



Report for: ACTION
Item Number: 4

Contains Confidential or Exempt Information	NO
Title	Bray Footpath 24 (part): proposed Diversion Order
Responsible Officer(s)	Anthony Hurst, Principal Rights of Way Officer Stephen Brown, Head of Highways, Engineering and Transport.
Contact officer, job title and phone number	Anthony Hurst, Principal Rights of Way Officer 01628-796180
For Consideration By	Rights of Way and Highway Licensing Panel
Date to be Considered	12 th June 2012
Affected Wards	Bray

Report Summary
 This report seeks the Panel's authorisation to publish a Diversion Order for part of Bray Footpath 24. A plan showing the proposal is attached at Appendix 1.

If recommendations are adopted, how will residents benefit?	
Benefits to residents and reasons why they will benefit	Dates by which they can expect to notice a difference
The proposed new route of the footpath will give access to improved views in comparison to the existing route, and will be surfaced to a higher standard than the existing route.	2012/13

Details of Recommendations:

- (i) That the Head of Legal Services, in consultation with the Head of Highways, Engineering and Transport, be authorised to publish a Diversion Order for Bray Footpath 24 (part) as detailed in this report.
- (ii) If no objections are received following publication of the Order, or any such objections are subsequently withdrawn, to confirm the Order without further recourse to the Panel. If objections are received and not subsequently withdrawn, to report the proposal back to the Panel for further consideration.

Financial Details: The costs of the diversion, (including legal and administration costs, newspaper advertisements, and the costs of works carried out to create the new route of the footpath) will be met by the applicant. There will thus be no cost to the Council.

Legal implications: The proposed diversion must be considered under the criteria set out in Section 119 of the Highways Act 1980. This requires that before making a Diversion Order the Council must be satisfied that the proposal would be in the interests of the owner of the land and/or in the interests of the public. The Council must also be satisfied that the proposed new route will not be substantially less convenient to the public than the existing route, and must have regard to the effect that the diversion would have on public enjoyment of the path as a whole.

Value For Money: There will be no cost to the Council arising from the diversion proposal, as all costs will be met by the applicant. The diverted route of the footpath will be maintainable by the Council as part of the public rights of way network (as is the existing route), but no additional maintenance costs will be incurred, as the new route will be surfaced to a higher standard than the existing route.

Sustainability Impact Appraisal: Effective management of the public rights of way network has a positive impact on sustainable transport by encouraging alternative forms of transport to the car.

Risk Management: There are no identified risks associated with this proposal.

Links to Strategic Objectives: Effective management of the public rights of way network has a positive impact on healthy lifestyles by encouraging walking.

Equalities, Human Rights and Community Cohesion: The proposed new route of the footpath will have no stiles or steps, and will be surfaced to standard that can be used by people in wheel chairs or mobility buggies, or by walkers with pushchairs.

Staffing/Workforce and Accommodation implications: none.

Property and Assets: none.

Consultation:

The Local Access Forum considered the diversion proposal at its meeting held on 7th June. Any comments from the Forum will be reported orally.

Bray Parish Council has been consulted and has confirmed that it has no objection to the diversion proposal.

The East Berks Ramblers have been consulted and have confirmed that they have no objection to the diversion proposal.

The Ward members for Bray (Cllrs. Burbage, Coppinger and Walters) have been consulted and no objections have been received to the diversion proposal.

Timetable for Implementation: 2012/13

Appendices:

Appendix 1: plan showing diversion proposal.

Appendix 2: drawing of the proposed new route (drawing provided by the applicant)

Background Information:

1. The application: the Council has received an application from the owners of Mount Skippets Farm for the diversion of part of Bray Footpath 24. The reasons for the diversion as stated by the applicants are as follows: *“To remove potential danger of accidents between riders/horses and walkers/dogs (it is proposed to merge Harford Farm and Mount Skippet equestrian facilities, this will increase the horse movements across the existing path). To allow the current woodland strip between Harford Farm and the path to be extended. This will assist the long term woodland management. To provide new footpath views to the east from the crown of the hill”*.
2. The existing route of Footpath 24 follows a surfaced farm track that runs from Forest Green Road southwards to Harford Farm/Mount Skippets Farm, passing Mount Skippets Copse. The farm track ends to the south of Mount Skippets Farm, and Footpath 24 continues southwards as a field edge footpath to Drift Road. The width of the existing footpath varies along its length: the section proposed for diversion has a width of between 4 and 6 metres.
3. The proposal is to divert the section of Footpath 24 that runs alongside the copse and then alongside Harford Farm/Mount Skippets Farm (section **A-D** on the plan) to follow the route shown on the plan as **A-B-C-D**. The proposed new route would leave the existing track at point **A** and skirt around paddocks before returning to the existing route of Footpath 24 at point **D**, where the farm track ends and the footpath follows field edge footpaths southwards to Drift Road.
4. The proposed new footpath would have a macadam sub-base with binder course and surface dressing, and a legally defined width of 6.0 metres throughout, comprising a surfaced width of 3.5 metres, and grassed verges of a minimum of 1.5metres and 1.0 metres. The footpath would be separated from the adjacent paddocks by post and rail fencing and intermittent new trees (see drawing attached at Appendix 2).
5. Conclusion: the proposed new route of the footpath would provide public access to excellent viewpoints not available from the current route, would have a defined width at least as wide as the current route, and would have a surface of a higher standard than the current route. No objections have been received in response to pre-order consultations with the Ramblers, Parish Council, and ward members.
6. It is therefore considered that the legal criteria for making a Diversion Order (as set out in the Legal Implications paragraph above) are clearly met, and that a Diversion Order should be published. In the event that any objections are received following publication of the Order, and are not subsequently withdrawn, the proposal would be brought back to the Panel for further consideration.

Consultation

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
Internal				
Cllr John Stretton	Panel Chairman	16 th May	Chairman's Briefing 23 rd May	
Cllr Maureen Hunt	Panel Vice-Chairman	16 th May	Chairman's Briefing 23 rd May	
Stephen Brown	Head of Highways Engineering & Transport	16 th May	Chairman's Briefing 23 rd May	
Decision type: decision		Urgency item NO		
Report no.	Full name of report author	Job title	Full contact no:	
	Anthony Hurst	Principal Rights of Way Officer	01628-796180	