INTRODUCTION

This case relates to the diversion of Shenley 3 footpath, requested by the Scouts Association in 2005.  The footpath runs across the Scouts' Well End Activity Centre, crossing an area that the Scouts use (or used to use) for camping. As a public footpath, the Scouts are unable to exclude access. In these modern times, this gives rise to concerns over child safeguarding.  A diversion of the path was therefore sought.

DIVERTING PATHS

Diversion of a path is a power for borough and county councils. It is not a duty.  Consequently, path diversions tend to have a low priority with Hertfordshire County Council (HCC) unless there is some special reason for taking an optional activity above its statutory duties. (It has a twenty year back log of path investigations that it has the duty to investigate.)

To proceed with a diversion order, the order-making authority must perform a pre-order consultation, then make the order and allow a period for objections. If no objections are made, or all objections are withdrawn, the council can confirm its own order. Otherwise, the objections must be sent to the Secretary of State (via the Planning Inspectorate) for consideration.

APPLICATION OF THE DIVERSION PROCESS

In January 2016, the statutory pre-order consultation took place. The scheme consulted on comprised the diversion of Shenley 3 footpath to run parallel to Well End Road coupled with an upgrade to bridleway status, so that the route would carry rights for walkers, riders and cyclists. It would effectively be a delivery from the Council's Greenways project and had the advantage, with other (now completed) elements of the HCC Shenley Transport Plan, of taking non-motorised road users off Well End Road and London Road all the way to Shenley village. (There is no footway.)

There was support from the statutory consultees subject to caveats relating to drainage or surfacing and concurrency of the diversion and upgrade.

The *Hertsmere Borough Council (Shenley 3) Diversion Order 2020* was made on 4 May 20 and advertised for the statutory period.

The proposed new bridleway route required 5m of footpath outside the Activity Centre to be upgraded to bridleway to join Shenley 3 to London Road at bridleway status.  This was secured from the landowner, Wrotham Park Settled Estates, in parallel with the diversion order process, and completed on 29 Jun 17.

REMAINING WORK

The planning officer handling the diversion set out the remaining activities to Pat in an email on 18 May 23:

·         The Council made a Footpath Diversion Order in 2020 to divert the route of the footpath from through the centre of the Scout Camp to the edge, alongside the road. This received a number of objections which means it can only be confirmed by the Secretary of State.

·         In order to ease this process, we have tried to resolve the objections and have found solutions to all but one. This objection was on grounds that the person simply did not want the footpath to be moved. We only have email contact with the objector, and they have not responded to any of my correspondence.

·         To address the other reasons for objection, two things need to happen:

o   To resolve concerns from horse riders we propose to make a Conditional Deed of Dedication of a Bridleway so that if and when the footpath diversion order is confirmed, the path will automatically become dedicated as a bridleway.

o   To resolve concerns from walkers about the surface quality of the new (diverted) path, especially if it is to be a bridleway, we propose to ensure it is adequately surfaced and drained.

·         To get these two things done we need to:

o   Make a Conditional Deed of Dedication of a Bridleway. The Council has powers to do this (delegated from HCC as Highway Authority), and so I have been in contact with our Head of Legal who has confirmed that, according to the Council’s Constitution, this is a decision for the Council’s Executive. I am looking arrange for this to go to the Executive this summer.

o   Ensure the path gets surfaced. The Scouts have kindly offered volunteer labour for this, and have provided an approximate quote for the likely material costs, so we are currently seeking the required funding. Options are S106 funds, or it is possible that, should they chose to, Shenley Parish Council might be able to fund it through their CIL receipts. We are looking into S106 first.

·         Provided the Executive agrees to the Conditional Bridleway Dedication, we will then prepare a report for the Secretary of State and refer the Footpath Diversion order to them for a decision.

KEY PLAYERS' ACTIVITIES

The planning officer handing the diversion is Grace Middleton. She is keen to complete the activity and is trying to get the bridleway conditional dedication on the agenda for the next meeting of the Cabinet (formerly known as the Executive).  I see the next meeting is 23 Aug 23, but this is a recent addition. I had otherwise expected it to go the meeting on 13 Sep 23.

I have offered assistance with drafting the paperwork to go to PINS, and to secure the £1,000 funding offered by the local bridleways group in 2011. (They have confirmed it is still available for this project.)

The bridleway group (the Patchett’s’ Green Bridleways Trust CIO) and the British Horse Society have asked local livery yards if they could refrain from using the route until it is signposted as ready. The requests could be repeated if desired.

The Scouts will provide the labour for the physical work.

OTHER REMARKS

We are so nearly there! If the planning officer is allowed the time to complete this work, we could have things sent to PINS a week or two after the Cabinet meeting. (Sadly, the local plan seemed to take up all available hours prior to the local plan deposit.)

Dr Phil Wadey, MIPROW