

HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH ESG 22 (PART) IN THE PARISH OF STRETTON GRANDISON

Report By: Public Rights of Way Manager

Wards Affected:

Frome

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 ESG 22 in the parish of Stretton Grandison.

Considerations

- 1 The application was made on 22nd August 2003, by Mr. J. Brock, who is the landowner. The reasons for which were to take the path out of the applicant's garden to make it more convenient to both users and the applicant.
- 2 The application is being fast tracked as part of the new policy following a ruling by the complaints panel. 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, Homend Estate, 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 R. Manning 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 – Cllr. R. Manning
- Stretton Grandison Group Parish Council.
- Statutory Consultees

Recommendation

That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D358/368-22

Appendices

Order Plan, drawing number: D358/368-22