

5 HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH CG3 (PART) IN THE PARISH OF CODDINGTON

Report By: Public Rights of Way Manager

Wards Affected:

Hope End

Purpose

The County of Herefordshire District Council (the Council) to consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath CG3 in the parish of Coddington.

Considerations

- 1 The application was made in February 2006, by Dr. P. Soilleux, who is the landowner. The reasons for which were to take the path out of the applicants garden and away from a quarry that has been excavated across the path.
- 2 The application is one of four that is been progressed as part of a pilot project to test the new diversion procedures recently approved (subject to legal services confirmation) by the Cabinet Member for Policy and Community. The applicant has carried out all pre order consultation and the proposal has general agreement from the Parish Council, Ramblers Association, the Open Spaces Society and the adjoining landowner, Mr. West, who's property is also affected by the application.
- 3 The applicant has agreed to pay for advertising and to reimburse in full the Council's costs incurred in making the diversion order.
- 4 The local member, Cllr Rees Mills supports the application
- 5 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.

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.
- Local Member - Councillor Rees Mills
- Bosbury and Coddington Parish Council.

Recommendation

That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D377/92-3

Appendices

Order Plan, drawing number: D377/92-3