

## **Delegated Decision**

**7 January 2019**

**Public Footpath No. 38 Shildon,  
Proposed Diversion and Definitive Map  
and Statement Modification Order**

**Public Bridleway No.40 Shildon, Proposed Stopping-up and Definitive Map  
and Statement Modification Order**

**Ordinary Decision No.**



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## **Report of Regeneration and Local Services**

**Adrian White, Head of Transport and Contract Services**

### **Electoral division affected:**

Shildon and Dene Valley

### **Purpose of the Report**

- 1 To consider changes to the Public Rights of Way network
- 2 Public Footpath No. 38 Shildon, proposed Diversion and Definitive Map and Statement Modification Order
- 3 Public Bridleway No. 40 Shildon, proposed Stopping-up and Definitive Map and Statement Modification Order

### **Executive summary**

- 4 To enable development in accordance with outline planning permission granted 23 October 2014, namely the construction of two houses, it is necessary to divert Public Footpath No. 38 Shildon.
- 5 Public Bridleway No. 40 is a cul-de-sac, and the section east of the proposed footpath diversion is not needed for public use.
- 6 Consultations on the proposed diversion and stopping-up have been carried out and no objections have been received.

### **Recommendation**

- 7 The proposal is in accordance with the Council's policy and the statutory framework on the diversion and stopping-up of public rights of way.

- 8 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. 38 Shildon Parish to enable development to proceed in accordance with planning permission, and that a Stopping-Up and Definitive Map and Statement Modification Order be made under the provisions of the Highways Act 1980 and the Wildlife and Countryside Act 1981 to stop-up part of Public Bridleway No. 40 Shildon Parish as the bridleway is not needed for public use, and the Orders 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**

- 9 An application has been received on behalf of the owner of East Thickley Farm to divert Public Footpath No. 38 Shildon, to enable the construction of two houses, for which outline planning permission has been granted, as shown on the attached plan.
- 10 Footpath No. 38 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.
- 11 The proposal is to divert the section of Footpath No. 38 which runs east from the junction with Bridleway No. 40 onto a route running north from the bridleway and passing to the east of the development site. This is the only viable route for the diversion.
- 12 The proposal is also to stop-up the eastern end of Bridleway No. 40 where it terminates at East Thickley Farm, as this serves no public purpose and is not needed for public use.
- 13 Consultations have been carried out with the Local Members, the Cabinet Portfolio Holder, the Ramblers' Association, the British Horse Society and other user groups. No objections have been received.

## **Options**

- 14 This is the minimum diversion possible to enable the development to proceed. The proposal retains and protects public access at this location.
- 15 The retention of the section of Bridleway would not serve any public purpose, and is a potential source of confusion and conflict.

## **Conclusion**

16 Agreed to the Diversion and Stopping-up Orders in accordance with the Recommendation.

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## **Appendix 1: Implications**

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### **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

