

## **PROPOSED DIVERSION OF PUBLIC FOOTPATH 3 STAMBRIDGE**

### **1 SUMMARY**

- 1.1 The Council has received an application from the proprietor of Stewards Elm Farm, Rochford, for the diversion of footpath 3 Stambridge. Authority is sought further to Section 119 of the Highways Act 1980 to divert the footpath as shown on the attached map.

### **2 INTRODUCTION**

- 2.1 The footpath as illustrated on the definitive map currently runs through the property known as Little Stewards. However, according to the applicant, the route that has been established over the last 30 years is the one for which the Diversion is sought.
- 2.2 Under the provisions of the Highways Act 1980, the District Council may make Orders for the diversion of footpaths when it considers such to be in the interests of the owner, lessee or occupier of land or in the public interest.
- 2.3 In making the Order, the Council must be satisfied that the diversion does not alter the point of termination of a path other than to another point on the same highway which is just as convenient to the public. In addition, consideration must be given as to whether the diversion will affect public enjoyment of the path as a whole.

### **3 PROPOSED DIVERSION**

- 3.1 The existing route of footpath 3 is depicted by a thin black line on the annexed map and follows the line from points A to C. The proposal is for the formal diversion to take the route A, B, C as outlined by the thick black line.
- 3.2 The purpose of the diversion is to divert the paths along a route that will not be as close to the applicant's house, in the interests of privacy and security of his property and also to reflect the established route of the path that has been used by the public for many years.
- 3.3 In the event that the Council supports the proposed diversion, statutory consultation will need to be undertaken and any representations considered prior to the confirmation of the Order.

- 
- 3.4 The Highway Authority has indicated that in principle, it has no objection to the proposed diversion as long as the footbridge between points A and B is upgraded to an acceptable standard.

**4 CRIME AND DISORDER IMPLICATIONS**

- 4.1 None.

**5 ENVIRONMENTAL IMPLICATIONS**

- 5.1 The proposed diversion will maintain an alternative route equally convenient to the public and facilitate the applicants enjoyment of his property without taking away any of the publics enjoyment.

**6 FINANCIAL IMPLICATIONS**

- 6.1 The Council's expenses in making the Order will be borne in full by the applicant.

**7 LEGAL IMPLICATIONS**

- 7.1 As detailed above.

**8 PARISH IMPLICATIONS**

- 8.1 The site falls within the Stambridge Parish Council area. The Parish Council will be consulted on the application for diversion.

**9 RECOMMENDED**

- 9.1 It is proposed that the Committee **RESOLVES**
- (1) That ,subject to the registered proprietor of Stewards Elm Farm bearing the cost of any necessary accommodation works and all the Council's expenses recoverable under the Local Government (recovery of costs for Public Path Orders) Regulations 1993 as amended, the proposal to divert footpath 3 to the route A, B, C as indicated on the map annexed to this report, 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. (HLS)

A J Bugeja

Head of Legal Services

---

**Background Papers:**

Copy Correspondence from Nabarro Nathanson Solicitors  
Copy Correspondence from Essex County Council

For further information please contact L Lapite on:-

Tel:- 01702 318130  
E-

