

Reply to the advice of this Forum relating to Public Path Orders at Treherns Farm, off Worcester Lane, Stourbridge.

On 1st Feb 08 a Sub-Committee met to discuss the above issues. Their advice is attached.

Officer's Response

Point 1

S119 of the Highways Act deals with diversions of public rights of way outside of those situations where paths are affected by development. They are made in the interests essentially of the landowner and/or the public.

The essence of the Treherns Orders is that the paths need to be stopped up and diverted to allow development authorised by planning permission to take place. For this, it is normal for S257 of the Town and Country Planning Act 1990 to be used.

S119 does not allow the stopping up of a path. S118 is such a power.

Point 2

Paths S73 and S75 were open and used last summer and are waymarked months ago.

Point 3

Certification

This had been noticed but the Forum is thanked for their observation.

PINS Advice Note 16 taken into account in the final Orders. There were no widths mentioned in the Definitive Statements for the Council to state.

Point 4

The farm tracks around the field where the Order paths cross have been acknowledged by the owner as public paths. This will be further confirmed by an agreement with the Highway Authority.

The path from the railway line to Worcester Lane through the farm building has never been recognised by the landowner as a public right of way. This situation does not affect the Orders, but will be reviewed should evidence to its use be forthcoming.

Point 5

Cross sections showing existing and proposed levels and as well as current photographs were part of the planning application. It is not part of the Order procedure, prescribed by Government for Orders to be supplemented in this way.

Point 6

As per the advice, bridleway status could be considered at a future time.

Point 7

The Forum was asked to supply to officers a list of the typo errors but this was not received.

Dave Jacobs

Project Engineer

01384 815424