

**Delegated Decision**

**31 January 2025**



**Public Footpath No. 29 Witton Gilbert,  
Proposed Diversion and Definitive Map  
and Statement Modification Order**

**Ordinary Decision No.**

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**Report of Neighbourhoods and Climate Change  
Paul Anderson, Strategic Highways Manager**

**Electoral division affected:**

Esh and Witton Gilbert

**Purpose of the Report**

- 1 To consider changes to the Public Rights of Way network.
- 2 Public Footpath No. 29 Witton Gilbert, 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. 29 Witton Gilbert 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. 29 Witton Gilbert Parish to enable development in accordance with granted 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 Homes by Carlton to divert part of Public Footpath No. 29 Witton Gilbert to enable the construction of residential houses in accordance with granted planning permission, as shown on the attached plan.
- 8 The relevant section of Footpath No. 29 runs in a generally northerly direction from the A691 Witton Gilbert Bypass to Front Street.
- 9 The proposal is to divert a short section of Footpath No. 29 onto a more easterly alignment, avoiding any of the proposed properties.
- 10 Consultations have been carried out with the Local Members, the Cabinet Portfolio Holder, Witton Gilbert 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.

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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 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



Alan Patrickson  
 Corporate Director  
 Neighbourhoods & Climate Change  
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 Durham DH1 5JQ

**Draft Order Plan  
 Witton Gilbert  
 Fp 29**

Footpath to be created  
 - - - - -  
 Footpath to be extinguished  
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Scale: 1:700

Public Rights of Way /  
 Highways not affected by  
 the proposal

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

Drawn: 20 May 2024

Postcodes: DH7 6SZ,  
 DH7 6FU

