

REPORT TO: ENVIRONMENTAL &
DEVELOPMENT SERVICES
COMMITTEE

AGENDA ITEM:

7

DATE OF MEETING: 19th August 2004

CATEGORY:
DELEGATED

REPORT FROM: CHIEF EXECUTIVE

OPEN

MEMBERS' CONTACT POINT: G R Fewkes (595725)

DOC:

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

REF: GF/E/7/3/107

WARD AFFECTED: Woodville

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 Woodville 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, Woodville.

3.0 Detail

- 3.1 An application has been received from Radleigh Homes Ltd of Riverside Court, Pride Park, Derby, DE24 8JN, to divert part 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.

The Definitive Line

- 3.2 The definitive line is approximately 310 metres long and runs from Ashby Road/High Street, Woodville (SK 3211 1876), opposite Butt Lane, in a northwards direction to its junction with Footpath No.2 at SK 3201 1906.

The Proposal

- 3.4 The proposed diversion (under the Town and Country Planning Act 1990, Section 257) relates to the approximately 142 metre section marked 'A-B' and shown as a bold solid line on the attached map (Annexe A). The alternative route is shown as a bold broken line, marked 'A-D-C'.

The second attached map (Annexe B) depicts the proposed diversion in relation to the planned development.

Assessment

3.5 The assessment of the proposal is as follows:

- The proposed route will be approximately 145 metres long, and is only marginally longer than the present definitive line.
- The diverted section 'D-C' will follow the 1.8 metre wide (minimum width) footway of a new cul-de-sac, created as part of the housing development, and increase to 2 metres in width where it runs between the properties.
- Through the developed area, the proposed diversion will comprise of a tarmacadam surface, and street lighting will be provided along the roadway, in accordance with Section 38 of the Highways Act (1980). The short section between the properties will not be lit.
- The termination on High Street, Woodville (A511) will be less than 35 metres to the west of the present termination.
- The proposed diversion will only require the installation of one hand gate at point 'D'. There are three field gates and one stile on the present definitive/walked line.
- The stile at point 'A' will also be replaced by a hand gate.
- The section 'A-D' will continue to be a natural grass surface, crossing pastureland.

Representations

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

Background

- 3.7 This application has undergone two separate informal consultation periods: the original proposal attracted objections from Woodville Parish Council and both Local Members.
- 3.8 A meeting was held on 11 May 2004, involving the applicant and the complainants, with a view to addressing and resolving the objections. New routes and proposals were provisionally agreed upon, which substantially differed from the original application to necessitate a further full informal consultation. No objections were received during this second consultation period.
- 3.9 Even though all received objections have been suitably resolved, in view of Member's concerns over the original proposals, it was felt appropriate to bring the application before this Committee.
- 3.10 This application was received and processed in advance of this Officer being granted delegated powers, and thus it was not included in the agreed Member Notification Arrangement in which all members are to be notified of new applications via the monthly planning applications list.

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/7/3/107.

