

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 28 MARCH 2019 AT WESSEX ROOM, CORN EXCHANGE, MARKET PLACE, DEVIZES SN10 1HS.

Present:

Cllr Mark Connolly (Chairman), Cllr Paul Oatway QPM (Vice-Chairman), Cllr Stewart Dobson, Cllr Peter Evans, Cllr Nick Fogg MBE, Cllr James Sheppard and Cllr Jerry Kunkler (Substitute)

16. **Apologies**

Apologies were received from Cllr Ian Blair-Pilling who was substituted by Cllr Jerry Knuckler.

Apologies were also received from Cllr Richard Gamble.

17. **Minutes of the Previous Meeting**

The minutes of the meeting held on 31 January 2019 were presented for consideration, and it was:

Resolved:

To approve and sign as a true and correct record the minutes of the meeting held on 31 January 2019.

18. **Declarations of Interest**

There were no declarations of interest.

19. **Chairman's Announcements**

There were no announcements from the Chair.

20. **Public Participation**

As there were no members of the public registered to speak the Chairman did not note the rules on public participation.

21. **Items**

The following item was considered.

22. **Wildlife and Countryside Act 1981 - The Town and Country Planning Act 1990 Section 257 - The Wiltshire Council Marlborough 30 Diversion and Definitive Map and Statement Modification Order 2018**

There was no public participation.

Craig Harlow, Assistant Rights of Way Warden, introduced a report which recommended that The Wiltshire Council Marlborough 30 Diversion and Definitive Map and Statement Modification Order 2018, be abandoned and withdrawn from consideration by the Secretary of State for Environment, Food and Rural Affairs (SoSEFRA) as the Order no longer meets the legal tests for confirmation.

The Order was to divert public footpath 30 over land at Salisbury Road, Marlborough. The footpath required diverting in conjunction with planning applications 15/02026/OUT and 17/03219/REM.

The application would have diverted 65 metres of path to a new route with an approximate length of 75 metres. The Order was to be diverted so that it would not pass through parking bays and a private garden. As planning permission had been granted by Wiltshire Council it was therefore necessary to divert the public footpath to enable the permitted development to proceed. An Order was made to divert the path and for the diversion to be recorded in the definitive map and statement. This was duly advertised and 6 objections were received.

Last year on 1 November, the Order was considered at a meeting of the Eastern Area Planning Committee and members resolved to forward the Order to SoSEFRA with a recommendation to confirm the Order without modification.

On 30 November 2018 the applicant submitted an application for a non-material amendment (NMA) for the development site which would allow the footpath to remain on its current alignment and not require a diversion. This was approved on 14 December 2018.

The applicant confirmed on 16 January 2019 to officers that they wished to withdraw the Marlborough 30 Diversion Order from consideration as footpath MARL30 was capable of remaining on its current alignment. Hence the recommendation to EAPC that the Order be abandoned.

Cllr Nick Fogg MBE proposed that “The Wiltshire Council Marlborough 30 Diversion and Definitive Map and Statement Modification Order 2018” be withdrawn from consideration by the Secretary of State for Environment, Food and Rural Affairs and the Order be abandoned. This proposal was seconded by Cllr Stewart Dobson.

Cllr Stewart Dobson stated that a request had been made by the local council to change the mix of housing in the applicants development, which they agreed to. However this meant that the footpath needed to be diverted. He had been concerned on hearing that the applicant wished the footpath to stay on its current alignment that the new mix of housing was being abandoned. However, Cllr Dobson was reassured that this was not the case and that the applicant had redesigned the parking bays and gardens to accommodate the current alignment.

At the conclusion of the debate it was:

Resolved:

That “The Wiltshire Council Marlborough 30 Diversion and Definitive Map and Statement Modification Order 2018” be withdrawn from consideration by the Secretary of State for Environment, Food and Rural Affairs and the Order be abandoned.

23. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 3.10 pm)

The Officer who has produced these minutes is Tara Shannon of Democratic Services, direct line 01225 718352, e-mail tara.shannon@wiltshire.gov.uk

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