

PROPOSED DIVERSION OF FOOTPATH 11, HOCKLEY

1 SUMMARY

- 1.1 This report concerns an application for the diversion of footpath 11 in Hockley. The application for the diversion is made by the landowner, J F Spencer & Son Ltd.

2 INTRODUCTION

- 2.1 The footpath, as illustrated on the plan, currently runs across the fields of the landowner. This is, however, problematic as the applicant states that the existing route bisects the field, which makes farming with modern equipment difficult, adding considerably to the cost of working the land. The proposed diversion is already being used by the public who appear to prefer walking round the edge of the field, rather than through it. This is borne out by evidence of wear and tear.
- 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 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 should 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 11 is depicted by a solid black line on the attached plan. The proposal is for the diversion to the routes shown by black dashes on the plan. The diversion will increase the length of the path but not significantly. The proposed routes start and finish on the existing paths.
- 3.2 In the event that the Council supports the proposed diversion, statutory consultation will need to be undertaken and any representations considered prior to confirmation of the Order.
- 3.3 The Highway Authority has indicated that it would support the proposed diversion, as long as the footpath is at least 2 metres wide, in accordance with Essex County Council policy.

3.4 The local Ramblers Association has also indicated its approval of the proposal.

4 ENVIRONMENTAL IMPLICATIONS

4.1 The proposed diversion will maintain an alternative route equally convenient to the public and will facilitate the applicants' use of their land.

5 RESOURCE IMPLICATIONS

5.1 The costs of advertising the order and other disbursements will be met by the applicants.

6 PARISH IMPLICATIONS

6.1 The site falls within the Hockley Parish Council area. The Parish Council has been consulted and concluded in a meeting held on 15th January 2004 that it has no objection to the proposal.

7 RECOMMENDATION

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

That, subject to J F Spencer & Son Ltd bearing the cost of 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 11 as indicated on the plan appended hereto be approved in principle and that the Head of Legal Services be authorised to take all necessary steps to secure the making and confirmation without modification, of the Public Path Diversion Order.

Albert Bugeja

Head of Legal Services

Background Papers:

None.

For further information please contact Nick Khan on:-

Tel:- 01702 318 131

E-Mail:- Nicholas.khan@rochford.gov.uk