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<b>REPORT TO:</b>	<b>Environmental and Development Services</b>	<b>AGENDA ITEM: 8</b>
<b>DATE OF MEETING:</b>	<b>21<sup>st</sup> August 2014</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>Director of Community and Planning Services</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>Sarah Arbon (Ext 8760)</b> sarah.arbon@south-derbys.gov.uk	<b>DOC:</b>
<b>SUBJECT:</b>	<b>Proposed Permanent Diversion of Public Footpath No 46 (Part) in the Parish of Swadlincote under section 257 of the Town and Country Planning Act 1990</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>Swadlincote</b>	<b>TERMS OF REFERENCE: EDS</b>

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## **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 46 (Part) in the Parish of Swadlincote; and
- 1.2 That the Committee 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 development of the site of 158 dwellings to be implemented.

## **3.0 Detail**

- 3.1 The existing line of the footpath runs across the site west to east but is not direct as it runs to the north west before linking to Darklands Road. Between A-B it is open grassland and between B-C it is an existing 4m wide access track.
- 3.2 The application to divert the footpath was made on 28th February 2014. Informal consultation has been undertaken with all the relevant interest groups and organisations. Only one objection has been received from the Peak and Northern Footpaths Society. The objector made reference to Circular 1/09, which advises in paragraph 7.8 "*in considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the*

*purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic."*

- 3.3** In this particular case the goal is to make the route as direct as possible and alternative routes along the Brook can be used. Part of the existing route runs along an access track with no pavement which is in conflict with vehicular traffic. A plan was sent to the objector that indicated that there would be both a cycleway and segregated pedestrian route running along the southern boundary adjacent to the brook and the pedestrian route would link to FP46 at the existing footbridge on the western boundary. The alternative route is not proposed as the diverted route but is considered relevant as due to the constraints of the site the amount of segregation (2m wide verge) is all that can be accommodated. The plan also included 'future routes' which are an aspiration of both this Council and the County Council to provide a link through to the golf course along the brook. Therefore, whilst this section of path would provide a direct route through the development it links into the wider area where there are segregated paths and cycleway routes adjacent to the brook which link to the wider area. Since receiving the above explanation and plan, the Peak and Northern Footpaths Society has removed its objection.
- 3.4** The proposed diversion would be direct route from the footbridge to the west to Darklands Lane to the east. If the Order takes effect then it will divert approximately 320 metres of Public Footpath No. 24, shown in bold, solid line between points A-B-C on the attached plan (Annexe A). The proposed alternative is approximately 309 metres in length and shown as a bold, broken line between points A-C.
- 3.5** The alternative footpaths will have a recorded width of 2 metres with a tarmac surface between A-C. A 2m wide grassed verge would separate pedestrians from the road and it would run immediately adjacent to the area of open space.
- 3.6** 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 £2050 plus the costs of advertising) 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 development can be allowed to proceed with a diversion along the new road network and a more pleasant and vehicle free alternative route would be constructed along the southern boundary adjacent to the Darklands Brook.

#### **7.0 Background Papers**

- 7.1** Planning application file 9/2013/0818.

