

## **PROPOSED DIVERSION OF PUBLIC FOOTPATH 16 STAMBRIDGE**

### **1 SUMMARY**

- 1.1 An application has been received from Rankin Farms Limited for the diversion of public footpath No.16 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**

- 2.2 Under the provisions of the Highways Act 1980, the District Council may make Orders for the diversion of footpaths if it is considered that it is in the interests of the owner, lessee or occupier of land or in the public interest. 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 footpath as illustrated on the definitive map is currently shown as a solid line through points G-F and E on the attached plan.
- 3.2 The proposal is for the diversion to the route I-G-H and then on to E as outlined by black dashes on the plan.
- 3.3 The reason for the diversion is that the field over which the existing route G-F and E passes is ploughed each year making it difficult for it to be used during this time. The applicant believes that the proposed diversion will provide a more convenient and available route and also secure a public footpath between Stambridge Village and the houses at point H where no link currently exists.
- 3.4 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.
- 3.5 The Highway Authority has indicated that in principle, it has no objection to the proposed diversion as long as the hedge along point A-G is kept trimmed and subject to the new path being two metres in width.

---

**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 applicant's use of his land.

**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 RECOMMENDATION**

9.1 It is proposed that the Committee **RESOLVES**

- (1) That subject to Rankin Farms Limited 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, 16 to the route I-G and H 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 Rankin Farms Limited  
Copy Correspondence from Essex County Council

For further information please contact L.Lapite on:-

Tel:- 01702 318130  
E-Mail:- [albert.bugeja@rochford.gov.uk](mailto:albert.bugeja@rochford.gov.uk)

