
REPORT TO:	Environmental and Development Services	AGENDA ITEM: 6
DATE OF MEETING:	22 November 2012	CATEGORY: DELEGATED
REPORT FROM:	Director of Operations	OPEN
MEMBERS' CONTACT POINT:	Tim Denning (Ext 5748) tim.denning@south-derbys.gov.uk	DOC:
SUBJECT:	Proposed Stopping up and Permanent Diversion of Public Way No 30 in the Parish of Hatton and No 4 in the Parish of Hoon	REF:
WARD(S) AFFECTED:	Hilton and Hatton	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 Stopping up and Permanent Diversion of Public Way No 30 in the Parish of Hatton and Public Way No 4 in the Parish of Hoon; 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 ways to enable the permitted development of a new factory and associated development described in the planning application to be implemented.

3.0 Detail

- 3.1 The existing public way runs through middle of the proposed factory site. The current route was provided to replace the route of Marston Lane that was closed following the grant of planning permission for a warehouse extension. The existing route of the public way is illustrated in appendix A and will be displayed at the meeting.
- 3.2 Planning permission (9/2012/0630) was granted on 9 October 2012 in respect of the erection of a new factory and associated development on land east of the existing Nestle Factory on Marston Lane Hatton. The report stated that the existing public way would require stopping up under the provisions of Section 257 of the Planning Act. Although it passes through two parishes it is a single continuous route across the application site and its surroundings.

- 3.3** Planning permission for the establishment of a new route for the public way was granted under planning permission (9/2012/0505) that also incorporates the diversion of the Salt Brook. The new line would follow the route of the Salt Brook Diversion and would incorporate landscaping for both the Salt Brook and the boundary landscaping for the new factory. The length of the existing route shown A – C is 284m approx on the Order Plan and the new route shown A – X, X – Y & Y – Z is approximately 677m an increase of some 393m over the existing route. Members should note that the existing bridleway makes use of a length of Marston Lane of approximately 140m that is to be stopped up separately further to a separate application made under Section 247 of the Town and Country Planning Act 1990. The National Casework team based in Birmingham will consider that application separate from this application to divert the bridleway.
- 3.4** The application to divert the bridleway was made on 12 October 2012. Informal consultation has been undertaken with all the relevant interest groups and organisations.
- 3.5** At the time this report was prepared, no objections had been received from any of the organisations that were consulted informally. However, The Peak and Northern Footpaths Preservation Society notes the proposed diversion, and considers it could be acceptable, but reserves its position in respect of comments on the formal Order if it is made by the Committee.
- 3.6** The existing Bridleway passes through the site of the proposed buildings as will be illustrated on the plan to be displayed at the meeting. This necessitates the proposed diversion of the Bridleway along the route illustrated on the proposed Order Plan also displayed at the meeting. The Order proposes the installation of a new access restriction in the form of a horse-hop and K-barrier at Point 'Z' (grid reference SK 22252 29646) where the diverted bridleway meets Marston Lane.
- 3.7** The new route would be longer as illustrated on the proposed Order Plan. Further to the planning permission 9/2012/0505 the new route is now in place with final surfacing being installed at the end of October.
- 3.8** The new route would have the same amenities as the existing route in terms of width, seating areas with the addition of information boards. The route was described in the planning application as the 'Nestle Heritage Trail' and it is considered that the proposed route would provide a commodious route with no diminution of the enjoyment of users notwithstanding that the proposed diversion is longer than the extant route.
- 3.9** The terms of the planning conditions are such that ground works within the site can be commenced prior to the formal Order being confirmed but no works are permitted that would affect the line of the existing bridleway unless the County Highway Authority has granted a temporary closure order.
- 3.10** The Order can only be confirmed by the Council if, during the formal consultation process, no objections are received to it that cannot be resolved. If any objection is received that cannot be resolved during the consultation period, the matter has to be referred to the Planning Inspectorate for a hearing into those objections.

4.0 Financial Implications

4.1 The costs of the procedure are charged to the applicant to cover administrative and other charges. However in the event of objections to the Order, those objections have to be heard in front of an Inspector appointed by the Secretary of State and in this event there would be further costs in officer time to the Council. An appeal 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 but the resultant development will add to the employment base in the District.

6.0 Community Implications

6.1 If the Order is confirmed the affected line of the bridleway can be incorporated in the factory development to bring about the permitted development whilst providing an alternative, pleasant route for users of the public way around the new factory.

7.0 Background Papers

7.1 Planning application files: 9/2012/0630 & 9/2012/0505