
REPORT TO:	ENVIRONMENTAL & DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 8
DATE OF MEETING:	27 th May 2003	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXCEUTIVE	OPEN
MEMBERS' CONTACT POINT:	G R Fewkes (ext 595725)	DOC:
SUBJECT:	Proposed Diversion Public Footpath No.5 (Part) Parish of Etwall	REF: GF/E/7/3/102
WARD(S) AFFECTED:	Etwall	TERMS OF REFERENCE: ES06

1.0 Recommendations

1.1 It is recommended that an Order be made under the provisions of Section 119 of the Highways Act 1980 to divert part of the definitive line of Public Footpath No.5, Parish of Etwall, 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.5 Parish of Etwall.

3.0 Detail

3.1 An application has been received from Mr R Hosking, of Highfields Happy Hens, The Paddocks, Highfields Farm, Heage Lane, Etwall, Derby, DE65 6LS to divert a section of the above public right of way. The diversion is viewed as necessary to re-locate the footpath onto a section of recently re-routed driveway, leading towards Highfields Farm from Heage Lane.

3.2 The driveway was initially re-routed in order that vehicle traffic to Highfields Farm should by-pass Highfield House, which is currently being developed as an equestrian centre. It is now thought appropriate to divert the footpath onto this new driveway, for the safety of both the footpath user and horse riders at the centre.

The Definitive Line

3.3 The definitive line is approximately 948 metres long and runs from Heage Lane (SK 2744 3332) north-east of the railway bridge in a north-westerly direction crossing Footpath No. 3 to Parish boundary (SK 2654 3347).

The Proposal

- 3.4 The proposed diversion (under the Highways Act 1980, Section 119) relates to the approximately 159 metre section denoted as a bold solid line A-B on the enclosed plan, the alternative route is shown as the bold broken line between points C-B.

Assessment

- 3.5 The assessment of the proposal is as follows: -

- The proposed diversion will be no longer than the current definitive route.
- The proposed termination point, on Heage Lane, will be less than five metres from the present termination, and thus will still conveniently link with Footpath No.9, on the southern side of the lane.
- The alternative route is considered as more commodious to the user - The present route includes a large field gate, whereas there are none on the proposed diversion.
- The new tarmac driveway is an average of 3.7 metres wide
- The majority of footpath users already use the new driveway, as opposed to the definitive line.
- The diversion would be advantageous to the public, the applicant and equestrian centre, as it will greatly reduce the possibility of footpath users and young/inexperienced horse riders posing a danger to each other.

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

Representations

- 3.6 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. Should members be minded to make the Order, the associated costs would be met by the applicant,

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/7/3/102