

PUBLIC NOTICE
NOTICE OF PUBLIC PATH ORDER
HIGHWAYS ACT 1980 SECTION 119
HEREFORDSHIRE COUNCIL
PUBLIC FOOTPATH ZC24 LEOMINSTER
PUBLIC PATH DIVERSION ORDER 2022

The above order made on 30th August, 2022 under Section 119 of the Highways Act 1980 will divert that length of Footpath ZC24 (Part) in the Parish of Leominster which commences at the junction with County Road C1105 at the driveway to Orchard Bungalow at OS Grid Reference SO 4782 5759 (Point A on the order plan) and proceeds in a generally north north-westerly then northerly direction for approximately 35 metres to OS Grid Reference SO 4781 5763 (point B on the order plan). The total length of the existing said footpath is approximately 35 metres.

An alternative footpath will be created, being 2 metres in width, which commences at the junction with County Road C1105 at the driveway to Orchard Bungalow at OS Grid Reference SO 4782 5759 (Point A on the order plan) and proceeds in a generally north-westerly direction for approximately 20 metres, passing through a pedestrian gate after approximately 11 metres at OS Grid Reference 4781 5760, and then in a generally north north-easterly direction for approximately 20 metres to OS Grid Reference SO 4781 5763 (point B on the order plan). The total length of the said proposed new footpath is approximately 40 metres.

A copy of the order, the order plan and explanatory statement, have been placed and may be seen free of charge at Blueschool House, Blueschool Street, Hereford, HR1 2AN during normal opening hours. Copies are also available on the Council's website at www.herefordshire.gov.uk.

Any query in relation to this order, please contact Louise Hart, Public Rights of Way, Herefordshire Council on telephone 01432 383671, or by e-mail to louise.hart2@herefordshire.gov.uk.

Any representations about or objections to the order must be made in writing to Public Rights of Way Manager, Herefordshire Council, Plough Lane, Hereford, HR4 0LE, or by email to PROW@herefordshire.gov.uk, quoting reference PROW/D533, to be received not later than 4th November, 2022. Please state the grounds on which any objections are made.

Please note that the substance of any objection, or comment, and the writer's details, may be made available to third parties.

If no such representations or objections are duly made, or if any so made are withdrawn, the Council may confirm the order as an unopposed order. If the order is sent to the Secretary of State, Department of Environment Food and Rural Affairs for confirmation, any representations or objections which have not been withdrawn will be sent with the order.

Dated: 6th October, 2022

Mark Averill
Interim Service Director – Highways, Environment and Waste

EXPLANATORY STATEMENT

HIGHWAYS ACT 1980 SECTION 119 (DIVERSIONS)

Under the Highways Act 1980 Herefordshire Council has the power to make orders to extinguish or divert public rights of way. A notice that such an order has been made has to be advertised on the site of the path in question and in the local press. This provides an opportunity for objections or representations to be made to the proposed change.

Herefordshire Council has made an order to divert Public Footpath ZC24 in the Parish of Leominster. This statement has been prepared to explain various aspects of the order.

THIS STATEMENT DOES NOT FORM PART OF THE ORDER

Herefordshire Council has been asked to make the order on behalf of the applicant and is satisfied that the following tests have been met as required under Section 119 of the Highways Act 1980:

- a) The point of termination of the path must not be altered if that point is not on a highway.
- b) If the point of termination is on a highway, then it can only be moved to a point on the same or a connecting highway which is substantially as convenient to the public.
- c) The path should not be substantially less convenient to the public as a result of the diversion.

The Council must have regard to the effect that the diversion would have on public enjoyment of the path as a whole and to the effects on agriculture (including breeding and keeping of horses) and forestry. Regard should also be had to the desirability of conserving flora, fauna and geological and physiographical features.

Herefordshire Council is satisfied that the order complies with these requirements for the following reasons:

1. The diversion fulfils the criteria set out in section 119 of Highways Act 1980, these being that:
 - The new route is not substantially less convenient to the public.
 - The proposal benefits the owners of the land crossed by the existing path.
 - The point of termination of the path has not altered.
2. The impact on any individual's economic interests and human rights of the proposal is not considered to be significant.
3. The new path represents a reasonable alternative to the existing path.

The order will come into effect only after it has been confirmed and certified; making and advertising the order simply provides an opportunity for objections or representations to be made.

Objections or representations relating to the order must be made in writing and be received by the date stated in the Public Notice, to Public Rights of Way Manager, Herefordshire Council, Plough Lane, Hereford, HR4 0LE, or by email to PROW@herefordshire.gov.uk.

Louise Hart of Public Rights of Way, Herefordshire Council is willing to discuss the concerns of those considering objecting or making representations relating to the Order. She can be contacted on telephone 01432 3833671, or by e-mail to louise.hart2@herefordshire.gov.uk.

The right of objection to an order is a statutory right, but it should be exercised in a reasonable manner. Costs are normally awarded against objectors in cases of unreasonable behaviour.

If no objections are made Herefordshire Council will confirm the Order.

If any objections are made and not withdrawn, Herefordshire Council will refer the order to the Secretary of State, Department of the Environment, Food and Rural Affairs for determination. An inspector from the Planning Inspectorate will then hear the objections at a public inquiry or hearing, or in writing if the objectors agree. The Inspector can confirm the order, confirm it with modifications or refuse to confirm it.

Where a new path is being created by a diversion order, the change will come into effect only after it has been certified that the new route is adequately useable to members of the public.

PUBLIC PATH DIVERSION ORDER
HIGHWAYS ACT 1980, SECTION 119
HEREFORDSHIRE COUNCIL
FOOTPATH ZC24 LEOMINSTER
PUBLIC PATH DIVERSION ORDER 2022

This Order is made by the County of Herefordshire District Council (known as "Herefordshire Council") under section 119 of the Highways Act 1980 because it appears to Herefordshire Council that in the interests of the owner and occupier of the land crossed by the public footpath described in Part 1 of the Schedule to this Order it is expedient that the line of the path should be diverted.

Mr Calhoun Henry, the said owner, has agreed to defray any compensation which becomes payable in consequence of the coming into force of this Order and to pay any expenses which are incurred in bringing the new site of the footpath into a fit condition for use by the public.

BY THIS ORDER:

1. The public right of way over the land situated at Orchard Bungalow in the parish of Leominster and shown by a bold continuous line on the plan contained in this Order and described in Part 1 of the Schedule to this Order shall be stopped up on the date that Herefordshire Council certifies that works have been carried out to bring the site of the new footpath described in Part 2 of the Schedule to this Order into a fit condition for use by the public.
2. There shall be on the date of confirmation of this Order a public footpath over the land situated at Orchard Bungalow in the parish of Leominster described in Part 2 of the Schedule to this Order and shown by a bold broken line on the said plan.
3. Where immediately before the date on which the said footpath is diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of their undertakings, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.
4. The rights conferred on the public under this Order shall be subject to the limitations and conditions set out in Part 3 of the Schedule to this Order.

Dated *30th August* 2022

THE COMMON SEAL of the County of)
Herefordshire District Council was affixed)
BY ORDER)

Ajeam

Authorised Officer



SCHEDULE

PART 1

Description of Site of Existing Path or Way

The existing route of footpath ZC24 commences at the junction with County Road C1105 at the driveway to Orchard Bungalow at OS Grid Reference SO 4782 5759 (Point A on the order plan) and proceeds in a generally north north-westerly then northerly direction for approximately 35 metres to OS Grid Reference SO 4781 5763 (point B on the order plan).

The total length of the existing said footpath is approximately 35 metres.

PART 2

Description of Site of New Path or Way

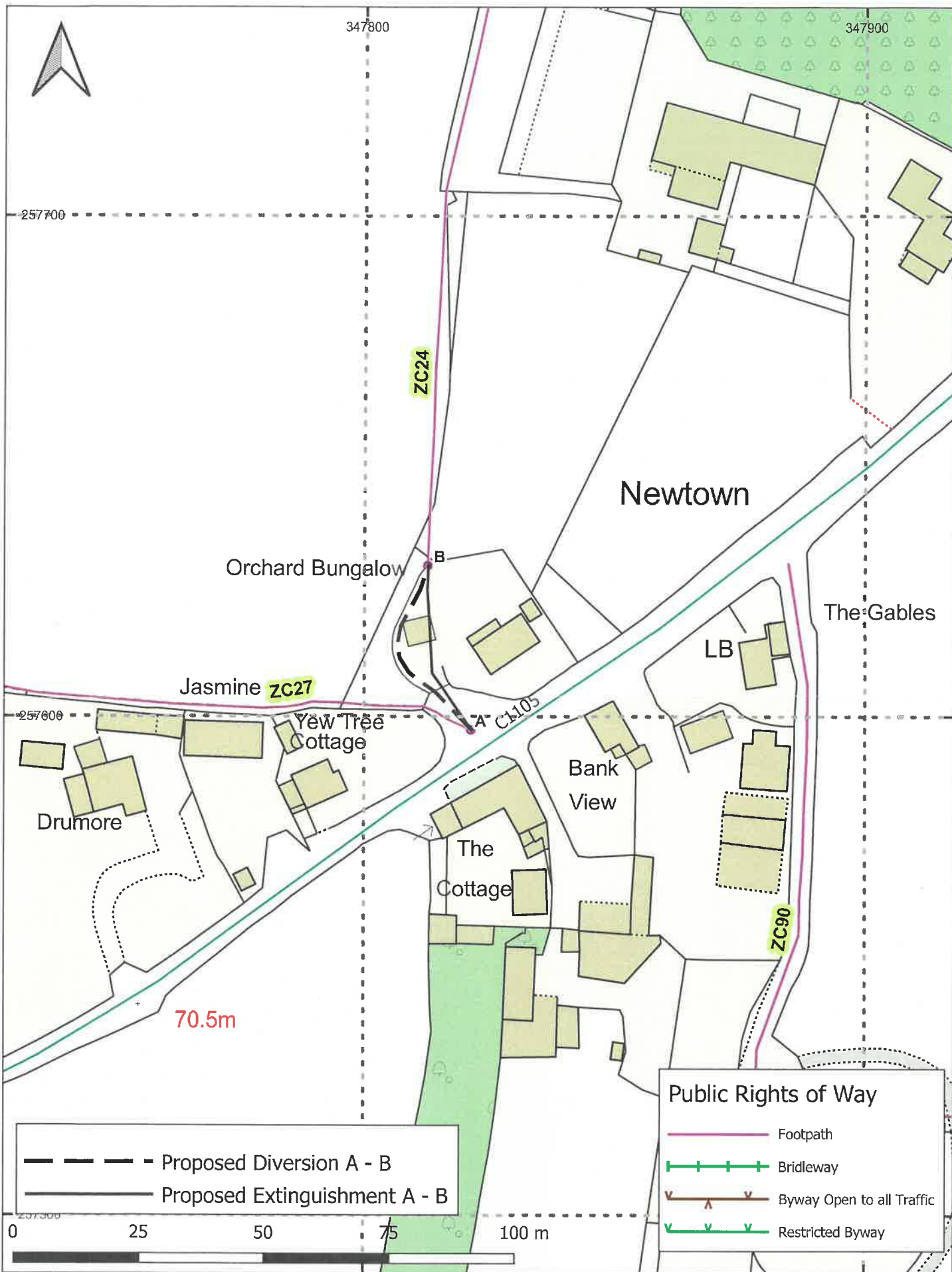
The proposed new route of footpath ZC24 being 2 metres in width commences at the junction with County Road C1105 at the driveway to Orchard Bungalow at OS Grid Reference SO 4782 5759 (Point A on the order plan) and proceeds in a generally north-westerly direction for approximately 20 metres, passing through a pedestrian gate after approximately 11 metres at OS Grid Reference 4781 5760, and then in a generally north north-easterly direction for approximately 20 metres to OS Grid Reference SO 4781 5763 (point B on the order plan).

The total length of the said proposed new footpath is approximately 40 metres.





PART 3



Limitations and Conditions

Position on Path to which Limitations and Conditions apply	Limitations and Conditions
OS Grid Reference SO 4781 5760 (11 metres north-west of point A on the order plan)	Pedestrian gate to Herefordshire Standard



Public Rights of Way

-  Footpath
-  Bridleway
-  Byway Open to all Traffic
-  Restricted Byway

-  Proposed Diversion A - B
-  Proposed Extinguishment A - B

