

## Delegated Decision



3 September 2021

### **Public Footpath No. 47 Newbiggin-in-Teesdale, Proposed Diversion and Definitive Map and Statement Modification Order**

Ordinary Decision No.

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#### **Report of Regeneration, Economy and Growth**

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

#### **Electoral division affected:**

Barnard Castle West

#### **Purpose of the Report**

- 1 To consider changes to the Public Rights of Way network.
- 2 Public Footpath No. 47 Newbiggin-in-Teesdale, proposed Diversion and Definitive Map and Statement Modification Order.

#### **Executive summary**

- 3 In the interests of the landowner and to increase privacy and security for a residential property it is proposed to divert Public Footpath No. 47 Newbiggin-in-Teesdale 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 Highways Act 1980 and the Wildlife and Countryside Act 1981 to divert Public Footpath No. 47 Newbiggin-in-Teesdale Parish in the interests of the landowner, 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 52 (Table 3) of the Constitution of the County Council.

## **Background**

- 7 An application has been received from Raby Estates to divert Public Footpath No. 47 Newbiggin-in-Teesdale in the interests of the landowner, as shown on the attached plan.
- 8 Footpath No. 47 runs in a generally northerly direction adjacent to the buildings at Mount Pleasant.
- 9 The proposal is to divert Footpath No. 12 onto a more westerly route avoiding the immediate environs of the house.
- 10 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**

- 11 This diversion helps to improve privacy and security for the applicant whilst ensuring that path users have a route that is easy to follow and available all year round. Although slightly longer, it is not unreasonable in the context of a recreational path in a rural location. Any alternative diversion routes would be far more circuitous. The proposal retains and protects public access at this location.

## **Conclusion**

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

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**Contact:** Mike Ogden

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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, 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 will 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

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

### Draft Order Plan Newbiggin Fp47

Footpath to be created  
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Footpath to be extinguished  
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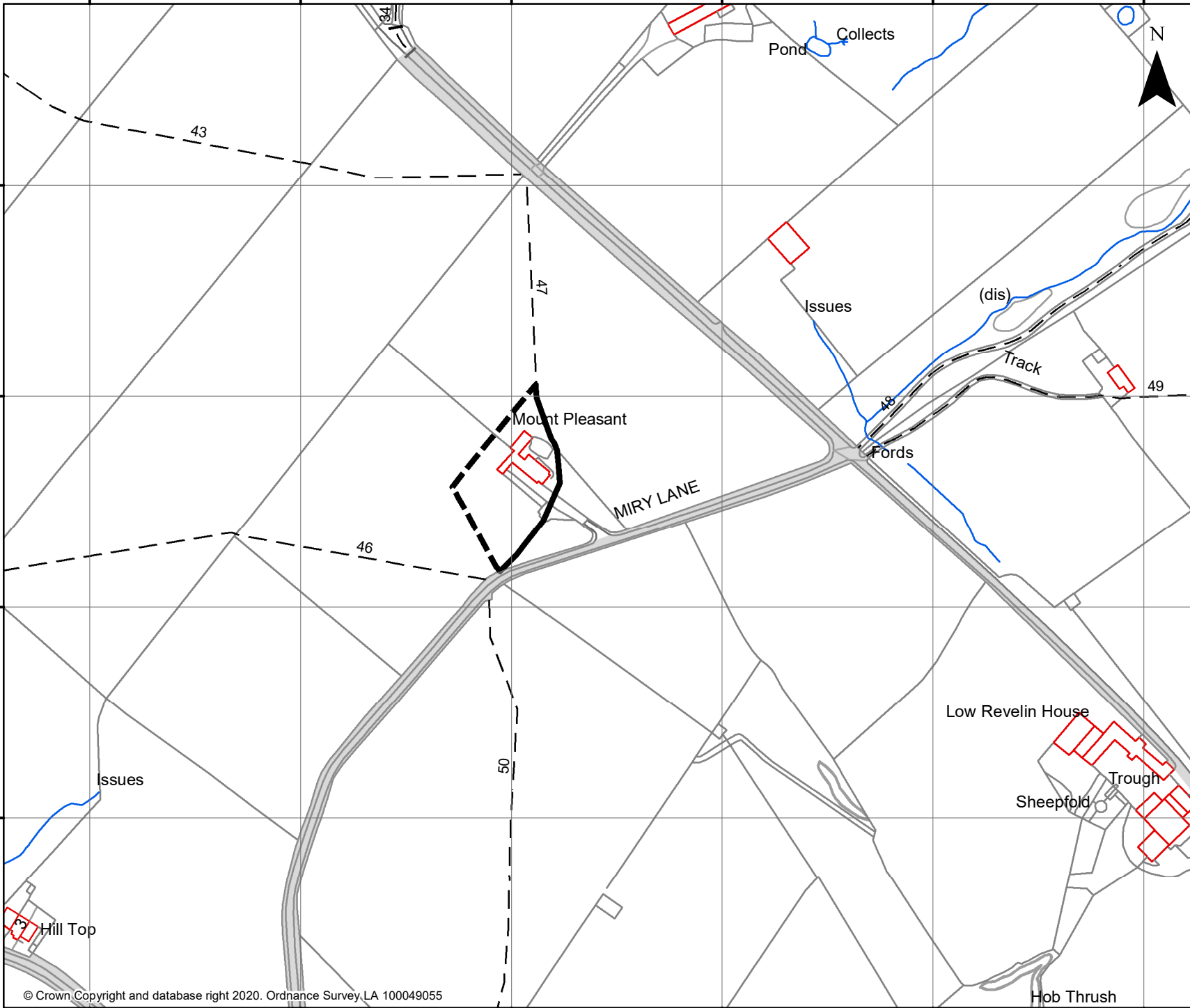
Scale: 1:2,500

Public Rights of Way /  
Highways not affected by  
the proposal

----- Footpath  
[Grey Box] Adopted Highway

Drawn: 05 November 2020

Postcode: DL12 0UG



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