

BRISTOL CITY COUNCIL
PUBLIC RIGHTS OF WAY AND GREENS COMMITTEE
9 JANUARY 2006

**DIVERSION OF PUBLIC RIGHT OF WAY NO. 140 AT DOVERCOURT RD,
LOCKLEAZE,**

(Joint report of the Director of Planning, Transport & Sustainable Development and Director of Central Support Services (Head of Legal Services))

(Ward: Lockleaze)

Purpose of Report

1. To seek approval for the making and advertising of a public path diversion order under Sec 119 Highways Act 1980. The order sought is in respect of Public Footpath 140 off Dovercourt Road

Background

2. As Highway Authority the Council has power under Section 119 of the Highways Act 1980 to make orders relating to the diversion of footpaths and bridleways.
3. A diversion order under Section 119 may be made if the council, as the Highway Authority, is satisfied that *"in the interests of the owner, lessee or occupier of land crossed by the path or way, or of the public, it is expedient that the line of the path or way, or part of that line , should be diverted (whether onto land of the same or of another owner, lessee or occupier)... "*
4. The Council (or the Secretary of State if the order is referred to him) cannot confirm the Order unless they are, or continue to be, satisfied that the Order is in the interests of the owner, lessee or occupier of land or the public as referred to in 3 above, and in addition that:-

- (i) the path will not be substantially less convenient to the public in consequence of the diversion;
- (ii) it is expedient to confirm the diversion, having regard to the effect which:-
 - (a) the diversion would have on public enjoyment of the path or way as a whole;
 - (b) the coming into operation of the order would have as respects other land served by the existing public right of way; taking into account the provisions as to compensation; and
 - (c) any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it, taking into account the provision as to compensation.

- 5. Bristol City Council is the owner of the land crossed by public footpath 140 and is managed by the Neighbourhood & Housing Services. For several years the route has become more inaccessible to the rear of the properties numbered 220 – 240 Dovercourt Road. The desire line is the proposed diversion which uses the access lane to the rear garages and runs between 218 and 220 Dovercourt Road used connects to public footpath 141. It is in the view of the Public Rights of Way team that the footpath should be diverted onto the route which walkers use in preference to the existing alignment.

Procedure

- 6. If approval is given to making the order outlined above, and it is in the officers opinion appropriate to further the public path diversion order, that the diversion order will be advertised in accordance with the procedure laid down in the Act. If no objections are made to the order, the council may confirm them as an unopposed order.

7. Should objections or representations be received following formal advertisement of the order, a further report will be submitted to this sub-committee for consideration as to whether to withdraw the order in the light of the objections or representations or to forward it to the Secretary of State for Environment, Food & Rural Affairs for confirmation. Any representations or objections which have not been withdrawn will be sent with the order.

Liaison

8. The current landowner is Bristol City Council and the portfolio officer is the applicant. Consultations have been carried out with user groups and residents of 218 to 244 Dovercourt Road. The responses are as follows:-

Ramblers Association	No objection
Open Spaces Society	No comment
Bristol Civic Society	No comment
Resident	One comment on present nuisance

The Ramblers Association comment that 'for local use, the direct (diverted) line to Dovercourt Road seems more convenient than the definitive line'. The resident of 218 wrote to explain that there is a current nuisance by path users connecting to path 141 and was concerned that the increased use would exacerbate this problem. No other letters were received from the remainder of the householders.

Conclusion

9. It is considered that the grounds for making an order under s119 Highways Act 1980 are satisfied in this case. The proposed alternative route will not be substantially less convenient for use, being level and openly available for public use as intended. It is not anticipated that use will increase over and above the current use.

Consultation External – Ramblers Association, Open Spaces Society, Bristol Civic Society, House Holders 218-244 Dovercourt Road.

Appendices Appendix A – Plan 1 showing route of Public Right of Way 140

Policy Implications There are no specific policy implications arising from this report.

Resource Implications The costs of processing and advertising the necessary order can be met from existing budgets.

Other Approvals Necessary

Recommended: that approval be given to the making and advertising of (i) a Public Path Diversion Order under Section 119 Highways Act 1980, to divert that part of public footpath 140 shown marked B-A to on the plan attached at Appendix A so that it follows the new alignment shown marked B-D-C on that plan.

and

(ii) if no objections to the order are received, that approval is given to confirmation of that order as an unopposed order.

Local Government (Access to Information) Act 1985

Background Papers

1. Highways Act 1980 ? obtainable from HMSO

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Highways Act 1980 - Section 119

City Council of Bristol

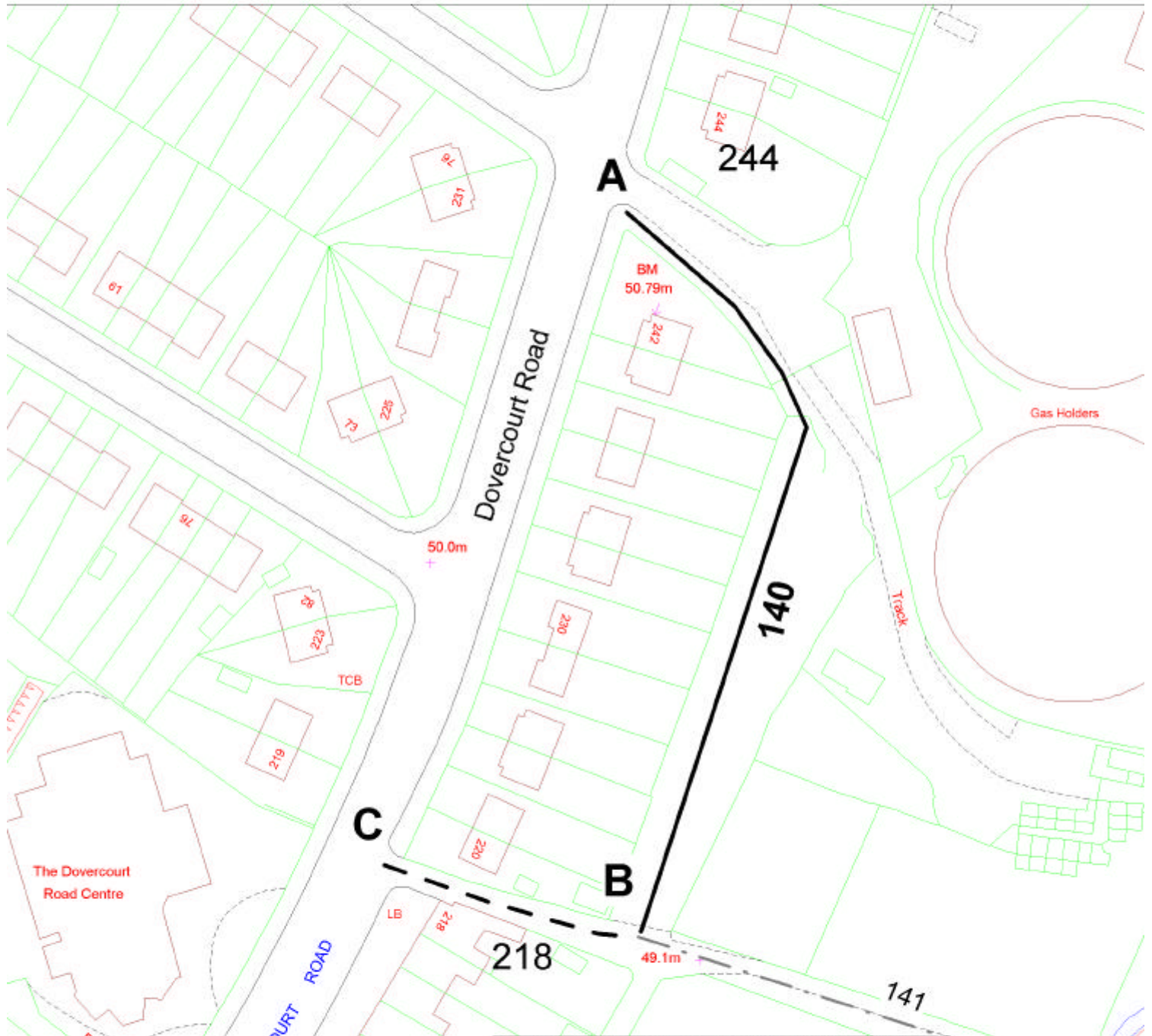
Footpath No. 140, Dovercourt Road, Horfield

Proposed Public Path Diversion Order

DATE : Jan 2006

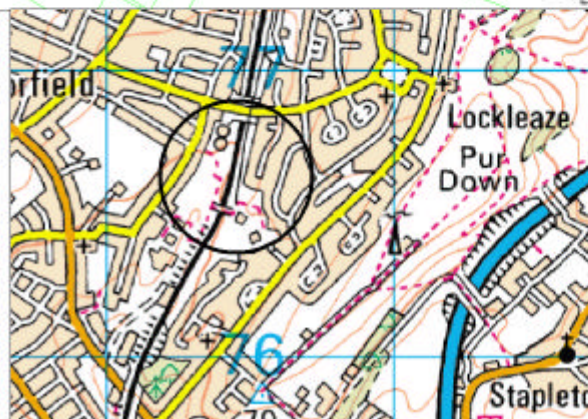
MAP No. 140

SCALE : 1 : 1250



KEY

- A ——— B Existing route
- C - - - - - B Proposed route
- - - - - Public Footpath



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