



**PUBLIC FOOTPATH NO. 40, EGHAM
PROPOSED DIVERSION
SURREY COUNTY COUNCIL LOCAL
COMMITTEE**

30 SEPTEMBER 2005

KEY ISSUE:

The County Council has a power to make Public Path Diversion Orders under Section 119 of the Highways Act 1980. Applications may be made in the interest of the owners, lessees or occupiers of land, or the general public. The County Council must be satisfied that it is expedient that the line of the path should be diverted. When an Order is confirmed, criteria such as convenience and public enjoyment of the path must be satisfied.

EXECUTIVE SUMMARY

At the Local Committee meeting in Runnymede on 19 July 2005, Members considered an application from Network Rail to divert Public Footpath No. 40, Egham. Members agreed the officer recommendation and a Highways Act 1980 Diversion Order was subsequently made. Errors have since been noticed in the Human Rights section of the Committee Report of 19 July (item 11), and in the notice published in the newspaper.

Members are asked to approve the making of a new Diversion Order, which would revoke the existing Order.

Report by

HEAD OF PLANNING & COUNTRYSIDE

Surrey Atlas Ref.

p.11, E1

RUNNYMEDE B.C. WARD(S)

ENGLEFIELD GREEN EAST WARD
EGHAM TOWN WARD

COUNTY ELECTORAL DIVISION(S)

ENGLEFIELD GREEN
EGHAM HYTHE AND THORPE

OFFICER RECOMMENDATIONS:

Members are asked to agree:

a) that a Diversion Order under Section 119 of the Highways Act 1980 for Public Footpath No. 40, Egham as shown on Drawing No. 3/1/88/H13 (ANNEX 1), be made, and either confirmed as an unopposed order, or if objections are received, submitted to the Department of the Environment, Food and Rural Affairs for determination.

This Order would revoke the Order made on 10 August 2005 (the 'original Order'). Objections received to the original Order during the statutory objection period would be accepted and added to any received in response to the new Order being advertised.

THE PREVIOUS REPORT

On 19 July 2005 Members considered a report on an application from Network Rail to divert Public Footpath No. 40, Egham (Item 11). In that committee report, it stated that the proposed route would be approximately 40 metres from Rusham Cottage. In fact the distance will be 20 metres.

Officers do not consider that this creates Human Rights implications in relation to the adjoining landowner, and the recommendation to make a Diversion Order remains the same.

The new Order would need to be advertised. There would be no additional advertising cost incurred as an error was made by either the advertising agency or newspaper itself when advertising Notice of the original Order, and so there has been no charge made for that Notice.

Otherwise, the factual background and all the issues raised in the report at item 11 remain as stated in that report.

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BACKGROUND PAPERS:	Committee Report: Item 11, 19 July 2005 Correspondence referred to in the 19 July report contained in file 3/1/88X.