

Delegated Decision

30 January 2020

Public Bridleways Nos. 38 Shadforth and 5 Sherburn, Proposed Diversion and Definitive Map and Statement Modification Order

Public Footpaths Nos. 42 Shadforth and 33 Sherburn, 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:

Sherburn

Purpose of the Report

- 1 To consider changes to the Public Rights of Way network.
- 2 Public Bridleways Nos. 38 Shadforth Parish and 5 Sherburn Parish, proposed Diversion and Definitive Map and Statement Modification Order, and Public Footpaths Nos. 42 Shadforth Parish and 33 Sherburn Parish, proposed Diversion and Definitive Map and Statement Modification Order.

Executive summary

- 3 To enable development in accordance with planning permission granted 20 November 2019, namely the extension of timber storage facilities at Taylormade Timber, Sherburn Hill, it is necessary to divert Public Bridleways Nos. 38 Shadforth Parish and 5 Sherburn Parish, and as a consequence to divert part of Public Footpath No. 42 Shadforth Parish and extend Public Footpath No. 33 Sherburn Parish.
- 4 Consultations on the proposed diversions 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 Bridleways Nos. 38 Shadforth Parish and 5 Sherburn Parish to enable development to proceed in accordance with planning permission, and that a Diversion 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 divert Public Footpath No. 42 Shadforth Parish and extend Public Footpath No. 33 Sherburn Parish in the interests of the landowner, 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 70 of the Constitution of the County Council.

Background

- 7 An application has been received on behalf of Taylormade Timber of Sherburn Hill to divert Public Bridleways Nos. 38 Shadforth and 5 Sherburn, to enable the extension of timber storage facilities, for which planning permission has been granted, as shown on the attached plan. A consequence of the bridleway diversion is that part of Public Footpath No. 42 Shadforth also needs to be diverted, thereby extending Public Footpath No. 33 Sherburn.
- 8 Bridleway No. 38/5 runs in a generally northerly direction from Kell Crescent at Sherburn Hill, past Taylormade Timber to Cookshold Lane, and will therefore be affected by the proposed development, which cannot proceed without the diversion of the Public Bridleway. The Order is therefore necessary to enable development to proceed in accordance with planning permission. The second plan attached shows the proposed development.
- 9 The proposal is to divert the section of Bridleway No. 38/5 which runs north across the development site, onto a more westerly route, around the south and west of the site, partly upgrading the current Public Footpath No. 42 Shadforth and requiring a diversion of a small additional part of that footpath, adding to the length of Public Footpath No. 33 Sherburn.
- 10 Consultations have been carried out with the Local Members, the Cabinet Portfolio Holder, adjoining landowners, the Ramblers' Association, the British Horse 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.

Conclusion

- 12 Agreed to the Diversion Orders in accordance with the Recommendation.

Contact: Mike Ogden

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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, and any necessary works to provide the new path.

Consultation

Consultations have been carried out with the Local Members, the Cabinet Portfolio Holder, adjoining landowners, the Ramblers' Association, the British Horse Society, other user groups and the 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 Bridleway and Footpath will be as accessible as possible for the location.

Climate Change

Maintains the integrity of the walking and riding network.

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 proposed route minimises any risk of crime or disorder, and enhances security of the timber yard.

Staffing

N/A

Accommodation

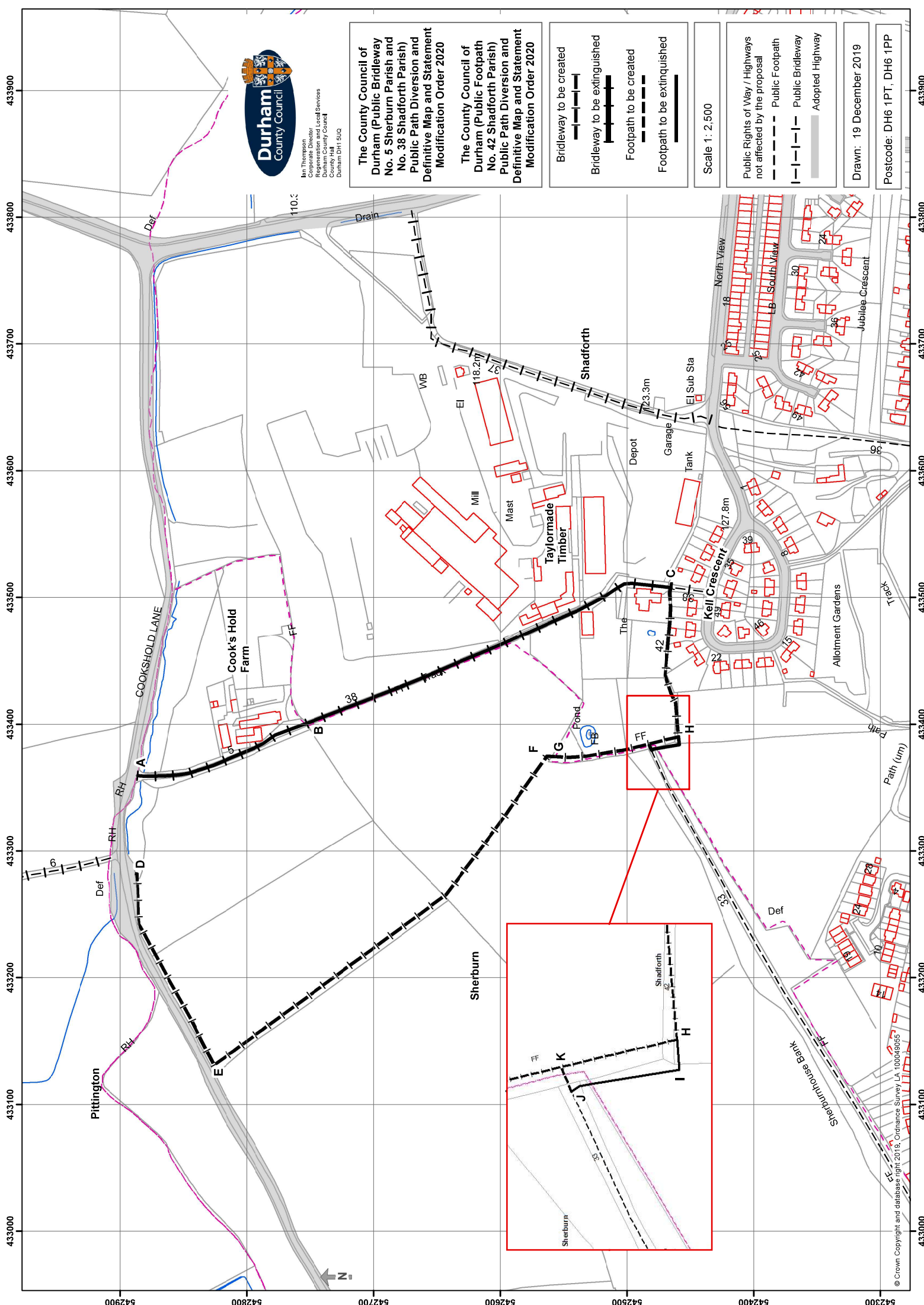
N/A

Risk

N/A

Procurement

N/A



In The Name Of
 The Director
 Regeneration and Local Services
 Durham County Council
 County Hall
 Leazes Road, Durham, DH1 1TA

The County Council of Durham (Public Bridleway No. 5 Sherburn Parish and No. 38 Shadforth Parish) Public Path Diversion and Definitive Map and Statement Modification Order 2020

The County Council of Durham (Public Footpath No. 42 Shadforth Parish) Public Path Diversion and Definitive Map and Statement Modification Order 2020

- Bridleway to be created
- Bridleway to be extinguished
- Footpath to be created
- Footpath to be extinguished

Scale 1: 2,500

- Public Rights of Way / Highways not affected by the proposal
- Public Footpath
- Public Bridleway
- Adopted Highway

Drawn: 19 December 2019

Postcode: DH6 1PT, DH6 1PP