

Kevin Telford

From: Kevin Telford
Sent: 10 December 2012 08:04
To: 'Michael O'Hare'
Subject: RE: Footpath 20 Diversion - Parish Objection
Attachments: Letter from IDPartnership Northern re fp20 diversion.pdf

Dear Mr O'Hare

I would be grateful if you could convey the following information to the Parish Council relating to their objection to the proposed diversion of footpath 20:

In accordance with the legislation under section 119 of the Highways Act 1980, we do not consider the diversion to be unreasonable or the proposed route to be substantially less convenient than the existing route.

We would respond to the reasons for your objection as follows:

"Bearpark Parish Council are objecting to the proposed footpath diversion as it feels that this will add time to walks".

The length of the diverted footpath will be approximately 55 metres longer than the existing path (201 metres as opposed to 146 metres). We do not consider this to be substantially less convenient to the public, in the context of a path used for recreational purposes, and do not consider this to be sufficient grounds to prevent the making of the diversion order.

"The path will not be as easy to walk in the dark as there is no lighting and the proposal takes a wider route than the original path".

Public Footpath 20 is a largely rural footpath. There is no publically maintainable street lighting on the existing footpath or on the access track to Lodge Farm. Indirect light overspill from Lodge Farm cannot be considered as either an intended or reliable means of lighting the path. We therefore do not consider the lighting issue to be valid grounds for objection.

"The original path is no nearer the house or proposed development than many houses in the village".

The location of other footpaths in the village and proximity to housing is irrelevant to the proposed diversion of Footpath 20, which is being sought for reasons specific to this location. The diversion is not being sought to enable development to go ahead; this would require an application under section 257 of the Town and Country Planning Act 1990. We therefore do not consider this aspect of the parish objection to be relevant to the diversion.

"The Parish Council wish the path to stay where it currently is".

The legislation exists to allow landowners to apply to divert public rights of way. The owner of Lodge Farm has provided specific reasons for wanting to divert the footpath, which we consider are not unreasonable. The applicant is perfectly entitled to seek to divert the path if they believe that moving it would be in their interests. He has satisfied us that it would be in his interests to divert the path. The test that then needs to be applied is the effect on the public of such a change, namely is it substantially less convenient to the public?

"Any future development should be able to work around the existing Footpath".

As stated above, the diversion is not being sought to enable development to go ahead; therefore we do not consider this aspect of the parish objection to be relevant to the proposed diversion. The potential future plans of the landowner are not relevant; the proposal must be looked at on its merits given the situation that currently exists.

In view of the above, we would request that Bearpark Parish Council reconsider their objection to the application to divert Footpath 20, and let me know accordingly.

The Parish Council are the only objectors to the proposed diversion. If the objection is not withdrawn we must present the proposals to the Council's Highways Committee. All parties can make representations to the Committee, which will either approve the making of a diversion order or decide to reject the proposal, in line with the requirements of the legislation.

Please also find attached a letter from Roger Copestake of IDPartnership Northern.

Regards

Kevin Telford (Public Rights of Way Officer)
Access & Rights of Way Section
Regeneration & Economic Development
Durham County Council
County Hall
Durham
DH1 5UQ

Telephone no. 03000 265336

web site: <http://www.durham.gov.uk/prow>
online Definitive Map (working copy): <http://www.durham.gov.uk/definitivemap>
e-mail: prow@durham.gov.uk

From: Michael O'Hare [mailto:Michael.O'Hare@durham.gov.uk]
Sent: 22 November 2012 10:12
To: Cllr Mark Wilkes; Marion Wilson; Kevin Telford
Subject: Footpath 20 Diversion - Parish Objection

Good Morning Mark,
Your email of 15th November concerning the above topic was discussed in detail at last night's Parish Council Meeting.

I have been requested to thank you for the information you supplied but to inform you that the Parish Council have decided to continue with their objection to the proposed diversion of this footpath.

Regards,

MJ O'Hare
Clerk to Bearpark Parish Council