



## **HIGHWAYS ACT 1980 – Section 119**

### **SOUTH GLOUCESTERSHIRE COUNCIL**

#### **STATEMENT OF REASONS**

Mr and Mrs Vickers are seeking to divert part of public footpath OTH 91 where it runs through their garden at Milbury House, Buckover, Thornbury. They live close to a popular public house on the A38 at Buckover and, in recent months, more people have been using the path. Some people have been using the permissive path on the adjoining land that connects the public footpath to the car park to the rear of the public house, whilst others have been deviating from the recorded alignment and using Milbury House's private drive to/from the A38. The garden at Milbury House has low stone walls and people sit on them late at night on their way back from the public house and the owners sometimes find associated debris in their garden. There has also been an increase in dog fouling in the garden. With new development proposed in the area, the applicants wish to divert the path around the edge of their garden to provide more privacy and make access to their driveway less inviting.

With regard to the legal tests to be satisfied under the Act: -

- In the interests of the landowner it is expedient that the line of the footpath is diverted to provide privacy and security.
- The proposed diversion will be substantially as convenient to the public as the termination points connect to the same highways; the termination point on OTH 92 is within 21 metres of its existing location.
- It is expedient to confirm the order having regard to the effect it will have on public enjoyment of the route, as the public are likely to feel more comfortable with a path running around the edge of the private residential garden.
- The applicant has agreed to pay the Council's administrative costs, and costs associated with advertising the order, any compensation that the Council may become liable for as a consequence of the order and any expenses incurred in making the site of the proposed route ready for use by the public.