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REPORT TO:	Development Service Committee	AGENDA ITEM: 8
DATE OF MEETING:	27 September 2001	CATEGORY: DELEGATED
REPORT FROM:	Planning Services Manager	OPEN PARAGRAPH NO: N/A
MEMBERS' CONTACT POINT:	Derrick Kinsey Ext 5725	DOC:
SUBJECT:	Proposed Diversion of Footpath No 5 Parish of Etwall	REF: DK/Jm/E/7/3/93
WARD(S) AFFECTED:	Etwall	TERMS OF REFERENCE: DS12

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### **1.0 Recommendations**

It is recommended that an Order be made under the provisions of Section 119 of the Highways Act 1980 to divert the definitive line of Public Footpath No 5 Parish of Etwall to the proposed line 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 Roger Hosking of Highfields Farm, Etwall to divert part of Footpath No 5 in the Parish of Etwall. The diversion is viewed as necessary as Mr Hosking advises that he loses approximately 800 to 1000 'Free Range Hens' every year as he is unable to secure the area with a six strand electric fence to prevent entry by foxes. A standard stile through a fence of this type does not deter the foxes

### **3.2 The Definitive Line**

3.3 Footpath No 5 which is approximately 900 metres long goes from Heage Lane North East of the former railway bridge.

3.4 The footpath is fairly well used.

### **The Proposal**

3.5 The proposed diversion (under the Highways Act 1980, Section 119) relates to the approximately 248 metre long section marked A (26763351) to B (27003352) shown as a bold solid line on the enclosed plan. The alternative route is shown as a bold broken line between points A, C (26863365) and B.

It would lengthen the right of way by 114 metres.

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## **Assessment**

- A good surface will be provided by the applicant, 150mm deep crushed stone on the proposed line, as the current surface cuts up badly and floods in some areas.
- The longer route would add 114 metres to the definitive footpath network in the Parish and could encourage the walking for Health Scheme.
- It would be of advantage to the applicant insofar as there is now considerable loss of poultry due to attacks by foxes. This would be obviated by the diversion as it would be possible to fully secure the land made available as a result.

On the basis of the submitted information I am of the opinion that the proposed diversion is practicable.

Any other representations received after preparation of this report, before the end of the prescribed period, will be reported verbally to committee.

### **4.0 Financial Implications**

- 4.1 There are no direct financial implications for the Council as the costs associated with the order are met by the applicant.

### **5.0 Corporate Implications**

- 5.1 The ROW Officer undertakes informal consultations for every application to ensure that the proposal is acceptable to statutory consultees.

Subject to Committee's approval the application will be referred to the Legal and Members Services Section to complete the order making process.

### **6.0 Background Papers**

- 6.1 21/3/01 application. 20/8/01 Informal Consultation.