

HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH LV59 (PART) IN THE PARISH OF LLANVEYNOE

Report By: Public Rights of Way Manager

Wards Affected:

Golden Valley South

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 LV59 in the parish of Llannveynoe

Considerations

- 1 The application was made on 3rd July 1997, by Mrs. P. LeHardy, 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. The current route passes very close to the applicant's house.
- 2 Pre order consultation has been carried out and the proposal has general agreement from the Parish Council, Ramblers Association, the Open Spaces Society and the adjoining landowner, Mr. Eric Jones of Monnow Farm, Llanveynoe, who's property is also affected by the application.
- 3 The applicant has agreed to pay for advertising and to reimburse the Council's costs incurred in making the diversion order. Due to the time taken to process this application it has been agreed with the applicant that these costs will be reasonable. A self-closing gate will be erected at point C which will improve access.
- 4 The Local Member, Cllr. J.B. Williams, has no objections to 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. J. B. Williams
- Longtown 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: D283/244-59

Appendices

Order Plan, drawing number: D283/244-59