



Order Decision

Site visit made on 31 July 2018

by Rory Cridland LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 15 August 2018

Order Ref: ROW/3187363

- This Order is made under Section 119 of the Highways Act 1980 ("the 1980 Act") and is known as the Cambridgeshire County Council (Public Bridleway No 13 (part), Tydd St Giles) Public Path Diversion Order 2012.
- The Order is dated 20 September 2012 and proposes to divert the public right of way shown on the Order plan and described in the Order Schedule.
- There was 1 objection outstanding when Cambridgeshire County Council submitted the Order to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

Summary of Decision: The Order is confirmed.

Procedural Matters

1. One objection was made to the Order during the statutory period and a further representation was made outside the statutory period. I have had regard to all representations made in considering whether or not to confirm the Order.

The Main Issues

2. Section 119 of the Highways Act 1980 requires that before confirming the Order, I must first be satisfied it is expedient in the interests of the landowner that the bridleway in question should be diverted. The other tests for confirmation set out in s119 which are relevant to my determination are, firstly, whether the diverted bridleway would be substantially less convenient to the public than the present one, and secondly, what effect the proposed diversion would have on public enjoyment of the path as a whole.
3. In addition, I am required to take into consideration any material provisions of a rights of way improvement plan ("ROWIP") prepared by the Council.

Reasons

Whether it is expedient in the interests of the owner of the land that the bridleway in question should be diverted

4. The Order is made on the basis that it is expedient in the interests of the owner for the bridleway to be diverted. The existing section of Bridleway 13 (BW13) crosses through an open agricultural field which is presently used for growing crops. I accept that diverting the route to the edge of the field will allow for more effective management of the land. As such, I consider it would be expedient in the interests of the landowner for the bridleway to be diverted.

Whether the diverted route would be substantially less convenient to the public

5. The section of BW13 which would be diverted is around 698 metres long between points A–D. The alternative route proposed would result in an additional length of around 42 metres. This represents an increase in length of around 6%, which, while slightly longer, would not be substantially so. Similarly, while it would introduce a number of bends to the route, these would have little impact on its overall convenience.
6. Accordingly, I conclude that the proposed diversion would, due to its increased length, be slightly less convenient than the current path but would not be substantially so.

The effect on public enjoyment

7. That part of BW13 to be diverted is generally flat and proceeds directly through agricultural fields where crops are growing. It provides extensive views of the surrounding countryside and is both a pleasant and picturesque route.
8. The proposed new route would provide similar views over the surrounding countryside and I am satisfied that there would be no loss of public enjoyment in this respect. Furthermore, I noted during my site visit that the proposed new route is better defined on the ground and has a more solid surface than the ploughed field over which the existing route passes. This would be of benefit to horse riders and walkers alike and would enhance the enjoyment of the route as a whole. In addition, in following the line of the Old Eau, the new route provides opportunities to view this interesting drainage feature as well as a more diverse range of flora and fauna.
9. Consequently, I find that there would be no significant detrimental impact on public enjoyment that would lead me to conclude the Order is not expedient in this regard. Accordingly, I conclude that the test is met.

Other Matters

10. I note the objector's comments in relation to the loss of the historic route. However, while I acknowledge that the historic alignment of the route would change, I do not consider the disadvantages flowing from this would be of any significance.
11. Likewise, while I note the new route would be located closer to the drainage ditch, I do not consider that, in view of the path's condition and width, this would pose any significant risk to horse riders.
12. The Council has drawn to my attention Guiding Principle G1 of objective SOA1 of the ROWIP which seeks to increase physical accessibility to the widest possible range of people. However, while there may be some small increase in accessibility for users, this would be marginal. Likewise, while I accept the proposal would help enable the better management of the land, I do not consider Guiding Principle G6 of objective SOA6 provides any meaningful support in this respect.

Conclusion

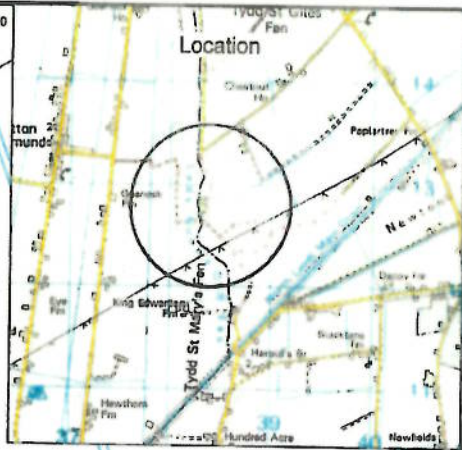
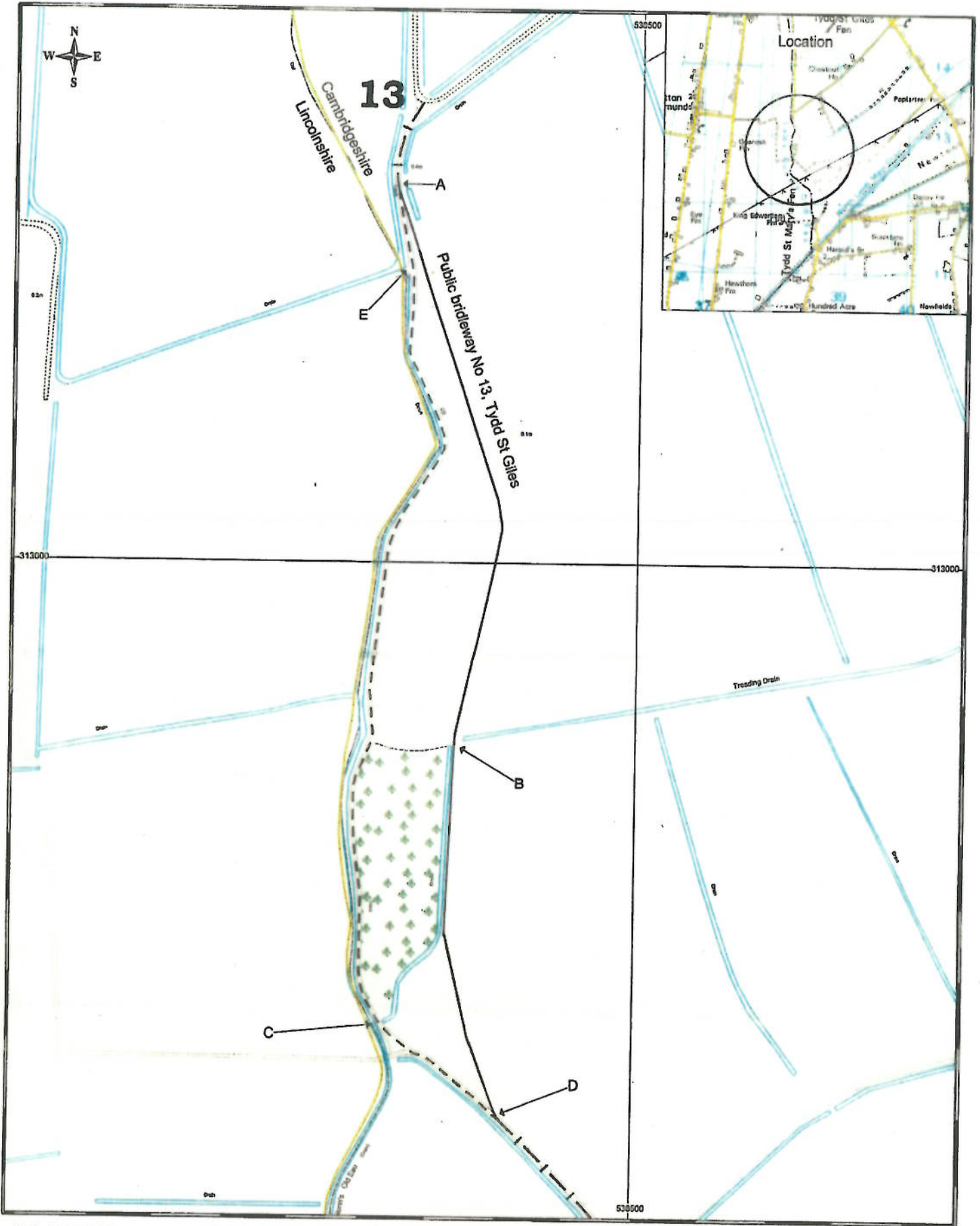
13. For the reasons set out above, and having had regard to all other matters raised, I conclude that the Order should be confirmed.

Formal Decision

14. I confirm the Order.

Rory Cridland

INSPECTOR



Scale: 1:2500 (at A3)
 Date: 05/09/2012
 By: fh392

MAP NOT TO ORIGINAL SCALE

Key	
Public Bridleway to be stopped up	—————
New route of Public Bridleway	- - - - -
Unaffected Public Bridleway	- - - -