

Title: **Proposed Footpath Diversion – No. 2 Staverton (part)**

Portfolio Holder: **Cllr Jeff Osborn - Planning & Development**

Reporting Officer:

Background

At its meeting on 4 August 2005 the Planning Committee received a report (copy attached as an Appendix A) in respect of a proposal to divert Footpath No. 2 Staverton.

Under the provisions of the Town and Country Planning Act 1990 the District Council may authorise the diversion of a footpath if they are satisfied that it is necessary to do so in order for development to be carried out. This application was submitted on the 9 December 2004 by Persimmon to enable them to carry out development which was approved under planning references 98/00284/OUT on 3 April 2002 and 04/00948/REM on 7 October 2004.

Proposal

Attached at Appendix B is a plan which shows the current route against the background of the layout of the approved development. This shows that it is necessary to alter the route in order for the development to be carried out which is the legislative test. The proposed alternative route is also shown.

Consultation

In considering this matter, the Committee was informed that no objections had been received from any of the statutory consultees or utilities. However Staverton Parish Council, while not actually objecting, had made representations though these had been considered to be irrelevant within the terms of the report.

The concerns of the Parish Council were related to the historical nature of the footpath and its connection with School Lane. These are set out at Appendix C in a letter from the Parish Council dated 17 August 2005 (without the plans). The plans will be available at the meeting. It is to be noted that the proposed diverted route will continue to make connection with School Lane.

When considering this matter the Committee resolved "that the application be referred to the Secretary of State for decision and that a period of 14 days from the date of the meeting be allowed for receipt of further information to explain the representations from Staverton Parish Council before passing the matter to the Secretary of State for consideration".

Unfortunately the terms of this resolution do not accord with the legislation.

If the Council is satisfied that the diversion is necessary to enable development to be carried out, the Order should be made. Once an Order is made, it is advertised. If there are any unresolved objections, the matter is then referred to the Secretary of State and this can give rise to the holding of a local inquiry.

This matter is therefore referred back to the Planning Committee for further consideration within the terms of the legislation.

RECOMMENDED:

The Committee is asked to determine whether or not a Diversion Order should be made in respect of Footpath No. 2 Staverton (part).

George Curran
Acting Legal & Democratic Services Manager