

## **PROPOSED DIVERSION OF PUBLIC FOOTPATH 13, BARLING**

### **1 SUMMARY**

- 1.1 This report is to consider an application received from C Rayner Ltd on behalf of Mr A B Arnold to divert a section of footpath 13 in Barling.
- 1.2 C Rayner Ltd is the tenant of the land over which this section of the footpath runs, whilst Mr A B Arnold owns the freehold to the land in question.

### **2 INTRODUCTION**

- 2.1 Authority is sought under Section 119 of the Highways Act 1980 to divert the footpaths as shown by the broken line on the attached plan (Appendix 1).
- 2.2 Section 119 of the 1980 Act enables the Council to divert a public footpath in the interest of the owner of the land that is crossed by the path or in the interests of the public for the path to be diverted onto the land of another owner.
- 2.3 The diversion must not alter the termination point of the footpath and it should be as substantially convenient to the public.

### **3 PROPOSED DIVERSION**

- 3.1 The application to divert the current footpath is divided into two parts. Currently, the footpath cuts across the land and segregates a triangular section from the rest of the site. Recent drainage problems to the north of Abbots Hall farm have led to a new ditch being cut around the outside perimeter of the triangular section of land. Part A of the proposed diversion is to route the footpath around the perimeter of the site along the outside of the drainage ditch.
- 3.2 The second part of the diversion is to route the footpath directly from the corner of the old Bridgemans barn area to the start of the new ditch. Essex County Council has accepted this as the route of the footpath for many years. This application seeks to formalise the current situation.
- 3.3 Views and comments on the proposal have been sought from the Barling Magna Parish Council and the Ward member for Barling. At the current time, no response has been received.
- 3.4 The current footpath is shown marked by the bold line on the attached map set out in Appendix 1. The proposed diversion route is shown by the broken lines.
- 3.5 The Highways Authority has indicated that the width of the new routes must be at least 2 metres in accordance with Essex County Council policy. They have no objection to this application.

- 3.6 C Rayner Ltd submits that part A of the proposed diversion would benefit the owner, who wishes to improve the triangular section of land and let it out to Abbots Hall for the grazing of livestock. Therefore, part A of the diversion would allow for a currently redundant piece of land to be utilised commercially. Part A of the proposed diversion would result in the footpath running along the outside of the drainage ditch rather than crossing over the ditch as it currently does. The new route would assist with the drainage problems reducing risk to the public and will be equally convenient to walk, whilst part B of the proposed diversion would bring clarity to the route of the footpath.

#### **4 ENVIRONMENTAL IMPLICATIONS**

- 4.1 The new route would assist with the drainage problems reducing risk to the public and will be equally convenient to walk.

#### **5 RESOURCE IMPLICATIONS**

- 5.1 The Applicants will be responsible for the Council's expenses in making the Diversion Order.

#### **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 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 footpath 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. (HLS)

Albert Bugeja

Head of Legal Services

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**Background Papers:-**

Correspondence from C. Rayner.

Title Documents.

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If you would like this report in large print, braille or another language please contact 01702 546366.