

## **7 HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH BD8 (PART) IN THE PARISH OF BREDWARDINE**

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

### **Wards Affected:**

Golden Valley North

### **Purpose**

To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath BD8 in the parish of Bredwardine.

### **Considerations**

- 1 The application was made on 12<sup>th</sup> October 1996, by Mr Samuel Bowen (who is the landowner.) The reasons for the application were to move the footpath out of the farmyard, bypassing the house and farm buildings-one of which had been built across the footpath. The applicant felt that this would increase both his privacy and user safety, as animals are being kept in the farmyard.
- 2 The Public Rights of Way department has carried out pre-order consultation in April 2002. The proposal has general agreement from the Open Spaces Society, the Ramblers Association and the Byways and Bridleways Trust. This is subject to a minimum width of 2 metres, installation of furniture to cross fence lines (at B and C) and adequate waymarking. They have also noted that the landowner should avoid damaging the surface, which can become muddy. The Byways and Bridleways Trust have noted that any furniture installed at point B must not prevent usage of the bridleway BD7, which is joined by footpath BD8 at this point. There are no other affected landowners.
- 3 No comments have been received from the Parish Council.
- 4 The Local Member was consulted on 24<sup>th</sup> August 2006 and supports the application.
- 5 The applicant has agreed to pay for advertising and to reimburse, in full, the Council's costs incurred in making the diversion order.
- 6 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 – Mr N Davies
- Wyeside Group Parish Council.
- Statutory Undertakers

## **Recommendation**

That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D236/52-8

## **Appendices**

Order Plan, drawing number: D236/52-8