

Delegated Decision

20 March 2024



**Public Footpath No. 5 Hedleyhope,
Proposed Diversion and Definitive Map
and Statement Modification Order**

Ordinary Decision No.

**Report of Neighbourhoods and Climate Change
Mark Readman, Head of Highways**

Electoral division affected:

Deerness

Purpose of the Report

- 1 To consider changes to the Public Rights of Way network.
- 2 Public Footpath No. 5 Hedleyhope, proposed Diversion and Definitive Map and Statement Modification Order.

Executive summary

- 3 To enable development in accordance with planning permission, it is proposed to divert part of Public Footpath No. 5 Hedleyhope 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. 5 Hedleyhope Parish to enable development 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.

Background

- 7 An application has been received from the owners of Low Hedleyhope Hall Farm to divert part of Public Footpath No 5 Hedleyhope to enable an extension to be built to the property, in accordance with planning permission granted on 26/06/2023, as shown on the attached plan.
- 8 Footpath No. 5 runs in a generally northerly direction immediately to the west of Low Hedleyhope Hall Farm.
- 9 The proposal is to divert a section of Footpath No. 5 onto a more westerly alignment, adjacent to the property boundary.
- 10 Consultations have been carried out with the Local Members, the Cabinet Portfolio Holder, Hedleyhope Parish Council, the Ramblers' Association and other user groups. No objections have been received.

Options

- 11 The proposal retains and protects public access at this location.

Conclusion

- 12 Agreed to the Diversion Order 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, the Parish Council, the Ramblers' Association and other user groups. 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 public rights of way network.

Human Rights

All those affected by this proposal will have the opportunity to submit objections and to present their case at a 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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**Draft Order Plan
 Public Footpath
 No. 5 Hedleyhope**

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

Scale: 1:1,000

Public Rights of Way /
 Highways not affected by
 the proposal

- - - - - Footpath
 -| -| -| -| Bridleway
 Adopted
 Highway

Drawn: 03 July 2023

Postcodes: DL13 4PR

