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<b>REPORT TO:</b>	<b>ENVIRONMENTAL &amp; DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM:</b> 8
<b>DATE OF MEETING:</b>	<b>3 November 2003</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>CHIEF EXECUTIVE</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>G R Fewkes (595725)</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>Proposed Diversion Public Footpath No.8 (Part) Parish of Melbourne</b>	<b>REF: GF/E/7/3/106</b>
<b>WARD(S) AFFECTED:</b>	<b>Melbourne</b>	<b>TERMS OF REFERENCE: ES06</b>

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**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.8, Parish of Melbourne, to the proposed line as depicted on the attached plan 'A'.

**2.0 Purpose of Report**

2.1 To determine an application to divert part of Public Footpath No.8, Parish of Melbourne.

**3.0 Detail**

3.1 An application has been received from S M Property Development Ltd of 76 Commerce Street, Melbourne, Derbyshire DE73 1FT, to divert part of the above public right of way. The diversion is considered as necessary to facilitate building operations following a successful application for residential development of the site.

The Definitive Line

3.2 The definitive line is approximately 278 metres long and runs from Cockshutt Lane (SK 3804 2557), east of 'The Butts', in a south easterly direction to the west end of George Street (SK 3823 2537).

### The Proposal

- 3.3 The proposed diversion (under the Town and Country Planning act 1990, Section 257), relates to the approximately 83 metre section marked A to B and shown as a bold solid line on the attached plan. The alternative route is shown as a bold broken line marked C to B. Plan 'B' shows the proposed diversion in relation to the development.

### Assessment

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

- The proposed route is approximately 17 metres longer than the current definitive line.
- The diverted section will follow the footway of a new cul-de-sac, created as part of the housing development.
- The proposed diversion will comprise of a tarmac surface of at least 1.8m in width, and street lighting will be provided in accordance with Local Authority Highways Department's specifications along the entire length - although it is not intended that the new road will be adopted.
- The proposed diversion will not require the installation of any gates or stiles. There is one pedestrian gate on the present definitive line.

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

### Representations

- 3.5 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, as the costs associated with the order are to be met by the applicant. However any decision can be challenged by appeal to the Planning Inspectorate, and therefore the Council may be subject to certain 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/7/3/106