
REPORT TO:	Environmental and Development Services	AGENDA ITEM: 11
DATE OF MEETING:	18 November 2010	CATEGORY: DELEGATED
REPORT FROM:	Director of Community Services	OPEN
MEMBERS' CONTACT POINT:	Tony Burdett (Ext 5746) Tony.Burdett@south-derbys.gov.uk	DOC:
SUBJECT:	Proposed Permanent Diversion of Public Footpath No 1 (Part) in the Parish of Weston on Trent.	REF:
WARD(S) AFFECTED:	Aston	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 1 (Part) in the Parish of Weston on Trent; 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 of the site of the Old Plough for 11 new dwellings to be implemented.

3.0 Detail

- 3.1 The existing public footpath runs parallel to, but set away from, the southern boundary of the former Old Plough Inn, Main Street, Weston on Trent, passing through its beer garden and car park before continuing across fields to the east. (see appendix A) Planning permission (9/2010/0320) was granted on 9 June 2010 in respect of the residential development for eleven dwellings at The Old Plough. The report stated "The public footpath is capable of being accommodated within the development in a commodious manner. The applicant will need to follow a separate procedure to divert the footpath along its proposed new line." The new line would follow the route of the proposed access road to serve the housing development, increasing the relevant length from 89 metres to 96 metres.
- 3.2 The application to divert the footpath was made on 2 August 2010. Informal consultation has been undertaken with all the relevant interest groups and organizations. Only one objection has been received, from the Open Spaces Society's local correspondent. The objector is opposed in principle, and wishes the existing line of the footpath to be retained. Reference is made to Circular 21/1993,

which advises against the use of estate roads and the desirability of segregating footpath users and vehicles. A minimum 3 metre width should be provided. Peak and Northern Footpaths Society makes a similar comment about the use of the estate road but in view of the small scale of the development does not object

- 3.3** The existing footpath passes through the former pub car park. Therefore it has always been the case that users and vehicles have shared the affected area. The proposed diversion would enable a development scheme to be undertaken that respects local distinctiveness of the locality. The vehicular and pedestrian access to the development was largely determined by the need to maximise visibility at the junction in the interests of highway safety. In order to enable the existing line to be retained the two dwellings to the south of the access would have to be omitted. This would result in an unsatisfactory townscape outcome and would not necessarily lead to an enhanced environment for users of the footpath.
- 3.4** The new route would be a short diversion passing through a small human-scale village townscape. Compared with the old route through the pub car park there would be no diminution in enjoyment of the route by users, nor would the diverted route be materially any less commodious. The former public house has been demolished, as a precursor to re-development, and local concern has been expressed about the delay in progress. The development cannot be implemented as permitted until the Diversion Order has been confirmed.
- 3.5** 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 (typically in the region of £1000) 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 can be incorporated in the housing development scheme to bring about a pleasant route for users of the footpath into the future.

7.0 Background Papers

- 7.1 Planning application file 9/2010/0320.