

Highways Committee

12 December 2007

**Public Footpath,
Queen Street, Seaham Parish,
Easington District
Proposed Stopping-Up Order**



Report of John Richardson, Corporate Director, Environment

1.0 Purpose of the Report

- 1.1 To consider an application to stop-up a Public Footpath at Queen Street, Seaham.

2.0 Background

- 2.1 At a Public Inquiry in 1980 into the stopping-up of a section of Queen Street in Seaham to enable additional school accommodation to be built, the County Council agreed to the retention of a Public Footpath within the existing verge of the relevant section of Queen Street. The path was retained and has been used by the public since that date, so must be regarded as a Public Footpath although not recorded on the Definitive Map nor on the record of adopted highways. The path is some 65 metres long and is highlighted on **Plan A**.
- 2.2 On 18 July 2007 Durham County Council granted planning permission for the redevelopment of Princess Road Primary School, Seaham, including the relocation of two other primary schools in Seaham. The Public Footpath crosses the development site and an application to stop-up the path has been received in order to enable the development to take place.
- 2.3 Consultations have been carried out with the Local Member, Seaham Town Council, Easington District Council and the user groups. An objection has been received from the Ramblers' Association (**Document B**).

3.0 Legal Framework

- 3.1 The relevant statutory provision for the stopping-up of a public path in order to enable development in accordance with planning permission is Section 257 of the Town and Country Planning Act 1990.

- 3.2 The Act gives authority to a Council to make a Public Path Stopping-Up Order if it is satisfied that it is necessary to do so to enable development to be carried out in accordance with planning permission.
- 3.3 An Order under Section 257 may, if the County Council is satisfied that it should do so, provide for the creation of an alternative highway as a replacement for the one to be stopped-up.

4.0 Objection

- 4.1 The objection from the Ramblers' Association is that the Footpath is well used by the public, that its closure would be inconvenient to local residents, requiring them to walk further on busier roads, and that it should be possible to incorporate a pedestrian route within the development.

Response

- 4.2 *The alternative routes along adjacent adopted highways are not significantly longer for most people. It is accepted that for a few people, who may wish to walk only from one part of Queen Street to the other, that there will be some inconvenience, adding approximately 110 metres to the walk.*
- 4.3 *The retention of a Footpath through the development site would significantly compromise the development, as it would require the relocation of a service yard and car park, and a hard play area, and would prevent the school site from being secure, thereby having a potential impact on child safety.*

5.0 Recommendation and Reasons

- 5.1 The Committee must first be satisfied that it is necessary to stop-up the path to enable the development to take place, and if so, then consider whether any alternative route should be provided as a replacement.
- 5.2 It is **recommended** that an Order to stop-up the Public Footpath at Queen Street Seaham be made, as it is not possible for the development to proceed without the stopping-up of the path, and suitable alternative routes already exist using adjacent adopted highways.

Background Papers

Correspondence and consultations – File E/Countryside 5/18/11
Report to Planning Committee on 18 July 2007 item no A2

Appendix 1: Implications

Local Government Reorganisation

(Does the decision impact upon a future Unitary Council?)

None

Finance

Administrative and advertising costs to be recovered from the applicant as prescribed by regulations.

Staffing

Not Applicable

Equality and Diversity

Not Applicable

Accommodation

Not Applicable

Crime and disorder

This is not contained in any of the substantive tests under Section 257 of Town and Country Planning Act 1990. The proposals will not have a detrimental effect on crime and disorder in the area, and will enhance school security.

Sustainability

Not Applicable

Human rights

Articles 6, 8 and Article 1 of the First Protocol of the European Convention on Human Rights (right to a fair trial, respect for private and family life and protection of property) may be relevant. Article 6 stipulates there should be a fair procedure for reaching any decision and this is in place.

As this application is made by the landowner and relates to an existing public right of way, it is unlikely that Article 8 and Article 1 of the First Protocol will be breached in reaching a decision.

Localities and Rurality

As detailed in the report.

Young people

The application is made to enable the redevelopment of the school, and as such will benefit young people.

Consultation

As detailed in the report.

Health

Not Applicable