

# HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH CZ13 (PART) IN THE PARISH OF CRASWALL

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 part of footpath CZ13 in the parish of Craswall as shown on drawing number D265/100-13(i) (appendix 1).

## Considerations

- 1 The application for the diversion of the public footpath was originally made in April 1997, by Mr A D Thomas. The reason for which is to avoid a farm building at 'White Haywood' which currently causes an obstruction to the path and to take the path away from house and garden at 'Three Horse Shoes'.
- 2 The application has since been taken over Mr Goodwin, and he has agreed to pay for advertising and to reimburse in full the Council's costs incurred in making the diversion order including bringing the proposed route up to an acceptable standard. Although the owners of Three Horse Shoes are not joint applicants, this proposal is in their interest also, they have been consulted and wish for the diversion to go ahead.
- 3 The proposal has been out to pre-order consultation with Prescribed organisations as per annexe E of Department of the Environment Circular 2/93, highways area manager, local Councillor and local Parish Council. No adverse comments have been received.

## 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 Beris Williams
- Longtown Group Parish Council

## RECOMMENDATION

**THAT**            **A public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D265/100-13(i) (appendix 1).**

## 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 otherwise than to another point which is on the same highway.
- The proposal is not substantially less convenient to the public.

## Appendix

Appendix 1: Drawing number: D265/100-13(i)