

Agenda Item No. 4(c)

DERBYSHIRE COUNTY COUNCIL

REGULATORY – LICENSING AND APPEALS COMMITTEE

14 January 2019

Report of the Strategic Director – Economy, Transport and Environment

**PROPOSED DIVERSION OF PUBLIC BRIDLEWAY NO.53 – PARISH OF HAYFIELD**

(1) **Purpose of Report** To seek authority for the Director of Legal Services to make a Diversion Order for the permanent diversion of Hayfield Bridleway No.53 in the interests of the public.

(2) **Information and Analysis** It has been identified that part of Public Bridleway No.53 in the Parish of Hayfield is no longer accessible for use. The existing bridleway has become eroded into a deep rut and is difficult to use due to the natural cross slope of the land. It is therefore proposed that the affected section of path be diverted, in the interest of the public, onto an appropriate, alternative alignment. The proposed alternative route is a stoned track with a suitable available width and a relatively level surface, which will offer a more sustainable route for users.

The section of Public Bridleway No.53 to be diverted is part of the approved Pennine Bridleway National Trail. Should the diversion of the path be successful, a Varying Report will be submitted to the Secretary of State for approval to amend the line of the Trail.

The proposed diversion will divert approximately 167 metres of that part of Public Bridleway No.53, shown as a bold solid line between points **A-B** on the plan (ref. TE/CH/X3086/Cttee/2019). The proposed alternative will be approximately 205 metres in length, shown as a bold hatched line between points **A-C**. The alternative route has a rolled aggregate surface to a width of 2.5 metres, and will have a recorded width of 4 metres.

Moving the termination point of the public bridleway from Point **B** to Point **C** on the same adopted highway will provide a more direct route onto Public Bridleway No.50, the continuation of the Pennine Bridleway National Trail.

No objections were received to the proposed diversion when informal consultation was carried out on 12 September 2018. The Local Member, Councillor Beth Atkin, offered no objections to the proposal, subject to it being

supported by the Parish Council, Hayfield Parish Council, High Peak Borough Council and Derbyshire County Council.

(3) **Financial Considerations** The alternative route is a stone surfaced track and no further work is required to bring it into use by the public.

Derbyshire County Council, as Highway Authority, is already responsible for maintenance of the surface of a public bridleway but, as a National Trail, any future maintenance is eligible for 70% grant-aid from Natural England, via the Pennine National Trails Partnership.

The costs of the administration and advertising costs of the diversion will be met by a 70% grant-aid from Natural England, via the Pennine National Trails Partnership and 30% from the Local Transport Plan.

(4) **Legal Considerations** Derbyshire County Council may make an Order under Section 119 of the Highways Act 1980:

- 1) Where it appears to a council as respects a footpath or bridleway in their area that, in the interests of the owner, lessee or occupier of land crossed by the path or way or of the public, it is expedient that the line of the path or way, or part of that line, should be diverted (whether on to land of the same or of another owner, lessee or occupier), the council may, subject to subsection (2) below, by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order,—
  - (a) create, as from such date as may be specified in the order, any such new footpath or bridleway as appears to the council requisite for effecting the diversion, and
  - (b) extinguish, as from such date as may be specified in the order the public right of way over so much of the path or way as appears to the council requisite as aforesaid.
- 2) A public path diversion order shall not alter a point of termination of the path or way—
  - (a) if that point is not on a highway, or
  - (b) (where it is on a highway) otherwise than to another point which is on the same highway, or a highway connected with it, and which is substantially as convenient to the public.
- (6) The Secretary of State shall not confirm a public path diversion order, and a council shall not confirm such an order as an unopposed order, unless he or, as the case may be, they are satisfied that the diversion to be effected by it is expedient as mentioned in subsection (1) above, and further that the path or way will not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the order having regard to the effect which—

- (a) the diversion would have on public enjoyment of the path or way as a whole,
- (b) the coming into operation of the order would have as respects other land served by the existing public right of way, and
- (c) any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it.

Research has concluded that it is expedient to make the necessary Diversion Order because:

**Whether it is in the interests of the owner of the land or of the public that the footpath should be diverted**

It is seen to be in the interest of the public to divert the alignment of the path as proposed within this report. The existing line of the path is not fit for use, and the nature of the land means that significant works would be needed to provide a suitable and sustainable path for use by multiple user groups, including cyclists and horse riders.

**Whether the diverted footpath will (or will not) be substantially less convenient to the public**

The diverted bridleway would provide a more convenient route for the public due to the following:

1. The proposed route offers a more direct link to Bridleway No.50, which is also part of the approved Pennine Bridleway National Trial.
2. The amount of road walking or riding required would be reduced by moving the termination point from Point **B** to Point **C**, on the same adopted highway. This would improve the convenience for all users by reducing the potential interaction with vehicles and will improve convenience for bridle users by reducing the distance on a tarmac surfaced road.
3. Moving the termination point of the path as proposed would also improve the visibility onto the road. The path currently meets the unclassified highway at a corner where visibility is severely restricted. The visibility on the alternative route is much improved.
4. The alternative path is surfaced with stone and therefore offers a more sustainable surface year-round.

**The effect the diversion would have on the public enjoyment of the bridleway as a whole**

The diversion of the path would have no significant impact upon the enjoyment of the path as a whole. The alternative route offers a similar route to the existing bridleway and, as a result, the same views and general feel of the path will be provided.

**The effect which the coming into operation of the Order would have as respects other land served by the existing public rights of way**  
No effect.

**The effect which the new public right of way created by the Order would have as respects the land over which the right is so created and any land held with it**

The landowners and tenants have been consulted and are supportive of the proposal. It is not seen that there will be any effects on the land by diverting the path onto it.

**Whether it is expedient to make the Order**

It is considered that the proposed diversion is in the interests of the public. The proposed diversion would not be substantially less convenient to the public as the current route would not have an adverse effect on the public's enjoyment of the route as a whole or adversely affect the land over which the diversion would run or land served by the existing right of way.

(5) **Environmental and Health Considerations** Consideration has been given to the County Council's Rights of Way Improvement Plan in considering this application and preparing this report.

**Other Considerations**

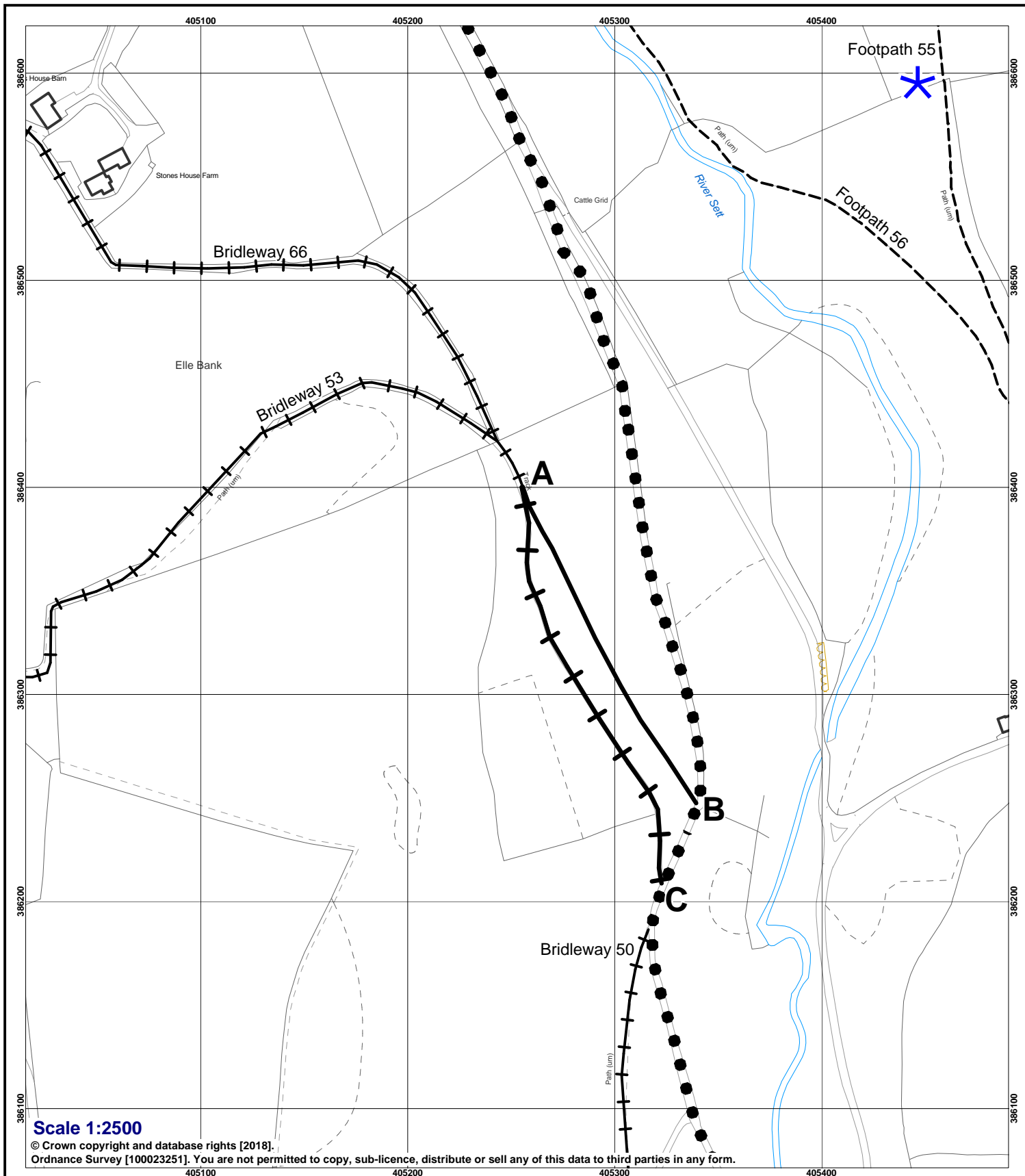
In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

(6) **Background Papers** Held on file within the Economy, Transport and Environment Department. Officer contact details - Corinne Hudson, extension 39660.

(7) **OFFICER'S RECOMMENDATIONS** That:

- 7.1 The Director of Legal Services be authorised to make the necessary Diversion Order to divert part of Public Bridleway No.53 in the Parish of Hayfield.
- 7.2 Should objections be received to the making of the Order that cannot be resolved, then the matter be forwarded to the Secretary of State for determination.

**Mike Ashworth**  
**Strategic Director – Economy, Transport and Environment**



Ref: TE/CH/X3086/Cttee/2019  
Date: 6 November 2018



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**Highways Act 1980 Section 119**  
**Proposed diversion of Public**  
**Bridleway No. 53 (part)**  
**- Parish of Hayfield**

<b>Key:</b>	Path to be diverted	
	Alternative path	
	Unaffected Footpath	
	Unaffected Bridleway	
	Adopted Highway	

