
REPORT TO:	Environmental Services Committee	AGENDA ITEM: 6
DATE OF MEETING:	28th March 2002	CATEGORY: DELEGATED
REPORT FROM:	Planning Services Manager	OPEN
MEMBERS' CONTACT POINT:	Derrick Kinsey (Ext 5725)	DOC:
SUBJECT:	Proposed Diversion Public Footpath No 4 (Part) Parish of Overseal	REF: DK/Jm/E/7/3/95
WARD AFFECTED:	Overseal	TERMS OF REFERENCE: ES06

1.0 Recommendations

In the light of the objections received that the Committee does not support the making of a Diversion Order.

2.0 Purpose of Report

2.1 To determine an application to divert part of Public Footpath No 4 Parish of Overseal.

3.0 Detail

3.1 An application has been received from Cameron Homes Ltd of 55 High Street, Chasetown, Staffs WS7 8EX to divert a short section of the above public right of way. The diversion is required to enable the footpath to be incorporated in a sympathetic way into the proposed development on land of Edward Street.

3.2 The Definitive Line

Footpath No 4 which is approximately 430 metres long goes in a north easterly direction from the north end of Edward Street before joining Footpath No 2 south of Park Road.

3.3 The Proposal

The proposed diversion under the (Highways Act 1980, Section 119) relates to the approximately 45 metre section marked A (29521582) to B (29501586) shown as a bold solid line on the enclosed plan. The alternative route is shown as a bold broken line between points C (29511582) and B. It would lengthen the right of way by 5 metres.

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3.4 Assessment

My assessment of the proposal is as follows:

- The proposed line would only be a few metres away from the original line.
- The new line will be adopted and a tarmaced surface and street lights will be provided under section 38 of the Highways Act.
- Safe and unhindered, access will be available at all times.
- A 1800mm brick wall replacing the hedgerow has already been erected and the proposed diversion is certainly feasible.

Objections have been received from the Overseal Parish Council and officers have been seeking to resolve these objections. A verbal update will be given at the meeting.

The Parish Council is opposed to the proposal and feels that it would be inappropriate for the District Council to support a proposal to divert a path which is well used on its present route.

Copies of the letters of objection are appended.

4.0 Financial Implications

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

5.0 Corporate Implications

- 5.1 The Council has the power to confirm unopposed Diversion Orders. However, if formal objections are received the application must be referred to the Secretary of State and where appropriate a Public Enquiry held.

6.0 Background Papers

- 6.1 21/11/01 application 22/01/02 Informal Consultation.