

## **PUBLIC FOOTPATHS 1 AND 3, STAMBRIDGE – PROPOSED FOOTPATH DIVERSIONS**

### **1 SUMMARY**

- 1.1 This report is to consider an application by Mr Mark Fry the owner of Stewards Elm Farm Stambridge, to divert Public Footpaths 1 and 3.

### **2 INTRODUCTION**

- 2.1 This application is made under section 119 of the Highways Act 1980 and enables the Council to divert a public footpath in the interest of the landowner providing the new route meets the following criteria:-

- The termination point of the diversion is substantially as convenient to the public as the existing route.
- The diversion is not substantially less convenient to the public in terms of increased walking distance.
- The diversion does not have a detrimental effect on the public's enjoyment of the path as a whole in relation to aesthetic matters such as views and location.

### **3 PROPOSED DIVERSION**

- 3.1 An application was submitted last year to divert footpaths 1 and 3 and a report was submitted to the Environmental Services Committee on 14 November 2006 and was subsequently refused.
- 3.2 The applicant has since been in further discussions with Stambridge Parish Council to address the concerns of local residents and clarify the nature of the objections. The Parish Council now supports the application.
- 3.3 A further application to divert Footpaths 1 and 3 has been submitted by Landnet on behalf of Mr Mark Fry the owner of Stewards Elm Farm.
- 3.4 Footpath 3 currently runs from points A to B, shown by a black line on the appended plan. The land adjacent to the footpath is currently used as a permanent pasture for grazing of livestock.
- 3.5 The existing route of the paths is well used by walkers exercising their dogs and this has created difficulties with the use of the pastureland as a result of dog fouling and dogs worrying the livestock.
- 3.6 The proposed route, marked with a broken black line, runs around the perimeter of the field and, whilst longer than the existing path, it does not appear to be less convenient in terms of public enjoyment.

- 3.7 At present Footpath 1, from points E1 to E2, runs parallel to Footpath 2 in this location. It is proposed as part of the diversion that this section of Footpath 1 is extinguished and diverted on to Footpath 2 in order to rationalise the paths and create one continuous route.

- 3.8 Essex County Council supports the application and considers the proposed routes to satisfy the necessary statutory tests.

#### **4 ENVIRONMENTAL IMPLICATIONS**

- 4.1 The new routes will allow for the better use of the pastureland and equally convenient and accessible paths for members of the public.

#### **5 RESOURCE IMPLICATIONS**

- 5.1 The applicant will be responsible for the costs of the Diversion Order.

#### **6 LEGAL IMPLICATIONS**

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

#### **7 PARISH IMPLICATIONS**

- 7.1 Stambidge Parish Council supports the application and believes that the new route would benefit public users and is more accessible for wheelchair and pushchair users.

#### **8 RECOMMENDATION**

- 8.1 It is proposed that the Committee **RESOLVES**
- (1) That subject to the applicant bearing the cost of any necessary accommodation works and all the Council's costs and expenses recoverable under the Local Government (recovery of costs for Public Path Orders) Regulations 1993 as amended, the proposal to divert Footpath 3 and part extinguishment of Footpath 1 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 Public Path Diversion Orders to secure the above proposals under the terms of section 119 of the Highways Act 1980.

Albert Bugeja  
Head of Legal Services

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**Background Papers:-**

None

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