

## **6 HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH LW10 (PART) IN THE PARISH OF LLANWARNE**

**Report By: Public Rights of Way Manager**

### **Wards Affected:**

Pontrilas

### **Purpose**

To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath LW10 in the parish of Llanwarne.

### **Considerations**

- 1 The application was made in September 2002, by Mr. R. Spragg, who is the landowner. The reasons for which were to improve land management, regularise common usage and to improve walker's views of the surrounding countryside.
- 2 The application is one of four that is being 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.
- 3 Both the Ramblers Association and the Open Spaces Society submitted objections to the proposal (appendix 1 and 2). Their objections are that it would reduce the openness of the footpath and that it is longer.
- 4 Following a site visit by the Rights of Way Manager it was felt that the proposal would increase the maintenance burden on the council, increase the likelihood of the route being enclosed by a fence and require more maintenance by the landowner which could become neglected.
- 5 On the 30<sup>th</sup> August 2006 the applicant was advised that the recommendation of the Rights of Way Manager, to the Council's Regulatory Committee, would be for an order not to be made. The reasons for that recommendation were set out in a letter (appendix 3). The landowner has made no representation since that time.
- 6 The Local Member, Cllr Godfrey Davies supports the application
- 7 The proposed diversion does not meet the specified criteria as set out in section 119 of the Highways Act 1980 in that:

- The proposal is substantially less convenient to the public.

It does however meet the other specified criteria in section in that:

- The proposal benefits the landowner
- The proposal does not alter the points of termination of the path.

## **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 support the application and make an order on the grounds that it contributes sufficiently to the wider ambitions and priorities of the Council.

## **Risk Management**

There is a risk that the Order will be opposed, as has been indicated by the Ramblers Association and the Open spaces Society, 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 Godfrey Davies
- Llanwarne Parish Council.

## **Recommendation**

That a public path diversion order is not made under Section 119 of the Highways Act 1980, as illustrated on the attached plan (appendix 4) and that the application is rejected.

## **Appendices**

Letter of Objection from Ramblers Association dated 16<sup>th</sup> March 2006

Letter of Objection from Open Spaces Society dated 18<sup>th</sup> March 2006

Letter from Public Rights of Way Manager dated 30<sup>th</sup> August 2006

Plan outlining proposal