

Delegated Decision

17 November 2020



Public Footpath No. 80 Stanley, Proposed Diversion and Definitive Map and Statement Modification Order

Ordinary Decision No.

Report of Regeneration, Economy and Growth

Dave Wafer, Head of Transport and Contract Services (acting)

Electoral division affected:

Burnopfield and Dipton

Purpose of the Report

- 1 To consider changes to the Public Rights of Way network.
- 2 Public Footpath No. 80 Stanley Parish, proposed Diversion and Definitive Map and Statement Modification Order.

Executive summary

- 3 To enable development in accordance with outline planning permission granted 22 May 2020, namely the provision of up to 60 residential dwellings at Barusclosure Lane, Burnopfield, it is necessary to divert Public Footpath No. 80 Stanley Parish.
- 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. 80 Stanley 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 70 of the Constitution of the County Council.

Background

- 7 An application has been received from Avant Homes to divert Public Footpath No. 80 Stanley to enable the development of up to 80 residential units plus associated works at Burnopfield, as shown on the attached plan.
- 8 Outline planning permission was granted on 22 May 2020 and an application for reserved matters was submitted on 28 September 2020.
- 9 Footpath No. 80 runs in a generally south-westerly direction from Barusclose Lane across the development site to join FP 79 Stanley and will therefore be affected by the proposed development. To enable the development to proceed in accordance with planning permission it is therefore necessary to divert Public Footpath No. 80.
- 10 The proposal is to divert Footpath No. 80 onto a slightly more easterly route, within the large area of proposed public open spacem maintaining the link through to Footpath No. 79.
- 11 Consultations have been carried out with the Local Members, the Cabinet Portfolio Holder, the Ramblers' Association and other user groups. No objections have been received.

Options

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

Conclusion

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

Contact: Mike Ogden

Tel: 03000 265331

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, the Ramblers' Association, 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 Footpath will be as accessible as possible for the location.

Climate Change

Maintains the integrity of the walking 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.

Staffing

N/A

Accommodation

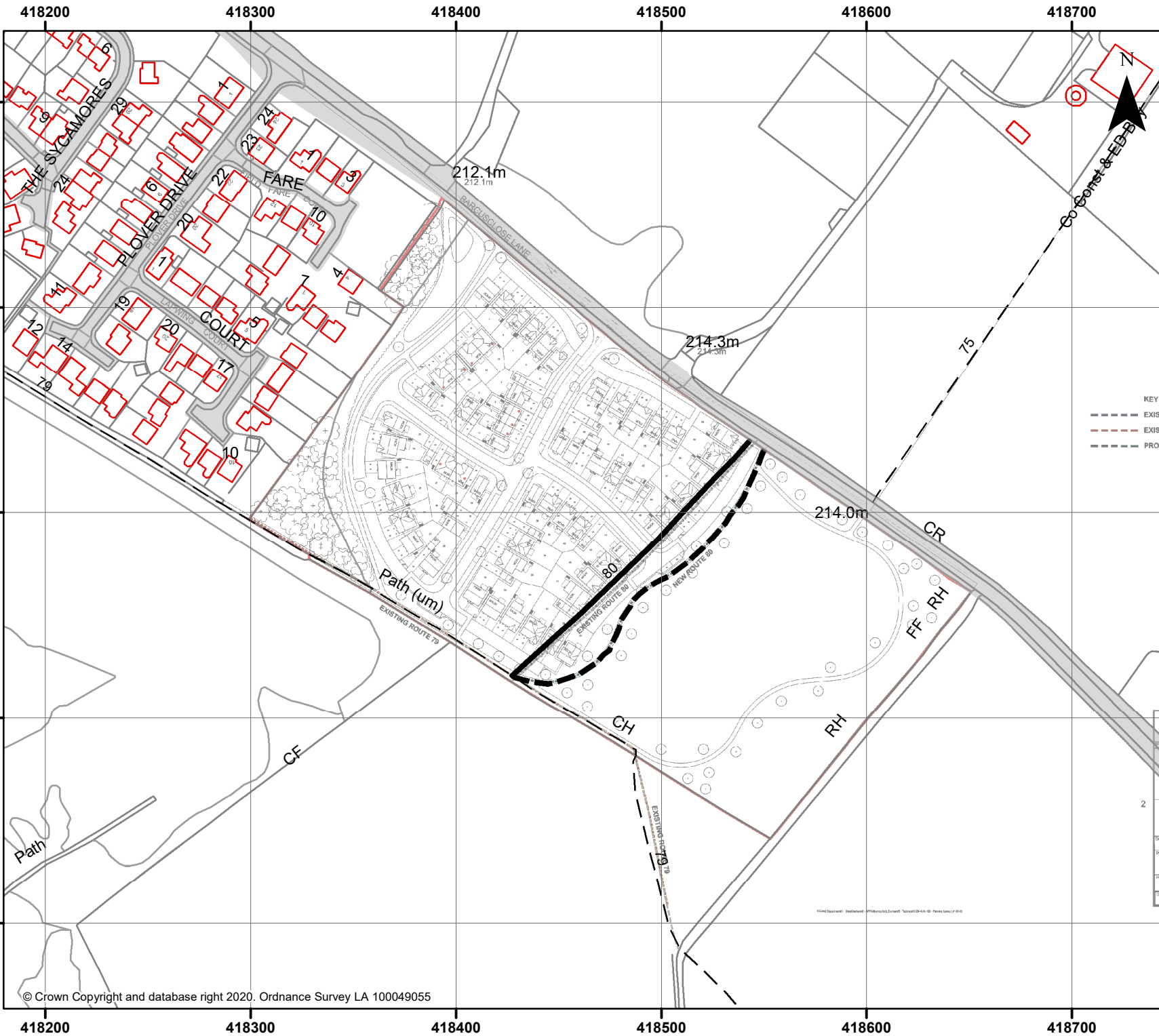
N/A

Risk

N/A

Procurement

N/A



Amy Harhoff
 Corporate Director
 Regeneration Economy
 and Growth
 Durham County Council
 County Hall
 Durham DH1 5UQ

Draft Order Plan Stanley Fp 80

- Footpath to be created**
 — — — — —
- Footpath to be extinguished**
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Scale: 1:2,500

Public Rights of Way /
 Highways not affected by
 the proposal

- - - - - Footpath

Drawn: 30 September 2020

Postcode: NE16 6LW