

## **Delegated Decision**

**1 June 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.**

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## **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 the original Orders made on 30 January 2020 be abandoned, and 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 On 30 January 2020 delegated authority was given for a diversion under the provisions section 257 of the Town and Country Planning Act 1990 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, and for the consequential diversion of part of Public Footpath No. 42 Shadforth under the provisions of section 119 of the Highways Act 1980, thereby extending Public Footpath No. 33 Sherburn.
- 8 The two Orders were made on 30 January and published on 6 February 2020. The applicant, Taylormade Timber of Sherburn Hill, then decided that they needed to revise the new route of the Bridleway in the light of ground conditions. This revision was enough to require a new application plan to be produced, and the original application to be abandoned.
- 9 The principal of the application remains the same, but it was necessary to reconsult, and new 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**

- 10 This is the minimum diversion possible to enable the development to proceed. The proposal retains and protects public access at this location.

## **Conclusion**

11 Agreed to the Diversion 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, 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**

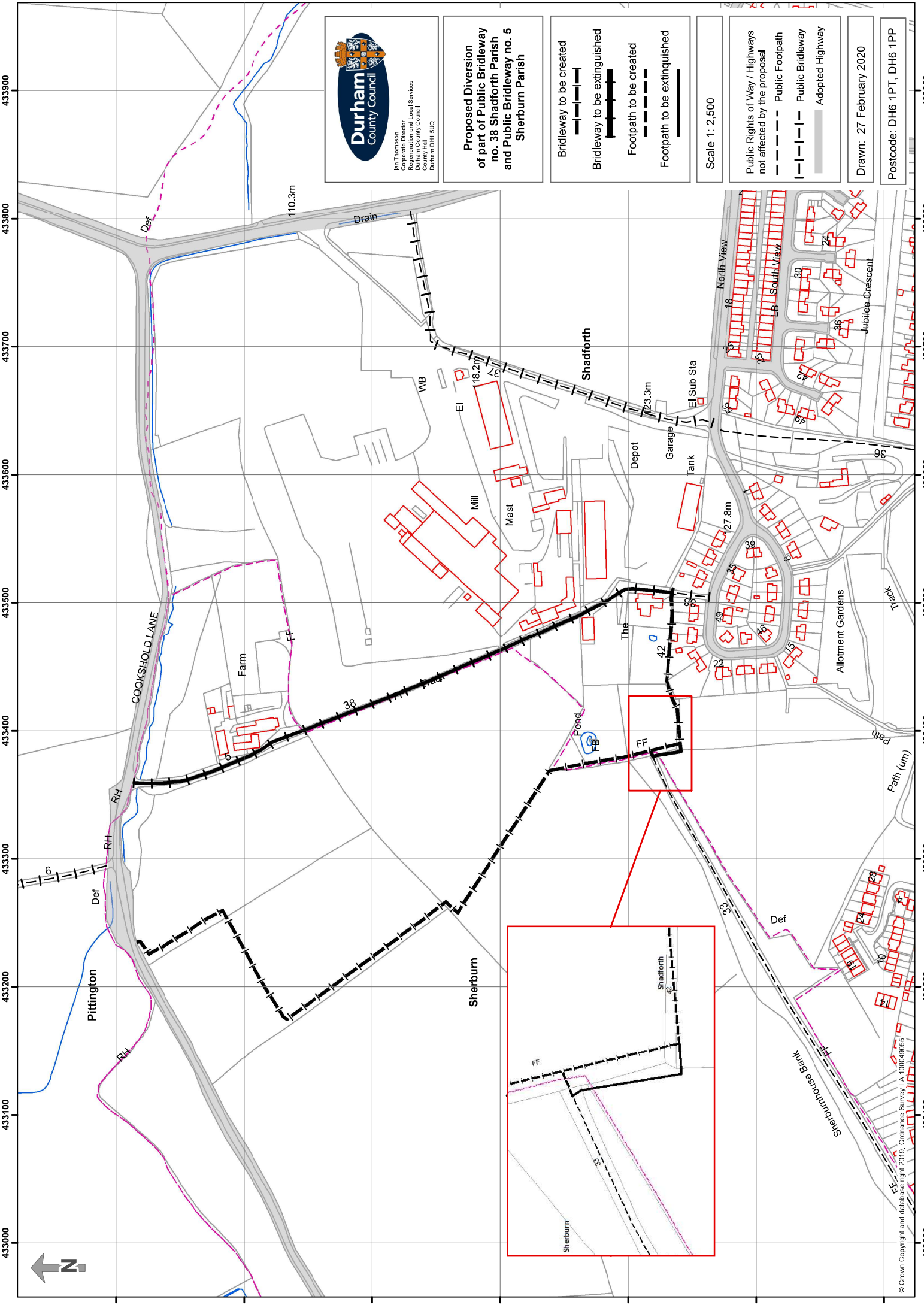
N/A

### **Risk**

N/A

**Procurement**

N/A



**Proposed Diversion  
 of part of Public Bridleway  
 no. 38 Shadforth Parish  
 and Public Bridleway no. 5  
 Sherburn Parish**

- 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: 27 February 2020

Postcode: DH6 1PT, DH6 1PP