

DERBYSHIRE COUNTY COUNCIL

REGULATORY – LICENSING AND APPEALS COMMITTEE

16 January 2017

Report of the Strategic Director – Economy, Transport and Communities

**PROPOSED TEMPORARY DIVERSION OF PUBLIC BRIDLEWAY NO.6
AND PUBLIC FOOTPATH NO. 7 – PARISH OF WESTON ON TRENT**

- (1) **Purpose of Report** To seek authority for the Director of Legal Services to make a Diversion Order for the temporary diversion of Public Bridleway no. 6 and Public Footpath no. 7 – Parish of Weston on Trent, to enable sand and gravel extraction.
- (2) **Information and Analysis** The County Council has received an application from Hanson Quarry Products Europe Ltd for the temporary diversion of Public Bridleway no. 6 to enable restoration following sand and gravel extraction, in accordance with planning permission CM9/0211/163. The land and bridleway will be restored by 31 December 2020.
- The proposed diversions would close approximately 380 metres of the footpath, shown as a bold solid line between points **A** and **B** on the attached plan (TE/DM/X4092/Cttee/2016), and provide an alternative route shown by a bold dashed line alongside the river between points **C**, **B** and **D**. There would be a 'gap' access from Kings Mill Lane at Point **C**. Approximately 265 metres of the bridleway would be closed between points **D** and **E**, and an alternative route would be provided between points **D**, **F** and **E**, shown as a bold line with cross bars. Both alternative routes would be 5 metres wide with 3 metres cut regularly.
- On completion of the restoration, a permanent public bridleway is to be dedicated between points **C**, **B** and **D**.
- No objections were received to the proposed diversion when informal consultations were carried out between 21 September 2016 and 19 October 2016. The Local Member, Councillor Robert Davison, Weston on Trent Parish Council and South Derbyshire District Council were consulted and submitted no objections to the proposal.
- (3) **Financial Considerations** The applicant has agreed in writing to defray all of the costs in respect of making and advertising the Diversion Order and bringing the alternative route into a suitable condition for public use. This includes Officer time in processing the application which is estimated to be in the region of £2,000.

(4) **Legal Considerations** The Council may make an Order under sections 257 and 261(2) of the Town and Country Planning Act 1990, provided it is satisfied that:

- a) it is necessary to close the footpath to enable works to be carried out for which planning permission has been granted, and the order making authority is the authority granting such permission; and
- b) that an Order made by it is required for the purpose of enabling minerals to be worked by surface working; and
- c) that the footpath can be restored after the minerals have been worked to a condition not substantially less convenient to the public.

The proposal satisfies the above criteria.

Whether it is appropriate to make the Order

Section 257 requires that if the Council is to make an Order it must be satisfied that it is necessary to stop up the footpath in order to enable development to be carried out in accordance with planning permission granted under Part III. The development does indeed have such permission (ref CM9/0811/53). The proposal also satisfies Section 261 as it is required for the purpose of enabling minerals to be worked by surface working and the footpath can be restored, after the minerals have been worked, to a condition not substantially less convenient to the public.

(5) **Environmental and Health Considerations** Consideration has been given to the County Council's Rights of Way Improvement Plan in considering this application and preparing this report.

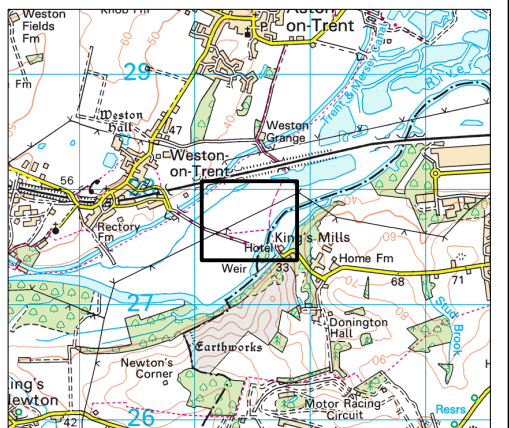
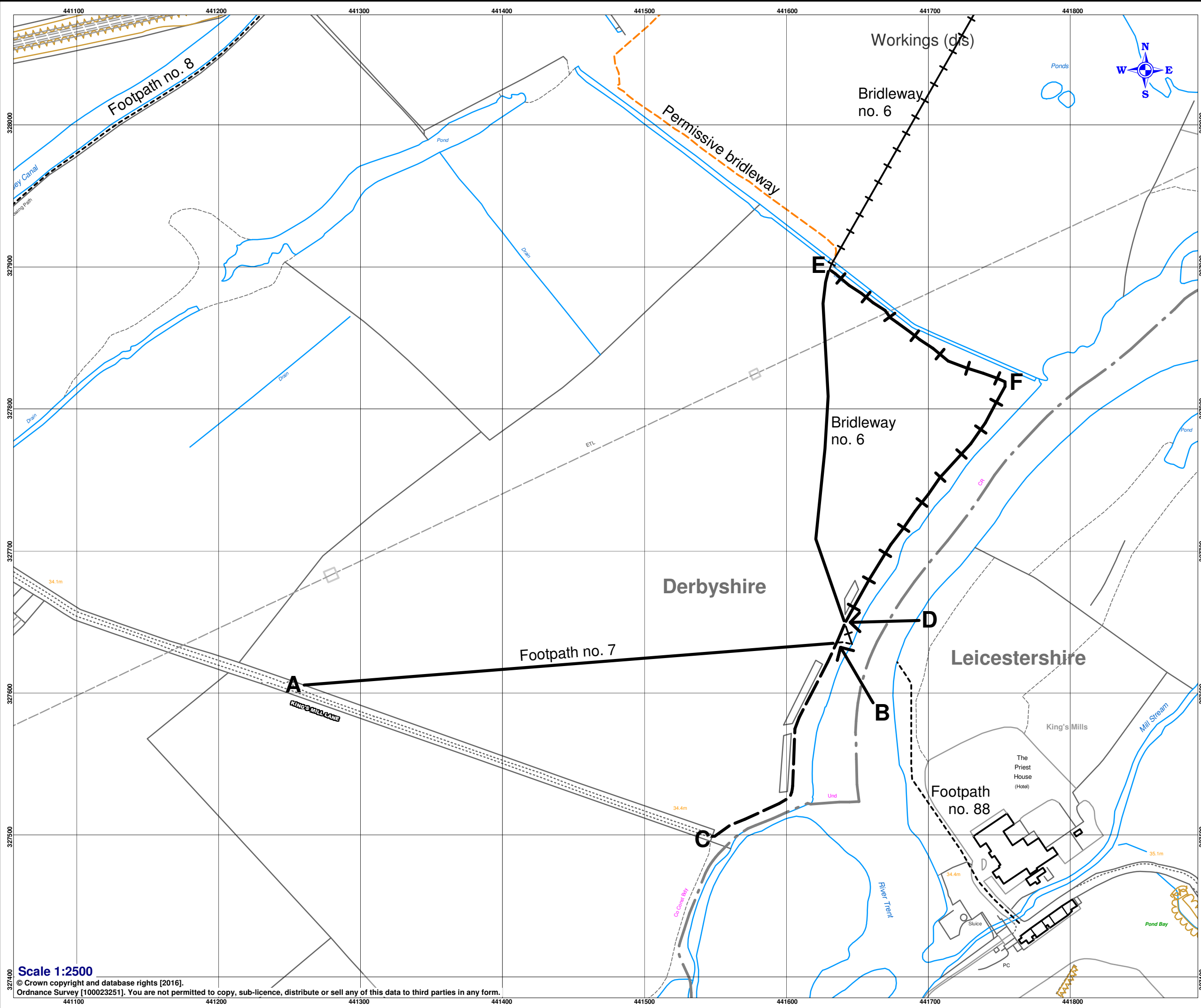
In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

(6) **Background Papers** Held on file within the Rights of Way Section of the Economy, Transport and Communities Department. Officer contact details - David McCabe, extension 39770.

(7) **OFFICER'S RECOMMENDATIONS** That:

- 7.1 The Director of Legal Services be authorised to make the necessary order under Section 257 of the Town and Country Planning Act 1990.
- 7.2 Should objections be received to the making of the Orders that cannot be resolved, then the matter be forwarded to the Secretary of State for determination.

Mike Ashworth
Strategic Director – Economy, Transport and Communities

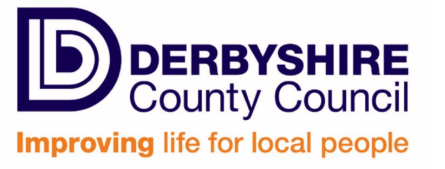


**Town & Country Planning
Act 1990, Section 257**

**Proposed Temporary
Diversion of Public
Bridleway no. 6 (Part)
and Public Footpath
no. 7 (Part) - Parish
of Weston on Trent.**

KEY

- Path to be closed
- Alternative footpath
- Alternative bridleway
- Unaffected footpath
- Unaffected bridleway
- County boundary



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