facility for use by pushchairs etc.

The proposed diversion was included within the Village Design Statement, produced by the Parish Council in the Spring of 2010, in which it was confirmed that the proposal had support from all areas of the community served by the Council.

This footpath represents an important link between the dispersed areas of the Parish and the Parish Council consider it important to ensure this link is improved in order to provide a good quality, safe, intra-village route.

The proposed diversion will increase usage of the footpath for 'to and from school' journeys thereby reducing car usage for these short, local journeys.

- 5 The applicant has carried out all pre order consultation. The proposal has general agreement, however the Open Spaces Society have requested that the new route should not be fenced - to which the landowner has agreed; a gate should be installed with a 'refuge' prior to meeting the road – which has been agreed and set out in the proposed order; and they have requested a signpost at the roadside and waymarking - which is also set out in the proposed order. The Ramblers' Association made the same points.
- 6 The affected landowners, whose properties are affected by the application have also agreed to the proposals and have signed forms to waive any compensation or expenses which may be due.
- 7 The applicant has agreed to pay for advertising and to reimburse, in full, the Council's costs incurred in making the diversion order.
- 8 The local member, Cllr. J G Jarvis, has no objections to the application.
- 9 The proposed diversion meets the specified criteria as set out in Council policy 119 of the Highways Act 1980 in particular that:
 - The proposal benefits the public.

- The proposal does alter the point of termination of the path, however, this is onto another point on the same highway which is not less convenient.
- The proposal is not substantially less convenient to the public or to the landowners.

Equalities Implications

- 10 The proposed new route has similar gradients to those found on the existing route. Users must negotiate a gate on both the existing and the proposed routes however the existing section of path also encompasses a stile, whilst the proposed section of path does not. As such, the proposal is considered to comply with the requirements of the Equality Act 2010.

Community Impact

- 11 The proposals have been initiated by the Parish Council and have widespread support from the Parish through the Village Design Statement and the School Travel Plan.

Financial Implications

- 12 Goodrich and Welsh Bicknor Parish Council have agreed to pay all associated costs with this order including administration, advertising and any works necessary to bring the route into being. They have also agreed to maintain the route once made.

Legal Implications

- 13 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

- 14 There is a risk that if an order is made as proposed, it may receive objections which would necessitate the referral to the Secretary of State for a decision. This would place increased pressure on officer time and resources. However, this is unlikely as a pre-order consultation has been carried out and has not received any adverse comments. The landowners have also agreed to the proposals.

Consultees

- Prescribed organisations as per Defra Rights Of Way Circular 1/09.
- Local Member – Cllr. J G Jarvis
- Goodrich and Welsh Bicknor Parish Council.
- Statutory Undertakers.

Appendices

Order Plan, drawing number: D417/154-6 and Order and Schedule.

Background Papers

- None identified.