

Proposed Diversion: Bridleway Nos. 10 & 11, Coldridge

Report of the Director of Environment Economy and Culture

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that a site inspection be held to consider options for diverting Bridleway Nos. 10 & 11, Coldridge to overcome a longstanding obstruction.

1. Summary

This report considers options for the diversion of Bridleway Nos. 10 & 11, Coldridge against the wishes of the landowner to resolve a long standing obstruction resulting from development at Southmoor Farm. Attempts to reach an agreement with the landowner on an alternative route have proved unsuccessful.

2. Background

There is little doubt that Bridleway No. 11, Coldridge was incorrectly recorded on the Definitive Map in the 1950s where it passes through Southmoor Farm. The recorded route followed a line shown on the 1908 Ordnance Survey map, but by the 1950s this route was no longer available as farm buildings had been erected across it. This is supported by aerial photographs from 1946.

The photographs indicate that the route through the farm was some 15 metres to the west of point A and there is evidence to indicate that this was the route used by the public until at least 1993, and probably 1998, when the owner of the farm, Mr Bragg, sold off all but one of the buildings for development. The farm is now in four different ownerships and the development has resulted in the used route being obstructed by walls and gardens.

Discussions with Mr Bragg, who still lives at Southmoor Farm, with a view to diverting the bridleway onto land in his ownership between either W – X or Y – Z have proved unsuccessful. He has, however, agreed to a minor diversion between U and V to provide a connection of the bridleway to the county road to the east, but this would not re-establish the northern route of the bridleway.

3. Existing Route

The recorded route passes through two houses and across three gardens as shown on the attached plan (ED/PROW/07/17) between points A and W.

4. Proposed Routes

There are two options for diverting the path to re-establish the northern section of the bridleway.

Option 1: W - X (140m)

From point W the path would run south along a headland beside a yard fence to join the existing bridleway at point X. Very little work would be necessary to put this route in place. The landowner, Mr Bragg, objects to this route as he may wish to extend his yard westwards in the future.

Option 2: Y – Z (590m)

From the road at point Y the path would use an existing gate and run south along a headland through two fields to re-join Bridleway No. 10 at point Z. Some work would be needed to put this route in place. Mr Bragg is also opposed to this route, but it would provide a long term solution, moving the bridleway away from the houses and any future development of the yard.

5. Legal Considerations

If agreement cannot be reached with a landowner for the diversion of a right of way the County Council can make an order under section 119 of the Highways Act 1980 against his/her wishes. The County Council must be satisfied that the order would be in the public interest and must, amongst other things, have regard to the effect that the new route would have on the land over which the right is created and any land held with it. It should also take account of any compensation that may be payable.

The proposed routes lie away from the properties and follow field boundaries. It is felt that the impact on the landowner will therefore be minimal and compensation should accordingly be low. The fact that the landowner failed to deal with the matter at the time he sold the buildings for redevelopment is also relevant.

6. Conclusion

It is unusual for the County Council to exercise its powers with the making of a diversion order against the wishes of a landowner. However, this problem has been longstanding and now needs to be addressed if the route is to be reopened and made 'easy to use'.

As there are two significantly different options for diverting the bridleway it is recommended that a site inspection be held by representatives of the Committee, the landowners, parish council and user group representatives to decide the preferred route.

7. Reasons for Recommendation/Alternative Options Considered

To re-establish a missing link in the bridleway network and resolve a longstanding problem that currently blights property.

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Electoral Division: Newton St Cyres & Sandford

Local Government Act 1972

List of Background Papers

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Background Paper

Date

File Ref.

Correspondence file

2006 – to date

AS/DIV/BR10/COLD

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sc/bw diversion 10-11 coldridge

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