
REPORT TO: ENVIRONMENTAL &
DEVELOPMENT SERVICES
COMMITTEE

AGENDA ITEM:

7

DATE OF MEETING: 2nd October 2003

CATEGORY:
DELEGATED

REPORT FROM: CHIEF EXECUTIVE

OPEN

MEMBERS' CONTACT POINT: G R Fewkes (595725)

DOC:

SUBJECT: Proposed Diversion Public Footpath No.1 (Part) Swadlincote

REF: GF/E/7/3/105

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.1, Swadlincote (Church Gresley), 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. 1 Swadlincote (Church Gresley).

3.0 Detail

3.1 An application has been received from Trident Housing Association of 239 Holliday Street, Birmingham, B1 1SJ, to divert part of the above public right of way. The diversion is considered as necessary to facilitate building operations following a successful application for residential development of the site.

The Definitive Line

3.2 The definitive line is approximately 740 metres long and runs from Church Street, Church Gresley (SK 2981 1843) in a south southeast direction and then in a generally southeast direction before turning generally south southwest, crossing Footpath No.2 to join footpath No.4 at SK 2991 1782 northwest of the county boundary (northwest of Jubilee Cottages on Occupation Road, Ashby Wolds Parish, Leicestershire).

The Proposal

3.3 The proposed diversion (under the Town and Country Planning Act 1990, Section 257) relates to the approximately 72 metre section denoted by the solid black line AB on the attached Plan 'A'. The alternative route is shown as the bold broken line ACB.

Assessment

3.4 The assessment of the proposal is as follows: -

- The proposed route will only be approximately 6 metres longer than the current definitive line.
- The diverted section A to C will follow the footway of Thorpe Downs Road, with the section C to B following the footway of an access road within the new development, to join the existing footpath at point B.
- The diverted section will be adopted, with a tarmac surface and street lighting provided in accordance with Section 38 of the Highways Act. The present surface comprises a sort section of crushed stone, with the remainder being a natural grass surface.
- The proposed diversion will not require the installation of any gates or stiles. There are none on the present definitive line.

On the basis of the assessment, it is concluded that the proposed diversion is acceptable.

Representations

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

4.0 Financial Implications

4.1 There are no direct financial implications for the Council, as the costs associated with the order are to be met by the applicant. However any decision can be challenged by appeal to the Planning Inspectorate, and therefore the Council may be subject to certain 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/7/3/105