Area North Committee – 27th June 2007

11. Tintinhull Parish – Diversion of Footpaths Y26/2 (part) and Path Y26/3 (part) at Tintinhull Court

Head of Service: *Ian Clarke, Solicitor to the Council*
Lead Officer: *Derek Waddleton, Rights of Way Administrative Officer - Legal & Democratic Services*
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Purpose of the report

Adverse views have been received from prescribed consultees and three parishioners and, therefore, committee consideration is required on an application for the diversion of paths Y26/2 and Y26/3.

Recommendation

That the Committee authorise the making of the appropriate Public Path Order under section 119 of the Highways Act 1980 (in the interests of the owner and occupier of the areas of land concerned) to provide for the diversion of the path Y26/2 and Y26/3 as applied for.

Background

In September 2001 informal consultation was undertaken on a proposal to divert part of path Y26/3 only. That length ran A-B as shown for members' information in the attached map (dwg. no. RW/TNL dated 12. 09. 01 – 'MAP 1') and the diversion C-B was to allow the landowner to graze the meadow field with livestock of various species. Fencing was erected for the purpose and the alternative route was to be northeast of the field boundary mainly within a 4 metre wide enclosed section.

Adverse views were received from:

The Ramblers' Association (RA) intending to object on issues of walkers' mobility (stiles), surface maintenance (enclosed section) and logical diversion (C-B better on southwest of boundary) but having less objection if C-B were agreed as it had suggested.

The Campaign to Protect Rural England (CPRE) could not see the justification for the diversion.

Mr Loughran (parishioner) felt that the newly-erected fence could be move northwestwards beyond the existing route of Y26/3 C-D which would avoid the need for diversion

(The Highway Authority had no objection in principle - improve standard of stile/remove small section of fence between C and B.

The Parish Council was willing to accept the diversion only if the stiles were to be replaced by structures more accessible to walkers such as kissing-gates.)

The enquiry was not proceeded with.

Report

In September 2006 informal consultation was carried out on the current enquiry and, in general terms, the applicant says her interests (stock control / protection of trees) and those of the public (less path furniture/maintenance of countryside views/safer official route) would be served in the existing definitive lines being moved; path Y26/2 to follow existing track C-E and over grass E-B to existing kissing-gate at B; path Y26/3 to follow northeast boundary of adjoining field B-D (dwg. No RW/TNL/Rev. 1 dated 04.09.06 - MAP 2)

Views received on current proposal, basically interpreted, are as follows:

Highway Authority – *"Can't see any problems with this. We consent to the order."*

Parish Council – *supports, and notes that the majority of walkers use the proposed route.*

Ward member – *following parish council comment, no objection.*

St. Margaret of Antioch (local church adjoining)– *no objection to proposal and supports.*

RA – *"can see no reason or benefit to walkers… would object… on the basis of being of no benefit or improvement to the existing line of the paths."*(compare 2001 views above).

Open Spaces Society – *"…consider the proposed diversion to be substantially less convenient to the public and to have an adverse effect on public enjoyment of the paths as a whole, and we oppose them."*

CPRE– *"It now appears to be an extinguishment combined with a diversion… We shall of course object if an Order is made."*

Mr Loughran (parishioner) – *"no objection to the rerouting of Y26/2 as this would reflect the change of use of the area of land which is now consecrated cemetery…Y26/3 requires the creation of a new right of way through land… which is not the property of the Court. The double stile at D has a particular charm and merits preservation." He goes on to refer to what he sees as previous difficulties with the accommodation of the path. He feels that mutual benefit could most efficaciously be achieved by the moving of the fence erected in 2001 some 30 metres to the north, thus, restoring "parkland ambiance to this area of our Conservation Area."*

Mr Hubbart (parishioner) – *no objection to the rerouting of path Y26/2…"now consecrated cemetery. Path Y26/3 runs past a rather old specimen of horse chestnut believed to be one of the best 'conker' trees around… collected by locals from this path for ages…wild animals etc have precluded this village custom and, because future generations will not be able to collect conkers… Some re-erection of the existing fence would become necessary for this area to regain its Conservation Status"*

Mrs Howat (parishioner) – *"as there has been no notices in the village re: planning is this allowed."*

Financial Implications

The applicant would bear the whole costs of processing the application except those relating to the period where any objection to an order made by this council (and not withdrawn) is defended by virtue of written representation, a hearing or a public inquiry.

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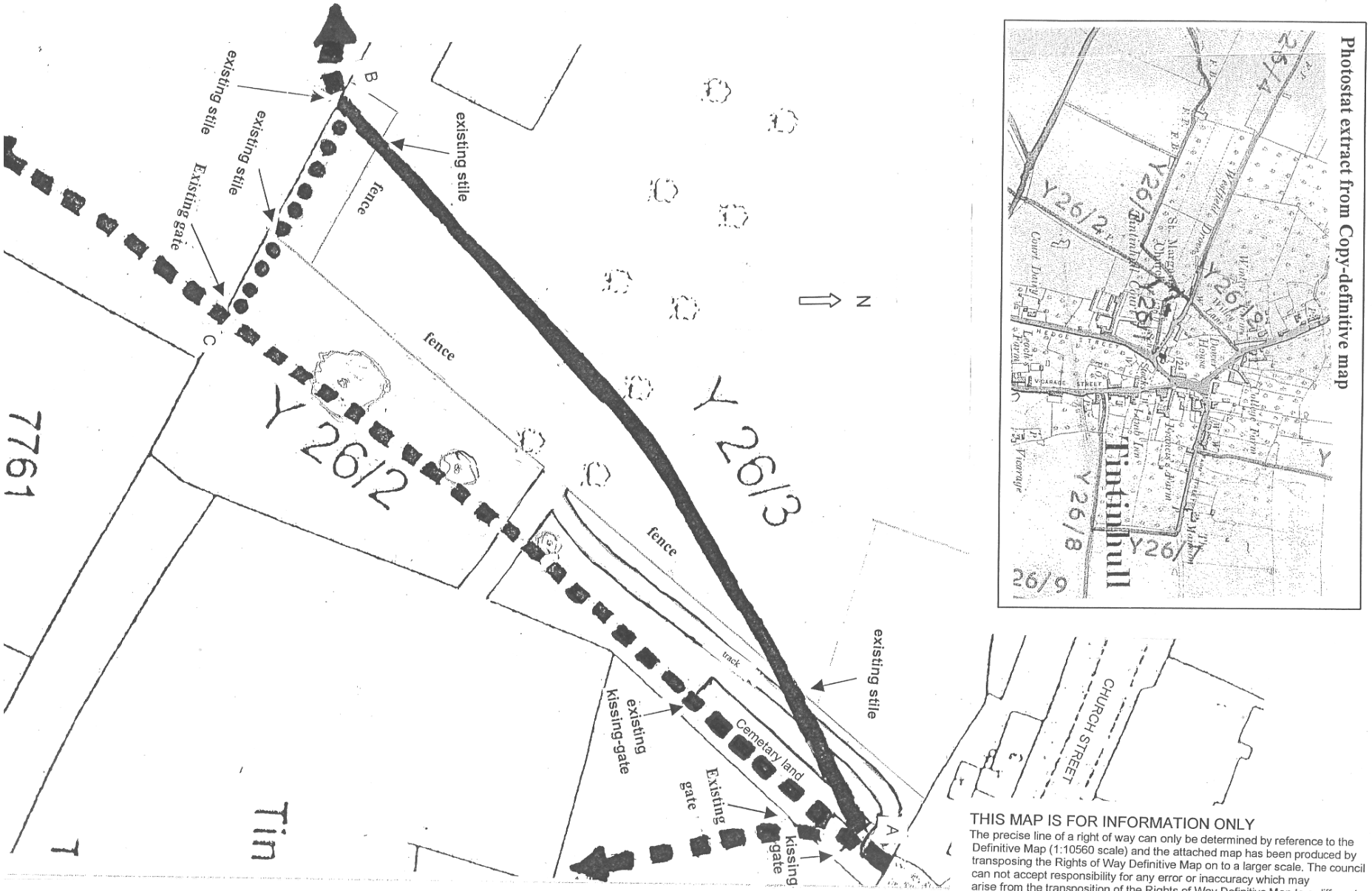
Implications for Corporate Priorities

Improving the health and well-being of our citizens (Corporate Aim Three)

Other Implications

None

Background Papers: *Working file: Tintinhull – Fps. Y26/2 & 3 at Tintinhull Court*



THIS MAP IS FOR INFORMATION ONLY

The precise line of a right of way can only be determined by reference to the Definitive Map (1:10560 scale) and the attached map has been produced by transposing the Rights of Way Definitive Map on to a larger scale. The council can not accept responsibility for any error or inaccuracy which may arise from the transposition of the Rights of Way Definitive Map to a different scale.

'MAP 1'

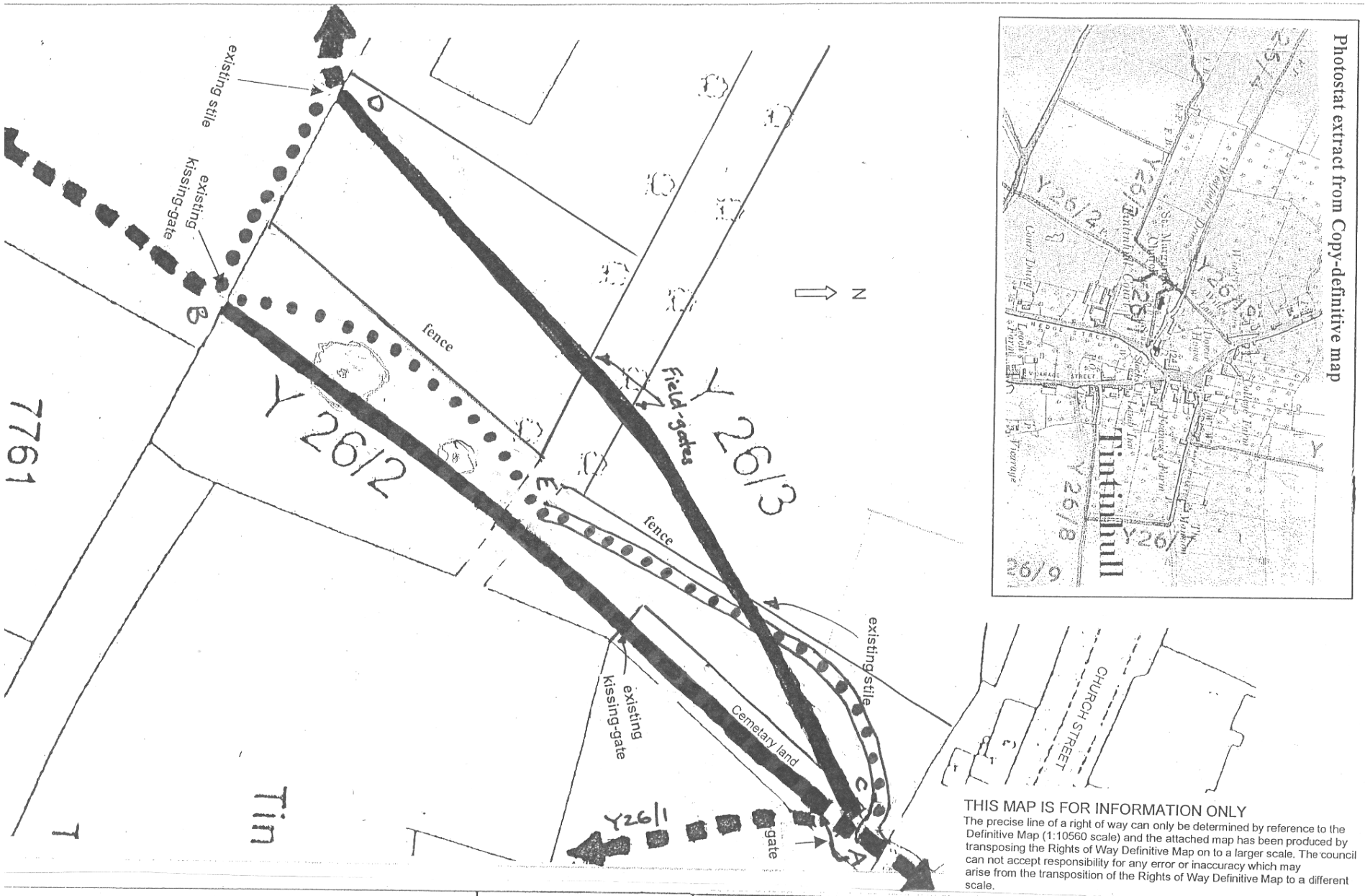
IULL – PATH Y26/3 TINTINHULL COURT

Length to be stopped up
Alternative Route.
Connecting Paths

SOUTH SOMERSET DISTRICT COUNCIL

South Somerset District Council
Community & Leisure **Area North**,
The Council Offices,
Old Kelways, Somerton Road, Langport, TA10 9YE

drawing no.	RW/TNL
grid Ref	498197
date	12.09.01 ref: DWW
scale	~~4.2500~~ / NTS



Photostat extract from Copy-definitive map

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'MAP 2'

TINHULL PARISH

Y26/2 & 3 AT TINTINHULL COURT

Length to be stopped up
Alternative Route.
Connecting Paths

SOUTH SOMERSET DISTRICT COUNCIL

South Somerset District Council
Legal Services
Brympton Way, Yeovil BA20 2 HT

drawing no. RW/TNL/Rev.1
grid Ref 498197
date 04.09.06 ref: DWW
scale NTS