
REPORT TO:	ENVIRONMENTAL SERVICES COMMITTEE	AGENDA ITEM: 8
DATE OF MEETING:	11 th July 2002	CATEGORY: DELEGATED
REPORT FROM:	DEPUTY CHIEF EXECUTIVE	OPEN PARAGRAPH NO:N/A
MEMBERS' CONTACT POINT:	R M Shirley (596750)	DOC:Diversion Dove Valley Park
SUBJECT:	Proposed Diversion Public Footpath No. 9 (Part) Parish of Foston and Scropton	REF: RMS/E/7/3/96
WARD(S) AFFECTED:	North West	TERMS OF REFERENCE: ES 06

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 (as amended) to divert part of the definitive line of Public Footpath No. 9 Parish of Foston and Scropton 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. 9 Parish of Foston and Scropton.

3.0 Detail

- 3.1 An application has been received from Mr. P Shanley on behalf of Dove Valley Park Ltd., Third Floor, Royal Buildings, Victoria Street, Derby DE1 1ES to divert a section of the above public right of way. The diversion is required to satisfactorily accommodate business development permitted on Dove Valley Park.

The Definitive Line

- 3.2 Footpath No. 9 which is approximately 1266 metres in length runs from Woodyard Lane in a generally easterly direction via Pennywaste Wood, then south to the Parish boundary west of Smithy.
The footpath is fairly well used.

The Proposal

- 3.3 The proposed diversion (under the Town and Country Planning Act 1990 Section 257 relates to the approximately 623 metre long section marked A (SK19923232) to B (SK20503225) shown as a bold line on the enclosed plan A. The alternative route is shown as a bold broken line between the aforementioned point B and C (SK20173205) then between points D (SK20153205 and E (SK19923220)

The section between C and D on Park Avenue is already an adopted highway.

The proposal would lengthen the right of way by approximately 79 metres.

- 3.4 The assessment of the proposal is as follows;

- The proposed diversion will maintain the existing north/south and east/west routes across the park.
- The diverted path would join the footpath network via Footpath No. 8 on Woodyard Lane.
- Much of the new proposed line will be adopted and a tarmaced surface and street lights will be provided under Section 38 of the Highways Act.
- The remaining area (approximately 250 metres at the western end) will be stoned using 10mm wet mix of Breedon Limestone or similar gravel aggregate to a six inch depth over a geo textile membrane where ground conditions warrant.
- The longer route would add 79 metres to the definitive footpath network in the parish.

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

4.0 Financial Implications

- 4.1 Should the Order be unopposed, there are no direct financial implications for the Council as the costs associated with the Order are met by the applicant. However, should the order be challenged by appeal to the Planning Inspectorate, the council may be subject to certain costs

5.0 Corporate Implications

- 5.1 The informal consultation procedure has been completed and one objection received from the owners of the adjoining pig unit on the grounds that the proposed diversion would allegedly compromise the biological security of the unit as part of the diverted footpath would skirt the northern boundary of the premises. This objection was augmented by further information received from the National Pig Association

included with which was a comment to the effect that an outbreak of disease had been traced to material thrown into a pig pen from an adjoining public footpath.

- 5.2 The evidence supplied has been viewed by the Council's Environmental Health Manager who has stated that there are no concerns from an environmental health standpoint with respect to the implementation of the diversion.
- 5.3 The line of the diverted path follows the northern boundary of the site of the pig unit but this boundary contains the dwellings occupied by staff engaged in the operation of the unit and is approximately 110 metres from the nearest piggery. The proposed line of the path would be behind an existing bund which is approximately 2.3 metres in height and is subject to a planting scheme designed to achieve a density which will effectively discourage access.
- 5.4 With the development of the Dove Valley Business Park, the character of the land adjoining the pig unit has already changed fundamentally, as indicated in the attached Plan B, and subsequent development on the site is likely to emphasise that change. A car park serving a currently operational storage and distribution facility is already in close proximity to the piggery buildings at the unit.
- 5.5 Should the Committee be minded to authorise the making of the Order, members are advised that there is an appeal process available to objectors that may refer the matter to the Rights of Way Division of the Planning Inspectorate for determination by exchange of written statements or Public Inquiry.

10.0 Background Papers

- 10.1 Footpath Diversion File E/7/3/96

