

Agenda Item No. 4(b)

DERBYSHIRE COUNTY COUNCIL

REGULATORY – LICENSING AND APPEALS COMMITTEE

18 January 2016

Report of the Strategic Director – Economy, Transport and Environment

PROPOSED DIVERSION OF PUBLIC FOOTPATH NO 28 (PART) – PARISH OF CLOWNE

(1) **Purpose of Report** To seek authority for the Director of Legal Services to make an Order to permanently divert part of Clowne Public Footpath No. 28 under Section 257 of the Town and Country Planning Act 1990.

(2) **Information and Analysis** In 2014, the County Council acquired 7.5km 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 have confirmed support for also improving access onto and across the Branch Line, which runs in a deep cutting through the centre of Clowne.

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

A scheme has been designed to greatly improve access at this location for pedestrians of all abilities, including those with pushchairs, wheelchairs and mobility scooters. This involves constructing a 1:20 easy access ramp within the former railway cutting, which requires the removal of the existing footbridge carrying part of Clowne Public Footpath No. 28.

A planning application for the scheme (CD5/1015/98) was submitted to the County Council in October 2015 and is being dealt with by the Head of Planning Services. A report is being prepared for its consideration either by the Regulatory – Planning Committee or through the delegated powers of the Strategic Director – Economy, Transport and Environment, as appropriate. If planning permission is granted, an Order to permanently divert part of Clowne Public Footpath No. 28 will be required under Section 257 of the Town and

Country Planning Act 1990 to enable the development to be carried out, i.e. to facilitate construction of the easy access ramp.

It is 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 attached plan (reference ETE/GM/X4053/Cttee/2016) onto a slightly shorter new alignment, shown as a bold dashed line between points **A** and **C**.

The alternative route is approximately 80 metres long and runs 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 enters Clowne Linear Park. It will be provided at a width of 2 metres with a tarmac surface and concrete edging. Lighting will also be installed along the route in the interests of personal safety. In Clowne Linear Park, existing tarmac paths provide an accessible onward route into the town centre.

No objections were received to the proposed diversion when informal consultations were carried out between 2 November and 14 December 2015. Clowne Parish Council has been consulted and raised no objections. County Councillor Anne Western (the Local Member), fully supports the proposal to divert the footpath and create an accessible route through Clowne. Bolsover District Council owns some of the land crossed by the section of footpath to be diverted. It also owns and manages Clowne Linear Park and has no objection to the proposed diversion.

The Peak and Northern Footpaths Society has responded and can see no reason to object to the proposed diversion. The Chesterfield, North East Derbyshire and Bolsover Group of the Ramblers supports plans to make the former Clowne Branch Railway Line more accessible, but has queried whether there is 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 bridge 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 head room. Because the construction of the ramp will involve removing the abutments and steps leading onto the existing footbridge, legal advice sought before the informal consultation was carried out, suggested that this could be achieved under Section 257 of the Town and Country Planning Act 1990 as part of the planning application for the ramp.

(3) Financial Considerations The estimated £2,000 costs of processing the Diversion Order, which is required to enable the scheme to be implemented, can be met from the budget allocated in the 2014-15 Local Transport Plan.

(4) **Legal Considerations** The County Council may make an Order under Section 257 of the Town and Country Planning Act 1990 to permanently divert a public footpath, providing it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission which has been granted and also that it is the authority granting such permission.

The construction of the easy access ramp requires the removal of the existing footbridge which carries part of Clowne Public Footpath No. 28, therefore rendering it unusable. The Council is therefore satisfied that the diversion is necessary to enable the development to be carried out. The planning application is due to be considered either by the Regulatory – Planning Committee or through the delegated powers of the Strategic Director – Economy, Transport and Environment, as appropriate.

Consideration should also be given to any disadvantages or loss likely to arise as a result of the diversion. The proposed alternative route is slightly shorter in length and will be accessible to more people compared with the existing footpath.

(5) **Environmental, Health and Transport Considerations** The proposed diversion will offer a sustainable and healthy travel choice. By providing a more accessible route, it will hopefully encourage more people to walk into Clowne town centre from nearby residential areas to access schools, workplaces, shops and other local facilities. It will also serve as a direct link onto the Greenway when it is developed as a traffic free multi-user route in due course, with opportunities for accessing the surrounding countryside for leisure and recreation.

Other Considerations

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

(6) **Key Decision** No.

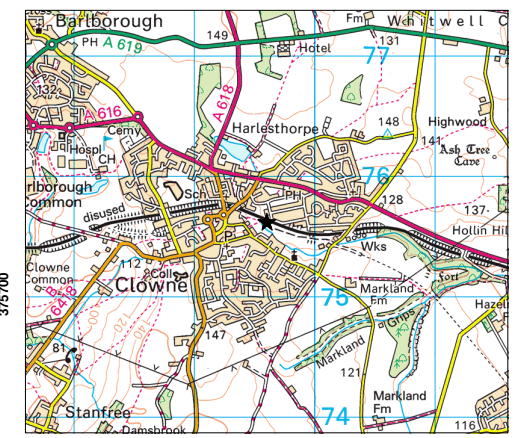
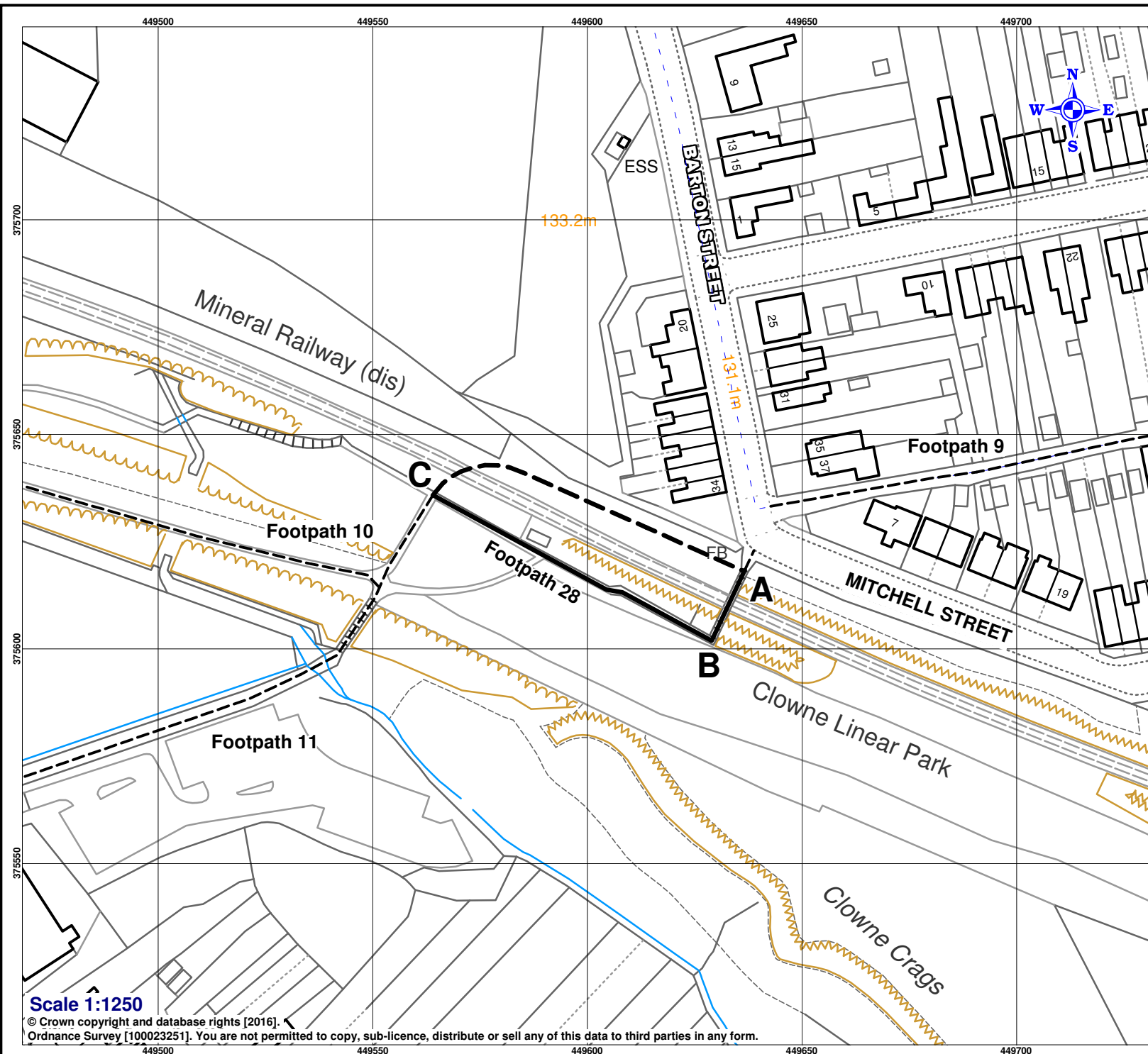
(7) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(8) **Background Papers** Held on file within the Economy, Transport and Environment Department. Officer contact details - Gill Millward, extension 39656.

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

- 9.1 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.
- 9.2 Should any objections be received to the making of the Order that cannot be resolved, then the matter be forwarded to the Secretary of State for determination.

Mike Ashworth
Strategic Director – Economy, Transport and Environment



Town and Country Planning Act 1990 S.257


**Proposed Diversion of
Public Footpath No. 28 (part) -
Parish of Clowne**

KEY

Footpath to be Diverted ———

Alternative Footpath - - - - -

Existing Footpaths - - - - -



DERBYSHIRE
County Council

Improving life for local people

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