
REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 10
DATE OF MEETING:	4th JUNE, 2015	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY AND PLANNING SERVICES	OPEN
MEMBERS' CONTACT POINT:	TONY BURDETT (EXT 5746) Tony.Burdett@south-derbys.gov.uk	DOC:
SUBJECT:	PROPOSED PERMANENT DIVERSION OF PUBLIC FOOTPATH NO 3 (PART) IN KINGS NEWTON (PARISH OF MELBOURNE)	REF:
WARD(S) AFFECTED:	MELBOURNE	TERMS OF REFERENCE: EDS06

1.0 Recommendations

- 1.1 That the Committee authorises the making of an Order under Section 257 of the Town and Country Planning Act 1990 in respect of the Proposed Permanent Diversion of Public Footpath No 3 (Part) in Kings Newton (Parish of Melbourne); and
- 1.2 Agrees to the subsequent confirmation of the Order in the event of there being no objections received during the formal consultation stage.

2.0 Purpose of Report

- 2.1 To seek the Committee's authority to make an order to divert the above mentioned public footpath to enable the permitted development for construction of a Ha-Ha at Highfields, Sleepy Lane Kings Newton to be implemented.

3.0 Detail

- 3.1 The existing public footpath runs in a north-north westerly direction alongside an existing hedgerow before running parallel to, but set away from, the west-south western boundary of Highfields before heading north-north east. Planning permission (9/2014/0564) was granted on 14 August 2014 in respect of construction of a Ha-Ha at Highfields, Sleepy Lane Kings Newton. The Ha-Ha would intersect the public footpath. The proposed new line would involve extending the path alongside the hedgerow by some 17 metres, re-joining the existing route after about 29 metres in a north easterly direction. The surface of the re-aligned path would be natural (grass) and would be 3m in width. The relevant length of the path would increase from approximately 42 metres to 46 metres.

3.2 The application to divert the footpath was made on 17 June 2014. Informal consultation has been undertaken with all the relevant interest groups and organizations. Three observations have been made as follows:

Derby and South Derbyshire Ramblers –

There is a discrepancy in respect of the width of the proposed path (1.5 metres or 3 Metres). *Response: The applicant has confirmed 3 metres width.*

Peak and Northern Footpaths Society –

The width of the path should be specified as 3 metres, with the centre line being 3.5 m away from the centre of the hedge to ensure no obstruction of the hedge grows. *Response – This can be secured in the Order.*

Any barriers should be wicket or pedestrian gates. *Response – This can be secured in the Order.*

Any stiles on the section of footpath not to be diverted should be replaced with a wicket or pedestrian gate. *Response – It is not entirely reasonable to do this but the applicant has agreed. This would be voluntary action.*

Derbyshire County Council – The length of the path may need to be extended to clear the Ha-Ha. *Response – this has been done.*

The Open Spaces Society -

The path should be 3 metres wide along its whole length. *Response – This can be secured in the Order.*

All gates across the Right of Way must be constructed to BS 5709:2006.

Response – This can be secured in the Order.

The present stile at Point C (map) should be replaced with a gate by the landowner. *Response – This can be secured in the Order.*

3.3 The existing footpath passes through a paddock. The new route would pass through the same paddock. As such there would be no diminution in enjoyment of the route by users, nor would the diverted route be materially less commodious.

3.4 The Order can only be confirmed by the Council if, during the formal consultation process, no objections are received to it. If any objection is received the matter has to be referred to the Planning Inspectorate and a Local Inquiry must be held.

4.0 Financial Implications

4.1 The costs of the procedure are charged to the applicant. However in the event of a public inquiry there will be costs in officer time to the Council. An inquiry also carries the risk of an application for costs against any party.

5.0 Corporate Implications

5.1 No specific implications relating to the Corporate Plan.

6.0 Community Implications

6.1 If the Order is confirmed the affected line of the footpath would bring about a pleasant route for users of the footpath into the future.

7.0 Background Papers

7.1 Planning application file 9/2014/0564.