

## **Proposed Diversion: Bridleway Nos. 10 & 11, Coldridge**

Report of the Director of Environment, Economy and Culture

***Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.***

**Recommendation: It is recommended that:**

- (a) an order be made under section 119 of the Highways Act 1980 to divert: part of Bridleway No. 10, Coldridge between points V – U to a line around the south and east sides of a building; and part of Bridleway No. 11, Coldridge from the line W – A to the line W – X, as shown on drawing no. ED/PROW/07/17A;**
- (b) the cost of the order be borne by the County Council.**

### **1. Summary**

This report recommends the diversion of a public bridleway following a site inspection by Councillors Tucker and Brock.

### **2. Background**

At the last meeting of this Committee consideration was given to report EEC/07/59/HQ which examined options for diverting Bridleway Nos. 10 & 11, Coldridge to resolve long standing obstructions at Southmoor Farm. The report explained that attempts to reach an agreement with Mr Bragg, the owner of the farm, on an alternative route had proved unsuccessful and an order would need to be made against his wishes. It was agreed to hold a Members' site inspection which took place on 23 April 2007.

The inspection was attended by Councillors Tucker and Brock, seven landowners, and representatives from Coldridge Parish Council, NFU, Ramblers Association, British Horse Society and Byways and Bridleways Trust. The existing and alternative routes were walked and attendees given an opportunity to express their views.

### **3. Bridleway No. 10**

This existing bridleway is obstructed between V and U by a farm building. The alternative route would involve a minor diversion around the south and east sides of the building. All agreed that this was an acceptable solution to the problem.

### **4. Bridleway No. 11**

The existing bridleway is obstructed between W – A by former farm buildings which have now been converted into residential properties. Two options were considered shown by the lines Y – Z and W – X.

Mr Bragg and the parish council argued that the whole of Bridleway No. 11 should be extinguished on safety grounds as the route exited on the B3220 where traffic speeds were high. The user organisations and residents of the converted farm buildings were opposed to any extinguishment.

Of the two diversion options the user organisations preferred the line Y – Z, but they would have no objection to the alternative route W – X. Having considered the various views Councillors Tucker and Brock agreed to recommend to the Committee that option W – X be adopted as it would have less impact on agricultural land and visibility onto the B3220 was better at the existing access point B than at Y.

## 6. Conclusion

Public rights of way cannot be extinguished on safety grounds (except in the case of rail crossings) and a diversion order will therefore need to be made to resolve the problems on these bridledways. The recommendation for route W – X will have least impact for users and the landowner.

It is usual for landowners to meet the costs of a diversion order to overcome obstructions of their making, but the circumstances in this case are unusual. The previous report explained that there was little doubt that Bridleway No. 11 had been incorrectly recorded on the Definitive Map in the 1950s, but that the public had been using an alternative route without difficulty until the 1990s when the farm buildings were redeveloped. Accordingly, it would have fallen to the County Council to publish an order to correct the map. As an amending order will no longer be required it is recommended that the cost of the diversion order be borne by the County Council.

## 7. Reasons for Recommendation/Alternative Options Considered

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

## 8. Legal Considerations

The implications/consequences of the recommendation have been taken into account in preparing this report.

Edward Chorlton

### **Electoral Division: Newton St Cyres & Sandford**

Local Government Act 1972

List of Background Papers

Contact for enquiries: Mike Jenkins

Telephone No: 01392 383240

Background Paper	Date	File Ref.
Correspondence file	2006 – to date	AS/DIV/BR10/COLD

mj140607pra  
sn/coldridge - diversion  
3 hq 290607