

MINUTES of a meeting of the **REGULATORY – LICENSING AND APPEALS COMMITTEE** held on 18 January 2016 at County Hall, Matlock.

PRESENT

Councillor J G Williams (in the Chair)

Councillors S Freeborn(substitute member), Janet Hill, J Innes, D McGregor, R A Parkinson Mrs M Stockdale, J S Street, D Taylor and D Williams (substitute member).

Apologies for absence were submitted on behalf of Councillors G Birkin and J Frudd.

01/16 **MINUTES** **RESOLVED** that the minutes of the meeting held on 02 November 2015 be confirmed as a correct record and signed by the Chair.

02/16 **SECTION 119 OF THE HIGHWAYS ACT 1980 – PROPOSED DIVERSION OF PUBLIC FOOTPATH NO's 2 AND 57 (PARTS) – PARISH OF HOLMESFIELD** Members were informed that the County Council had received an application for the permanent diversion of footpaths No's 2 and 57, Parish of Holmesfield, in the interest of the Landowner to improve privacy and security by taking the paths away from the immediate vicinity of their homestead. A proposed diversion would move Public Footpath No 2 westward, along the edge of the field, and move Public Footpath No 57 southward, from a track to across the corner of a field.

If the proposed diversion took effect, it would divert approximately 416 metres of that part of Public Footpath No 2 in the Parish of Holmesfield, shown on the plan appended to the report as a bold solid line between points A-B-C-D. The proposed alternative would be approximately 375 metres long, shown as a broken line between points F-E-D. It would also divert approximately 62 metres of Public Footpath NO 57 shown as a bold solid line between points B-F. The proposed alternative would be approximately 61 metres and was shown as a bold broken line between points A-G.

No objections were received when informal consultation was carried out on 25 November 2015. The local member, Holmesfield Parish Council and North East Derbyshire District Council had been consulted and had no objections to the proposal.

RESOLVED (1) that the Director of Legal Services be authorised to make the necessary Diversion Order to divert Public Footpaths No's 2 and 57 (Parts) – Parish of Holmesfield, under the provisions of Section 119 of The Highways Act 1980; and

(2) that should objections be received to the making of the order that could not be resolved then the matter be forwarded to the Secretary of State for determination.

03/16 PROPOSED DIVERSION OF PUBLIC FOOTPATH NO 28 (PART) – PARISH OF CLOWNE Members noted that in 2014, the County Council acquired 7.5 km of the former Clowne Branch railway line between Creswell and Oxcroft Junction, near Woodthorpe, with the longer term aim of developing it as a multi-user trail (Greenway) for walkers, cyclists and horse riders. In the meantime local public consultations had confirmed support for also improving access onto and across the branch line, which ran in a deep cutting through the centre of Clowne.

There was a desire to provide a more accessible connection from the junction of Barton Street and Mitchell Street in Clowne Linear Park, within easy reach of the Town Centre facilities and nearby schools. At the present time, anybody using the route had to negotiate a relatively steep flight of steps on either side of an existing footbridge over a former railway line.

A scheme had been designed to greatly improve access as this location for pedestrians of all abilities including those with pushchairs, wheelchairs and mobility scooters. This involved constructing an easy access ramp within the former railway cutting which required removal of the existing foot bridge carrying part of Clowne Public Footpath No 28. It was therefore proposed to divert approximately 92 metres of Clowne Public Footpath No 28 shown as a solid bold line between points A, B and C on the plan appended to the report onto a slightly shorter new alignment shown as a bold dashed line between points A and C. The alternative route was approximately 80 metres long and ran north-westwards along the ramp, crossing the Branch Line at grade before re-joining the existing footpath through a gap in the boundary wall where it entered Clowne Linear Park.

No objections were received to the proposed diversion when informal consultations were carried out between 2 November and 14 December 2015. Clowne Parish Council had been consulted and raised no objections. The local member, was fully supportive of the proposal to divert the footpath and create an accessible route through Clowne. Bolsover District Council owned some of the land crossed by the section of footpath to be diverted. It also

owned and managed Clowne Linear Park and had no objection to the proposed diversion.

The Peak and Northern Footpath Society had responded and could see no reason to object to proposed diversion. The Chesterfield, North East Derbyshire and Bolsover Group of the Ramblers Association supported the plan to make the former Clowne Branch railway line more accessible but had queried whether there was a less expensive option, along with the appropriateness of using planning legislation to divert the footpath.

Other options were considered at the design stage, such as infilling the cutting or providing a replacement be it without steps or a ramp across the cutting however, these would prejudice the future use of the Branch Line as a multi user greenway by completely obstructing the route or significantly reducing the available headroom.

RESOLVED (1) that the Director of Legal Services be authorised to make the necessary Order under Section 257 of the Town and Country Planning Act 1990 to divert part of Clowne Public Footpath No 28, subject to planning permission being granted; and

(2) that should any objections be received to the making of the Order that could not be resolved and the matter be forwarded to the Secretary of State for determination.

04/16 WILDLIFE AND COUNTRYSIDE ACT 1981 – CLAIM TO ADD A FOOTPATH FROM THE SQUARE TO GLEBE PARK, PARISH OF EYAM
This report was withdrawn by the Director of Legal Services.

05/16 WILDLIFE AND COUNTRYSIDE ACT 1981 – CLAIM TO ADD A FOOTPATH BETWEEN PUBLIC FOOTPATH NUMBER 39 AND A PRIVATE TRACK LEADING FROM PUBLIC FOOTPATH NUMBER 37 – PARISH OF DENBY Members were informed that an application had been made in December 2013 by Denby Footpaths Group to add a Public Footpath to the Definitive Map and Statement, Parish of Denby. The application was accompanied by six user evidence forms, an updated photograph of Park Meadows Farm, some information about the claimed route and related footpaths and a list of historical map data although no copies were provided. The claimed route was approximately 320 metres long and ran North East across a field and a plan showing the route was appended to the report.

An informal consultation exercise was carried out between 29 September and 16 October 2015 and no objections were received.

The Director of Legal Services summarised all of the available evidence as detailed in the report and gave his conclusions to the committee.

RESOLVED to reject the application to make an Order under Section 53 of The Wildlife and Countryside Act 1981 to amend the Definitive Map and Statement by adding a public footpath from Point A to Point B on the plan appended to the report.

06/16 WILDLIFE AND COUNTRYSIDE ACT 1981 – CLAIM TO UPGRADE TO BRIDLEWAY, PUBLIC FOOTPATH NO's 17(PART), 18, 12(PART) AND 23 – PLEASLEY AND SHIREBROOK Members were informed that two applications had been received by the Council in October 2012 to upgrade Footpath No 17 (Part) and 18 in Pleasley (Outgang), and 12 (Part) and 23 in Shirebrook (Littlewood) to bridleway. Outgang was accompanied by 60 user evidence forms and Littlewood by 33. Both were accompanied by various photographs, correspondence and copies of documents relating to the area and two other applications the applicant had made with Nottinghamshire County Council.

A plan showing the claimed route was attached as Appendix 1 to the Director of Legal Services report. Route A-B-C being the Outgang claim and D-E-F being the Littlewood claim.

The claimed routes were recorded on the Definitive Map and Statement as footpaths which were not publically maintainable. Outgang was approximately 1200 metres long and the whole route was tarmacked with road markings. It's appearance was no different to the local road network. Littlewood was approximately 1300 metres long and was bounded by edges on both sides.

Informal consultation was carried out between 3 June and 4 July 2013. Notices were placed on the routes and letters were sent to the statutory consultees, Landowners and the local Elected Member, Councillor M Stockdale were also contacted. Following the consultation, no representations were received either in favour of or in objection to the applications.

The Director of Legal Services summarised all of the available evidence as detailed in the report and gave his conclusions to the Committee.

RESOLVED that the Director of Legal Services be authorised to make an Order under Section 53 of the Wildlife and Countryside Act 1981 to amend the Definitive Map and Statement by upgrading to bridleway, Public Footpath Number 17 (Part) and 18 in Pleasley and 12 (Part) and 23 in Shirebrook,

which was shown between points A-B-C and D-E-F respectively, on the plan attached to the Director of Legal Services report.