

PROPOSED DIVERSION OF PUBLIC FOOTPATH 19 BARLING

1 SUMMARY

The report considers a request by the Owner of Little Wakering Hall Barling for the diversion of part of footpath 19, which passes through his property. The Council has a discretionary power under the Highways Act to make such orders where the specified grounds are met with the costs of the procedure being met by the Applicant.

2 INTRODUCTION

- 2.1 The Council has received an application from E & M Design Partnerships, acting on behalf of Mr G Vidler, the owner of Little Wakering Hall, for the diversion of footpath 19 to a route which does not run through the grounds of Little Wakering Hall.
- 2.2 Authority is sought further to Section 119 of the Highways Act 1980 to divert the footpath as shown on the attached map. 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 an 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 application for the footpath is made by E & M Designs on behalf of Mr G Vidler who owns the property known as Little Wakering Hall. The footpath as it currently stands, runs through the grounds of the property.
- 3.2 The existing route of footpath 19 is depicted hatched black on the annexed map. The footpath currently follows the hatched black line A BCDE. The proposal is for the formal diversion of the footpath to take the route ABDE excluding the public use of the existing section of the footpath BCD.
- 3.3 The purpose of the diversion is to divert the paths along a route that will not encroach on the applicant's property and interfere with his

private enjoyment of the property. Little Wakering Hall is a private listed building serving residential and commercial purposes. The current path conflicts with the security and privacy of the property. The natural private entrance to the property is at point B. The current path also presents vehicular and pedestrian access which would conflict with the enjoyment of the land.

- 3.4 Furthermore, there is no clearly defined route for BCD and will lead to random public encroachment on a larger area of the land than is necessary for a footpath. The route BCD also serves no useful purpose, having no special features or interest and its diversion will not reduce the enjoyment of walking in the area. Finally, the proposed route offers a more convenient route which will not interrupt the direct route between points A and E and will enable the added interest in the hedgerow along the track FE to be enjoyed by the public.
- 3.5 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. The Highway Authority has indicated that in principle, it has no objection to the proposed diversion. The applicant submits that the proposal will simply formalise the pedestrian route which has been in use for several years.

4 CRIME AND DISORDER IMPLICATIONS

- 4.1 The proposal will aid privacy and security of Little Wakering Hall.

5 ENVIRONMENTAL IMPLICATIONS

- 5.1 The diverted path will be equally as convenient and commodious as the existing route.

6 FINANCIAL IMPLICATIONS

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

7 LEGAL IMPLICATIONS

- 7.1 As detailed above.

8 PARISH IMPLICATIONS

- 8.1 The site is within the Great Wakering Parish Council area and the views of the Parish will be sought at the consultation stage.

9 RECOMMENDATION

It is proposed that the Committee **RESOLVES**

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- (1) That subject to E & M Design Partnership 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 19 to the route ABDE as indicated on the map annexed to this report, be approved in principle.
 - (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:

Correspondence from E & M Design Partnership regarding the proposed diversion.

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