

Delegated Decision

7 January 2019

**Public Footpath No. 27 Bishop
Auckland, Proposed Diversion and
Definitive Map and Statement
Modification Order**

Ordinary Decision No.



Report of Regeneration and Local Services

Adrian White, Head of Transport and Contract Services

Electoral division affected:

West Auckland

Purpose of the Report

- 1 To consider changes to the Public Rights of Way network
- 2 Public Footpath No. 27 Bishop Auckland, proposed Diversion and Definitive Map and Statement Modification Order

Executive summary

- 3 To enable development in accordance with planning permission granted 29 October 2018, namely an extension to the warehouse premises of Durham Box Co. Ltd., it is necessary to divert Public Footpath No. 27 Bishop Auckland.
- 4 Consultations on the proposed diversion have been carried out and no objections have been received.

Recommendation

- 5 The proposal is in accordance with the Council's policy and the statutory framework on the diversion of public rights of way.
- 6 It is RECOMMENDED that a Diversion and Definitive Map and Statement Modification Order be made under the provisions of the Town and Country Planning Act 1990 and the Wildlife and Countryside Act 1981 to divert Public Footpath No. 27 Bishop Auckland Parish to enable development to proceed in accordance with planning permission, and the Order shall subsequently be either confirmed or referred to the Secretary of State for determination, and that the

Corporate Director of Resources be informed accordingly, as per paragraph 77 of the Constitution of the County Council.

Background

- 7 An application has been received on behalf of Durham Box Co. Ltd. to divert Public Footpath No. 27 Bishop Auckland, to enable the extension of their warehouse facilities at St. Helen's Industrial Estate, for which planning permission has been granted, as shown on the attached plan.
- 8 Footpath No. 27 crosses the development site and will therefore be affected by the proposed development, which cannot proceed without the diversion of the Public Footpath. The Order is therefore necessary to enable development to proceed in accordance with planning permission granted.
- 9 The proposal is to divert the section of Footpath No. 27 which runs to the north and west of the main buildings onto a route running east to join the adopted highway. This is the only viable route for the diversion.
- 10 Consultations have been carried out with the Local Members, the Cabinet Portfolio Holder, the Ramblers' Association, the Open Spaces Society and other user groups. No objections have been received.

Options

- 11 This is the minimum diversion possible to enable the development to proceed. The proposal retains and protects public access at this location.
- 12 Other options would have an adverse effect on neighbouring businesses and were opposed by the Police Architectural Liaison Officer.

Conclusion

- 13 Agreed to the Diversion Order in accordance with the Recommendation.

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Appendix 1: Implications

Legal Implications

N/A

Finance

The applicant will cover the administrative and advertising costs for making the Order.

Consultation

Consultations have been carried out with the Local Members, the Cabinet Portfolio Holder, the Ramblers' Association, Open Spaces Society, other user groups and Utility Companies. No objections have been received. If the Order is made the initial consultations are followed up by a Statutory Consultation Period.

Equality and Diversity / Public Sector Equality Duty

The new Public Footpath will be as accessible as possible for the location.

Human Rights

All those affected by this proposal have the opportunity to submit objections and to represent their case at a Highways Committee and/or Public Inquiry.

Crime and Disorder

The Police Architectural Liaison Officer is satisfied that the proposed route minimises any risk of crime or disorder.

Staffing

N/A

Accommodation

N/A

Risk

N/A

Procurement

N/A

