

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

30 July 2015

Report of the Director of Central Services

Part 1- Public

Delegated

1 DIVERSION OF PUBLIC FOOTPATH MU93 (PART) TONBRIDGE

Introduction

- 1.1 Members will be aware of the scheme to refurbish the Town Lock area of Tonbridge which is now on site. The scheme will amend the route of the path that leads through the site and therefore it is necessary to divert part of public footpath MU93. It is also proposed to extend the path by 155 metres.
- 1.2 The existing route is shown on the plan attached as Appendix 1 by a solid black line and the diverted route is shown as a broken black line between points A –B, with the extension shown as a continuation of the broken line to point C. The new route will have a minimum width of 2 metres and be surfaced with block paving.

Procedure

- 1.3 Tonbridge and Malling Borough Council may make an order under section 119 of the Highways Act 1980 to divert a Public Right of Way where it is shown that it is in the interests of the landowner, lessee or occupier of land or the public to do so, but only where the diverted route would not be substantially less convenient to the public; and the diversion would not alter any point of termination of the path, other than to another point on the same highway or a connected highway.
- 1.4 In assessing whether the diverted path will not be substantially less convenient to the public, the Authority has to consider a number of factors including:
 - **Physical features.** The physical features of the new route should be similar to the original route, including:
 - surface;
 - gradient; and
 - path width

- **Directness.** The new route should not unreasonably lengthen the path
- **Landscape character.** The new route should not result in lower quality or diversity of views for the path user.
- **Features of Interest.** The new route should not move the path away from significant features of interest.
- **Financial.** The new route should not result in any increased maintenance costs.
- **Safety.** The new route should not subject users to any potential dangers or hazards.
- **Needs of all users.** The new route should include features to improve access for the mobility impaired user, (for example, gates rather than stiles and ramps, rather than steps).

If the Authority is satisfied that these grounds are met, it can make the order.

- 1.5 Once the order is made the Authority is under a duty to publish a notice in a local newspaper, serve a copy of the notice and order on owners/occupiers of the affected land and on specified persons set out in Schedule 3 to the Public Path Order Regulations 1993, and display a notice at each end of the footpath section to be diverted. The notice will specify that any person may object to the making of the order to the Secretary of State, within a minimum period of 28 days following the date of publication of the order.
- 1.6 Providing no objections have been made the order can be confirmed. If objections are raised the order must be submitted to the Secretary of State for confirmation who will appoint an Inspector to either hold a hearing, inquiry or deal with the matter through written representations.

2. Recommendations

- 2.1 The Committee are recommended to authorise the making of an order to divert part of public right of way MU93 Tonbridge and if there are unresolved objections, to submit the order to the Secretary of State for confirmation.

Background papers:

File TM –H2-05

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