

Record of Officer Decision

Decision title:	Highways Act 1980, Section 119 Proposed Public Path Diversion Order Footpath ZC116 (part) in the Parish of Leominster
Date of decision:	13 February 2026
Decision maker:	Group Manager - Streetscene, Public Rights of Way and Traffic Management
Authority for delegated decision:	Directorate scheme of delegation: Economy and Place, section 75. To act on behalf of the council in respect of the legislation specified in the foregoing: Highways Act 1980
Ward:	Leominster East
Consultation:	Consultation undertaken by the applicant included: Prescribed organisations as set out in the Defra Rights of Way Circular 1/09 – No objections Local Member Councillor Bartlett - No objection to the proposal Leominster Town Council – No objection to the proposal Statutory Undertakers – No objections to the proposal
Decision made:	THAT: (a) A public path diversion order, for definitive footpath ZC116 (part) in the parish of Leominster, is made in accordance with section 119 of the Highways Act 1980, as shown in the draft order and plan D570 in Appendix 1 attached to this report and; (b) In the event that there are no un-withdrawn objections to the formal advertising of the order, it is then confirmed. (c) If sustained objections are received, the matter can be passed to the Secretary of State for a decision. See Appendix 1 below for drawing.
Reasons for decision:	The rights of way department undertook to divert the right of way following a request from the applicant because the applicant wishes “to ensure the existing used path is placed on the definitive map.” The applicant applied for the diversion to legalise the path that is marked and walked on the ground. This was put in place on the ground many years ago but was not legally changed on the Definitive Map. The existing path runs down the driveway to the property and around the house into a small field. The proposed path will run across a field away from the property. It is considered that this will benefit the landowner in terms of privacy.

	<p>The proposed path will not be substantially less convenient for the public as it is a more direct route and has an overall gentler gradient than the existing path. It is considered that there will be less likelihood of contact with vehicles on the proposed route as it takes users away from the driveway to the house and farmyard.</p> <p>The existing route of ZC116 runs along a driveway and around a house. The proposed route diverts the right of way through an adjacent field which provides a route that has a more gradual gradient in comparison to the steeper gradient towards the latter half of the existing route. The proposed route will be safer by taking users away from vehicles using a driveway to a farmyard where the existing route travels as well as resolving issues of privacy and security for the landowner.</p> <p>It is considered that the legal tests for this diversion have been satisfied as in the interest of both the landowner and users it is expedient to divert the footpath; the proposal provides a route that is approximately half Crossfield, half field edge and is the walked route that the public currently use. There have been no complaints from the public on the used route.</p> <p>The proposed route will not be substantially less convenient as the distance is less circuitous than the existing route.</p> <p>The applicant has agreed to pay the costs associated with advertising the order and any works required.</p> <p>The applicant has carried out a pre-order consultation based on a proposed route (see Appendix 2). There were no objections to the proposal.</p> <p>The Local Member, Councillor Bartlett, has no objections to the proposal.</p> <p>The proposed diversion meets the specified criteria set out in Council policy and in accordance with the provisions of section 119 of the Highways Act 1980 in that:</p> <ul style="list-style-type: none"> • The proposal is expedient as it benefits the owner of the land crossed by the existing path. • It is expedient to confirm the order, given the proposal is not substantially less convenient to the public, and it is expedient, having regard to the effect which (i) the diversion will have on the public enjoyment of the path as a whole, including any compensation which becomes payable (ii) the coming into operation of the order would have as respects other land served by the existing right of way and (iii) any effect the new public right of way created by the order would have as respects the land over which the new right is created, including any compensation payable.
<p>Highlight any associated risks/finance/legal/</p>	<p>Community impact: The applicant has carried out a comprehensive pre-order consultation, which included Leominster Town Council, local user</p>

<p>equality considerations:</p>	<p>groups, and statutory undertakers, to which there were no sustained objections.</p> <p>Equality: Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:</p> <p>A public authority must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none"> • eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; • advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; • foster good relations between persons who share a relevant protected characteristic and persons who do not share it. <p>The majority of public rights of way are in a very rural environment, often remote, with uneven surfaces and varying gradients. There are stiles and gates on many paths which are necessary for stock control. There are also bridges and steps on many paths which aid access to paths by providing crossings for streams and rivers and to help with steep gradients. The nature of the paths means that access may be difficult for members of the public with mobility issues or a disability.</p> <p>Diversion/creation orders seek to remove stiles wherever possible and improve access by installing gates in their place which allow use by a wider group of people. The Rights of Way Improvement Plan also aims to improve access to public rights of way in this way.</p> <p>For this proposal the surface of the existing path is firmer than the proposed path, but the gradient on the proposed path is gentler overall resulting in a neutral impact. There is one field gate on the existing route and two pedestrian gates on the proposed route. However, the roadside gate is necessary for the safety of users resulting in a potentially neutral impact. The proposed route improves safety through removing users from a driveway where there is a greater risk of contact with vehicles and provides improved privacy and security for the landowner, resulting in a positive impact.</p> <p>Finance: All advertising costs associated with this order are to be covered by the applicant together with the installation of two pedestrian gates. If the matter has to be referred to the Secretary of State, the costs associated with any Inquiry or Hearing will be met by the Council.</p> <p>Environmental Impact: This decision/proposal seeks to deliver the Council’s environmental policy commitments and aligns to the following success measures in the County Plan.</p> <p>Improve residents’ access to green space in Herefordshire</p>
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<p>Details of any alternative options</p>	<p>Under the provisions of Section 119 of the Highways Act 1980 the Council has the discretionary power to make diversion orders but has</p>

considered and rejected:	no duty to do so. The Council could therefore reject the application on the grounds that it does not contribute sufficiently to the wider ambitions and priorities of the Council. As the application meets the tests set out in Section 119 of the Highways Act 1980 it may be considered unreasonable for the Council to not make an order.
Details of any declarations of interest made:	None to note.

Signed:

Date: 13/02/2026

Please ensure that signatures are redacted before publishing.

Appendix 1:

