

REPORT TO:	ENVIRONMENTAL & DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 9
DATE OF MEETING:	10 th July 2003	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	G R Fewkes (595725)	DOC:
SUBJECT:	Proposed Diversion Public Footpath No.31 (Part) Swadlincote	REF: GF/E/7/3/103
WARD(S) AFFECTED:	Swadlincote	TERMS OF REFERENCE: ES06

1.0 Recommendations

- 1.1 It is recommended that an Order be made under the provisions of Section 257 of the Town and Country Planning Act 1990 to divert part of the definitive line of Public Footpath No.31 Swadlincote to the proposed line as depicted on the attached plan.

2.0 Purpose of Report

- 2.1 To determine an application to divert part of Public Footpath No. 31, Swadlincote.

3.0 Detail

- 3.1 An application has been received from Mr C Roe, of Songalt Builders Ltd, 230 High Street, Newhall, Swadlincote, Derbyshire, DE11 0EA to divert a section of the above public right of way. The diversion is viewed as necessary to facilitate building operations following a successful planning application for residential development of the site.
- 3.2 A previous application to divert this path via different route was rejected by the Committee (30th January 2003), following strong opposition from the local Member and the six residents who would be directly affected by the previous proposal.

The Definitive Line

- 3.3 Footpath No. 31, which is approximately 232 metres in length, runs from Hastings Road west of Coppice Side (SK 3015 1915) in a northerly direction, then northwest to Highfield Road (SK 2999 1929). The definitive line of the footpath has not been walked for more than thirty years.

The Proposal

3.4 The proposed diversion (under the Town and Country Planning Act 1990, Section 257) relates to the approximately 167 metre section denoted by the solid black line A-B on the attached Plan 'A', the alternative route is shown as the bold broken line A-C. Plan 'B' shows the proposed diversion in relation to the development.

Assessment

3.5 The assessment of the proposal is as follows:

- Much of the route would be available again after being severely obstructed for more than 30 years.
- The diverted section will be adopted, with a tarmac surface and street lighting being provided in accordance with section 38 of the Highways Act 1990.
- A minimum width of 1.5 metres width will be provided in all areas (2 metres minimum width where fenced on both sides).
- The proposed line will be virtually flat and be more commodious to the elderly and other low mobility user groups. The present line has a steep incline.

Representations

3.6 The 28-day informal consultation period has been completed, and no objections have been received.

Background

3.7 The present application is based on a route decided upon during a meeting held on 12th November 2002, which was attended by the developer and representatives of the objectors. However at the time, the developer decided to proceed with the original application, which was subsequently refused.

4.0 Financial Implications

4.1 There are no direct financial implications for the Council. Should Members be minded to make the Order, the applicant would meet any associated costs.

5.0 Corporate Implications

5.1 The Council has the power to approve unopposed Diversion Orders. However if formal objections are received the application must be referred to the Secretary of State for confirmation.

6.0 Background Papers

6.1 Footpath Diversion File E/7/3/103 (Previous Application File E/7/3/100)