

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 BPF2 in the Parish of Bishops Frome. 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, Balfour Beatty Living Places, Unit 3, Thorn Business Park, Rotherwas Industrial Estate, Hereford, HR2 6JT, or by email to HerefordshirePROW@bblivingplaces.com.

Susan White of Public Rights of Way, Balfour Beatty Living Places is willing to discuss the concerns of those considering objecting or making representations relating to the Order. She can be contacted on telephone 01432 349512, or by e-mail to susan.white@balfourbeatty.com.

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.