



**PUBLIC FOOTPATH NO. 17A,
WOKING
PROPOSED EXTINGUISHMENT**

**LOCAL COMMITTEE FOR WOKING
14 OCTOBER 2004**

KEY ISSUE:

The County Council has a power to make Public Path Extinguishment Orders under Section 118 of the Highways Act 1980. When making an Order, the County Council must be satisfied that it is expedient that the path or way should be stopped up on the ground that it is not needed for public use. When an Order is confirmed the extent to which it appears that the path or way would be likely to be used by the public and the effect which the extinguishment would have on the land crossed by the path must be considered.

EXECUTIVE SUMMARY

It is proposed to extinguish Public Footpath No. 17A where it crosses the land at Grobars Avenue and South Road. The extinguishment is requested by the applicants on the grounds that it is not needed for public use. Several objections have been received.

OFFICER RECOMMENDATIONS:

That the Order, made under Section 118 of the Highways Act 1980 to extinguish Public Footpath No. 17A Woking, be submitted to the Planning Inspectorate for confirmation.

PROPOSAL

- 1 It is proposed to extinguish Public Footpath No. 17A, Woking, as shown on the attached copy of Drawing No. 3/1/79/H34 (Annexe 1). Extracts of the Definitive Rights of Way and Statement are attached as annexes 2 and 3. There is an equally convenient route that has been dedicated as Public Footpath No. 411 (Woking) and which will be included on the Definitive Map and Statement in March 2005. This path is surfaced and well lit and is used extensively by local people and children who attend the local schools.
- 2 As a result of the lack of use by walkers, the footpath rapidly becomes overgrown and has become an area where youths congregate and anti social behaviour takes place.
- 3 If the application is successful, the fence lines of the adjacent residents would be moved to cover the unused section. As there is no registered landowner the legal presumption is that the adjoining properties own to the centre of the highway.

CONSULTATIONS

- 4 All statutory undertakers and other relevant bodies have been consulted. There have been several objections received, one of which has been withdrawn. Objections have been received from:

Mrs M Clee	Moncrieff	South Road	Horsell	GU21 4JN
Mr & Mrs Heggie	Quills	South Road	Horsell	GU21 4JN
D J Williams	Elnathan	South Road	Horsell	
Horsell Common Preservation Society	PO Box 53	Woking		GU21 4YU
Mr & Mrs Hayter	Holly Cottage	Horsell Birch	Woking	GU21 4XD

Correspondence with the objectors is attached as Annex 4.

- 5 The objections are:
 - Would like the path to be kept open, maintained and easy for anyone, either young or old, to walk down
 - Public footpaths within the urban area are there to serve the public
 - The footpath still serves a very valuable purpose and is used by members of the public
 - Removal of this footpath would remove choice and make it more difficult for the public to move through the urban area

- This historic footpath should not be closed
 - The path has a long history and is the remains of the main route from the church via cockolah to Horsell Common Road
 - Would like to use the footpath, not lose the use of it
 - It is one of Horsell's traditional footpaths
- 6 There has been one letter of support, which is attached as Annex 4 page 9 and 9a.

COMMENTS ON THE OBJECTION

- 7 A public footpath can be extinguished under Section 118 of the Highways Act 1980 if it is not needed for public use. In this instance there is an alternative path nearby which is well used, provides a wider, surfaced route and is well lit at both ends. It also gives good access to Horsell Common. The Horsell Residents Association, Woking Borough Council and the Ramblers Association were consulted and no objections were received. The applicants have suffered misuse of the footpath, which they feel threatens their security, privacy and safety. Fires have been started on the footpath and illegal dumping has occurred as well as incidences of people loitering. Grobars Avenue leads more directly into the alternative route and the wider width and tarmac surface is much easier to use for wheelchair users and parents with prams. Public Footpath 17a does not go anywhere that is not equally and in fact better served by the alternative route. Many parents whose children go to the High School choose to drop off or collect their children nearer to the junction of the alternative route as this is deemed to be much safer than to do this at the point where Public Footpath 17a exits onto South Road, which is almost opposite the busy junction with Horsell Common Road.

IMPLICATIONS

- 8 Financial – the advertising and administrative costs incurred in the making of this Order will be met by the applicants. If any objections were made and maintained and this led to a Public Inquiry or hearing, extra costs in the region of £1,000 would have to be met from the Rights of Way Budget.
- 9 Environmental and Economic Implications – There are no significant environmental and economic implications.
- 10 Crime and Disorder Implications – The definitive route is not lit and suffers from misuse causing a nuisance for neighbouring properties. The alternative route in contrast is lit, surfaced and well used.

- 11 Equalities Implications – The definitive route is fairly narrow and un-surfaced. The alternative provides a better route for those with mobility problems.

THE HUMAN RIGHTS ACT 1998

- 12 Under section 6(1) of the Human Rights Act 1998, local authorities are required to act, as far as possible, in a way that does not breach rights contained in the European Convention on Human Rights. This includes the right to property, under Article 1 of the First Protocol to the Convention and the right to respect for private and family life and the home, under Article 8. It is officers' view that no Convention right is engaged by this proposal and that the proposal has no human rights implications.

Report by Head of Planning and Countryside

LEAD/CONTACT OFFICER: Debbie Spriggs, Senior Rights of Way Officer
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BACKGROUND PAPERS: All documents quoted in the report.

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