
REPORT TO:	Environmental and Development Services	AGENDA ITEM: 7
DATE OF MEETING:	22 October 2012	CATEGORY: DELEGATED
REPORT FROM:	Director of Operations	OPEN
MEMBERS' CONTACT POINT:	Sarah Arbon (Ext 8760) Sarah.arbon@south-derbys.gov.uk	DOC:
SUBJECT:	Proposed Permanent Diversion of Public Footpath No 24 (Part) in the Parish of Hartshorne under section 257 of the Town and Country Planning Act 1990	REF:
WARD(S) AFFECTED:	Woodville	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 24 (Part) in the Parish of Hartshorne; 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 Members will recall approving a diversion scheme at its meeting of 4 October. It was reported then that there remained an objection to the route under the informal consultation procedure. Since then a meeting has been held between the objector and the applicant and a compromise agreed. A plan is attached showing the path between points H and I moved in approximately 3 metres from the boundary to allow for some landscaping between the path and the roadside to improve the experience for walkers.
- 2.2 The Committee's authority is now sought to make an order to divert the above mentioned public footpath in line with the amended scheme attached to enable the permitted development of the site of extensions to Pickstock's Abattoir to be implemented.

3.0 Detail

- 3.1 The existing line of the footpath runs across two fields and a residential access road and then in between the abattoir building and lairage where HGV vehicles are loading and unloading and along the main access track to the site to Coal Lane.

- 3.2** The application to divert the footpath was made on 30 July 2012. Informal consultation has been undertaken with all the relevant interest groups and organizations. Only two objections have been received from the Peak and Northern Footpaths Society and a Local Ward Member. The objectors relate to the convoluted nature of the diversion and question why the new access track for the abattoir cannot be used. Reference is made to Circular 21/1993, which advises against the use of roads and the desirability of segregating footpath users and vehicles. In this particular case the goal is to make the route as vehicle free as possible and get users away from the facility as quickly as possible. Since receiving details of the vehicle movements per day using the access to the abattoir, the Peak and Northern Footpaths Society has removed its objection. Since the meeting described above (2.1) there is understood now to be no objection to the scheme from the ward member either.
- 3.3** The existing footpath passes through the abattoir complex which is a health and safety concern. Therefore it has always been the case that users and vehicles have been in conflict. The proposed diversion would enable a development scheme to be undertaken that maintains the ongoing viability of this established business.
- 3.4** The proposed diversion would move the path away from a working abattoir to an alternative route in the adjacent field crossing Coal Lane into the opposite field. This diversion was the subject of a Diversion under the Highways Act 1980, Section 25. This process has stalled as an objection has been received to the order. If the Order takes effect then it will divert approximately 520 metres of Public Footpath No. 24, shown in bold, solid line between points A-B-C on the attached plan. The proposed alternative is approximately 530 metres in length and shown as a bold, broken line between points A-E-F-G-H-I.
- 3.5** As a consequence of an Order being confirmed, there would also be a requirement to create a link between Public Footpath Nos 24 and 28 and, therefore, a Creation Agreement will be entered into by Derbyshire County Council with the Landowner to create a Public Footpath between Points J-K. There would also be a requirement to create a link between the diverted line of Public Footpath No. 24 and the Public Footpath No. 25 between points B-E. The development cannot be implemented as permitted until the Diversion Order has been confirmed.
- 3.6** The alternative footpaths will have a recorded width of 2 metres with a natural surface between A-F, a crushed stone surface between G-I and J-K, the current tarmac surface will be used between F-G. Gates to the current British Standard BS5709 would be installed at Points D, E and H on the attached plan.
- 3.7** 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 the case being referred to the Secretary of State 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 would be a much more pleasant and vehicle free route for users of the footpath into the future.

7.0 Background Papers

7.1 Planning application file 9/2012/0592.