

Item 16

**PUBLIC BRIDLEWAYS NOS. 107 AND 111 (CHOBHAM)
DIVERSION ORDER 2005**

**SURREY COUNTY COUNCIL'S
LOCAL COMMITTEE (SURREY HEATH)**

8 DECEMBER 2005

KEY ISSUE

Surrey Heath Local Committee resolved at their meeting on the 27 January 2005, to make an order to divert Public Bridleways Nos. 107 and 111 Chobham.

EXECUTIVE SUMMARY

The Order to divert Bridleways Nos. 107 and 111 (Chobham) onto the routes currently used by the public was made on 18 May 2005. Three objections were received to the diversion of Bridleway No. 107. Surrey County Council has surfaced the route 'A' – 'B' on Drawing No. 3/1/81/H53 in the past and one objector claims that the route is already public. In the circumstances the Council would prefer to rescind the order.

The landowner is prepared to dedicate the route 'A'-'B' on Drawing No. 3/1/81/H53 and an extinguishment Order to extinguish route 'A'-'C' will be paid for by the owners of adjoining properties. A separate order will be made to divert Bridleway No. 111 (Chobham).

OFFICER RECOMMENDATIONS

The Committee is asked to agree that the Surrey County Council Bridleways 107 and 111 (Chobham) Public Path Diversion Order 2005 be rescinded.

INTRODUCTION

- 1 An Order to divert Bridleways Nos. 107 and 111 (Chobham) was made under delegated powers in the interests of the owner of the land and the public on 18 May 2005. (Annex 1).

- 2 All statutory undertakers and other relevant bodies were consulted. Surrey Heath Borough Council, Chobham Parish Council, The Ramblers' Association, the Cyclists' Touring Club and the utility companies raised no objection to the Order.
- 3 Three objections were received. The Council has also been made aware that the route 'A' – 'B' on Drawing No. 3/1/81/H53 has been surfaced by Council operators in the past and that the route may already be public.
- 4 Discussions with the landowners have taken place and it has been agreed that the route 'A' – 'B' on Drawing No. 3/1/81/H53 will be dedicated as a bridleway. The Council will then make an extinguishment order to extinguish route 'A' – 'C' . The owners of the adjoining properties will pay for the cost of making and advertising the extinguishment order.
- 5 A separate order will be made to divert Bridleway No. 111 (Chobham) onto the route 'B' –'D' on Drawing No. 3/1/81/H53a as resolved at the Surrey Heath Local Committee meeting on 27 January 2005.
- 6 The Committee are asked to rescind the original Order.

FINANCIAL IMPLICATIONS

- 7 The costs will be met from the Rights of Way budget.

ENVIRONMENTAL AND ECONOMIC IMPLICATIONS

- 8 There are no significant environmental or economic implications.

EQUALITIES IMPLICATIONS

- 9 There are no significant equalities implications.

THE HUMAN RIGHTS ACT 1998

- 10 Section 6 of the Human Rights Act 1998 states that it is unlawful for a public authority to act in a way that is incompatible with a European Convention right. As far as possible the County Council must interpret primary legislation, such as the Highways Act 1980, in a manner that is compatible with the Convention. The Highways Act 1980 stipulates the procedure that is to be followed by Highway Authorities when dealing with applications pursuant to S119. Article 8 of the European Convention safeguards the right of the individual to respect for a private and family life. It is the officers' view that the human rights of the objector are not affected by the application and Article 8 is not engaged. This proposal does not have any human rights implications.

RECOMMENDATION

- 11 That the Order to divert Bridleways Nos. 107 and 111 (Chobham) made on 18 May 2005 be rescinded.

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BACKGROUND PAPERS:	All documents quoted in the report