
REPORT TO: ENVIRONMENTAL &
DEVELOPMENT SERVICES
COMMITTEE

AGENDA ITEM:

9

DATE OF MEETING: 3 November 2003

CATEGORY:
DELEGATED

REPORT FROM: CHIEF EXECUTIVE

OPEN

MEMBERS' CONTACT POINT: G Fewkes (ext: 595725)

DOC:

SUBJECT: Proposed Diversion Public Footpath No.8 (Part) Parish of Foston & Scropton

REF: GF/E/7/3/104

WARD(S) AFFECTED: North West

TERMS OF REFERENCE: ES06

1.0 Recommendations

1.1 It is recommended that an Order be made under the provisions of Section 257 of the Town & Country Planning Act 1990 to divert part of the definitive line of Public Footpath No.8, Parish of Foston & Scropton, to the proposed line as depicted on the attached plan.

2.0 Purpose of Report

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

3.0 Detail

3.1 An application has been received from Mr E Bentley, of Woodside Farm, Woodyard Lane, Foston, Derbyshire, DE65 5PY to divert a section of the above public right of way.

3.2 The diversion is considered as necessary to facilitate the construction of a secure vehicle storage compound with associated steel palisade fencing, following a successful planning application for development of the site.

The Definitive Line

3.3 The definitive line, which is approximately 610 metres long, runs from Hay Lane north of Lawn House (SK 1932 3215) in an easterly direction to Woodyard Lane at Woodyard Farm (SK 1990 3225).

The Proposal

- 3.4 The proposed diversion (under the Town and Country Planning Act 1990, Section 257) relates to the approximately 330 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 between points A and C.

Assessment

- 3.5 The assessment of the proposal is as follows: -
- The diversion will add approximately 100 metres to the rights of way network in the area.
 - The proposed termination point, on Woodyard Lane, will be approximately five metres north of the present termination, and thus will conveniently link with the recently diverted Footpath No.9, on the eastern side of the lane.
 - The proposed line will offer a more enjoyable experience for footpath users, passing either through, or adjacent to, mature woodland for the majority of the route. The present line passes through a busy goods storage yard, a paddock and passes by a dwelling.
 - The alternative route is considered as more commodious to the user, requiring the installation of one hand gate at the roadside on Woodyard Lane. The present route, although slightly shorter, includes two field gates and one stile.
 - The alternative route will be at least 1.8m in width in all areas (increasing to 2m minimum width where fenced).

Representations

- 3.6 The 28-day objection period has been completed and no objections have been received.
- 3.7 However, Derbyshire County Council expressed concern over the distance between the termination point of the proposal route and that of the recently confirmed diversion of Footpath No.9 to the eastern side of Woodyard Lane. As such, the applicant has agreed to modify the proposal slightly to reduce this distance and the County Council has accepted this amendment. This modification is reflected on the attached plan.

4.0 Financial Implications

- 4.1 There are no direct financial implications for the Council. Should members be minded to make the Order, the applicant would meet all associated costs.

5.0 Corporate Implications

- 5.1 The Council has the power to approve unopposed Diversion Orders. However if formal objections are received, and not resolved, the application must be referred to the Secretary of State for confirmation.

6.0 Background Papers

- 6.1 Footpath Diversion File E/7/3/104.