



FOOTPATH No. 582 - PROPOSAL TO RESCIND DIVERSION ORDER 1993

SURREY COUNTY COUNCIL LOCAL COMMITTEE (GUILDFORD)

8th OCTOBER 2008

KEY ISSUE

This report considers whether the Diversion Order made in 1993 for Public Footpath No. 582, Guildford should be rescinded.

SUMMARY

A Diversion Order in respect of Footpath No. 582, Guildford was made on 14 July 1993, but was then held in abeyance until the development of the Clandon Park Golf Club had begun. The development has now commenced and Guildford Borough Council has made a Diversion Order for the footpath under the Town and Country Planning Act 1990. The County Council's Order is therefore no longer needed and can be rescinded.

Report by

HEAD OF ENVIRONMENT & REGULATION

Surrey Atlas Ref.

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GUILDFORD B.C. WARD(S)

MERROW

COUNTY ELECTORAL DIVISION(S)

GUILDFORD EAST

OFFICER RECOMMENDATIONS

The Committee is asked to agree:

- (i) that the Surrey County Council Footpath No. 582 (Guildford) Diversion Order 1993 be rescinded

INTRODUCTION & BACKGROUND

- 1 The Guildford Area Highways Sub Committee at its meeting on 13 November 1991 agreed to make an Order under the Highways Act 1980, to divert Public Footpath No. 582, Guildford around the proposed Clandon Park Golf Course. It was resolved that if no objections were maintained the Order be confirmed. The Surrey County Council Footpath No. 582 (Guildford) Diversion Order 1993 was made on 14 July 1993.
- 2 The Merrow Residents' Association raised and maintained an objection to the Order. They agreed to withdraw their objection if the golf course was constructed. The course construction is now underway and Guildford Borough Council made a Diversion Order under the Town and Country Planning Act 1990 on 2 June 2008. No objections were maintained and the Order has now been confirmed.

ANALYSIS & OPTIONS

- 3 The County Council's Diversion Order made in 1993 is no longer needed and can be rescinded.

FINANCIAL AND VALUE FOR MONEY IMPLICATIONS

- 4 There are no financial implications.

EQUALITIES & DIVERSITY AND CRIME & DISORDER IMPLICATIONS

- 5 There are no such implications.

THE HUMAN RIGHTS ACT 1998

- 6 Local Authorities are required to act to uphold European Convention rights which are now enforceable in British courts as a result of the Human Rights Act 1998. Primary legislation, of which the Cycle Tracks Act 1984 is an example, allows the County Council to act in a particular way. While the Council must interpret primary legislation, so far as is possible, in a way that is compatible with Convention rights, the County Council can exercise powers to act differently. In this instance it is first necessary to consider whether the action recommended to Members touches on a convention right. The making of this Order may affect the rights of the landowner / occupier under Article 1 of Protocol 1, the right to peaceful enjoyment of one's possessions. The act makes it clear that such rights may only be interfered within a way that is in accordance with the law. The recommendation to Members is not considered to be in breach of the 1998 Act.

CONCLUSIONS AND REASONS FOR RECOMMENDATIONS

7 The Order is no longer needed and can be rescinded.

WHAT HAPPENS NEXT?

8 If the recommendation is agreed the Diversion Order will be rescinded.

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BACKGROUND PAPERS	All documents quoted in the report. File may be viewed upon request
