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## **PROPOSED DIVERSION OF FOOTPATHS 12 AND 13 HOCKLEY**

### **1 SUMMARY**

- 1.1 This report is to consider an application received from Hockley Parish Council to divert sections of footpaths 12 and 13 in Hockley to improve public access to the public open space.

### **2 INTRODUCTION**

- 2.1 The application is made under section 119 of the Highways Act 1980 which enables this Council to divert a public footpath in the interest of the owner of the land crossed by the path or in the interests of the public, provided the diversion does not alter its termination point and the new route is no less convenient.

### **3 PROPOSED DIVERSION**

- 3.1 The Parish Council has submitted the application to divert the current footpaths in order to create better public access to Plumberow Mount Open Space and Marylands Nature Reserve.
- 3.2 The landowner has given his consent to allow the paths to be re-routed along field edges in two locations where they currently bisect the agricultural land. The land is cultivated and seasonal ploughing results in some disruption to the paths; the proposed diversion provides the opportunity of improving both the paths and creating more direct access to the open space.
- 3.3 The existing routes of the two sections of footpath 12 and 13, the subject of the application, are shown by unbroken lines AB and DEF, respectively, on the attached plan. The proposed diversion is indicated by a broken line ACB and DGHF.
- 3.4 The Parish Council has not undertaken a formal consultation exercise on the proposal. It has, however, received representations from two adjoining landowners who have raised concerns as to Parish expenditure in pursuing the application and also the principle of the proposal. These objections remain unresolved, but the Parish Council does not consider they alter the justification for the diversions. There will be opportunity for wider consultation as part of the formal order procedure.
- 3.5 The Highways Authority supports the proposal, subject to the width of the new routes being at least 2 metres.

- 3.6 Plumberow Mount Open Space and Marylands Nature Reserve are subject to long leases granted by the District Council to the Parish Council for the management and maintenance of the areas. The Parish Council considers the proposed diversion to be necessary to improve accessibility and would be of public benefit.

#### **4 ENVIRONMENTAL IMPLICATIONS**

- 4.1 Access to the public open space would be enhanced.

#### **5 RESOURCE IMPLICATIONS**

- 5.1 The applicant will be responsible for the expenses of the diversion order procedure.

#### **6 LEGAL IMPLICATIONS**

- 6.1 In the event that the Committee supports the proposed Diversion Order, statutory consultation will be undertaken and any representations will need to be considered prior to confirmation of the Order.

#### **7 RECOMMENDATION**

- 7.1 It is proposed that the Committee **RESOLVES**
- (1) That the proposal to divert footpaths 12 and 13, as shown on the attached plan, be approved.
  - (2) That the Head of Legal Services be authorised to take all necessary steps to secure the making and confirmation of a Public Path Diversion Order under the terms of Section 119 of the Highways Act 1980.

Albert Bugeja

Head of Legal Services

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#### **Background Papers:-**

Letter from Hockley Parish Council dated 21<sup>st</sup> April 2005.

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