

Planning Committee

DATE	01/06/2022
REPORT OF	Sharon Wroot, Executive Director for Environment, Economy and Resources
SUBJECT	Application for part of Public Footpath 162, Beelsby diversion
STATUS	Open

CONTRIBUTION TO OUR AIM

The maintenance and review of the Definitive Map and Statement is identified as a key action in the Council's Rights of Way Improvement Plan (ROWIP) 2021.

The proposal will contribute to the Council's Stronger Economy objective by recording a path on the Definitive Map and will not be deleted in the future.

The ROWIP is identified as a key policy document within the Council's Local Transport Plan, which seeks to provide an opportunity for healthy lifestyle choices and supports the Council's strategic aims to Improve Health & Wellbeing within the Borough.

EXECUTIVE SUMMARY

This report recommends the making of an Order to divert part of Public Footpath 162 in Beelsby. The diversion application follows the submission of a retrospective planning application DM/0925/21/FUL to erect a side extension to an existing grain store to create additional grain and machinery storage. The footpath should have been diverted following the first planning application for the demolition of an existing piggery building and erection of a replacement grain store in planning application: DC/356/11/WOL, but a request was not received from the applicant.

Currently users walk between two agricultural buildings which are often being used by large agricultural machinery. The location and a photograph are shown in Appendix 1 and 2. The diversion takes the users away from the agricultural buildings and busy yard and re-routes the footpath around the buildings and alongside a woodland.

RECOMMENDATIONS

That an Order is made for the diversion of part of Public Footpath 162, to be diverted under the Highways Act 1980 section 119.

- a. To approve the making of an Order in accordance with Highways Act 1980.
- b. To confirm the diversion Order as made, subject to there being no objections, or in the event of objections which cannot be resolved and withdrawn, for the Order to be referred to the Planning Inspectorate for determination.

REASONS FOR DECISION

The diversion is required due to the footpath running between two agricultural buildings and a busy yard. The diversion will create a safer route for the users to walk away from large agricultural machinery. A plan of the diversion can be seen in

Appendix 1.

The tests under the Highways Act 1980 section 119 are: is it in the interests of the owner or the public to divert the path; is the diverted route substantially less convenient to the public; and would the diversion not alter any point of termination of the path both termination points re-join the commencement of Public Footpath 162.

It is the opinion of Officers that it is appropriate to divert this section of the Public Footpath in the interests of the landowner and safety for the public and the diverted route will not be substantially less convenient to the public.

1. BACKGROUND AND ISSUES

- 1.1 An application was received to divert part of Public Footpath 162 which runs through a large agricultural store. A diversion was not submitted when the store was initially built. Now a planning application has been received for the extension of this store and a diversion application has been received.
- 1.2 The diversion application follows the submission of a retrospective planning application DM/0925/21/FUL to erect a side extension to an existing grain store to create additional grain and machinery storage. The footpath should have been diverted following the first planning application for the demolition of an existing piggery building and erection of a replacement grain store in planning application: DC/356/11/WOL, but a request was not received from the applicant at that time.
- 1.3 Currently users walk between two agricultural buildings which are often being used by large agricultural machinery. The location and a photograph are shown in Appendix 1 and 2. The diversion takes the users away from the agricultural buildings and busy yard and re-routes the footpath around the buildings and alongside a woodland.
- 1.4 The applicant will surface the diverted path to a standard suitable for all users.
- 1.5 The diversion will only be confirmed once the new path is constructed and to a suitable standard.
- 1.6 The procedures set in Circular 1/09 Rights of Way, advises before an Order is made a consultation is undertaken. A 28-day consultation letter was sent on 7th October 2021 to user groups and Ward Councillors. No objections were raised during this period.

2. RISKS AND OPPORTUNITIES

- 2.1 There is a risk that there could be objections from members of the public or stakeholder groups to the proposed diversion of the path. Pre-Order making consultations have been carried out and no objections were received.

3. OTHER OPTIONS CONSIDERED

- 3.1 The Council could choose to do nothing and not implement the diversion and leave the path running through the agricultural barn and have users walking

between the agricultural buildings and busy yard. However, an accident may occur due to the size of agricultural plant that is stored in the barn.

4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

4.1 A pre-Order making 28-day consultation has been undertaken and no issues have been raised.

5. FINANCIAL CONSIDERATIONS

5.1 If there are objections to the Order and the case goes to the Planning Inspectorate, a public inquiry may be required to make the final decision on the path.

6. CHILDREN AND YOUNG PEOPLE IMPLICATIONS

6.1 No potential implications

7. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

7.1 There are no climate change or environmental implications.

8. FINANCIAL IMPLICATIONS

8.1 There are no direct financial implications to the Council as a result of this report.

9. LEGAL IMPLICATIONS

9.1 The relevant tests are laid out in the main body of the report.

10. HUMAN RESOURCES IMPLICATIONS

10.1 There are no Human Resource implications

11. WARD IMPLICATIONS

This path lies within the Wolds Ward.

12. BACKGROUND PAPERS

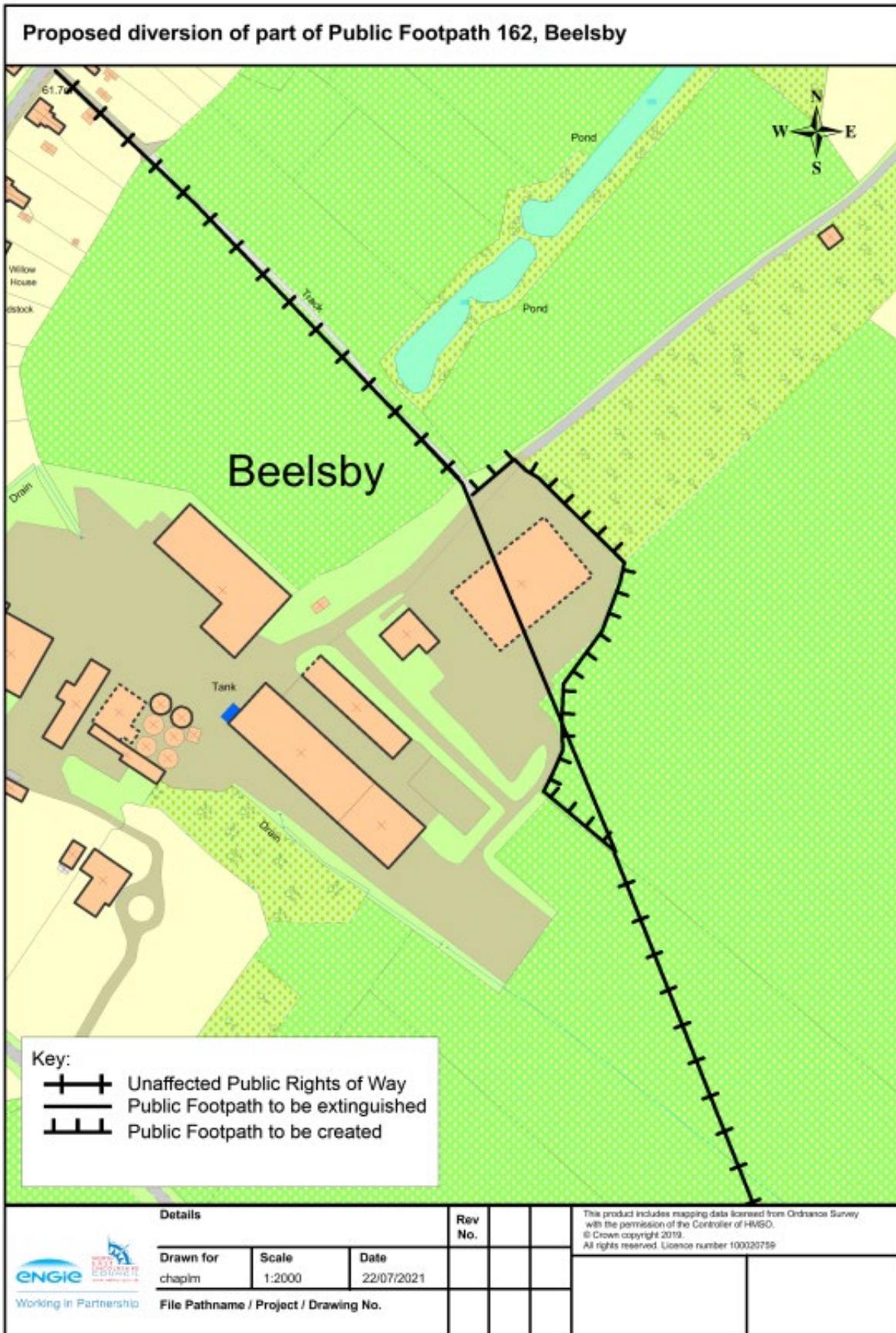
Public Path Order 43, FP162, Beelsby.

13. CONTACT OFFICER(S)

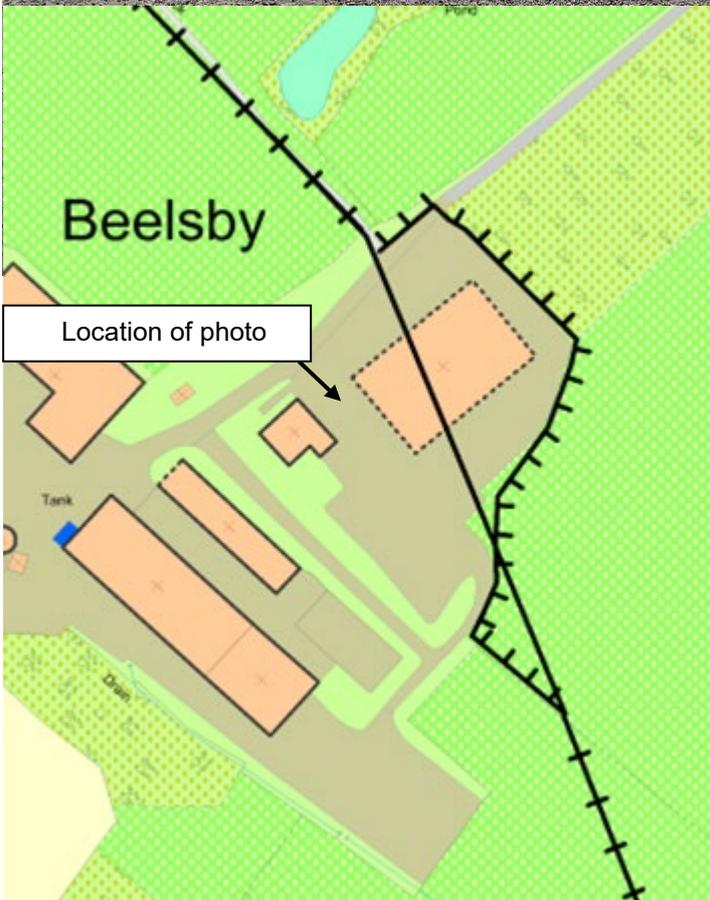
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- Matthew Chaplin, Public Rights of Way Mapping Officer, EQUANS, Tel: 01472 324789

Sharon Wroot
Executive Director for Executive Director for Environment, Economy and Resources

Appendix 1. Diversion Plan



Appendix 2.



21 Jul 2021, 11:10