

THIS STATEMENT DOES NOT FORM PART OF THE ORDER

SOLIHULL METROPOLITAN BOROUGH COUNCIL

STATEMENT OF GROUNDS FOR MAKING THE DIVERSION ORDER

**SOLIHULL METROPOLITAN BOROUGH COUNCIL
PUBLIC FOOTPATH SL20A(PART) ARDEN ACADEMY
KNOWLE ,SOLIHULL
PUBLIC PATH DIVERSION ORDER 2021**

Local Authorities have the power to make orders to create, extinguish (close) or divert public rights of way. A notice that such an order has been made has to be advertised on the site of the path in question and in the local press. This provides an opportunity for objections or representations to be made to the proposed change.

Solihull Metropolitan Borough Council (“the Authority”) has made an order to divert part of Public Footpath SL20A at Arden Academy, Knowle, Solihull

The Authority has made the order following an application from Arden Academy. The application has been made because the existing public footpath runs very close to several operational school buildings on the northern side of the school site. As part of current improvements on the site including current change of use work on the caretaker’s house for educational purposes it is also considered to be more desirable and safer for the school that the existing footpath is diverted slightly around the same time. The intention is that the new route would be just as convenient for users. A new tarmac surfaced route will be provided that will be fenced with a timber style fence on the outer side of the route and a high hoop topped railings on the inward side. If successful, the old route would be blocked off to prevent the public in general walking amongst numerous school buildings.

In making this order, the Authority has paid due consideration to the conservation of biodiversity (Section 40 of the Natural Environment and Rural Communities Act 2006).

The Authority has made the order and is satisfied that the following tests have been met as required under Section 119 of the Highways Act 1980.

It is expedient for the order to be confirmed having regard to the following grounds:-

- a) The point of termination of the path must not be altered if that point is not on a highway.
- b) If the point of termination is on a highway, then it can only be moved to a point on the same or a connecting highway, which is substantially as convenient to the public as a result of the diversion.
- c) The path should not be substantially less convenient.
- d) The Authority must have regard to the effect which the diversion would have on public enjoyment of the path as a whole and on the effects of agriculture and forestry.

The Authority is satisfied that the order complies with these requirements for the following reasons:

- i. The eastern and western points of the termination of the diversion will remain unchanged, being connected to the same public highway and public right of way namely public footpath SL20A.
- ii. The diversion would entail walking 3 metres more than the existing route which is obviously has very minimal effect for users and would be more accessible as there will be no limitations ie barriers on the proposed new footpath. For these reasons the alternative route of the public footpath is not considered to be substantially less convenient to the public.
- iii. The proposal is not considered to have a detrimental impact on agriculture as this is a sub-urban environment.
- iv. On balance it is considered that the diversion provides an enjoyable walking experience, with greater ease of access, being more suitable for family groups and dog walkers and less intrusive on the operational school buildings.

The order will come into effect only after it has been confirmed; making and advertising the order provides an opportunity for objections or representations to be made.

Objections or representations relating to the order must be made in writing by the date stated in the public notice, to Public Rights of Way, Highways Management, Highways Services, Solihull Council, 5th Floor, Council House, Solihull, B91 3QB or by e-mail objections@solihull.gov.uk.

Stephen Hawley is available to discuss any concerns of those considering objecting or making representations relating to the order and can be contacted at Public Rights of Way, Highways Management, Highways Services, Solihull Council, 5th Floor, Council House, Solihull, B91 3QB or by e-mail at rightsofway@solihull.gov.uk.

The right of objection to an order is a statutory right, but it should be exercised in a reasonable manner. The costs involved in dealing with objections to orders are normally awarded against objectors only in cases of unreasonable behaviour. If objections are made and not withdrawn, the Authority will refer the order to the Secretary of State for determination. An Inspector from the Planning Inspectorate will then hear the objections at a public inquiry or hearing, or in writing if the objectors agree. The Inspector can confirm an order, confirm it with modifications, or refuse to confirm it.

If you participate in public path order case to be determined by the Planning Inspectorate, then the type of personal information contained in your representations will normally include your name, contact details and any other personal information you choose to provide. The Planning Inspectorate will use the information provided to process the case, and this includes making your written representations available to the applicant(s), objector(s), and other statutory parties. Further information about the privacy policy of the Planning Inspectorate is available at <https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice/customer-privacy-notice>

Solihull Metropolitan Borough Council will consider all correspondence (objections and representations) received in response to this order. They may be disseminated widely for these purposes and made available to the public. You may ask for your name and address to be withheld. If you ask us to do this you should make sure that your representations do not include any other information which may identify you. We will copy your representations, with your name and address removed, to the parties, and if an outstanding objection is referred for determination by the Planning Inspectorate, they may be seen by a Planning Inspector who may give them less weight as a result.